

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

REGULAR MEETING OF MARCH 25, 2009  
Recessed from regular meeting conducted on March 16, 2009

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on March 25, 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  
Chancery Clerk Arthur Johnston  
Sheriff Toby Trowbridge

Absent:

None

Also in attendance:

County Administrator Donnie Caughman  
County Comptroller Mark Houston  
Assistant County Comptroller and Deputy Chancery Clerk Quandice Green  
County Zoning Administrator Brad Sellers  
County Purchase Clerk Hardy Crunk  
Board Secretary Cynthia Parker  
Board Attorney Eric Hamer  
County Engineer Rudy Warnock  
Emergency Management Director Butch Hammack  
Chief Deputy Tax Assessor Kent Hawkins

Special Guest:

Justice Court Judge Carol Davis

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

***In re: Approval of Consent Agenda Items***

WHEREAS, the Board President did announce that he and County Administrator Donnie Caughman had conferred in advance of the meeting and did recommend that Items (1) through (3) 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

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

***For Searching Reference Only: Page 1 of 9 (3/25/09)***

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

**1. Approve Payment of Invoice to Central Roofing.** Payment of the sum of \$71,988.55 unto Central Roofing pertaining to the completion of the re-roofing project of the Madison County Road Department Building was and is hereby approved. A true and correct copy of Central Roofing's invoice is attached hereto as Exhibit A.

**2. Approve Payment to State Tax Commission of the Total of \$573.75 for the Renewal of Vehicle Tags for the Madison County Sheriff's Department for units SO-1 to SO-45.**

**3. Adopt "Emergency Declaration - West Nile Virus," a true and correct copy of which is attached hereto as Exhibit B, 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 approved, adopted and authorized.

SO ORDERED this the 25<sup>th</sup> day of March, 2009.

***In re: Awarding of Bid to Warren Excavation, LLC for the West Sowell Road Extension Project***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and reported that he and the standing committee of the Board appointed for such purposes had received and tabulated bids for the West Sowell Road Extension Project, and

WHEREAS, in his estimation, the lowest and best bidder for said project was Warren Excavation, LLC who submitted a bid in the total amount of \$1,746,772.79, and

WHEREAS, Mr. Warnock recommended that the Board award the contract for said project to Warren Excavation, LLC in accordance with its bid, and

WHEREAS, Mr. Warnock's tabulation sheet, together with his written recommendation 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 (1) accept the bid of Warren Excavation, LLC as the lowest and best bid received for the West Sowell Road Excavation Project, (2) reject the bid of W. S. "Red" Hancock Company as irregular and non-conforming, and (3) award the contract for such work to Warren Excavation, LLC. The vote on the matter being as follows:

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

***For Searching Reference Only: Page 2 of 9 (3/25/09)***

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 the bid of Warren Excavation, LLC was and is hereby accepted, the bid of W. S. “Red” Hancock Company was and is rejected as irregular and non-conforming, and the contract was and is hereby awarded unto Warren Excavation, LLC.

SO ORDERED this the 25<sup>th</sup> day of March, 2009.

***In re: Acknowledgment of Receipt of Plans and Descriptions – Lake Caroline Boulevard Improvements***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented plans and descriptions associated with the Lake Caroline Boulevard Improvements Project as previously requested by the Board, and

WHEREAS, a true and correct copy of said plans and descriptions are on file in the Madison County Chancery Clerk’s office,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to acknowledge receipt of said plans and descriptions. 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 and descriptions were and are hereby acknowledged received.

SO ORDERED this the 25<sup>th</sup> day of March, 2009.

***In re: Adjustments to 2009 Madison County Road Plan***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and requested that the Board transfer \$66,000.00 from the 2009 Bond Fund Road Plan to Twelve Oaks Trace for the performance of base and sub-grade work during the 2009 construction season, and

WHEREAS, said sum comprises funds previously allocated to Childress Lane (\$31,000.00); Willis Road (\$7,000.00); Hawkins Road (\$14,000.00); and Livingston Church Road (\$14,000.00), and

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

**President’s Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

the matter carried unanimously and said funds were and are hereby transferred.

SO ORDERED this the 25<sup>th</sup> day of March, 2009.

***In re: Approval of Real Estate Purchase and Sale Agreement Between Madison County, Mississippi and St. Dominic Health Services, Inc., Pertaining to a Certain Tract of Land in Connection with the Reunion Interchange Project and the Re-alignment of Reunion Boulevard***

WHEREAS, Board Attorney Eric Hamer appeared before the Board and presented a Real Estate Purchase and Sale Agreement between Madison County, Mississippi and St. Dominic Health Services, Inc., pertaining to a certain tract of land in connection with the Reunion Interchange Project, and

WHEREAS, Mr. Hamer reported that said agreement was the product of his negotiations with St. Dominic Health Services, Inc. as authorized and directed by the Board on January 20, 2009, and

WHEREAS, a true and correct copy of said agreement, together with a deed related thereto, are attached hereto as Collective Exhibit D, 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 agreement, authorize the Board President to execute the same, and accept delivery of the aforesaid deed. 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 agreement is hereby approved and the deed accepted.

SO ORDERED this the 25<sup>th</sup> day of March, 2009.

***In re: Petition of Sides Properties, LLC for Special Exception (Conditional Use) to Conduct Surface Mining in R-1 Residential District***

WHEREAS, on October 6, 2008, the Board of Supervisors granted unto Side Properties, LLC a special exception to allow said firm to conduct surface mining on certain property zoned R-1 Residential District situated in Section 10, T7N, R1E and more particularly described as a four (4) acre tract in Madison County, Mississippi, and

WHEREAS, the Board placed certain conditions and restrictions on the granting of said special exception, including a requirement 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, and

WHEREAS, on February 24, 2009, said firm tendered unto the Chancery Clerk an Official Check bearing number 009192 drawn on the Holmes County Bank & Trust Company in the amount of \$84,000.00 made payable to World Ag Investments, Inc. and bearing the endorsement of said firm, and

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

WHEREAS, said check was tendered by Tom Swarek and Trey Heigle representing Sides Properties LLC in lieu of the posting of a bond as required by the Board and bears the endorsement of World Ag Investments, Inc.,

Following discussion, and at the recommendation of the Board Attorney, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to authorize and direct the Chancery Clerk to deposit the same in the County operating account at M & F Bank in Canton and held in the county general fund as bond proceeds ready and available to be drawn down in the event of default by said firm and there to remain until further order of the 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 the Chancery Clerk was and is so authorized and directed.

SO ORDERED this the 25<sup>th</sup> day of March, 2009.

***In re: Authorization for County Engineer and his Firm to Survey a Ditch on Property Owned by the Madison County Economic Development Authority Lying within the Boundaries of the Parkway East Public Improvement District***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and requested authority for he and his firm to perform a survey and prepare plans and descriptions relative to a ditch located on property owned by the Madison County Economic Development Authority lying within the boundaries of the Parkway East Public Improvement District,

Following discussion, Mr. D. I. Smith did offer and Mr. Karl M. Banks did second a motion to authorize the County Engineer and his firm to survey and prepare plans and descriptions for said ditch. 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 25<sup>th</sup> day of March, 2009.

***In re: Authorization for County Engineer to Attend Mississippi Planning and Development District Conference April 28, 2009 Through May 1, 2009 on the Mississippi Gulf Coast***

Mr. Tim Johnson did offer and Mr. John Bell Crosby did second a motion to authorize County Engineer Rudy Warnock to attend the Mississippi Planning and Development District Conference April 28, 2009 through May 1, 2009 on the Mississippi Gulf Coast and to authorize and approve the payment of all registration, overnight accomodation, mileage and meal expenses associated therewith. The vote on the matter being as follows:

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

***For Searching Reference Only: Page 5 of 9 (3/25/09)***

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 the County Engineer was and is so authorized.

SO ORDERED this the 25<sup>th</sup> day of March, 2009.

***In re: Authorization of County Engineer to Assist with the Preparation of a Landscape Plan for the Ridgeland Office and Secure the Approval Thereof by the Mississippi Department of Transportation***

WHEREAS, Chief Deputy Tax Assessor Kent Hawkins appeared before the Board at the request of Tax Assessor Gerald Barber and requested the assistance of the County Engineer with regard to the development of a landscaping plan for the Ridgeland office, and

WHEREAS, Mr. Hawkins reported that the approval of the Mississippi Department of Transportation would be needed due to the fact that the office is located on U. S. Highway 51, and

WHEREAS, as a result of the necessity of such approval, Mr. Hawkins also sought the assistance of the County Engineer in securing such approval,

Following discussion, Mr. Tim Johnson did offer and Mr. D. I. Smith did second a motion to authorize and direct the County Engineer and his firm to assist in the preparation of a landscaping plan for the Ridgeland office and in securing the approval thereof by the Mississippi Department of Transportation. 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 County Engineer and his firm were and are hereby so authorized.

SO ORDERED this the 25<sup>th</sup> day of March, 2009.

***In re: Request to Subcontract with A J Construction for Certain Special Services in Connection with the Virililia Road at Old Yazoo City Road Project SAP-45(56)***

WHEREAS, County Engineer Rudy Warnock presented the Board with certain FAS-S.A.-SC-1 forms as required by the Mississippi Department of Transportation and suggested that the Board approve and authorize the President to execute the same, and

WHEREAS, Mr. Warnock reported that said forms would allow A J Construction to subcontract with APAC of Mississippi, Inc., the prime contractor on the Virililia Road at Old Yazoo City Road Project SAP-45(56),

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to authorize and approve said forms, authorize the retaining of said subcontractor, and direct the Board President to execute the same. The vote on the matter being as follows:

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

the matter carried unanimously and said forms were and are hereby approved and the Board President was and is so authorized.

SO ORDERED this the 25<sup>th</sup> day of March, 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. John Bell Crosby did second a motion to make a closed determination upon the issue of whether or not to declare an Executive Session for the purpose of discussing pending litigation, 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, County Engineer Rudy Warnock, Financial Advisor Steve Pittman, and Sheriff Toby Trowbridge. The vote on the matter being as follows:

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

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

SO ORDERED this the 25<sup>th</sup> day of March, 2009.

***In re: Entering into Executive Session***

WHEREAS, a discussion of the nature of the matters requiring Executive Session was had and the Board Attorney informed the Board that there were certain matters concerning pending litigation that required discussion in executive session and 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 litigation issues. The vote on the matter being as follows:

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

***For Searching Reference Only: Page 7 of 9 (3/25/09)***

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye <sup>1</sup>
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 Vice President Crosby 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 25<sup>th</sup> day of March, 2009.

During executive session and following discussion, Mr. D. I. Smith did offer and Mr. John Bell Crosby did second a motion to (1) direct the Board Attorney to correspond with counsel for the Parkway East Public Improvement District regarding issues surrounding the District's special assessment occasioned by the bankruptcy of one of the owners of property in the District, and (2) direct the Board Attorney to attend all meetings of the District Board of Directors during the pendency of said bankruptcy. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of the Board and the Board Attorney was and is hereby so directed.

SO ORDERED this the 25<sup>th</sup> day of March, 2009.

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

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

the matter carried by the unanimous vote of those present and the President declared Executive Session declared adjourned, and the Chancery Clerk did announce to the public the nature of the action taken therein.

SO ORDERED this the 25<sup>th</sup> day of March, 2009.

***In re: Abandonment of Richton Road and Old Highway 49***

WHEREAS, Supervisor Karl M. Banks appeared before the Board and presented the written request of Mr. Harvey Bozeman seeking the abandonment of a portion of Old U. S.

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<sup>1</sup>Following the call of the question and during the discussion of the matter addressed in Executive Session, Mr. Johnson excused himself from the meeting.

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_



Highway 49 between Cox Ferry Road and U. S. Highway 49 and reporting that this stretch of road is essentially abandoned already and, as a result, is the location of much unseemly and illegal activity in the area, and

WHEREAS, Board Attorney Eric Hamer also requested that the Board set a date and issue notice by publication of the abandonment of a portion of Richton Road, as the Board has previously authorized,

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to set and establish April 20, 2009 at 9:00 am as the date and time for a public hearing on the abandonment of these two roads and authorize and direct the Chancery Clerk to issue notice by publication in accordance with statute. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and said date and time was and is hereby set and established, and the Chancery Clerk was and is so authorized and directed.

SO ORDERED this the 25<sup>th</sup> day of March, 2009.

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor John Bell Crosby and seconded by Karl M. Banks and approved by the unanimous vote of those present, the March, 2009 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:** \_\_\_\_\_

*For Searching Reference Only: Page 9 of 9 (3/25/09)*