

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

REGULAR MEETING OF JANUARY 20, 2009
Recessed from regular meeting conducted on January 5, 2009

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on January 20, 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, Mr. Paul Griffin, 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
Tax Assessor Gerald Barber
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
Emergency Management Director Butch Hammack
County Purchase Clerk Hardy Crunk
Board Secretary Cynthia Parker
Board Attorney Eric Hamer
County Engineer Rudy Warnock
County Road Manager Lawrence Morris
Chief Deputy Tax Assessor Kent Hawkins

The President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Supervisor Paul Griffin opened the meeting with a prayer and Supervisor D. I. Smith 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, President Griffin did announce that he and County Administrator Donnie Caughman had conferred in advance of the meeting and did recommend that Items (1) through (14) on the Agenda appeared to be routine, non-controversial matters on which all Supervisors were likely to agree, and could be taken up as Consent Items, and

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

Therefore, Mr. Tim Johnson 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: _____

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1. **Acknowledge Authorization to Proceed with FY 2009 Bridge Inspection being Project numbers BR-NBIS(070)B and BRIS-45(70).**
(A true and correct copy of that certain memorandum dated January 7, 2009 from Mr. Freddy C. Hollis of State Aid Road Construction of the Mississippi Department of Transportation requesting the same is attached hereto as Exhibit A, spread hereupon and incorporated herein by reference.)
2. **Acknowledge Monthly Credit Card Report**
(A true and correct copy of that certain memorandum dated January 9, 2009 from County Purchase Clerk Hardy Crunk together with said report is attached hereto as Exhibit B, spread hereupon and incorporated herein by reference.)
3. **Approve Telecom Audit Agreement - Valerie Parsons/Independent Communications Consultant and Authorize Board President to Execute Same.**
(A true and correct copy of said agreement is attached hereto as Exhibit C, spread hereupon and incorporated herein by reference.)
4. **Authorize Assignment of Right of Way and Quitclaim to Madison County Wastewater Authority**
(A true and correct copy of said right of way and quitclaim may be found in the Miscellaneous Appendix to these Minutes.)
5. **Authorize Continuing Disclosure Agreement - Butler Snow O'Mara Stevens & Cannada, PLLC**
(A true and correct copy of said agreement is attached hereto as Exhibit D, spread hereupon and incorporated herein by reference.)
6. **Authorize Rate Change Request - Entergy/Madison County Jail and Authorize Board President to Execute Same.**
(A true and correct copy of said rate change request is attached hereto as Exhibit E, spread hereupon and incorporated herein by reference.)
7. **Authorize Employee Office Associate/Secretary Mississippi Cooperative Extension Service and Authorize Board President to Execute Same**
(A true and correct copy of pro-forma order is attached hereto as Exhibit F, spread hereupon and incorporated herein by reference.)
8. **Acknowledge Clerk of the Board Report Through the Month of December, 2008**
(A true and correct copy of which is attached hereto as Exhibit G, spread hereupon and incorporated herein by reference.)
9. **Approve Renewal of Chancery Clerk's Office Maintenance Support - Scanning/Imaging with Tallega and Authorize Board President to Execute Same**
(A true and correct copy of which is attached hereto as Exhibit H, spread hereupon and incorporated herein by reference.)
10. **Acknowledge Personnel Appointment - Tim Templeton, Deputy Tax Assessor**
(A true and correct copy of that certain Personnel Appointment Form from Tax Assessor Gerald Barber is attached hereto as Exhibit I, spread hereupon and incorporated herein by reference.)
11. **Accept and Award Bid for Re-roofing Road Department Building - Arrow LLC/Central Roofing**
(A true and correct copy of that certain memorandum dated January 13, 2009 from County Purchase Clerk Hardy Crunk recommending the Board award the re-roofing of the Road Department building to Arrow, LLC, d/b/a Cental Roofing is attached hereto as Exhibit J, spread hereupon and incorporated herein by reference.)

President's Initials: _____

Date Signed: _____

**12. Authorize Payment of Certain Fees and Expenses for 2009 of
Chancery Clerk Arthur Johnston and Adopt and Enter the Following Order:**

**ORDER FOR PAYMENT OF CERTAIN FEES AND EXPENSES
OF THE CHANCERY CLERK'S OFFICE**

WHEREAS, Chancery Clerk Arthur Johnston did appear before the Board and requested the Board authorize and approve the payment of the following fees and expenses, and

WHEREAS, the Clerk did represent that all such fees and expenses were proper and allowed by statute and were payable by the county as provided by law,

IT IS THEREFORE ORDERED by the Board of Supervisors of Madison County, Mississippi, that the following fees and expenses as provided by statute relating to the services performed by the Chancery Clerk of this county be and the same are hereby approved and shall be allowed unto Arthur Johnston, Chancery Clerk, for compensation of said services rendered to the people, said fees and expenses shall be payable in monthly installments except where otherwise noted below.

IT IS FURTHER ORDERED that said Clerk is hereby employed to (a) process the homestead applications, (b) serve as the county's Passport Acceptance Agent, (c) restore certain records of the county in his charge, and is directed to carry out other necessary services as outlined in the statutes listed below:

- (1) § 25-7-9(1)(f) – Attendance on the Board of Supervisors: Clerk and one deputy, each \$20.00;
- (2) § 25-7-9(1)(g) *as amended in 2004* – Semi-annual allowance as Clerk of the Board of Supervisors: \$3,000.00 payable in one half in July and one half in January;
- (3) § 27-105-343 *as amended in 2004* – For services as County Treasurer: the sum of \$2,500 per annum, payable in equal monthly installments;
- (4) § 25-3-19 – For services as County Auditor: an annual sum of \$5,300.00, payable in equal monthly installments;
- (5) § 25-7-9(1) – For recording fees due the Chancery Clerk for recording instruments relating to county-owned real estate, and oaths and bonds of public officials, both elected and appointed – standard recording fees payable after-the-fact;
- (6) § 25-7-9(1)(h) – *as amended in 2005* - Attendance on the Chancery Court as approved by the Chancellor: For each day, first Chancellor sitting: \$50.00 per day each for himself and two deputies;
- (7) § 25-7-9(1)(h) – *as amended in 2005* - Attendance on the Chancery Court as approved by the Chancellor: For each day, second Chancellor sitting: \$50.00 per day, Clerk only;
- (8) § 25-7-9(1)(i) – *as amended in 2005* - Clerk and two deputies, allowance of five (5) extra days for the Clerk and two deputies for attendance upon the Court to get up records: \$50.00 per day each for himself and two deputies per monthly term of court;

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- (9) § 41-21-79, *et al* – For administrative services performed in connection with commitment proceedings (both alcohol/drug and mental) such as consultations with family or friends, scheduling physicians, providing insurance information to hospitals, and making arrangements for pre-screenings and follow-ups: \$60.00 per commitment, as ordered by the Court;
- (10) § 41-21-79, *et al* and M.R.C.P. 3 (c) and (d) – For pauper’s oaths both in general and in connection with commitment proceedings for paupers: \$108.00 per case as ordered by the Court;
- (11) § 25-7-9(1)(j) – For public services not otherwise specifically provided for, contingent upon the approval of the Court, an annual sum not to exceed \$5,000.00 payable \$416.67 per month;
- (12) § 25-3-21 – For copying tax rolls, a statutory fee of \$.03 per assessment, per copy of each real roll and \$.015 per assessment, per copy of each personal roll for the current year;
- (13) § 27-33-37(m) – To employ the Clerk to collect and assemble data and information and to perform the services required of the Board by § 27-33-37(e) and to make investigations required of the Board in connection with administering the Homestead Exemption Law as directed by the board as follows: for the first 2,000 applications, \$1.00 per application; for the next 2,000 applications, \$.75 each, for the next 2,000 applications, \$.50 each, for the next 2,000 applications, \$.35 each, all over the above number, \$.25 each;
- (14) § 19-15-1 – For the restoration and preservation of county records in accordance with the contract approved by said Board on January 5, 2008, payable \$500.00 per month through December 2012 and \$1,500 per month in June, July and August of each year;
- (15) Such fees as are allowed and required by federal law in connection with the processing of U. S. Passport Applications including a fee of up to \$10.00 for each passport photograph taken using office equipment.
- (16) § 35-3-13 – For each certificate of military discharge recorded in the office: \$1.00. No charge, however, shall be made to the veteran for either the original recording or the making of copies.

IT IS FURTHER ORDERED that, to the extent necessary, the Board President is authorized to enter into contracts with the Clerk to carry out the above and foregoing items.

SO ORDERED on this the 20th day of January, 2009.

- 13. Acknowledge Compliance of Properly Posted And/or Closed Bridges**
(A true and correct copy of that certain memorandum dated January 5, 2009 from Mr. Freddy C. Hollis of State Aid Road Construction of the Mississippi Department of Transportation is attached hereto as Exhibit K, spread hereupon and incorporated herein by reference.)
- 14. Approve Scott Woods and Associates Site Plan for Office/Warehouse - Lot 8 Lone Wolf Drive**
(A true and correct copy of site plan for the construction of office/warehouse on the E1/2 of Lot 8 Lone Wolf Drive may be found in the Miscellaneous Appendix to the Minutes.)

President’s Initials: _____

Date Signed: _____

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 approved, adopted and authorized.

SO ORDERED this the 20th day of January, 2009.

In re: Approval of Term of Bonds and Endorsement of Action of City of Ridgeland – Colony Park Tax Increment Financing Plan

WHEREAS, Mr. Chris Gouras, with Gouras & Associates appeared before the Board and presented a report detailing the revenues and projected revenues within the City of Ridgeland's Colony Park Tax Increment Financing District, a true and correct copy of which report is attached hereto as Exhibit L, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. H. C. "Buster" Bailey also appeared before the Board in support of said project and requested that the Board endorse the recent action of the City of Ridgeland approving a bond term of twenty years as allowed pursuant to the development plan and Resolution adopting the same previously approved by the Board,

Following discussion, Mr. D. I. Smith did offer and Mr. Karl M. Banks¹ did second a motion to endorse the City of Ridgeland's action and approve a bond term of twenty (20) years for the Colony Park Tax Increment Financing District, contingent upon the review and approval of the Board Attorney.

Prior to the call of the question however, Mr. Tim Johnson did offer and Mr. Paul Griffin did second a motion to table the motion until the first meeting of the Board in the February, 2009 term to allow Board Attorney Eric Hamer to review the same. The Board President called the question on the motion to table with the following result:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	No
Supervisor Karl M. Banks	No
Supervisor Paul Griffin	Aye

the matter carried by a majority vote (3-2) of the Board and the motion to endorse the City of Ridgeland's action and approve a bond term of twenty (20) years for the Colony Park Tax Increment Financing District was and is hereby tabled.

SO ORDERED this the 20th day of January, 2009.

¹Mr. Banks arrived prior to the Board's consideration of this matter.

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In re: Shores of Caroline - Request to Reduce Front and Side Setbacks for Water Front Lots

WHEREAS, County Zoning Administrator Brad Sellers appeared before the Board and presented the request of Cress Development LLC to amend the front and side set backs within the Shores of Caroline, and

WHEREAS, Mr. Sellers reported that the developer was requesting that the setbacks be reduced from 25 feet in the front to 20 feet and from 7.5 feet on the sides to 5 feet, such changes to be applicable to waterfront lots only, and

WHEREAS, Mr. Sellers announced that the developer had withdrawn its request to reduce the side setbacks, and

WHEREAS, Mr. Sellers presented correspondence from Mr. Blake Cress dated December 11, 2008, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, stating that the reductions were needed to accommodate the encroachment of boat slips 22 feet into the water, and

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to reduce the front setbacks on all waterfront lots depicted on the plat of the Shores of Caroline from 25 feet to 20 feet and to direct the Chancery Clerk to note the Board's action hereon on the face of said plat. 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 setbacks were and are hereby reduced and the Chancery Clerk was and is hereby instructed accordingly.

SO ORDERED this the 20th day of January, 2009.

In re: Metro Baptist Association Site Plan for Kernop Christian Camp - Rocky Hill Road

WHEREAS, County Zoning Administrator Brad Sellers appeared before the Board and presented a site plan for a proposed camp, to be known as Kernop Christian Camp, on Rocky Hill Road, and

WHEREAS, a true and correct copy of site plan materials may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Paul Griffin did offer and Mr. Tim Johnson did second a motion to approve said site plan. 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

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Date Signed: _____

the matter carried unanimously and said site plan was and is hereby approved.

SO ORDERED this the 20th day of January, 2009.

**In re: Requests for Relief Due to the Failure to File
Builder’s Affidavits – Various Parcels**

WHEREAS, Chancery Clerk Arthur Johnston and Tax Assessor Gerald Barber did appear before the Board and presented the Board with a list of twelve (12) individual tax parcels on which builders had failed to file Builders Affidavits as required by Miss. Code Ann. § 27-31-29, despite the fact that the builders involved now claim the property was not occupied on the tax lien date and should not be taxed for improved value for the year in question (2008 taxes), and

WHEREAS, the Chancery Clerk explained that in the past, because of the seemingly unfair hardship which the builders’ failures visit upon subsequent purchasers without notice, the Board has granted a reduction in assessment for such parcels based not on Miss. Code Ann. § 27-31-29 but on one of several provisions contained in Miss. Code Ann. § 27-35-143, which allows the Board to reduce *ad valorem* assessments for various reasons, including *inter alia*, an erroneous assessment of improvement value, and

WHEREAS, both Mr. Barber and Mr. Johnston stated that the practice should cease and the Board should adhere to a strict application of Miss. Code Ann. § 27-31-29 in such circumstances and refuse to grant a reduction, or, at a minimum, the Board should establish a policy of allowing a builder only one infraction of said code section and thereafter refuse to consider such reductions in favor of such builder, and

WHEREAS, Mr. Barber presented a spreadsheet reflecting the requests for adjustments his office has received for tax year 2008, a true and correct copy of which is attached hereto as Exhibit M, spread hereupon and incorporated herein by reference, and

WHEREAS, the Board interviewed representatives of each of the following builders regarding each of the following tax parcels for tax year 2008,

- (1) **Atlantis Properties** Parcel # **081F-13-391**
- (2) **Castlerock Properties** Parcel # **081F-13-421**

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to reduce the assessment of the above parcels so as to remove the improvement value for 2008 asset forth on Exhibit M. The vote on the matter being as follows:

Supervisor John Bell Crosby	No
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by a majority (4-1) vote of the Board and said tax relief was and is hereby approved and the Tax Collector was and is directed to prepare and send revised tax bills accordingly.

SO ORDERED this the 20th day of January, 2009.

- (3) **Rowland** Parcel # **081A-02-111**

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to

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reduce the assessment of the above parcel so as to remove the improvement value for 2008 asset forth on Exhibit M. The vote on the matter being as follows:

Supervisor John Bell Crosby	No
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by a majority (4-1) vote of the Board and said tax relief was and is hereby approved and the Tax Collector was and is directed to prepare and send a revised tax bill accordingly.

SO ORDERED this the 20th day of January, 2009.

(4) Riverstone Properties	Parcel # 081A-11-064
(5) Riverstone Properties	Parcel # 081A-11-066

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to reduce the assessment of the above parcels so as to remove the improvement value for 2008 asset forth on Exhibit M. The vote on the matter being as follows:

Supervisor John Bell Crosby	No
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by a majority (4-1) vote of the Board and said tax relief was and is hereby approved and the Tax Collector was and is directed to prepare and send revised tax bills accordingly.

SO ORDERED this the 20th day of January, 2009.

(6) Wade Quinn Builders	Parcel # 082H-27-270
(7) Wade Quinn Builders	Parcel # 082H-27-274
(8) Wade Quinn Builders	Parcel # 082H-27-276
(9) Wade Quinn Builders	Parcel # 082H-27-277
(10) Wade Quinn Builders	Parcel # 082H-27-279

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to reduce the assessment of the above parcels so as to remove the improvement value for 2008 asset forth on Exhibit M. The vote on the matter being as follows:

Supervisor John Bell Crosby	No
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by a majority (4-1) vote of the Board and said tax relief was and is hereby approved and the Tax Collector was and is directed to prepare and send revised tax bills accordingly.

SO ORDERED this the 20th day of January, 2009.

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(11) Pennebaker Carey

Parcel # 081E-22-131

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to reduce the assessment of the above parcel so as to remove the improvement value for 2008 asset forth on Exhibit M. The vote on the matter being as follows:

Supervisor John Bell Crosby	No
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by a majority (4-1) vote of the Board and said tax relief was and is hereby approved and the Tax Collector was and is directed to prepare and send a revised tax bill accordingly.

SO ORDERED this the 20th day of January, 2009.

(12) McAlphin's Construction Parcel # 081E-15-280

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to reduce the assessment of said parcel so as to remove the improvement value for 2008 asset forth on Exhibit M. The vote on the matter being as follows:

Supervisor John Bell Crosby	No
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by a majority (4-1) vote of the Board and said tax relief was and is hereby approved and the Tax Collector was and is directed to prepare and send a revised tax bill accordingly.

SO ORDERED this the 20th day of January, 2009.

In re: Presentation of Final Plat for Gluckstadt Office Park

WHEREAS, County Engineer Rudy Warnock, did appear before the Board and presented the final plat for Gluckstadt Office Park commercial development and requested the Board to approve same, indicating and representing that the same met with all appropriate and applicable county requirements, and

WHEREAS, Mr. Warnock presented an irrevocable stand by Letter of Credit in the amount of \$36,450.00 to secure the completion of the final wearing course on the streets listed thereon, , a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes,

Following discussion of this matter, Mr. D. I. Smith did offer and Mr. Tim Johnson did second a motion to approve said final plat and direct the Chancery Clerk to accept the aforesaid Letter of Credit. 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 final plat of Gluckstadt Office Park commercial development was and is hereby approved and the Clerk was and is hereby directed to accept the aforesaid Letter of Credit.

SO ORDERED this the 20th day of January, 2009.

In re: Revisions to Madison County Storm Water Regulations

WHEREAS, County Engineer Rudy Warnock appeared before the Board and reported that the county’s Storm Water Regulations were in need of revision in certain respects,

Following discussion, Mr. John Bell Crosby did offer and Mr. Karl M. Banks did second a motion to authorize and direct the County Engineer and his firm to prepare proposed revisions to the county’s Storm Water Regulations and present the same to the Board at a later date. 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. Warnock and his firm were and are so authorized.

SO ORDERED this the 20th day of January, 2009.

In re: Presentation of Final Construction Plans for Northshore Way Drainage Project

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented final construction plans for the Northshore Way Drainage Project, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to adopt and approve said plans. 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 plans were and are hereby adopted and approved.

SO ORDERED this the 20th day of January, 2009.

President’s Initials: _____

Date Signed: _____

In re: Reunion Parkway Phase III Project

WHEREAS, County Engineer Rudy Warnock appeared before the Board and requested authority for the Board Attorney to conduct negotiations with St. Dominic Hospital concerning a proposed re-alignment of Reunion Parkway Phase III so as to allow St. Dominic to better utilize its property for development purposes, and

WHEREAS, Mr. Warnock presented schematics showing the location of the proposed re-alignment and reported that counsel for St. Dominic, Edmund L. Brunini, Jr., Esq., indicated that the hospital would consider donating the entirety of its right of way regarding the whole project in exchange for the county’s agreement to bear the cost thereof,

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 inquire into the facts associated with this request and negotiate with St. Dominic and its counsel with regard thereto. 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 so directed.

SO ORDERED this the 20th day of January, 2009.

In re: Discussion of Sowell Road Extension Project

WHEREAS, County Engineer Rudy Warnock appeared before the Board and drew the Board’s attention to the Sowell Road Extension Project, and

WHEREAS, Mr. Warnock advised the Board that he had been informed by the Mississippi Department of Transportation (MDOT) that certain requirements must be fulfilled in order to complete said project, namely that the construction of a left turn lane would be necessary, and

WHEREAS, Mr. Warnock reported that his plans for said project did not include such turn lane,

Following discussion, Mr. Tim Johnson did offer and Mr. D. I. Smith did second a motion to authorize and direct County Engineer Rudy Warnock and the firm of Warnock & Associates to design a left turn lane for inclusion in the Sowell Road Extension Project plans. 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. Warnock and his firm were and are so authorized.

SO ORDERED this the 20th day of January, 2009.

President’s Initials: _____

Date Signed: _____

In re: Reunion Interchange Project – Authorization of Board Attorney to Prepare Conveyance Documents

WHEREAS, County Engineer Rudy Warnock appeared before the Board and reported that it was now necessary to begin acquisition of right of way associated with the Reunion Interchange Project and requested the Board authorize and direct the Board Attorney to prepare the necessary instruments of conveyance therefor,

Following discussion, Mr. Tim Johnson did offer and Mr. John Bell Crosby did second a motion to authorize and direct the Board Attorney to prepare the necessary instruments of conveyance associated with the acquisition of right of way associated with the Reunion Interchange Project. 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 so authorized.

SO ORDERED this the 20th day of January, 2009.

In re: Gluckstadt Road Widening and Reconstruction Project

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented a certain letter agreement prepared by his firm reflecting that it would be necessary for the contractor on the Gluckstadt Road Widening and Reconstruction Project, Southern Rock, LLC to install a junction box at station 97+25 (left) at a cost of \$2,400.00, and

WHEREAS, a true and correct copy of said letter agreement is attached hereto as Exhibit N, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to approve the installation of said junction box, add said project to the overall plan of work for the Gluckstadt Road Widening and Reconstruction Project at a cost of \$2,400.00 and approve the aforesaid Letter 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 said construction was and is hereby approved, as is the aforesaid Letter Agreement.

SO ORDERED this the 20th day of January, 2009.

In re: Twin Harbor Drainage Improvements Project

WHEREAS, County Engineer Rudy Warnock appeared before the Board and reported on the progress of the Twin Harbor Drainage Improvements Project and stated that it was now necessary to authorize the Board Attorney to prepare necessary conveyance documents so as to begin to acquire right of way,

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Date Signed: _____

Following discussion, Mr. John Bell Crosby did offer and Mr. Tim Johnson did second a motion to authorize and direct the Board Attorney to prepare all necessary conveyance documents associated with said project. 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 so authorized.

SO ORDERED this the 20th day of January, 2009.

***In re: Parkway East Public Improvement District – Items Needing Completion
Prior to Dedication of Parkway East and Opening of Road***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented an email detailing certain items which he and the engineer for the Parkway East Public Improvement District deemed necessary for the completion of the Parkway East road and the dedication thereof to the county, and

WHEREAS, a true and correct copy of said email is attached hereto as Exhibit O, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Warnock stated that in his estimation, the District should be required to post a bond or letter of credit for each item referenced on said exhibit, including, particularly, certain shoulder work that Mr. Warnock deems necessary to remedy the concerns referenced in paragraph 4 of said email,

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to (1) require and direct the Parkway East Public Improvement District to post a bond or letter of credit with the County Engineer sufficient to cover the costs associated with each of the items listed in said email to the satisfaction of the County Engineer at one and one-half times the cost of the proposed work, the same to include, specifically, the completion of the shoulder work referenced in paragraph 4 of said email; (2) authorize and direct the Board Attorney to prepare a letter agreement outlining all of said terms and conditions; and (3) following the execution thereof, authorize the road to be opened and dedicated to the public. 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 District and the Board Attorney were and are hereby directed accordingly.

SO ORDERED this the 20th day of January, 2009.

***In re: Awarding of Term Bids for Asphalt and Asphalt Related Products
for the Period January 21, 2009 Through June 30, 2008***

WHEREAS, County Purchase Clerk Hardy Crunk did appear before the Board and

President's Initials: _____

Date Signed: _____

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presented that certain memorandum dated January 13, 2009, a true and correct copy of which is attached hereto as Exhibit P, spread hereupon and incorporated herein by reference, and

WHEREAS, said memorandum contained Mr. Crunk's recommendation with regard to bids recently received for the purchase of asphalt and asphalt related products, together with a tabulation of bids received in response to the county's advertisement for same as previously authorized by the Board, and

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to accept the recommendations of Mr. Crunk as outlined in Exhibit P and award the term bids for asphalt and asphalt related products as recommended by Mr. Crunk in Exhibit P, due to the fact that, based upon the calculations contained in Exhibit P, said recommended term bids are the lowest and best bids. 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 term bids were and are hereby awarded, and the first and second alternates were and are hereby also awarded, all in accordance with, and as reflected on, the aforesaid Exhibit P.

SO ORDERED this the 20th day of January, 2009.

In re: Amending the Budget for the Current Fiscal Year

WHEREAS, County Comptroller and Deputy Chancery Clerk Mark Houston appeared before the Board of Supervisors and presented certain proposed budget amendments for FY 2009 and requested that the Board of Supervisors amend the current fiscal year budget in accordance therewith, and

WHEREAS, a spreadsheet reflecting said amendments is attached hereto as Exhibit Q, spread hereupon and incorporated herein by reference, and

Following discussion of this matter, Mr. Tim Johnson did offer and Mr. John Bell Crosby did second a motion to amend the current fiscal year budget as reflected on the aforesaid Exhibit Q. 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 aforesaid budget amendments were and are approved.

SO ORDERED this the 20th day of January, 2009.

In re: Approval of Claims Docket for January 20, 2009

WHEREAS, the Board reviewed the claims docket for January 20, 2009; and

WHEREAS, the Chancery Clerk did assure the Board of Supervisors that all claims had

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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	1468 to 1572, 1574 to 1578	110	287,425.36
002	3 to 3	1	2,085.00
012	75 to 79	5	5,636.50
013	11 to 12	2	3,722.50
051	12 to 14	3	151,352.97
097	116 to 130	15	7,790.66
105	15 to 16	2	185,204.55
115	31 to 32	2	54.43
116	16 to 19	4	272.89
120	28 to 31	4	449.94
121	13 to 16	4	264.67
150	305 to 343	39	90,686.92
160	45 to 62	18	38,524.17
170	1 to 1	1	24,841.57
190	57 to 58	2	779.89
291	4 to 4	1	2,000.00
302	19 to 21	3	392,599.29
TOTAL ALL FUNDS		216	1,193,691.31

HELD CLAIM

Fund No.	Claim No.	Payee	Amount
001	1573	McGlinchey Stafford, PLLC	\$25,055.55

REJECTED CLAIM

Fund No.	Claim No.	Payee	Amount
001	1505(partial)	Bottrell Insurance Agency	\$70.00

Following discussion, Mr. Tim Johnson did offer and Mr. John Bell Crosby did second a motion to approve said claims docket as presented, less and except the above noted held and rejected items. 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 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 Claims Docket was and is hereby approved, and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 20th day of January, 2009

President's Initials: _____

Date Signed: _____

In re: Designation of Projects to be Included in Proposed Economic Stimulus Package

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

WHEREAS, Mr. Caughman presented a list of proposed projects to submit to federal officials for inclusion in said package, 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. D. I. Smith did second a motion to approve said list of projects and direct County Administrator Donnie Caughman to submit the same to all appropriate officials of government. 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 projects were and are hereby adopted and approved and the County Administrator directed accordingly.

SO ORDERED this the 20th day of January, 2009.

In re: Adoption of Proposed Job Description for County Patrolman

WHEREAS, County Administrator Donnie Caughman appeared before the Board and presented a proposed job description for the office of County Patrolman, 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. Paul Griffin did second a motion to adopt and approve said job description. 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 job description was and is hereby adopted and approved.

SO ORDERED this the 20th day of January, 2009.

In re: Authorization of Board President to Execute IRS Forms 8283 as Requested by Martin Meadowlands, LLC and Canton One Park, LLC Pursuant to those the Donation of real Property by Said Firms as Set Forth in 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

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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, on December 15, 2008 the Madison County Board of Supervisors authorized the Board President to establish just compensation for the property received by the county based on the appraised value thereof as submitted by said property owners, and

WHEREAS, in connection therewith, the Board is now requested to authorize its President to execute the appropriate IRS Forms 8283 on behalf of said entities, a true and correct copies of which is attached hereto as Collective Exhibit U, spread hereupon and incorporated herein by reference,

Following discussion, 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 execute the aforesaid forms. 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 20th day of January, 2009.

In re: Acquisition of Real Property in Connection with the Stribling Road Improvements Project – Authorization to Commence “Quick Take” Action Against Bouldin Family

WHEREAS, Mr. Woody Sample and Board Attorney Eric Hamer appeared before the Board and reported that settlement negotiations had stalled with regard to the acquisition of property from the Bouldin Family necessary to complete the Stribling Road Improvements Project, and

WHEREAS, Mr. Sample and Mr. Hamer recommended the Board authorize the Board Attorney to commence “quick take” proceedings in the Court of Eminent Domain against the property and its owners,

Following discussion, and in an effort to move the project forward, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to authorize and direct Board Attorney Eric Hamer to begin condemnation proceedings against said property by means of the “quick take” 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 Mr. Hamer was and is so authorized and directed.

SO ORDERED this the 20th day of January, 2009.

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Date Signed: _____

In re: Issuance of a Check for Postage for the Circuit Clerk's Office

WHEREAS, the Board of Supervisors received a request from Lee Westbrook Circuit Clerk for additional postage in connecting with providing notification to jurors and jury summonses; and

WHEREAS, Ms. Westbrook requested that \$1,000.00 be appropriated to her office to be used as described above and the Board desire to approve said request,

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to approve said request and authorize and direct 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 said request was and is hereby granted and the Chancery Clerk so directed.

SO ORDERED this the 20th day of January, 2009.

In re: Authorization to Erect Detour/ "Run-Around" Road and to Provide for the Funding Thereof Associated with the Virillia Road Reconstruction Project (SAP-45(56))

WHEREAS, State Aid and LSBP Engineer Keith O'Keefe and his associate, Mark Beyea, appeared before the Board and reported that the contractor on the Virillia Road Reconstruction Project (SAP-45(56)) has requested permission to close Virillia Road for a period of time necessary to undercut the road and make certain repairs which cannot be made under traffic, and

WHEREAS, the Board desires that traffic flow on said road not be disrupted to the extent which would exist if the road were closed, and

WHEREAS, Mr. O'Keefe and Mr. Beyea presented three (3) options for the Board's consideration as set forth on Exhibit V hereto, and

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to (1) select Option 2 as listed on Exhibit V, (2) direct the Board Attorney to secure a necessary easement from Mr. A. W. Hardy, (3) direct the contractor to build and maintain a detour/ "run-around" road to avoid closure, and (4) fund the additional work by de-programming the Old Canton Road and King Ranch Road Projects for the current year and applying the approximately \$150,000 in additional funds generated thereby toward such costs and provide the balance of the needed funding at a later date. 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 actions were and are hereby taken and approved.

SO ORDERED this the 20th day of January, 2009.

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Thereafter, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to authorize and direct (1) the Board Attorney to prepare all necessary conveyance documents pertaining to the aforesaid Virillia Road Reconstruction Project (SAP-45(56)), and (2) the county's right of way agent, Woody Sample, to assist as needed in securing the necessary rights of way. 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 and Mr. sample were and are so authorized.

SO ORDERED this the 20th day of January, 2009.

In re: Acknowledge Receipt of Funds for Housing Prisoners

WHEREAS, Sheriff Toby Trowbridge did appear before the Board and presented checks related to the feeding and housing of prisoners and the operation of the jail as follows:

<u>Entity</u>	<u>Amount</u>
City of Ridgeland	\$ 8,618.51
Visual Statements	\$ 120.00
Evercom	\$ 14,730.01
Hinds County	\$ 600.00
Hinds County	\$ 127.90
Valley Food Service	\$ 2,778.06
Dept. Finance and Admin.	\$ 900.00

WHEREAS, the Sheriff also requested that the Board delete from his inventory that certain 2005 Ford Crown Victoria sold by the Chancery Clerk at auction as per the direction of the Board, said vehicle bearing VIN # 2FAFP71W55X104600,

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to acknowledge receipt of said checks and acknowledge and authorize the deletion of that certain 2005 Ford Crown Victoria, VIN # 2FAFP71W55X104600, from the inventory of the Sheriff's Department. 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 unanimously and said checks were and are hereby acknowledged and said vehicle removed from inventory.

SO ORDERED this the 20th day of January, 2009.

²Mr. Johnson excused himself from the meeting prior to the call of the question.

President's Initials: _____

Date Signed: _____

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor Karl M. Banks and seconded by Supervisor John Bell Crosby and approved by the unanimous vote of those present, the January, 2008 term of the Madison County Board of Supervisors was adjourned.

Paul Griffin, President
Madison County Board of Supervisors

Date signed: _____

ATTEST:

Arthur Johnston, Chancery Clerk

President's Initials: _____

Date Signed: _____