

**MINUTES OF THE BOARD OF SUPERVISORS
OF MADISON COUNTY, MISSISSIPPI**

REGULAR MEETING OF DECEMBER 15, 2008
Recessed from regular meeting conducted on December 1, 2008

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on December 15, 2008, in the Board Room on the first floor of the new addition to the Chancery and Administrative Building in Canton, Mississippi, as follows, to-wit:

The President of the Board, Tim Johnson, presided and called the meeting to order. The following members were present that day:

Present:

Supervisor John Bell Crosby
Supervisor Tim Johnson
Supervisor D. I. Smith
Supervisor Karl M. Banks
Supervisor Paul Griffin
Sheriff Toby Trowbridge
Chancery Clerk Arthur Johnston

Absent:

None

Also in attendance:

County Administrator Donnie Caughman
County Comptroller and Deputy Chancery Clerk Mark Houston
Board Attorney Eric Hamer
Board Secretary and Deputy Chancery Clerk Cynthia Parker
County Road Manager Lawrence Morris
County Engineer Rudy Warnock
Assistant County Comptroller and Deputy Chancery Clerk Quandice Green
County Purchase Clerk Hardy Crunk
County Fire Coordinator Mack Pigg
County Zoning Administrator Brad Sellers
E911 Director Butch Hammack

The President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Supervisor D. I. Smith opened the meeting with a prayer and Mr. Steve Vassallo led the members and the audience in the Pledge of Allegiance to the Flag of the United States of America.

In re: Approval of Consent Agenda Items

WHEREAS, the Board President announced that he and County Administrator Donnie Caughman had conferred in advance of the meeting as to certain matters denominated "Consent Items" which bear Item numbers (1) through (13) on the Agenda and that the same appeared to be routine, non-controversial matters on which all Supervisors were likely to agree, and

WHEREAS, the Board President did explain that any Supervisor could, in advance of the call of the question, request that any item be removed from the Consent Agenda, and

Therefore, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to take the following actions on the Consent Agenda:

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 1 of 19 (12/15/08)

1. **Acknowledge Conditional Approval of Solid Waste Management Plan**
(A true and correct copy of correspondence received from the Mississippi Department of Environmental Quality reflecting such may be found in the Miscellaneous Appendix to these Minutes.)
2. **Acknowledge Clerk of the Board Report for Month of November, 2008**
(A true and correct copy of said Report is attached hereto as Exhibit A, spread hereupon and incorporated herein by reference.)
3. **Acknowledge Parkway East Budget - Fiscal Year Oct. 1, 2008 - Sept. 30, 2009**
(A true and correct copy of the Annual Operating Budget of the Parkway East Public Improvement District for Fiscal Year 2009 is attached hereto as Exhibit B, spread hereupon and incorporated herein by reference.)
4. **Acknowledge Circuit Court Terms for Calendar Year 2009**
(A true and correct copy of the said "Order Establishing Court Terms" is attached hereto as Exhibit C, spread hereupon and incorporated herein by reference.)
5. **Approve Lease Agreement - Sacred Heart Family Center**
(A true and correct copy of said Lease Agreement is attached hereto as Exhibit D, spread hereupon and incorporated herein by reference.)
6. **Authorize Advertisement for Replacement of Roof at Road Department**
(As set forth in that certain Memorandum dated December 3, 2008 from County Purchase Clerk Hardy Crunk, a true and correct copy of which is attached hereto as Exhibit E, spread hereupon and incorporated herein by reference.)
7. **Authorize Any Board Member, the Chancery Clerk, the County Administrator, the Comptroller, and the County Engineer to Attend the National Association of Counties' (NACo) Legislative Conference on March 7 - 11, 2009 in Washington D. C. and Approve and Authorize the Payment of Registration, Transportation, Meal, Overnight Accomodation and Related Expenses and Authorize the Chancery Clerk, the Circuit Clerk, and the Comptroller to Attend the National Association of County Recorders and Clerks Legislative Conference, a NACO-affiliated Organization, on March 7 - 11, 2009 and Approve and Authorize the Payment of Registration, Transportation, Meal, Overnight Accommodation and Related Expenses**
8. **Approve 16th Section Leases**
 - (1) Stewart Properties, LLC - Second Renewal and Extension of Development Lease Contract
 - (2) City of Madison - Amendment to 16th Section Lease of Easement Rights for Flood Hazard Mitigation and Cancellation of Lease Contract Recorded in Book 2126 at Page 413

(A true and correct copy of the aforementioned leases may be found in the Miscellaneous Appendix to these Minutes.)
9. **Approve Renewal Contract with Websense for Maintenance and Upgrades on the County's Website**
(A true and correct copy of said Contract together with an explanatory memorandum from County Purchase Clerk Hardy Crunk dated November 24, 2008 are attached hereto as Collective Exhibit F, spread hereupon and incorporated herein by reference.)
10. **Acknowledge Credit Card Report for October 17 - November 17, 2008**
(A true and correct copy of that certain memorandum dated December 1, 2008 from County Purchase Clerk Hardy Crunk is attached hereto as Exhibit G, spread hereupon and incorporated herein by reference.)

President's Initials: _____

Date Signed: _____

11. Acknowledge Mississippi State Health Department Sanitation Report - Madison County Jail

(A true and correct copy of that certain correspondence dated November 7, 2008 from Mr. MacArthur Washington, Director of Institutional Sanitation Branch is attached hereto as Exhibit H, spread hereupon and incorporated herein by reference.)

12. Acknowledge 2008 Insolvency Lists - Manufactured Homes/Personal Property

(A true and correct copy of the 2008 Insolvency Lists as presented by Tax Collector Kay Pace may be found in the Miscellaneous Appendix to these Minutes.)

13. Approve Utility Permit The following permit allowing use and occupancy for the construction or adjustment of a utility within certain roads or highway rights of way was and is hereby approved, and the application for which is attached hereto as Exhibit I, spread hereupon, and incorporated herein by reference:

- (1) Denbury Onshore, LLC - seeking to bore under Old Natchez Trace Road in Section 22, T8N, R3E for the purpose of laying a 20" CO2 gas pipeline.

The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Not Present and Not Voting
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present, and each item was and is hereby approved, adopted and authorized as described herein above.

SO ORDERED this the 15th day of December, 2008.

In re: Adoption of Resolution for HOME Investment Partnerships Program Grant Application and American Dream Down Payment Assistance Grant Application and Adopt and Approve that Certain Document Entitled "Agreement Consulting Services Home Investment Partnership Program FY 2008 Homebuyer Assistance Grant"

WHEREAS, Ms. Maureen Simpson appeared before the Board and requested the Board adopt a Resolution for the HOME Investment Partnerships Program Grant Application and American Dream Down Payment Assistance Grant Application, a true and correct copy of which is attached hereto as Exhibit J, spread hereupon and incorporated herein by reference, and

WHEREAS, Ms. Simpson also requested the Board approve that certain "Agreement Consulting Services Home Investment Partnerships Program FY 2008 Homebuyer Assistance Grant," a true and correct copy of which is attached hereto as Exhibit K, spread hereupon and incorporated herein by reference, and

WHEREAS, on November 3, 2008, the Board appointed a rating committee to review proposals received for administrative services for the aforementioned grant applications, and said committee recommended the adoption of the aforesaid Resolution and the approval of the aforesaid Agreement

Following discussion, Mr. Paul Griffin did offer and Mr. Tim Johnson did second a motion to adopt said Resolution, approve said Agreement, and authorize the Board President to execute letters for procurement and all other documentation to carry out the intents and purposes thereof. The vote on the matter being as follows:

President's Initials: _____

Date Signed: _____

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Not Present and Not Voting
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present, said Resolution and Agreement were and are hereby adopted and the Board President was and is hereby so authorized.

SO ORDERED this the 15th day of December, 2008.

In re: Request of Kelby Jones to Remove Dirt from Property

WHEREAS, Mr. Bill Washington on behalf of Mr. Kelby Jones appeared before the Board and requested permission for Mr. Jones to remove dirt from around his house located at 437 Robinson Springs Road in Flora, and

WHEREAS, Mr. Washington reported that the dirt needed to be removed in order to level the yard due to drainage issues,

Following discussion, Mr. D. I. Smith did offer and Mr. Paul Griffin did second a motion to authorize the removal of dirt from said property for a period of one (1) week. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Not Present and Not Voting
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present, Mr. Kelby Jones was and is so authorized.

SO ORDERED this the 15th day of December, 2008.

In re: Approve Appointment to Farmhaven Fire Protection District Board

Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to reappoint Mr. Howard Harris to the Farmhaven Fire Protection District Board for a five (5) year staggered term. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Not Present and Not Voting
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and Mr. Harris was and is hereby reappointed.

SO ORDERED this the 15th day of December, 2008.

President's Initials: _____

Date Signed: _____

In re: Approval of Six (6) Contracts for Fire Protection Service

WHEREAS, County Fire Coordinator Mack Pigg appeared before the Board and presented six (6) contracts for fire protection service and requested the Board approve same, and

WHEREAS, Mr. Pigg reported that the contracts were for Camden Volunteer Fire Department, West Madison Volunteer Fire Department, Flora Fire Department, Southwest Madison Fire Protection District, Farmhaven Fire Protection District, and City of Canton, a true and correct copy of which is attached hereto as Collective Exhibit L, spread hereupon and incorporated herein by reference

Following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to approve the aforementioned contracts for fire protection service and authorize the Board President to execute same. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Not Present and Not Voting ¹
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and said contracts were and are hereby approved and the Board President was and is hereby authorized.

SO ORDERED this the 15th day of December, 2008.

In re: Rejection of Bid for Asphalt; Authorize Re-advertising for Asphalt Bids; Authorize Purchase Clerk to Negotiate Asphalt for the Month of January, 2009; and Approve Contract with W. S. "Red" Hancock

WHEREAS, County Purchase Clerk Hardy Crunk appeared before the Board and requested the Board reject all bids received for asphalt and approve the re-advertising of asphalt bids, and

WHEREAS, Mr. Crunk recommended the Board approve a service contract with W. S. "Red" Hancock for hauling and laying-down asphalt with a one cent (\$.01) increase in mileage charges,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to (1) reject all bids received for asphalt, (2) approve the re-advertising of asphalt bids, (3) approve a service contract with W. S. "Red" Hancock for hauling and laying-down asphalt for a period of January 1, 2009 through December 31, 2009, a true and correct copy of which is attached hereto as Exhibit M, spread hereupon and incorporated herein by reference, and (4) authorize Mr. Crunk to attempt to negotiate asphalt pricing for the month of January, 2009. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

¹Mr. Banks arrived after the call of the question.

President's Initials: _____

Date Signed: _____

the matter carried unanimously and all asphalt bids were and are hereby rejected; re-advertising of asphalt bids was and is hereby approved; said contract was and is hereby approved and Mr. Crunk was and is hereby authorized.

SO ORDERED this the 15th day of December, 2008.

In re: Acceptance and Award of Lowest and Best Bid for the Purchase of a Used Water Truck

WHEREAS, County Purchase Clerk Hardy Crunk appeared before the Board and presented that certain memorandum dated December 9, 2008 outlining his recommendation to accept and award the low bid to Tubb Equipment Company for the purchase of a used water truck, a true and correct copy of said memorandum is attached hereto as Exhibit N, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to accept and award the low bid of Tubb Equipment Company in the amount of \$35,000.00 for the purchase of one (1) used water truck and authorize the Chancery Clerk to issue a pay warrant accordingly. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and the low bid of Tubb Equipment Company in the amount of \$35,000.00 was and is hereby accepted and awarded for the purchase of a used water truck, and the Chancery Clerk was and is so authorized.

SO ORDERED this the 15th day of December, 2008.

In re: Approval of Contract with Westlaw

Following discussion and at the recommendation of County Purchase Clerk Hardy Crunk and County Law Librarian Jennifer Hawks, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to approve the use of internet access through Westlaw at a cost of \$15,723.60 annually in the law library located on the second floor of the Madison County Circuit Court Building and to approve that certain "West Order Form for Westpack Products," and that certain "WestlawPRO Bridge Amendment," a true and correct copy of both of which are attached hereto as Collective Exhibit O, spread hereupon and incorporated herein by reference. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and Westlaw internet services were and are hereby approved together with the aforesaid Order Form.

SO ORDERED this the 15th day of December, 2008.

President's Initials: _____

Date Signed: _____

**In re: Authorization and Approval of Change Order No. 1 -
Madison Crossing Elementary/Middle School Gluckstadt
Turn Lane Project**

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented the Change Order No. 1 pertaining to the Madison Crossing Elementary/Middle School Gluckstadt Turn Lane Project, a true and correct copy of which is attached hereto as Exhibit P, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to approve said Change Order No. 1 and authorize and direct the Chancery Clerk to issue a pay warrant unto Dirt Works, Inc. in accordance therewith. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said Change Order No. 1 was and is hereby approved and the Chancery Clerk was and is authorized to issue a pay warrant accordingly.

SO ORDERED this the 15th day of December, 2008.

**In re: Approval of Claims Docket
for December 15, 2008**

WHEREAS, the Board reviewed the claims docket for December 15, 2008; and

WHEREAS, the Chancery Clerk did assure the Board of Supervisors that all claims had been properly documented and where necessary, purchase orders were obtained in advance as required by law; and

WHEREAS, the following is a summary of all claims and funds from which said claims are to be paid:

Fund	Claim Nos.	No. of Claims	Amount
001	1195 to 1309, 3815	116	282,718.70
002	2 to 2	1	13,426.56
012	53 to 60	8	2,854.62
013	10 to 10	1	1,485.00
051	11 to 11	1	805.00
097	78 to 96	19	13,436.62
105	11 to 12	2	166,795.19
115	22 to 26	5	430.84
116	11 to 14	4	272.36
119	2 to 2	1	1,000.00
120	20 to 23	4	471.53
121	9 to 11	3	351.51
150	209 to 259	51	111,683.19
160	31 to 36	6	90,978.05
190	42 to 44	3	1,742.71
302	14 to 14	1	484,189.88
305	4 to 4	1	36.22
TOTAL ALL FUNDS		227	1,172,677.98

Following discussion, Mr. Paul Griffin did offer and Mr. D. I. Smith did second a motion to approve the claims docket as presented. Said motion directed that invoice numbers should be attached to each claim on the claims docket and further directed the Chancery Clerk to publish

President's Initials: _____

Date Signed: _____

the Summary of Claims as required by law and to authorize the Board President to sign and approve the Claims Docket, a copy of which may be found in the Miscellaneous Appendix to these Minutes together with a separate Resolution approving payment of said claims, which Resolution is attached hereto as Exhibit Q, spread hereupon, and incorporated herein by reference. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said Claims Docket was and is hereby approved and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 15th day of December, 2008.

In re: Acknowledge FY 2009 Bridge Inspection Report

WHEREAS, Mr. Mark Beyea on behalf of State Aid and LSBP Engineer Keith O'Keefe appeared before the board and presented the board with a "Program, Agreement and Project Order for Inspection of Designated Bridges for the FY 2009", a true and correct copy of which is attached hereto as Exhibit R, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Beyea reported that forty (40) bridges in Madison County required inspection at a total cost of \$8,160.00 non-county funds, and

WHEREAS, Mr. Beyea noted that said agreement required the signature of each Supervisor and Chancery Clerk in order to release federal funds,

Following discussion, Mr. D. I. Smith did offer and Mr. John Bell Crosby did second a motion to acknowledge receipt of said report and to authorize the State Aid Engineer to release funding associated with the cost of inspection of bridges per State Aid requirements. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Not Present and Not Voting ²
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and said agreement and project order was and is hereby acknowledged and the Chancery Clerk was and is hereby authorized to release said federal funding.

SO ORDERED this the 15th day of December, 2008.

In re: Adoption of Policy on Speed Control Devices/Speed Humps in Madison County

Following discussion, and at the recommendation of the County Administrator, Mr. John Bell Crosby did offer and Mr. D. I. Smith did second a motion to adopt the following Policy, to-wit:

²Prior to the call of the question, Mr. Johnson excused himself briefly from the meeting, during which period the Board Vice President, Paul Griffin, presided.

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 8 of 19 (12/15/08)

POLICY ON SPEED CONTROL DEVICES/SPEED HUMPS

Introduction:

Speed humps have proven to be an effective device in reducing speeds on certain types of roads and streets. Counties nationwide have used speed humps and experience has demonstrated that speed humps reduce travel speeds and do not affect the safe operation of motor vehicles crossing the humps. In order to minimize driver frustration and encourage safe driving practices, it is imperative that speed humps be installed in accordance with the transportation engineering criteria stated in this policy. Speed humps will be considered as part of the County's traffic calming activities on minor, residential streets or roads in the unincorporated areas of Madison County.

Eligibility for Speed Humps:

- Streets or Roads must be classified as "public" on the County's Official Road Registry, and will be minor, residential in nature primarily serving local residents, have minimal truck and transit traffic, and have volume of 2000 vehicles per day or less
- The street or road must be paved and have a speed limit of 35 mph or less
- Streets or Roads that may be classified as arterials or collectors or that have more than two travel lanes or 40 feet in width will not be eligible for speed humps. Speed humps will further not be used on streets or roads that fire or emergency service vehicles use as primary routes
- Speed humps shall not be installed on roadways where the Road Manager and County Engineer determines they cannot be safely installed due to severe horizontal or vertical curves, inadequate sight distance to the humps or excessive street downgrades

Approval Process:

- In order for speed humps to be considered, 75% of the property owners and residents of non-owner occupied properties along the roadway, or who normally use the roadway for ingress and egress to their property, must submit a petition to install speed humps to the Madison County Board of Supervisors. The petition form, along with a list of advantages and disadvantages of speed humps, may be received from the Madison County Chancery Clerk's office or County Administrator's office.
- A letter of support from the Homeowners Association, if applicable, must accompany the petition
- A traffic study will be performed by the Road Department and County Engineer to evaluate the request to determine whether roadway meets speed hump guidelines for a residential area.
- The Madison County Board of Supervisors shall make the final determination whether the requested speed hump will be installed based upon the following:
 1. Recommendation of the Road Manager and County Engineer for placement and location in accordance with safe engineering principles
 2. A petition for the request signed by no less than 75% of the effected property owners as described in this section along with support from Homeowners Association
- The Madison County Board of Supervisors, in its discretion, may elect to install speed humps or not install speed humps for good cause

Removal of Speed Humps:

The Madison County Board of Supervisors may consider removing speed humps after they have been in place a minimum of two years and 75% of the effected property owners and Homeowners Association, as described above, sign a petition to have them removed, or some safety or engineering issue adversely impacts traffic on the roadway.

President's Initials: _____

Date Signed: _____

The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Not Present and Not Voting
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and said Policy was and is hereby adopted.

SO ORDERED this the 15th day of December, 2008.

***In re: Awarding of Bid to Gulf South Construction Company, LLC
for the Antebellum Courthouse Roof, Cupola and Roof Drainage System***

WHEREAS, Purchase Clerk Hardy Crunk appeared before the Board and reported that he and the standing committee of the Board appointed for the purpose of opening bids had received and tabulated bids for the repair of the Antebellum Courthouse Roof, Cupola and Roof Drainage System, and

WHEREAS, in the committee's estimation, the lowest and best bidder for said project was Gulf South Construction Company, LLC who submitted a bid in the total amount of \$280,000.00, and

WHEREAS, Mr. Crunk recommended that the Board award the contract for said project to Gulf South Construction Company, LLC in accordance with its bid,

Following discussion, Mr. D. I. Smith did offer and Mr. Karl M. Banks did second a motion to accept the bid of Gulf South Construction Company, LLC as the lowest and best bid received for the Antebellum Courthouse Roof, Cupola and Roof Drainage System and award the contract for such work to said firm. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Not Present and Not Voting
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and said bid was and is hereby accepted and awarded Gulf South Construction Company, LLC.

SO ORDERED this the 15th day of December, 2008.

***In re: Acknowledgment of Invoices Submitted by the Parkway East
Public Improvement District and Authorization to Pay Invoices***

WHEREAS, Chancery Clerk Arthur Johnston appeared before the Board and presented invoice nos. 288 through 293 submitted by the Parkway East Public Improvement District and represented that County Engineer Rudy Warnock had verified quantities associated with each and that the same were in order and could be acknowledged by the Board, and

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to acknowledge receipt of Parkway East PID invoice numbers 288 through 293, true and correct copies of which may be found in the Miscellaneous Appendix to these Minutes. The vote on the matter being as follows:

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 10 of 19 (12/15/08)

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye ³
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said invoices were and are hereby acknowledged.

SO ORDERED this the 15th day of December, 2008.

In re: Payments in Lieu of Tax Obligation of Nissan North America, Inc. and Related Entities

ORDER PROVIDING FOR THE PAYMENT AND DISTRIBUTION OF PAYMENT IN LIEU OF TAXES TO BE RECEIVED FROM NISSAN NORTH AMERICA, INC. AND FOR RELATED PURPOSES

WHEREAS, on November 8, 2000 Madison County, together with the State of Mississippi, the City of Canton, Mississippi, and numerous other governmental bodies entered into a certain Memorandum of Understanding (“MOU”) with Nissan North America, Inc., commonly known as the “Delta I” MOU, a true and correct copy of which may be found in the Miscellaneous Appendix to the Minutes of this Board of January 31, 2005, and

WHEREAS, heretofore Madison County entered into an “Agreement to Make Payments in Lieu of Ad Valorem Taxes” (hereinafter, “PILOT Agreement”) dated April 23, 2003, said PILOT Agreement having been approved by the Madison County Board of Supervisors on March 21, 2003, a true and correct copy of which may be found in the Miscellaneous Appendix to the Minutes of this Board of January 31, 2005, and

WHEREAS, the Board finds it necessary, pursuant to Miss. Code Ann. § 27-31-104, to (1) establish the amount due from Nissan North America, Inc. in satisfaction of its PILOT obligation for 2008, and (2) provide for the payment, distribution, and apportionment of such sums as shall be remitted from Nissan North America, Inc. and related entities in satisfaction thereof,

WHEREFORE, PREMISES CONSIDERED, and pursuant to the provisions of Miss. Code Ann. § 27-31-104, and upon the advice of counsel, the Board of Supervisors of Madison County, Mississippi does find and order as follows:

1. That, based on statutory authority set forth in Miss. Code Ann. § 27-31-104, Nissan North America, Inc. has been granted a ten-year exemption from ad valorem taxation pursuant to Section 1.3(d)(i) of the “Delta I” MOU.
2. That, in exchange for said exemption, Nissan North America, Inc. is obligated to make annual payments in lieu of taxes to Madison County, and that such payments in lieu of taxes are fee payments, not ad valorem taxes or taxes of any other nature.
3. That the Madison County Board of Supervisors has the authority, pursuant to Miss. Code Ann. § 27-31-104, to determine the amount of the payment in lieu of taxes owed by Nissan North America, Inc. and to apportion said amount between Madison County and the Canton Public School District as directed in said code section and pursuant to the “Delta I” MOU and the PILOT Agreement.
4. That the Tax Assessor of Madison County has prepared and submitted to the Madison County Board of Supervisors a calculation of the amount owed by Nissan North America,

³Mr. Johnson returned to the meeting prior to the call of the question on this matter and resumed the chair.

President’s Initials: _____

Date Signed: _____

Inc. as its payment in lieu of taxes for 2008, which calculation is attached hereto as Collective Exhibit A to this Resolution (Exhibit S to these Minutes), spread hereupon and incorporated herein by reference and which is summarized as follows, to-wit:

Payment due based upon Nissan North America, Inc.'s real property values	\$1,183,066.90
Payment due based upon Nissan North America, Inc.'s personal property values	3,004,275.18
Payment due based upon Calsonic's real property values	7,483.52
Payment due based upon Lextron/Visteon's real property values	20,114.28
Total amount due	<u>\$4,214,939.88</u>

5. That the Board hereby adopts said calculation and, in accordance therewith, the amount to be paid by Nissan North America, Inc. pursuant to said code section and Section 3, paragraphs (a) and (b) of the PILOT Agreement is \$4,214,939.88 and shall be made payable to "Madison County, Mississippi."
6. That the Chancery Clerk shall prepare invoices reflecting the above amounts and submit the same unto Nissan North America, Inc. who shall promptly deliver the aforesaid sum to the Madison County Board of Supervisors, 146 West Center Street, P.O. Box 608, Canton, Mississippi 39046, Attention Mr. Arthur Johnston, Chancery Clerk and County Treasurer.
7. That upon receipt of the balance due from Nissan, of the total PILOT payment of \$4,214,939.89, **\$2,191,347.25** is to be apportioned unto the Canton Public School District and **\$2,023,592.63** is to be apportioned unto the General Fund of Madison County to be applied to the appropriate bond fund, all applicable tax levies other than School District levies notwithstanding.
8. That the apportionment set forth in paragraph 7 is computed as follows:

Canton Public School mills	=	38.59	(38.59 ÷ 74.22 = .5199)
General County mills	=	<u>35.63</u>	(35.63 ÷ 74.22 = .4801)
Total Tax Levy for Project	=	74.22	
Total due Canton Public	=	\$4,214,939.88x .5199=	<u>\$2,191,347.25</u>
Total due General County	=	\$4,214,939.88x .4801=	<u>\$2,023,592.63</u>
Total due from Nissan	=		<u>\$4,214,939.88</u>

9. That certain real property described by parcel numbers 092G-35-001/04.00 and 092G-35-001/05.00 which are assessed separately to Calsonic and Lextron/Visteon were originally and remain included within the scope of the exemption granted unto Nissan North America, Inc. and are likewise subject to the PILOT Agreement.
10. That in exchange for said exemption, Nissan North America, Inc., on behalf of Calsonic and Lextron/Visteon, is obligated to make payments in lieu of tax as to said parcels in the following amounts respectively: \$7,483.52 as to the Calsonic parcel and \$20,114.28 as to the Lextron/Visteon parcel, which payments are included within the total payment due from Nissan North America, Inc. as set forth in paragraphs 4, 5, 7 and 8, above.
11. That, therefore, upon receipt of the entirety of said funds from Nissan North America, Inc., the County Treasurer shall pay unto the Canton Public School District the sum of **\$2,191,347.25** and shall pay unto the General Fund of Madison County, to be directed to the appropriate bond fund, the sum of **\$2,023,592.63**

President's Initials: _____

Date Signed: _____

Following discussion, Mr. D. I. Smith did offer and Karl M. Banks did second a motion to approve, adopt and enter the foregoing Order. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and the above and foregoing Order was and is hereby approved, adopted and entered.

SO ORDERED this the 15th day of December, 2008.

In re: Approval of Amendment to Memorandum of Understanding Between Madison County and City of Madison for Solid Waste Collection Services

WHEREAS, Board Attorney Eric Hamer appeared before the Board and presented that certain “Amendment to Memorandum of Understanding Between Madison County and the City of Madison” regarding solid waste collection services (MOU), a true and correct copy of which is attached hereto as Exhibit T, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Hamer reported the amended MOU would allow the county to collect the millage applied to the residents of the newly annexed area of the City of Madison and carry out the Board’s dictates regarding the same as established in the meeting of December 1, 2008,

Following discussion, Mr. D. I. Smith did offer and Mr. John Bell Crosby did second a motion to approve said Amendment to MOU as presented. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said Amendment to MOU was and is hereby approved.

SO ORDERED this the 15th day of December, 2008.

In re: Request for Funding for and Forgiveness of Certain Indebtedness Owed by the Madison County Citizen Service Agency

WHEREAS, County Administrator Donnie Caughman on behalf of Madison County Citizen Service Agency Director Barbara Gray appeared before the Board and presented documentation reflecting that said Agency had a balance payable in the amount of \$109,064.64 owed to Madison County for FY 06-07 and FY 07-08, and

WHEREAS, a spreadsheet reflecting a breakdown of the said balance payable is attached hereto as Exhibit U, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Caughman also presented a spreadsheet reflecting said agency’s projected costs associated with its move to new facilities on the Courthouse Square, a true and correct copy of which is attached hereto as Exhibit V, spread hereupon and incorporated herein by reference, and

President’s Initials: _____

Date Signed: _____

For Searching Reference Only: Page 13 of 19 (12/15/08)

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to forgive said indebtedness upon the approval of the Board of Directors of the Madison County Citizens Services Agency. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said indebtedness was and is hereby forgiven.

SO ORDERED this the 15th day of December, 2008.

***In re: Authorization to Declare Surplus of Vehicle from
Emergency Management Agency***

At the request of County Administrator Donnie Caughman, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to declare a 2005 Ford Crown Victoria, VIN 2FAFP71N35X104627 as surplus from the Madison County Emergency Management Agency inventory and authorize sale of said vehicle by the Chancery Clerk as provided for by statute. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said vehicle was and is hereby declared surplus and authorized for sale.

SO ORDERED this the 15th day of December, 2008.

***In re: Authorization of the Sheriff to Utilize County
Prisoners as Trustees***

WHEREAS, Sheriff Toby Trowbridge appeared before the Board and requested permission to utilize county prisoners with post sentence convictions as trustees under the guidance and direction of the Madison County District Attorney, effective February 1, 2009,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize the Sheriff to utilize county prisoners with post sentence convictions as trustees under the guidelines of the Madison County District Attorney effective February 1, 2009. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and the Sheriff was and is hereby so authorized.

SO ORDERED this the 15th day of December, 2008.

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 14 of 19 (12/15/08)

In re: Acknowledge Receipt of Funds; Acknowledge Hires and Resignations; Acceptance of Donation to Sheriff's Department and Approve Budget Amendment

WHEREAS, Sheriff Toby Trowbridge appeared before the Board and presented checks as follows:

<u>Entity</u>	<u>Amount</u>
Evercom	\$13,589.92
Town of Flora	\$ 783.78
State of Mississippi	\$12,599.91 (reimbursement of First Responder Equipment)
State of Mississippi	\$ 3,565.19 (DUI grant)
State of Mississippi	\$ 3,780.36 (DUI grant)
Science Application International Corp.	\$ 600.00 (Bio Lab - Flora)
US Marshall Service	\$83,600.00

WHEREAS, the Sheriff did further request that the Board acknowledge new hires and resignations for the month of November, 2008 at the Sheriff's Department, a true and correct copy of memorandum to that effect may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, Sheriff Trowbridge did further request that the Board acknowledge the receipt by his office of certain items donated by Wal Mart, a true and correct list thereof attached hereto as Exhibit W, spread hereupon and incorporated herein by reference, and

WHEREAS, the Sheriff also requested the Board approve a budget amendment in the form of an increase in the amount of \$12,599.91 for fund number 001-200-919 representing reimbursement of the First Responder Equipment purchased through the Sheriff Department, and

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to (1) acknowledge receipt of said checks, (2) acknowledge the aforesaid hires and resignations, (3) approve the budget amendment to line item no. 001-200-919 and (4) acknowledge donation from Wal Mart. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and checks were and are hereby acknowledged, said hires and resignations were and are hereby acknowledged and said budget amendment was and is hereby approved and donation was and is hereby acknowledged.

SO ORDERED this the 15th day of December, 2008.

In re: Establishment of Just Compensation on Gluckstadt Road Improvements Right of Way

WHEREAS, Mr. Woody Sample of Sample & Associates appeared before the Board and requested that the Board establish just compensation in the amount of a sum certain for the acquisition of .20 acres of permanent right of way and .54 acres of temporary right of way, all of which is denominated as Parcel 3 of the Gluckstadt Road Improvements Project, said parcels being owned by St. Joseph Catholic Church, and

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 15 of 19 (12/15/08)

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to establish just compensation on property owned by St. Joseph Catholic Church to be acquired by the county for Gluckstadt Road Improvements Project in the amount of a sum certain and authorize and direct the Chancery Clerk to issue a pay warrant in said amount unto St. Joseph Catholic Church upon the execution of the necessary instruments of conveyance. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and just compensation was and is hereby established and the Chancery Clerk was and is authorized to issue pay warrant accordingly.

SO ORDERED this the 15th day of December, 2008.

In re: Authorization of Board President to Establish Just Compensation on Property Donated to Madison County by Martin Meadowlands, LLC and Canton One Park, LLC Pursuant to those Certain Memoranda of Understanding Previously Adopted by the Board

WHEREAS, on November 17, 2008, the Madison County Board of Supervisors adopted and approved a Memorandum of Understanding with Martin Meadowlands, LLC accepting said entity's donation of certain right of way associated with the Calhoun Station Phase III Project, and

WHEREAS, also on November 17, 2008, the Madison County Board of Supervisors adopted and approved two Memoranda of Understanding with Canton One Park LLC accepting said entity's donation of certain right of way at the jail on Highway 51 and also resulting in a "squaring up" of the property in question for the benefit of both the county and Canton One Park LLC, and

WHEREAS, said Memoranda of Understanding (MOUs) contemplate the county establishing just compensation with regard to the acreage donated by said entities such that said entities might receive an appropriate tax benefit,

Following discussion and at the recommendation of Board Attorney Eric Hamer Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to authorize and direct the Board President to establish just compensation for the parcels described in said MOUs based on the appraised value as determined by the county's appraiser. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and the Board President was and is hereby so authorized.

SO ORDERED this the 15th day of December, 2008.

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 16 of 19 (12/15/08)

In re: Entering into “Closed Session” to Determine Whether or not the Board Should Declare an Executive Session

WHEREAS, the Board of Supervisors after beginning the meeting in open session, determined that it was necessary to enter into closed session for a brief discussion to ascertain whether an Executive Session was needed as to certain potential litigation and real estate acquisition, and

Following discussion and pursuant to the terms of Miss. Code Ann. § 25-41-7, as amended, Mr. John Bell Crosby did offer and Mr. Karl M. Banks did second a motion to make a closed determination upon the issue of whether or not to declare an Executive Session for the purpose of discussing pending and threatened litigation and real estate acquisition, with the following persons deemed necessary for Board discussions, deliberations, and recording of such Executive Session, to wit: members of the Board, Chancery Clerk Arthur Johnston, Board Secretary and Deputy Chancery Clerk Cynthia Parker, Board Attorney Eric Hamer, his associate Mr. Denny McClellan, and his assistant Ms. Tammy McDaniel, Right of Way Agent Woody Sample, his assistant Mr. Jeff Porter, County Engineer Rudy Warnock, County Administrator Donnie Caughman, County Comptroller and Deputy Chancery Clerk Mark Houston, and Sheriff Toby Trowbridge. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and the Board took up the matter of entering into Executive Session.

SO ORDERED this the 15th day of December, 2008.

In re: Entering into Executive Session

WHEREAS, a discussion of the nature of the matters requiring Executive Session was had and the Board Attorney informed the Board that matters pertaining to pending and threatened litigation were properly the subject of executive session, and, further that the matter of acquisition of real property was also properly the subject of executive session,

Following a discussion, Mr. D. I. Smith did offer and Mr. Paul Griffin did second a motion to enter into Executive Session to discuss pending or threatened litigation and the acquisition of real property as provided by law. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and Board President Tim Johnson declared the Board of Supervisors to be in Executive Session for the consideration of such matters and the Chancery Clerk announced to the public the purpose for the Executive Session.

SO ORDERED this the 15th day of December, 2008.

President’s Initials: _____

Date Signed: _____

For Searching Reference Only: Page 17 of 19 (12/15/08)

In re: Acquisition of Real Property in Connection with the Stribling Road Improvements Project

WHEREAS, Mr. Woody Sample appeared before the Board during Executive Session and presented photos of a certain building structure located on the property owned by the Bouldin family and reported that the same would have to be demolished and the contents moved to another location designated by the landowner due to its location on the right of way for the Stribling Road Improvements Project, and

Thereafter, and following discussion and upon the recommendation of Mr. Sample, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to declare the removal of said structure and its contents a “miscellaneous move” and authorize Mr. Sample to enter said property to remove said building from right of way for said project, move the contents thereof to a location designated by the landowner and compensate them accordingly. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and the removal of the structure and its contents were and are hereby declared a “miscellaneous move” and the Mr. Sample was and is hereby so authorized and directed.

SO ORDERED this the 15th day of December, 2008.

During executive session, Board Attorney Eric Hamer appeared before the Board and requested the Board waive potential conflict of interest in that he is still representing the county on the Bilberry Landfill matter presently pending on the docket of the Hinds County Circuit Court,

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to waive the conflict of interest associated with Mr. Hamer representing the county on said matter. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said waive of conflict of interest was and is hereby approved.

SO ORDERED this the 15th day of December, 2008.

Thereafter, Mr. Hamer drew the Board’s attention to the matter of the acquisition of real property for the erection of a Fire Station at Lake Caroline.

After discussion, Mr. Hamer recommended the Board approve an increase in the county’s prior offer to purchase certain property from Lake Caroline, Inc. an amount certain. Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to approve an increase in the county’s prior offer to purchase certain property from Lake Caroline, Inc. an amount certain for the construction of a fire station. The vote on the matter being as follows:

President’s Initials: _____

Date Signed: _____

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and such increase was and is hereby approved.

SO ORDERED this the 15th day of December, 2008.

In re: Adjournment of Executive Session

Following discussion, Mr. D. I. Smith did offer and Mr. John Bell Crosby did second a motion to adjourn the Executive Session and direct the Chancery Clerk to announce to the public the action taken therein. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and the Chancery Clerk did announce to the public the action taken therein.

SO ORDERED this the 15th day of December, 2008.

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor Paul Griffin and seconded by Supervisor Karl M. Banks and approved by the unanimous vote of those present, the November term of the Board of Supervisors was adjourned.

Tim Johnson, President
Madison County Board of Supervisors

Date signed: _____

ATTEST:

Arthur Johnston, Chancery Clerk

President's Initials: _____

Date Signed: _____