

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

REGULAR MEETING OF APRIL 20, 2009
Recessed from regular meeting conducted on April 6, 2009

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

Absent:

Also in attendance:

County Administrator Donnie Caughman
County Comptroller Mark Houston
County Zoning Administrator Brad Sellers
Board Secretary Cynthia Parker
Assistant County Comptroller and Deputy Chancery Clerk Quandice Green
Board Attorney Eric Hamer
County Purchase Clerk Hardy Crunk
County Engineer Rudy Warnock
State Aid Engineer John Granberry
County Road Manager Lawrence Morris
Building and Grounds Director Barry Parker
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. Chancery Clerk Arthur Johnston opened the meeting with a prayer and Building and Grounds Director Barry Parker led the members and the audience in the Pledge of Allegiance to the Flag of the United States of America.

***In re: Approval of Increase of Assessments of 2009 Real Property
Pursuant to Miss. Code Ann. § 27-35-147 et seq.***

WHEREAS, on April 6, 2009, the Board determined that April 20, 2009 would be an appropriate date for a public hearing on the matter of increasing real property assessment on one (1) parcel as set forth on that certain Notice to Increase Assessment, true and correct copy of which is attached hereto as Exhibit A, spread hereupon and incorporated herein by reference and did set said date for said hearing to begin at the hour of 9:00 am, and

WHEREAS, the Chancery Clerk did prepare and serve the appropriate notice thereof by registered mail to the affected property owners, and the Board does find that said notice was sufficient, and

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WHEREAS, the petition listing the property owner, the parcel number, and amount of the proposed assessment increase is attached hereto as Exhibit A, spread hereupon, and incorporated herein by reference, and

WHEREAS, the hour of 9:00 am did arise and the Board President did declare the public hearing on said proposed increase to be open, and

WHEREAS, no one did appear to contest or protest said assessment increase,

Following discussion, Mr. Tim Johnson did offer and Mr. D. I. Smith did second a motion to close the public hearing and approve the assessment increase for that individual and parcel number as set forth in the aforesaid petition. 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 assessment of the parcel reflected thereon was and is hereby approved and adopted.

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

In re: Homestead Exemption Tax Loss Disallowances

WHEREAS, Chancery Clerk Arthur Johnston appeared before the Board and presented certain Notices of Adjustment in Homestead Exemption Tax Loss Allowances which had been received from the Mississippi State Tax Commission and did report that, in accordance with Miss. Code Ann. § 27-33-37(j), a hearing was in order on said Disallowances so as to entertain any objections, protests or complaints as to the propriety and validity of the same, and

WHEREAS, Mr. Johnston did inform the Board that, pursuant to Miss. Code Ann. § 27-33-41, as amended, he had properly and promptly notified all property owners *via* certified mail of the decision of the State Tax Commission disallowing said exemptions and did direct the Board's attention to a spreadsheet listing property owners, parcel numbers and reasons given by the Tax Commission for each disallowance, and

WHEREAS, a copy of such spreadsheet, together with a copy of each such disallowance notice, 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 Homestead Exemption Tax Loss Allowances as presented subject to the listed objections, (2) direct that said properties to which no objection is lodged be re-assessed in the statutory amount, (3) direct the Chancery Clerk to forward the spreadsheet and notices to Mississippi State Tax Commission subject to the listed objections which are hereby affirmed and accepted, and (4) direct the Clerk to request of the Tax Commission that each such Disallowance to which an objection was received not be effectuated. 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 Disallowances were and are hereby accepted, save those

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to which an objection was timely filed as noted on said spreadsheet, the properties in question duly re-assessed, and the Chancery Clerk was and is hereby directed to forward said notices together with the noted objections to the State Tax Commission as required by law.

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

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 (5) 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

WHEREAS, the Supervisor D. I. Smith requested that Consent Item No. 5 be removed from the Consent Agenda and addressed separately,

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 Continuing Disclosure Statement - Butler, Snow, O'Mara, Stevens & Cannada, PLLC**
(A true and correct copy of the 2009 Continuing Disclosure Submission submitted by Butler, Snow, O'Mara, Stevens & Cannada, PLLC may be found in the Miscellaneous Appendix to these Minutes.)
2. **Authorize Board President to Establish Just Compensation Based on Appraised Value - Highway 51/Sowell Road Project**
(A true and correct copy of that certain memorandum establishing just compensation on Parcel 1 through 6 for the Highway 51/Sowell Road Project is attached hereto as Exhibit B, spread hereupon and incorporated herein by reference.)
3. **Authorize Advertising for Term Bids**
(A true and correct copy of that certain explanatory memorandum dated April 7, 2009, from Purchase Clerk Hardy Crunk requesting permission to advertise for term bids for the period July 1, 2009 through June 30, 2010 is attached hereto as Exhibit C, spread hereupon and incorporated herein by reference.)
4. **Acknowledge Funds Returned to County by the Chancery Clerk**
(A true and correct copy of that certain memorandum dated April 13, 2009, from Chancery Clerk Arthur Johnston reflecting fees collected in excess of salaries and expenses is attached hereto as Exhibit D, 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

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the matter carried unanimously and each item was and is approved, adopted and authorized.

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

In re: Approval of 16th Section Leases

WHEREAS, the Madison County School Board has approved the following 16th Section leases and forwarded them to the Board for review and approval, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes:

(1) Long Term Residential Lease Contract:

Lessees: Thomas G. Hixon
Description: Lot 1, Sherbourne Subdivision Part I
Lease Term: 40 years

<u>Year</u>	<u>Annual Rent</u>
1 - 5	\$ 1,000.00
6 - 10	\$ 1,100.00
11 - 15	\$ 1,200.00
16 - 20	\$ 1,300.00
21 - 25	\$ 1,400.00
26 - 30	\$ 1,500.00
31 - 35	\$ 1,600.00
36 - 40	\$ 1,700.00

(2) Long Term Residential Lease Contract:

Lessee: Thomas G. Hixon
Description: Lot 2, Sherbourne Subdivision Part I
Lease Term: 40 years

<u>Year</u>	<u>Annual Rent</u>
1 - 5	\$ 1,000.00
6 - 10	\$ 1,100.00
11 - 15	\$ 1,200.00
16 - 20	\$ 1,300.00
21 - 25	\$ 1,400.00
26 - 30	\$ 1,500.00
31 - 35	\$ 1,600.00
36 - 40	\$ 1,700.00

(3) Long Term Residential Lease Contract:

Lessee: Michael Shane Hixon
Description: Lot 3, Sherbourne Subdivision Part I
Lease Term: 40 years

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<u>Year</u>	<u>Annual Rent</u>
1 - 5	\$ 1,000.00
6 - 10	\$ 1,100.00
11 - 15	\$ 1,200.00
16 - 20	\$ 1,300.00
21 - 25	\$ 1,400.00
26 - 30	\$ 1,500.00
31 - 35	\$ 1,600.00
36 - 40	\$ 1,700.00

Following discussion, Mr. Tim Johnson did offer and John Bell Crosby did second a motion to approve the 16th Section Leases and Amendments as set forth above and as submitted by the Madison County School 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 said leases were and are hereby approved.

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

In re: Acceptance of Proposal for South Madison Fire Station No. 2

WHEREAS, Mr. Joseph Orr, Architecture PA appeared before the Board and presented a proposal for professional services for architectural and engineering design for a new county fire station for South Madison Fire Station No. 2, and

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

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to accept said proposal. 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 proposal was and is hereby accepted.

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

In re: Authorizing County Fire Coordinator to Secure Survey for Stribling Road Property

WHEREAS, County Fire Coordinator Mack Pigg appeared before the Board and requested permission to secure a survey for the Stribling Road Property for the proposed South Madison Volunteer Fire Station No. 2,

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to authorize Mr. Pigg to secure a legal description and survey for the proposed South

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Madison Volunteer Fire Station No. 2. 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. Pigg was and is hereby so authorized.

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

In re: Approval of Final Plat of Lot 20, Garden Homes of Lake Caroline

WHEREAS, County Zoning Administrator Brad Sellers appeared before the Board and presented the final plat of Lot 20, Garden Homes of Lake Caroline, and requested the Board to approve same, indicating and representing that the same met with all appropriate and applicable county requirements, and

WHEREAS, on March 16, 2009, the Board authorized the sub-dividing of said lot,

Following discussion of this matter, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to **(1)** approve said final plat, (a) subject to the requirement that approval of the Madison County Board of Supervisors would be required on any changes to said plat and/or the accompanying covenants until such time as a majority of votes necessary to change the covenants are controlled by residents of the subdivision, (b) subject to zoning ordinances that the Board finds will be applicable upon adoption thereof in the future; and **(2)** direct the Clerk to make notation on original plat as to change. 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 plat of Lot 20, Garden Homes of Lake Caroline was and is hereby approved with the aforesaid provisos and the Chancery Clerk was and is hereby instructed.

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

In re: Approval Printing of Animal Control Citations

WHEREAS, County Administrator Donnie Caughman appeared before the Board and presented a copy of the City of Canton’s animal control citation and requested the Board authorize the printing and purchasing of same,

Following discussion, Mr. D. I. Smith did offer and Mr. John Bell Crosby did second a motion to authorize the printing of said citations to concur with the county and authorize the purchase of same. The vote on the matter being as follows:

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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 authorized and approved.

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

In re: Authorization of Transfer of Surplus Sheriff's Department Vehicles to City of Canton Police Department, Fire Department and Parks and Recreation Department

WHEREAS, County Administrator Donnie Caughman appeared before the Board and presented correspondence from Canton Chief of Police Robert Winn requesting permission to purchase six (6) surplus vehicles from the Sheriff's Department, correspondence from Canton Fire Chief Andrew Hughes requesting permission to purchase one (1) surplus vehicle from the Sheriff's Department, and correspondence from Canton Parks & Recreation Director Alvin Davis requesting permission to purchase one (1) surplus vehicle from the Sheriff's Department

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to (1) authorize and direct the transfer of six (6) surplus Sheriff's Department vehicle from the Madison County Sheriff's Department to the City of Canton Police Department, (2) authorize and direct the transfer of one (1) surplus Sheriff's Department vehicle from the Madison County Sheriff's Department to the City of Canton Fire Department, and (3) authorize and direct the transfer of one (1) surplus Sheriff's Department vehicle from the Madison County Sheriff's Department to the City of Canton Parks and Recreation Department upon the payment by the City of the sum of \$2,000 per vehicle, with said payment being deferred until October 1, 2009. The vote on the matter being as follows:

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

the matter carried unanimously and said transfers were and are hereby authorized and approved subject to the aforesaid provisos.

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

In re: Approval of Three (3) Contract Change Orders - Madison County Historic Courthouse Roof Repair and Roof Drain

WHEREAS, County Administrator Donnie Caughman appeared before the Board and presented proposed Change Order nos. 2, 3, and 4 for roof repair and other aspects of the historic Madison County Historic Courthouse, and

WHEREAS, correspondence detailing these changes along with the cost of each change order is attached hereto as Collective Exhibit F, 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

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approve the request for additional shore up work as outlined in said Collective Exhibit F. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Not Present and Not Voting ¹
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 change order was and is hereby approved.

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

In re: Adoption of Resolution Honoring the Life of Thomas Johnson

RESOLUTION

WHEREAS, Thomas Johnson, a longtime resident of Canton, Madison County, Mississippi departed this life unexpectedly on April 3, 2009, and

WHEREAS, Mr. Johnson's career as a public school educator, coach, and administrator was marked with a distinguished record of service to his fellow man, and

WHEREAS, in particular, Mr. Johnson's service on the Board of Directors of the Madison County Economic Development Authority (MCEDA) dates back to the founding of that organization in October of 1979, and

WHEREAS, Mr. Johnson's service and leadership on the MCEDA Board is unmatched, his having served the longest tenure of any other member thereof, and

WHEREAS, Mr. Johnson was elected to multiple terms as President of the MCEDA Board, and under his leadership, the county attracted significant industries, including Levi-Strauss and Nissan North America, Inc., and

WHEREAS, his deep commitment to his family, his church – St. Paul A. M. E. Zion Church – and his community, and his longstanding and steady leadership typify all that is good about Canton and Madison County,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI THAT:

1. The Board of Supervisors of Madison County does hereby, on behalf of the citizens of Madison County, express its deepest sorrows at the death of Thomas Johnson and extend its deep sympathies to the Johnson family, and
2. In order to honor the memory of Thomas Johnson and his outstanding record of service to the citizens of Canton and Madison County, this Resolution be spread upon the Minutes of this Board, thereby preserved as a permanent and lasting tribute to his life and his accomplishments, and
3. The Clerk of this Board post a true, correct, and certified copy hereof at the entrance to each courthouse in Madison County, there to remain for a period of thirty (30) days and

¹Prior to the call of the question, Mr. Johnson briefly excused himself from the meeting and returned immediately thereafter.

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deliver the same unto Mrs. Ruby Johnson, his widow, and his daughters, Daphne Sims and Debra Williams.

Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to adopt the above and foregoing Resolution and the Board President put the vote to call. 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 motion carried unanimously and said Resolution was and is hereby adopted.

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

***In re: Adoption and Presentation of Proclamation
Honoring Supervisor Karl M. Banks***

PROCLAMATION
Tabula Gratulatoria

____ WHEREAS, Mr. Karl M. Banks has served as District IV Supervisor in Madison County for more than twenty-five (25) consecutive years, having first taken office on February 6, 1984, and

WHEREAS, at the conclusion of his present term of office, Mr. Banks will have served longer than any other Madison County Supervisor, and

WHEREAS, during Mr. Banks' tenure in office Madison County has witnessed unprecedented growth and prosperity, much of which was brought about through his leadership and vision, and

WHEREAS, Mr. Banks has an equally outstanding record as a small businessman, owning and operating Peoples Undertaking Company in Canton and Pickens, Mississippi for many years and maintaining an insurance and real estate broker practice as well, and

WHEREAS, Mr. Banks is married to the former Danlette Faye Elder and is the proud father of five (5) children, Jeston, Karlotta, Karl, Jr., Claude, and Ursula, and

WHEREAS, Mr. Banks is a member of Holy Child Jesus Catholic Church, the National, Mississippi, and Jackson Area Associations of REALTORS®, the NAACP, and was a founding member of the Mississippi Association of Supervisors' Black Caucus, and

WHEREAS, Mr. Banks holds a Bachelor of Science degree in Economics from Tougaloo College and a Masters of Business Administration degree from Jackson State University, and

WHEREAS, Mr. Banks' life and record of public service give meaning and alliteration to the Latin phrase, *semper ad meliora* (meaning, "always toward better things"),

NOW THEREFORE, IN HONOR AND RECOGNITION OF HIS TWENTY-FIVE (25) YEARS OF SERVICE TO MADISON COUNTY, IT IS HEREBY RESOLVED AND PROCLAIMED BY THE MADISON COUNTY BOARD OF SUPERVISORS THAT:

1. Monday, April 20, 2009 be and it is hereby declared "KARL M. BANKS DAY" in Madison County, Mississippi;

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2. This Proclamation be spread upon the Minutes of this Board and thereby forever preserved as a permanent and lasting tribute to Mr. Karl M. Banks, and
3. The Clerk of this Board post a true, correct, and certified copy hereof at the entrances to the Chancery and Administrative Building and the Madison County Circuit Courthouse, there to remain for a period of thirty (30) days from the date hereof, and
4. The Clerk of this Board deliver true, correct, and certified copies hereof to Mr. Karl M. Banks and the members of his family.

Thereafter, Mr. Tim Johnson did offer and Mr. Paul Griffin did second a motion to adopt the foregoing proclamation, the Board President directed the Clerk fo conduct a roll call vote which produced the following result:

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

Thereupon, the Board President declared the matter to have carried unanimously and the above and foregoing Proclamation was and is hereby adopted.

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

In re: Discussion of Old Rice Road Reconstruction Project

WHEREAS, County Engineer Rudy Warnock appeared before the Board and requested permission to advertise for clearing and grubbing for the Old Rice Road Reconstruction Project,

Following discussion, Mr. John Bell Crosby did offer and Mr. Tim Johnson did second a motion to authorize the County Engineer to advertise for clearing and grubbing for the Old Rice Road Reconstruction 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 Mr. Warnock was and is hereby authorized.

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

In re: Authorization for the Construction of the West Sowell Road Extension Project and Authorization of Board President Execute Contract Documents

WHEREAS, County Engineer Rudy Warnock appeared before the Board and requested the Board authorize the Board President to execute a certain contract between Madison County and Warren Excavation, LLC for the construction of West Sowell Road Extension Project, and

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

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

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authorize the Board President to execute the said agreement and direct the County Engineer to issue a notice to proceed unto said contractor. 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 Mr. Warnock was and is hereby directed.

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

In re: Authorization of Burns Cooley & Dennis to Perform Geotechnical Services Associated with West Sowell Road Extension Project

Following discussion and at the recommendation of County Engineer Rudy Warnock, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to authorize, direct and retain the firm of Burns, Cooley & Dennis to carry out geotechnical engineering services in connection with the construction of the West Sowell Road Extension 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 firm of Burns, Cooley & Dennis was and is hereby so retained and authorized.

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

In re: Discussion of Gluckstadt Road Reconstruction Box Culvert Canalization

Following discussion and at the recommendation of County Engineer Rudy Warnock, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to authorize the procurement of a 200 foot perpetual drainage easement for the installation of a box culvert for the Gluckstadt Road Reconstruction 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 procurement of a 200 foot perpetual drainage easement was and is hereby approved.

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

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**In re: Discussion of Temporary Fencing
West Sowell Road Extension Project**

WHEREAS, County Engineer Rudy Warnock appeared before the Board and reported that the removal of a fence within county right of way was required to proceed with the West Sowell Road Extension Project, and

WHEREAS, Mr. Warnock reported that a temporary fence needed to be erected to maintain cattle on said property,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to (1) authorize Warren Excavation to remove the existing fence and to erect a temporary fence for containing cattle, (2) authorize the County Administrator and County Engineer to notify cattle owners they have seven (7) days to remove cattle for the construction of temporary fence, (3) direct Board Attorney to seek reimbursement from landowner *via* petition of court should county have to remove cattle, and (4) authorize the construction of said temporary to be constructed with four (4) strands of wire. 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 aforementioned provisos were and are hereby authorized and approved.

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

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

WHEREAS, the Board reviewed the claims docket for April 20, 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, 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	2272 to 2367	96	233,803.62
002	10 to 11	2	1,708.00
012	127 to 139	13	5,188.52
013	21 to 21	1	97,160.75
051	26 to 26	1	23,444.70
096	3 to 3	1	5,000.00
097	218 to 234	17	11,420.23
105	26 to 27	2	183,072.77
115	54 to 56	3	139.05
116	33 to 35	3	345.59
120	55 to 59	5	442.25
121	26 to 28	3	125.50
150	304, 537 to 564	29	49,879.19
160	44, 176 to 196	22	95,746.59
190	103 to 106	4	693.38
226	12 to 12	1	3,000.00
302	43 to 45	3	190,168.43
305	14 to 14	1	1,800.00
	TOTAL ALL FUNDS	207	903,138.57

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Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to approve said claims docket as presented. Said motion directed that invoice numbers should be attached to each claim on the claims docket and further directed the Chancery Clerk to publish 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 H, 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 April, 2009.

In re: Acknowledgment of Invoices Submitted by the Parkway East Public Improvement District and Authorization to Pay Invoices and Authorize Tax Collector to Disburse Funds

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented invoice numbers 301 through 303 and 305 through 310 submitted by the Parkway East Public Improvement District and represented that he had verified quantities associated with each and that the same were in order and could be acknowledged by the Board, and

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to acknowledge receipt of Parkway East PID invoice numbers 301 through 303 and 305 through 310, true and correct copies of which may be found in the Miscellaneous Appendix to these Minutes. 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 20th day of April, 2009.

Thereafter, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to authorize and direct Tax Collector Kay Pace to disburse of funds to the Parkway East Public Improvement District in the amount of \$14,609.13 immediately and in advance of her usual and customary settlement of tax collections to the Chancery Clerk. 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 Tax Collector was and is hereby so authorized and directed.

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

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In re: Approve Renewal of Stevens Seale Lobbying Contract

WHEREAS, County Administrator Donnie Caughman appeared before the Board and reported that the contract with Mr. Stevens Seale, Esq. of Wise Carter Child & Caraway was due to expire shortly, and

WHEREAS, Mr. Caughman recommended the Board renew the county's contract with Mr. Seale and his firm for providing lobbying services and counsel to Madison County in obtaining funding for various projects,

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to approve the renewal of Mr. Seale's contract for another year with Madison County Economic Development Authority sharing in the cost as previously agreed upon. The vote on the matter being as follows:

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

the matter carried by a majority vote (4-1) of the Board and said contract was and is hereby renewed and approved.

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

In re: Discussion of Paving Portion of Entrance to City of Madison Water Tank

WHEREAS, County Administrator Donnie Caughman brought up for discussion a request from the City of Madison to pave a portion of the entrance to the city's water tank,

Following discussion, Mr. John Bell Crosby did offer and Mr. Tim Johnson did second a motion to authorize the Road Department to prepare roadbed using county material and county forces at the entrance to the City of Madison's water tank. 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	No
Supervisor Paul Griffin	Aye

the matter carried by a majority vote (4-1) of the Board and the Road Department was and is hereby so authorized.

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

In re: Request from City of Canton for Assistance with Street Repair

WHEREAS, County Administrator Donnie Caughman appeared before the Board and presented a request from the City of Canton requesting permission to use borrow material on stockpile at the Road Department to make necessary repairs to streets within the city,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize the City of Canton to use up to 400 cubic yards of county-owned borrow material understanding the City will be responsible for hauling and placing of said material. The vote on the matter being as follows:

President's Initials: _____
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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 authorized and approved.

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

In re: Approve Reduction in Assessment for Failure to File Builder’s Affidavit -E & L Properties, LLC

WHEREAS, Chief Tax Assessor Kent Hawkins appeared before the Board and presented the Board with documentation reflecting that a certain builder, E & L Properties, LLC, had failed to file a Builder’s Affidavit as required by Miss. Code Ann. § 27-31-29, pertaining to tax parcel no. 072A-11D-041/00.00 in the Town of Lost Rabbit, despite the fact that the builder involved now claims 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 taxpayer requested that the Board grant a reduction in assessment for such parcel 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, a true and correct copy of that certain memorandum dated April 6, 2009, from Chief Deputy Appraiser Norman Cannady reflecting the request for adjustment and the amount, thereof which the Tax Assessor’s office has received for tax year 2008, is attached hereto as Exhibit I, spread hereupon and incorporated herein by reference, and

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to reduce the assessment of the parcel set forth on Exhibit I, so as to remove the improvement value for 2008. 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 vote (4-1) of the Board and said reduction of assessment was and is hereby approved and the Tax Collector was and is directed to prepare and send revised tax bill accordingly.

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

In re: Approval of Final Plat of Hazleton Cove

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented the final plat of Hazleton Cove, and

WHEREAS, Mr. Warnock presented a punch list from Subdivision Inspector Scott Weeks of items that needed to be addressed as well as the widening of the cul-de-sac to 70 feet in diameter, a true and correct copy of said punch list is attached hereto as Exhibit J, spread hereupon and incorporated herein by reference,

Following discussion of this matter, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to **(1)** approve said final plat, (a) subject to the requirement that approval of the

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Madison County Board of Supervisors would be required on any changes to said plat and/or the accompanying covenants until such time as a majority of votes necessary to change the covenants are controlled by residents of the subdivision, (b) subject to zoning ordinances that the Board finds will be applicable upon adoption thereof in the future, (c) subject to widening of the cul-de-sac to 70 feet in diameter, (d) subject to letter of credit depicting the aforementioned punch list and widening of cul-de-sac to 70 feet; **(2)** accept the above listed road as a public road, and **(3)** direct the Clerk to accept and retain the aforesaid Letter of Credit. 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 plat of Hazleton Cove was and is hereby approved with the aforesaid provisos and the Chancery Clerk was and is hereby instructed.

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

In re: Discussion of Allocation of Savings Realized on Road Projects Within a Particular District and Rescinding this Board's Action of April 6, 2009 Pertaining Thereto

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to rescind its prior action of April 6, 2009, requiring that any savings realized on a specific road project within a particular district shall be expended on other road projects within that same district, and hold the same for naught. 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 action was and is hereby rescinded.

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

Thereafter, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to authorize and direct the Road Manager to utilize any savings realized on a specific road project within a particular district in his discretion. 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 the Road Manager was and is hereby authorized.

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

In re: Approve Renaming of Reunion Parkway

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Mr. Tim Johnson did offer and Mr. John Bell Crosby did second a motion to approve changing the name of Reunion Parkway to “Reunion-Annandale Parkway.” 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 parkway was and is hereby renamed to Reunion-Annandale Parkway.

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

In re: Acknowledge Funds Returned to County

WHEREAS, County Administrator Donnie Caughman appeared before the Board and presented that certain memorandum dated April 15, 2009 from Circuit Clerk Lee Westbrook indicating that in accordance with Miss. Code Ann. § 9-1-43 she was returning the sum of \$32,201.00 in fees in excess of salaries and office expenses for 2008,

Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to acknowledge receipt of said funds. 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 funds were and are hereby acknowledged.

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

In re: Approve Refund to Ms. Cassandra Garrette

WHEREAS, County Administrator Donnie Caughman appeared before the Board and presented that certain memorandum dated April 15, 2009 from Gloria Nichols requesting the refund of \$25 to Ms. Cassandra Garrette for the use of Rogers Park, a true and correct copy of which is attached hereto as Exhibit K, spread hereupon and incorporated herein by reference and

WHEREAS, due to weather, Ms. Garrette was unable to use said park and was requesting a refund,

Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to approve a refund in the amount of \$25 unto Ms. Cassandra Garrette . 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 refund was and is hereby approved and the Chancery Clerk authorized to issue pay warrant accordingly.

President's Initials: _____

Date Signed: _____

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

***In re: Acknowledge Receipt of Funds;
and Approve Use of Lexis/Nexis in Law Library***

WHEREAS, Sheriff Toby Trowbridge appeared before the Board and presented checks received from various agencies for housing of prisoners and other services as follows:

<u>Entity</u>	<u>Amount</u>
MDOC	\$ 18,280.00
City of Flora	\$ 222.00
Hinds County	\$ 500.00 (issuance of tax warrants)
City of Madison	\$ 3,143.62
City of Canton	\$ 4,044.00
City of Flowood	\$ 2,075.00
U. S. Marshall	\$293,406.38 (direct deposit)

Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to acknowledge receipt of said checks. 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 checks were and are hereby acknowledged.

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

Thereafter, Sheriff Trowbridge requested permission to acquire Lexis/Nexis computer system in the jail law library for use by the inmates,

Mr. D. I. Smith did offer and Mr. Karl M. Banks did second a motion to approve Lexis/Nexis in the jail law library. 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 approved.

SO ORDERED this the 20th day of April, 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 April, 2009 term of the Madison County Board of Supervisors was adjourned.

Paul Griffin, President
Madison County Board of Supervisors

Date signed: _____

President's Initials: _____

Date Signed: _____

ATTEST:

Arthur Johnston, Chancery Clerk

President's Initials: _____
Date Signed: _____