

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

REGULAR MEETING OF JANUARY 5, 2009

Being the first day of the January Term of the Board of Supervisors

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on January 5, 2009, in the Board Room on the first floor of the new addition to the Chancery/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 Mark Houston
County Zoning Administrator Brad Sellers
Board Secretary and Deputy Chancery Clerk Cynthia Parker
Board Attorney Eric Hamer
County Road Manager Lawrence Morris
County Engineer Rudy Warnock
E911 Director Butch Hammack
County Purchase Clerk Hardy Crunk
Building and Grounds Director Barry Parker
Assistant County Comptroller and Deputy Chancery Clerk Quandice Green
Citizens Service Agency Executive Direct Barbara Gray

Special Guests:

Hon. Pat Truesdale, Election Commissioner
Hon. Robert Winn, City of Canton Police Chief

The Board President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Chancery Clerk Arthur Johnston opened the meeting with a prayer and County Administrator Donnie Caughman led the members and the audience in the Pledge of Allegiance to the Flag of the United States of America.

The Board President then announced that Mr. Julius Williams was named Madison County's Employee of the Quarter. The Board President reported that Mr. Williams has served the county for decades and has led by Christian example. He has served as crew chief in the buildings and grounds department and has done so in exemplary fashion. The Board issued its deep appreciation for the fine work and legacy of public service of Mr. Williams.

President's Initials: _____
Date Signed: _____

For Searching Reference Only: Page 1 of 18 (1/05/09)

In re: Approval of Minutes From December 2008 Term

WHEREAS, Chancery Clerk Arthur Johnston did present the Board with the Minutes of the previous meetings of the Board of Supervisors during the December 2008 term, said meetings having been conducted on December 1, and December 15, 2008,

Following discussion, Mr. Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to approve the Minutes as presented with certain amendments which were read in open session, and to authorize the President to sign said Minutes after said corrections have been made. 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 Minutes for the December 2008 term of the Board of Supervisors of Madison County were and are hereby approved as amended.

SO ORDERED this the 5th day of January, 2009.

In re: Election of Officers of the Madison County Board of Supervisors

WHEREAS, on January 7, 2008, at the organizational meeting of the Madison County Board of Supervisors, the Board determined that the presidency of the Board would rotate from year to year within the four (4) year term, and

WHEREAS, a new calendar year has now begun, and the Board does desire to conduct an election of officers anew in accordance with said determination, and

WHEREAS, Board President Tim Johnson did announce his resignation as Board President effective immediately,

Thereafter, the Board President did offer and Mr. Karl M. Banks did second a motion to elect Mr. Paul Griffin as President of the Madison County Board of Supervisors for the current year and Mr. John Bell Crosby as Vice President of the Madison County Board of Supervisors for the current year. 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 Mr. Paul Griffin was and is hereby elected and declared President and Mr. John Bell Crosby was and is hereby elected and declared Vice President.

SO ORDERED this the 5th day of January, 2009.

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 (3) through (19) on the Agenda and that the same appeared to

President's Initials: _____
Date Signed: _____

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

WHEREAS, Supervisor Karl M. Banks requested that Item (9) "Denial of Zoning Matter - B. W. Brown and Robert L. Brown Petition to Rezone R-2 to MHP, Kearney Park Area" be removed from the Consent Agenda and set down for a public hearing on February 2, 2009, at 9:00 a.m., and

Therefore, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to take the following actions on the Consent Agenda:

3. **Acknowledge December Monthly Report - Road Department**
(A true and correct copy of the December 2008 Monthly Road Department Report submitted by County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
4. **Acknowledge December Closed Call Analysis - Road Department**
(A true and correct copy of the December 2008 Closed Call Analysis submitted by the County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
5. **Acknowledge January Service Call Schedule Report - Road Department**
(A true and correct copy of the January Road Department Service Call Schedule submitted by County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
6. **Approve Order of State Tax Commission's Approval of 2008 Real/Personal Property Rolls**
(A true and correct copy of said Order is attached hereto as Exhibit A, spread hereupon and incorporated herein by reference.)
7. **Approve and Adopt the Following Order for Zoning Matter - Nissan North America Inc. Petition to Rezone A-1 to I-2, 151 Nissan Way**

ORDER OF THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI

WHEREAS, Nissan North America, Inc., did file an application to rezone certain property from its present A-1 Agricultural Classification to an I-2 Industrial Classification; and

WHEREAS, by Resolution property adopted by the Madison County Planning Commission, a hearing was set for the 11th day of December, 2008, at 9 o'clock a.m., and the Clerk did cause Notice of said hearing to be published in the Madison County Herald, a newspaper published and of general circulation in Madison County, Mississippi, in the manner and for the time required by law; and

WHEREAS, the hour of 9 o'clock a.m. on the 11th day of December did arrive; and

WHEREAS, the matter was presented to the Planning commission of Madison County and after discussion thereof a motion was offered, a second to the motion was made, and said motion was adopted; and

WHEREAS, this Petition was presented to the Board of Supervisors on the 5th day of January, 2009, and Supervisor Karl M. Banks offered the following Order and moved that it be adopted, seconded by Supervisor Tim Johnson, to wit:

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 3 of 18 (1/05/09)

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI, AS FOLLOWS, TO WIT:

1. That there has been a change in the character of the area to such an extent so as to justify rezoning the subject property; and
2. That there is a public need for rezoning the subject property; and
3. That, in accordance with applicable Mississippi law and Article III of the Zoning Ordinance of Madison County, the following described tract of real property be, and the same is hereby, rezoned from its present A-1 Agricultural Classification to I-2 Industrial Classification, to wit:

A parcel of land containing 2.64 acres, more or less, situated in the S1/2 of the NE1/4 of Section 10, T8N-R2E, Madison County, Mississippi and being more particularly described as follows:

Commence at the NE corner of the SE 1/4 of the NE 1/4 of said Section 10 and run n 89 degrees 56 minutes 11 seconds W along the northern boundary of the S1/2 of the NE1/4 of said Section 10 for a distance of 979.44 feet to the Point of Beginning for the property herein described; leaving said Northern boundary, run thence S 27 degrees 45 minutes 04 seconds W for a distance of 353.76 feet; thence N 61 degrees 11 minutes 25 seconds W for a distance of 651.35 feet to the aforesaid Northern boundary of the S1/2 of the NE1/4; thence S 89 degrees 56 minutes 11 seconds E along said Northern boundary for a distance of 735.45 feet to the Point of Beginning.

That the Madison County Zoning Maps and the Land use Plan are hereby amended so as to reflect the foregoing change in the zoning of the above described real property.

ORDAINED, ADOPTED AND APPROVED by the Board of Supervisors of Madison County, Mississippi, at the meeting thereof held on the 5th day of January, 2009.

8. Approve and Adopt the Following Order for Zoning Matter - RDS Inc. Petition to Rezone C-1A to C-1, Gluckstadt Road

ORDER OF THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI

WHEREAS, RDS, Inc., did file an application to rezone certain property from its present C-1A Commercial Classification to a C-1 Commercial Classification; and

WHEREAS, by Resolution property adopted by the Madison County Planning Commission, a hearing was set for the 11th day of December, 2008, at 9 o'clock a.m., and the Clerk did cause Notice of said hearing to be published in the Madison County Herald, a newspaper published and of general circulation in Madison County, Mississippi, in the manner and for the time required by law; and

WHEREAS, the hour of 9 o'clock a.m. on the 11th day of December did arrive; and

WHEREAS, the matter was presented to the Planning commission of Madison County and after discussion thereof a motion was offered, a second to the motion was made, and said motion was adopted; and

WHEREAS, this Petition was presented to the Board of Supervisors on the 5th day of January, 2009, and Supervisor Karl M. Banks offered the following Order and moved that it be adopted, seconded by Supervisor Tim Johnson, to wit:

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI, AS FOLLOWS, TO WIT:

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 4 of 18 (1/05/09)

1. That there has been a change in the character of the area to such an extent so as to justify rezoning the subject property; and
2. That there is a public need for rezoning the subject property; and
3. That, in accordance with applicable Mississippi law and Article III of the Zoning Ordinance of Madison County, the following described tract of real property be, and the same is hereby, rezoned from its present A-1 Agricultural Classification to I-2 Industrial Classification, to wit:

A parcel of land lying and situated in the Southeast 1/4 of Section 20, Township 8 North, Range 2 East, Madison County, Mississippi, more particularly described as follows:

Commence at the northwest corner of the Southeast 1/4 of Section 20, Township 8 North, Range 2 East, and run thence S 00 degrees 28 minutes 30 seconds W for a distance of 2618.80 feet to a point; thence run N 89 degrees 52 minutes 16 seconds E for a distance of 350.00 feet to an iron pin on the northerly right-of-way of Gluckstadt Road, said iron pin being the Point of Beginning of the parcel herein described. From said Point of Beginning, run thence N 00 degrees 28 minutes 30 seconds E for a distance of 171.07 feet to a point; thence run East for a distance of 204.36 feet to an iron pin; thence run S 00 degrees 28 minutes 30 seconds W for a distance of 170.50 feet to an iron pin on the said northerly right-of-way of Gluckstadt Road; thence run S 89 degrees 52 minutes 16 seconds W, along said northerly right-of-way, for a distance of 2007.81 feet to the Point of Beginning. This parcel contains 0.81 acres, more or less, and is within and a part of that parcel of land described in Deed Book 526 at Page 842.

That the Madison County Zoning Maps and the Land use Plan are hereby amended so as to reflect the foregoing change in the zoning of the above described real property.

ORDAINED, ADOPTED AND APPROVED by the Board of Supervisors of Madison County, Mississippi, at the meeting thereof held on the 5th day of January, 2009.

- 10. Acknowledge Mississippi State Department of Health 2008 Annual Report**
(A true and correct copy of said report may be found in the Miscellaneous Appendix to these Minutes.)
- 11. Declare Certain Inventory Items as Surplus and Authorize Inventory Clerk to Properly Dispose**
(As requested in that certain Memorandum dated December 29, 2008 from Inventory Clerk Loretta D. Phillips, a true and correct copy of which is attached hereto as Exhibit B, spread hereupon and incorporated herein by reference.)
- 12. Approve Location of Culvert Placements**
(A true and correct copy of a spreadsheet containing dates and locations of the placement of culverts for protection of county right of way is attached hereto as Collective Exhibit C, spread hereupon and incorporated herein by reference.)
- 13. Acknowledge Credit Card Report for November 4 - December 4, 2008**
(A true and correct copy of that certain memorandum dated December 30, 2008 from County Purchase Clerk Hardy Crunk is attached hereto as Exhibit D, spread hereupon and incorporated herein by reference.)
- 14. Approve Refund for Overpayment of Taxes - Sherry Little, Parcel No. 081E-15-264 and Monica Terry, Parcel No. 081F-13-119 for 2006 and 2007 taxes**
(A true and correct copy of that certain memorandum dated November 18, 2008 from Chief Deputy Appraiser Norman Cannady, Jr., setting forth the basis for such refund is attached hereto as Exhibit E, spread hereupon and incorporated herein by reference.)

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 5 of 18 (1/05/09)

15. **Approve Amended Homestead Applications - 2008 Tax Year**
(A true and correct copy of said Applications are attached hereto as Collective Exhibit F, spread hereupon and incorporated herein by reference.)
16. **Approve Corrected Tax Statement on Previously Exempt Property - Saxton Pierce Restaurant Corporation/SR Properties, LLC, Parcel No. 072E-30B-003/03.00**
(A true and correct copy of that certain memorandum dated December 10, 2008 from Tax Assessor Gerald Barber, setting forth the basis for such refund is attached hereto as Exhibit G, spread hereupon and incorporated herein by reference.)
17. **Approve *En Masse* Petition for Reduction of Assessments of Real Property for the 2008 Tax Year**
(A true and correct copy of said Petition and its spreadsheet attachment is attached hereto as Collective Exhibit H, spread hereupon and incorporated herein by reference.)
18. **Approve Petition for Increases of Assessments of Personal Property for the 2008 Tax Year**
(A true and correct copy of Petition, as accepted by taxpayer, is attached hereto as Collective Exhibit I, spread hereupon and incorporated herein by reference.)
19. **Approve Refund of Taxes - Grace Properties, LLC, Parcel No. 071H-27-009.00.00 2007 Tax Year**
(A true and correct copy of that certain memorandum from Deputy Tax Assessor William C. Stewart setting forth the basis for such refund is attached hereto as Exhibit J, 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 each item was and is hereby approved, adopted and authorized as described herein above.

SO ORDERED this the 5th day of January, 2009.

***In re:* Acknowledge Three Letters of Resignation -
Madison County Citizens' Service Agency Board of Directors and
Acknowledge Memorandum Presented by Mrs. Barbara Gray**

WHEREAS, Madison County Citizens' Service Agency Director Barbara Gray appeared before the Board and presented three letters of resignation from Mr. Fred Richards, Mr. Worth Thomas and Mr. Reuben B. Myers from the Madison County Citizens' Service Agency Board of Directors, true and correct copies of all of which may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, Mrs. Gray also presented that certain memorandum depicting her views and opinions of the Madison County Citizens' Service Agency, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to accept the resignations of Mr. Fred Richards, Mr. Worth Thomas and Mr. Reuben B. Myers from the Madison County Citizens' Service Agency Board of Directors and to acknowledge receipt of that certain memorandum from Mrs. Gray. The vote on the matter being as follows:

President's Initials: _____
Date Signed: _____

For Searching Reference Only: Page 6 of 18 (1/05/09)

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 resignations were and are hereby accepted and said memorandum was and is hereby acknowledged.

SO ORDERED this the 5th day of January, 2009.

In re: Approval of Site Plan - Sturdivant Veterinary Clinic

WHEREAS, County Zoning Administrator Brad Sellers appeared before the Board and presented a site plan for the construction of Sturdivant Veterinary Clinic, and

WHEREAS, Mr. Sellers reported that said clinic was to be constructed on Gluckstadt Road on property zoned C-1 Commercial and that same had been approved by the Planning Commission,

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to approve the site plan as presented by Sturdivant Veterinary Clinic. 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 site plan was and is hereby approved.

SO ORDERED this the 5th day of January, 2009.

In re: Approval of Extension on Mining Permit

WHEREAS, County Zoning Administrator Brad Sellers appeared before the Board and requested permission to extend a mining permit located on Highway 43 south for one year to Mr. Bill Galloway of Galloway Farms, and

WHEREAS, Mr. Sellers reported that Mississippi Department of Environmental Quality (MDEQ) had approved another location for mining within the same area and Mr. Galloway needed a one year extension to complete said site,

Following discussion, Mr. Paul Griffin did offer and Mr. Tim Johnson did second a motion to extend said permit for operation of mining permit for one year from the date hereof, said operation occurring on Highway 43 South. 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

President's Initials: _____

Date Signed: _____

the matter carried unanimously and said permit was and is hereby extended.

SO ORDERED this the 5th day of January, 2009.

In re: Approval of Extension to BankFirst

WHEREAS, County Zoning Administrator Brad Sellers appeared before the Board and requested permission to grant BankFirst a six (6) month extension of time to utilize a temporary facility on Gluckstadt Road, prior to the commencement of construction, and

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to approve a six (6) month extension to BankFirst before construction begins. 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 extension was and is hereby granted.

SO ORDERED this the 5th day of January, 2009.

In re: Approval of Appointment to South Madison Fire Protection District

Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to appoint Mr. Michael Furr to the South Madison Fire Protection District Board to complete the unexpired term of Mr. Kenneth Carroll. 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 Mr. Furr was and is hereby appointed.

SO ORDERED this the 5th day of January, 2009.

In re: Approval of Claims Docket for January 5, 2009

WHEREAS, the Board reviewed the claims docket for January 5, 2009; 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, County Comptroller Mark Houston presented quarterly budget allocations for the second quarter FY 2008-2009 for Madison County Economic Development Authority and Madison County Citizens' Services Agency, a true and correct copy of which is attached hereto as Collective Exhibit K, spread hereupon and incorporated herein by reference

President's Initials: _____
Date Signed: _____

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	1315 to 1455, 1459	142	481,511.55
012	62 to 74	13	13,971.06
014	4 to 4	1	2,464.57
095	7 to 8	2	61,464.63
097	99 to 114	16	35,862.85
105	13 to 13	1	200.00
114	5 to 5	1	998.28
115	28 to 30	3	192.96
116	15 to 15	1	165.27
119	3 to 3	1	75.00
120	24 to 26	3	90.88
121	12 to 12	1	63.74
137	6 to 7	2	124,768.64
150	261 to 301	41	309,721.40
160	39 to 42	4	170,052.80
190	46 to 54	9	5,076.26
226	6 to 7	2	8,560.45
240	4 to 4	1	4,061.15
302	15 to 17	3	57,778.33
305	5 to 6	2	69,849.70
401	6 to 6	1	29,442.80
690	7 to 8	2	55,280.92
691	7 to 8	2	60,459.27
TOTAL ALL FUNDS		254	1,492,112.51

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to approve the claims docket as presented and approve the aforementioned quarterly budget allocations. Said motion directed that invoice numbers should be attached to each claim on the claims docket and further directed the Chancery Clerk to publish 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 L, 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 said quarterly budget allocations were and are hereby approved, and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 5th day of January, 2009.

In re: Discussion of Proposed Economic Stimulus Package and Approve Travel Expenses Associated Therewith

WHEREAS, County Administrator Donnie Caughman appeared before the Board and recommended the Board consider taking full advantage of President-elect Barack Obama's proposed economic stimulus package, and

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 9 of 18 (1/05/09)

WHEREAS, Mr. Caughman suggested the capital road projects, fire stations, jail expansion, repairs to the historic courthouse, and various projects for the Madison County School District be included in a list of county projects to be submitted to Congress,

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to authorize the payment of travel, lodging and food expenses for any Board member, the Chancery Clerk, the County Administrator, the County Comptroller, the County Engineer, and Lobbyist Steve Seale travel to Washington, at a date to be established by the County Administrator, to promote said projects and the federal funding, thereto from the proposed economic stimulus package. 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 travel expenses were and are hereby approved and authorized.

SO ORDERED this the 5th day of January, 2009.

***In re: Accept Resignation of Mr. Charles Porter
Pearl River Valley Supply District Board of Directors***

Following discussion, Mr. Tim Johnson did offer and Mr. John Bell Crosby did second a motion to accept the resignation of Mr. Charles Porter from the Pearl River Valley Supply District Board of Directors effective immediately. 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 resignation of Mr. Porter was and is hereby accepted.

SO ORDERED this the 5th day of January, 2009.

***In re: Approval of Reappointment to Lake
Lorman Utility District Board***

Mr. D. I. Smith did offer and Mr. Karl M. Banks did second a motion to reappoint Ms. Linda McCraw to a five (5) year term on the Lake Lorman Utility District Board. 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 Ms. McCraw was and is hereby so reappointed.

SO ORDERED this the 5th day of January, 2009.

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 10 of 18 (1/05/09)

In re: Awarding of County Depository for Two Year Period and Designation of Additional County Depositories

WHEREAS, Chancery Clerk Arthur Johnston appeared before the Board and presented the depository bids received on December 16, 2008, the advertisement for the same having been authorized by this Board on November 17, 2008, and

WHEREAS, Mr. Johnston did present to the Board the Invitation for Bid and the Notice to Prospective Depositories as published in the *Madison County Herald* on December 4, 2008 and December 11, 2008, together with the Proof of Publication pertaining thereto, said Proof of Publication being attached hereto as Exhibit M, spread hereupon, and incorporated herein by reference, and

WHEREAS, Mr. Johnston reported he had received bids from BankFirst Financial Services, BankPlus, Citizens National Bank, Madison County Bank, M & F Bank, Regions Bank, and Trustmark National Bank, and that each such institution met the qualifications set forth in statute and recommended that each be designated a county depository, and

WHEREAS, Mr. Johnston presented a tabulation reflecting the bids of each institution, together with an explanatory memorandum, true and correct copies of which are attached hereto as Exhibit N, spread hereupon, and incorporated herein by reference, and

WHEREAS, Mr. Johnston reported that the bid of State Bank & Trust Company was untimely and, consequently, was not opened by the committee and not considered, and

WHEREAS, Mr. Johnston reported that the bid of Citizens National Bank reflected the highest rate of interest for county operating funds but because said bank did not offer a branch in the City of Canton, in the interest of convenience and security, he recommended that the Board designate M & F Bank, who offered the next highest rate of interest, as the depository to house county operating funds for the two year period, and

WHEREAS, the bids of all institutions submitting bids in response to the advertisement for same are attached hereto as Collective Exhibit O, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Tim Johnson did offer and Mr. John Bell Crosby did second a motion to (1) find and determine that the bid of M & F Bank constituted the highest and best bid received in response to the advertisement for bids for county depositories in light of the fact that Citizens National Bank has no Canton branch, (2) designate each of the institutions as county depositories for a two year term commencing immediately, (3) direct that the county's operating funds be housed in appropriate accounts to be established by the Chancery Clerk at M & F Bank for a two-year term, listed on the aforesaid Exhibit O, and (4) authorize the Purchase Clerk to apply for a credit card or cards through M & F Bank. 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 each of the institutions listed on Exhibit O was and is hereby designated as a county depository for a two year term commencing immediately and M & F Bank was and is hereby awarded the county's operating fund accounts for said two year term and the Purchase Clerk was and is hereby authorized.

SO ORDERED this the 5th day of January, 2009.

President's Initials: _____
Date Signed: _____

For Searching Reference Only: Page 11 of 18 (1/05/09)

**In re: Approval of Final Order of the
Mississippi State Tax Commission
Industrial Exemption Transfer**

WHEREAS, Chancery Clerk Arthur Johnston appeared before the Board and presented correspondence dated December 15, 2008 from the Mississippi State Tax Commission approving the final order pertaining to the transfer of the existing ad valorem tax exemption from Mi-Tech Steel to Steel Technologies, 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. Tim Johnson did second a motion to acknowledge and approve the final order of the Mississippi State Commission to transfer the existing ad valorem tax exemption from Mi-Tech Steel to Steel Technologies. 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 final order was and is hereby acknowledged and approved.

SO ORDERED this the 5th day of January, 2009.

**In re: Consideration of Claim for Reimbursement - Bear Creek Water Association, Inc.
Regarding the Gluckstadt Road Widening Project**

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented the written request of Bear Creek Water Association, Inc., seeking payment of the county's share of costs in the amount of \$106,068.53 associated with the relocation of its water lines along and as a part of the Gluckstadt Road Widening Project, and

WHEREAS, a true and correct copy of said written request together with the letter agreement are attached hereto as Exhibit Q, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to approve said payment. 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 was and is hereby authorized and directed to issue a pay warrant in the amount of \$106,068.53 unto Bear Creek Water Association, Inc.

SO ORDERED this the 5th day of January, 2009.

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 12 of 18 (1/05/09)

In re: Authorize Board Attorney to Correspond with AT&T

Following discussion, Mr. John Bell Crosby did offer and Mr. Tim Johnson did second a motion to authorize Board Attorney Eric Hamer to correspond with AT&T regarding the moving of the fiber optic line along Tisdale Road. 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 Mr. Hamer was and is hereby authorized.

SO ORDERED this the 5th day of January, 2009.

In re: Authorize Board Attorney to Secure Bond with Sides Properties, LLC

WHEREAS, County Engineer Rudy Warnock appeared before the Board and reported that Sides Properties, LLC had requested a six (6) month waiver for posting bond associated with its surface mining operations previously approved by the Board, and

WHEREAS, Mr. Warnock requested the Board authorize Board Attorney Eric Hamer to correspond with the attorney representing Sides Properties, LLC and request within a six (6) month period, and

WHEREAS, on November 6, 2008, the Board had approved Sides Properties, LLC petition for special exception to conduct surface mining with the condition that the petitioner post a bond in an amount established by the County Engineer equal to one and one-half (1 ½) times cost of surface of North Livingston Road,

Following discussion, Mr. Tim Johnson did offer and Mr. John Bell Crosby did second a motion to authorize a six (6) month waiver for posting bond to Sides Properties, LLC, and direct the Board Attorney to secure a bond with the attorney representing Sides Properties, LLC within a six (6) month period. 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 Sides Properties, LLC was and is hereby granted a six (6) month waiver and Mr. Hamer was and is hereby authorized.

SO ORDERED this the 5th day of January, 2009.

In re: Authorize Advertising Sowell Road Extension Project

WHEREAS, County Engineer Rudy Warnock appeared before the Board and requested permission to advertise for bids for the construction of the Sowell Road Extension Project once right-of-way has been acquired,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to authorize the County Engineer to advertise for bids for the construction of the Sowell Road

President's Initials: _____

Date Signed: _____

Extension Project once right-of-way has been acquired. 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 Mr. Warnock was and is hereby so authorized.

SO ORDERED this the 5th day of January, 2009.

In re: Acknowledgment of Invoice Nos. 294 Through 297, Parkway East Public Improvement District

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to acknowledge receipt of Invoice Nos. 294 through 297 from Parkway East Public Improvement District relating to the construction of the Parkway East roadway and certain administrative expenses, true and correct copies of which are attached hereto as Exhibit R, 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 invoices were and are hereby acknowledged.

SO ORDERED this the 5th day of January, 2009.

In re: Retention of Counsel to Defend Justice Court Judge Carol Davis

WHEREAS, Board Attorney Eric Hamer appeared before the Board and reported that Justice Court Judge Carol Davis had been notified of the pendency of certain proceedings against her and was requesting the county retain counsel to represent her in such matters,

Following discussion, Mr. Tim Johnson did offer and Mr. John Bell Crosby did second a motion to authorize Board Attorney Eric Hamer to represent and defend Justice Court Judge Carol Davis. 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 Mr. Hamer was and is hereby authorized.

SO ORDERED this the 5th day of January, 2009.

President's Initials: _____
Date Signed: _____

In re: Authorize Board President to Execute Revised Interlocal Agreement

WHEREAS, Board Attorney Eric Hamer appeared before the Board presented a revised Interlocal Agreement between Madison County and Leake County, Mississippi for improvements and maintenance of certain roads within Madison County, a true and correct copy of which is attached hereto as Exhibit S, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to approve same and authorize the Board President to execute the aforesaid interlocal agreement. 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 authorized.

SO ORDERED this the 5th day of January, 2009.

In re: Acceptance and Award of Lowest and Best Bid for AS400 Computer System

WHEREAS, County Purchase Clerk Hardy Crunk appeared before the Board and presented that certain memorandum dated January 5, 2009 outlining his recommendation to accept and award the low bid of Cothorn Computer Systems for the purchase of a new AS400 computer system for the Sheriff's Department, a true and correct copy of which is attached hereto as Exhibit T, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to accept and award the low bid of Cothorn Computer Systems in the amount of \$33,361.87 for the purchase of a new AS400 computer system for the Sheriff's Department 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 Cothorn Computer Systems was and is hereby accepted and awarded and the Chancery Clerk was and is authorized.

SO ORDERED this the 5th day of January, 2009.

In re: Authorize Payment to Mississippi State Tax Commission for Tag Fee and Tax Collector for Application Fee

Mr. Tim Johnson did offer and Mr. John Bell Crosby did second a motion to authorize the Chancery Clerk to issue a pay warrant in the amount of \$36.00 to the Mississippi State Tax Commission for the purchase of three (3) government tags for newly purchased vehicles for the Tax Collector, a fire truck at Southwest Fire District, and a replacement tag for a Road Department vehicle, and to issue a pay warrant in the amount of \$5.00 for the application fee for the aforementioned fire truck. 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 the Chancery Clerk was and is authorized to issue pay warrants accordingly.

SO ORDERED this the 5th day of January, 2009.

In re: Acknowledge Receipt of Funds; Acknowledge Alcohol Sales Law; and Authorize Board President Execute Invoices

WHEREAS, Sheriff Toby Trowbridge appeared before the Board and presented a check in the amount of \$620.00 from Hinds County, Mississippi for serving tax payers, and

WHEREAS, Sheriff Trowbridge did request the Board acknowledge the Alcohol Beverage Control Sales Law, and

WHEREAS, Sheriff Trowbridge presented two (2) invoices in the amount of \$26,858.58 and \$18,539.39 to the Mississippi Department of Corrections for the feeding and housing of prisoners,

Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to (1) acknowledge receipt of said check, (2) acknowledge the Alcohol Beverage Control Sales Law, and (3) authorize the Board President to execute said invoices. 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 check was and is hereby acknowledged, the Alcohol Beverage Control Sales Law was and is hereby acknowledged, and the Board President was and is hereby authorized to execute said invoices.

SO ORDERED this the 5th day of January, 2009.

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 real property acquisition,

Following discussion and pursuant to the terms of Miss. Code Ann. § 25-41-7, as amended, Mr. Tim Johnson 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 real property 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, County Administrator Donnie Caughman, County Comptroller and Deputy Chancery Clerk Mark Houston, Mr. Hamer’s assistant, Ms. Tammy McDonnell and Sheriff Toby Trowbridge. 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 the Board took up the matter of entering into Executive Session.

SO ORDERED this the 5th day of January, 2009.

In re: Entering into Executive Session

WHEREAS, a discussion of the nature of the matters requiring Executive Session was had and the Chancery Clerk informed the Board that there were certain matters concerning real property acquisition that required discussion in executive session, and

WHEREAS, the Board Attorney advised the Board that, consequently, discussion thereof was properly the subject of executive session,

Following discussion, Mr. Tim Johnson did offer and Mr. John Bell Crosby did second a motion to enter into Executive Session to discuss real property acquisition. 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 President Griffin 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 5th day of January, 2009.

Thereafter, Mr. Tim Johnson did offer and Mr. D. I. Smith did second a motion to adjourn the Executive Session and announce to the public no action was 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 President declared Executive Session declared adjourned, and the Chancery Clerk did announce to the public that no action was taken therein.

SO ORDERED this the 5th day of January, 2009.

***In re: Authorize Board Attorney to Attend
Madison County Citizens Service Agency
Board Meeting***

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to authorize and direct Board Attorney Eric Hamer to attend the Madison County Citizens Service

President's Initials: _____

Date Signed: _____

Agency board meeting on behalf of the Board of Supervisors. 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 Attorney was and is hereby authorized.

SO ORDERED this the 5th day of January, 2009.

***In re: Retention of Counsel to Represent
Elected Officials or Appointed Official at Depositions***

Following discussion, Mr. Tim Johnson did offer and Mr. John Bell Crosby did second a motion to authorize Board Attorney Eric Hamer or Mr. Johnny Brunini, Esq. of The Brunini Law Firm to represent any elected or appointed official at depositions. 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 Mr. Hamer and Mr. Brunini were and are hereby authorized.

SO ORDERED this the 5th day of January, 2009.

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor Tim Johnson and seconded by Supervisor Karl M. Banks and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Tuesday, January 20, 2009 at 9:00 a. m. for the purpose of consideration of a Claims Docket and any other business which may properly come before the Board.

Paul Griffin, President
Madison County Board of Supervisors

Date signed: _____

ATTEST:

Arthur Johnston, Chancery Clerk

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 18 of 18 (01/05/09)