

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

REGULAR MEETING OF MAY 4, 2009
Being the first day of the May Term of the Board of Supervisors

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on May 4, 2009, in the Board Room on the first floor of the new addition to the Chancery/Administrative Building, 125 W. North Street, 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 D. I. Smith
Supervisor Karl M. Banks
Supervisor Paul Griffin
Sheriff Toby Trowbridge
Chancery Clerk Arthur Johnston

Absent:

Supervisor Tim Johnson

Also in attendance:

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

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

In re: Approval of Minutes From April, 2009 Term

WHEREAS, Chancery Clerk Arthur Johnston did present the Board with the Minutes of the previous meetings of the Board of Supervisors during the April 2009 term, said meetings having been conducted on April 6, and 20, 2009,

Following discussion, Mr. John Bell Crosby did offer and Mr. D. I. Smith did second a motion to approve the minutes as presented with certain amendments which were read in open session, and to authorize the President to sign said minutes after said corrections have been made. The vote on the matter being as follows:

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

President's Initials: _____

Date Signed: _____

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the matter carried by the unanimous vote of those present and the minutes of the April 2009 term of the Board of Supervisors of Madison County were and are hereby approved as amended.

SO ORDERED this the 4th day of May, 2009.

In re: Public Hearing Regarding the Abandonment of Old Highway 49

WHEREAS, pursuant to Miss Code Ann. § 65-7-121, the Board of Supervisors previously advertised a notice for a public hearing concerning the abandonment of a section of Old Highway 49 between Cox Ferry Road and U. S. Highway 49, the same having been published as required by law for at least two times, not less than two weeks prior to the date of said hearing, the same being May 4, 2009 at 9:00 a.m., and

WHEREAS, a true and correct copy of the proof of publication of said notice is attached hereto as Exhibit A, spread hereupon and incorporated herein by reference, and

WHEREAS, the date and hour for said public hearing did arrive and the Board of Supervisors declared the public hearing open for comment and testimony concerning the abandonment of said roadway, and

WHEREAS, no one appeared and objected to the abandonment of said section of road and the Board of Supervisors did specifically make the following findings:

- (1) that the traffic on this section of roadway for a period of at least ten (10) consecutive years has been intermittent and of such low volume that no substantial public purpose is being served thereby, and
- (2) that for a period of at least the previous five (5) consecutive years the Board of Supervisors has not maintained such section as a part of the county road system, and
- (3) that the public interest and convenience does not require the section of roadway to remain open to the public and that it is in the public interest and convenience to close and vacate and abandon this section of the roadway as described below.

Following discussion of this matter, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to (1) incorporate the previously stated findings by the Board of Supervisors into the minutes hereof and (2) abandon a section of the county road system consisting of the following described property, to-wit:

Old Highway 49 between Cox Ferry Road and Mississippi Highway 49

Said motion did further require the Road Manager of Madison County to post clearly visible signs at the intersection of the abandoned roadway with the county road system indicating that the abandoned section is no longer part of the county road system and is not maintained by Madison County. 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

President's Initials: _____

Date Signed: _____

the matter carried by the unanimous vote of those present and said findings were and are hereby made, said road was and is hereby abandoned, and the Road Manager was and is hereby directed accordingly.

SO ORDERED this the 4th day of May, 2009.

***In re: Public Hearing Regarding the
Abandonment of Richton Road***

WHEREAS, pursuant to Miss Code Ann. § 65-7-121, the Board of Supervisors previously advertised a notice for a public hearing concerning the abandonment of a section of Richton Road, the same having been published as required by law for at least two times, not less than two weeks prior to the date of said hearing, the same being May 4, 2009 at 9:00 a.m., and

WHEREAS, a true and correct copy of the proof of publication of said notice is attached hereto as Exhibit B, spread hereupon and incorporated herein by reference, and

WHEREAS, the date and hour for said public hearing did arrive and the Board of Supervisors declared the public hearing open for comment and testimony concerning the abandonment of said roadway, and

WHEREAS, no one appeared and objected to the abandonment of said section of road and the Board of Supervisors did specifically make the following findings:

(1) that the traffic on this section of roadway for a period of at least ten (10) consecutive years has been intermittent and of such low volume that no substantial public purpose is being served thereby, and

(2) that for a period of at least the previous five (5) consecutive years the Board of Supervisors has not maintained such section as a part of the county road system, and

(3) that the public interest and convenience does not require the section of roadway to remain open to the public and that it is in the public interest and convenience to close and vacate and abandon this section of the roadway as described below.

Following discussion of this matter, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to (1) incorporate the previously stated findings by the Board of Supervisors into the minutes hereof and (2) abandon a section of the county road system consisting of the following described property, to-wit:

A parcel or tract of land containing 0.87 acres, more or less, lying and being situated in Section 24, T9N-R1E, Madison County, Mississippi, and being more particularly described as follows:

COMMENCING at an iron pipe marking the SW corner of said Section 24, T9N-R1E, Madison County, Mississippi; run thence North 89 degrees 15 minutes 22 seconds East along the Southerly boundary of said Section 24, T9N-R1E, for a distance of 2561.93 feet to the Westerly Right-of-Way of Richton Road, as it existed in March, 2009 and described in Deed Book 2065 at Page 156, Deed Book 2080 at Page 987, and Deed Book 2080 at Page 995 of the Records of the Chancery Clerk of said Madison County at Canton, Mississippi; thence leaving said Westerly Right-of-Way of said Richton Road, continue North 89 degrees 15 minutes 22 seconds East along said Southerly boundary of said Section 24, T9N-R1E for a distance of 80.40 feet to the Easterly Right-of-Way of said Richton Road and POINT OF BEGINNING of the herein described parcel or tract of land; thence leaving said Easterly Right-of-Way of said Richton Road, run to points at each of the following calls; North 86 degrees 38 minutes 00 seconds East for a distance of 117.00 feet; thence North 78 degrees 00 minutes 00 seconds East for a distance of 29.00 feet; thence North 63 degrees 11 minutes 00 seconds East for a distance of 51.00 feet;

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thence North 36 degrees 12 minutes 00 seconds East for a distance of 57.00 feet; thence North 15 degrees 58 minutes 00 seconds East for a distance of 201.00 feet; thence North 29 degrees 23 minutes 00 seconds East for a distance of 200.00 feet; thence North 11 degrees 59 minutes 00 seconds East for a distance of 81.00 feet; thence North 19 degrees 03 minutes 00 seconds West for a distance of 70.00 feet; thence North 24 degrees 38 minutes 00 seconds West for a distance of 44.00 feet; thence North 20 degrees 06 minutes 00 seconds West for a distance of 124.31 feet to said Easterly Right-of-Way of said Richton Road; thence along said Easterly Right-of-Way of said Richton Road to points at each of the following calls; 19.52 feet along the arc of a 7040.00 foot radius curve to the right, said arc having 19.52 foot chord which bears South 25 degrees 44 minutes 41 seconds West; thence 23.34 feet along the arc of a 7040.00 foot radius curve to the right, said arc having a 23.34 foot chord which bears South 25 degrees 55 minutes 09 seconds West; thence leaving said Easterly Right-of-Way of said Richton Road, run to points at each of the following calls; South 17 degrees 32 minutes 00 seconds East for a distance of 166.00 feet; thence South 08 degrees 56 minutes 00 seconds East for a distance of 43.00 feet; thence South 27 degrees 06 minutes 00 seconds West for a distance of 240.00 feet; thence South 15 degrees 58 minutes 00 seconds West for a distance of 211.00 feet; thence South 22 degrees 25 minutes 00 seconds West for a distance of 35.00 feet; thence South 54 degrees 31 minutes 00 seconds West for a distance of 39.00 feet; thence South 77 degrees 31 minutes 00 seconds West for a distance of 28.00 feet; thence South 88 degrees 31 minutes 00 seconds West for a distance of 105.39 feet to said Easterly Right-of-Way of said Richton Road; thence 32.13 feet along the arc of a 860.00 foot radius curve to the left and the Easterly Right-of-Way of said Richton Road, said arc having a 32.13 foot chord which bears South 06 degrees 16 minutes 13 seconds West to the POINT OF BEGINNING of the above described parcel or tract of land.

Said motion did further require the Road Manager of Madison County to post clearly visible signs at the intersection of the abandoned roadway with the county road system indicating that the abandoned section is no longer part of the county road system and is not maintained by Madison County. 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 findings were and are hereby made, said road was and is hereby abandoned, and the Road Manager was and is hereby directed accordingly.

SO ORDERED this the 4th day of May, 2009.

In re: Approval of Consent Agenda Items

WHEREAS, the Board President announced that he and County Administrator Donnie Caughman had conferred in advance of the meeting as to certain matters denominated “Consent Items” which bear Item numbers (4) through (18) on the Agenda and that the same appeared to be routine, non-controversial matters on which all Supervisors were likely to agree, and

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

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

- Acknowledge Credit Card Report for March 9, 2009 through April 8, 2009**
(A true and correct copy of that certain memorandum dated May 21, 2009 from County Purchase Clerk Hardy Crunk is attached hereto as Exhibit C, spread hereupon and incorporated herein by reference.)

President’s Initials: _____

Date Signed: _____

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5. **Acknowledge April Monthly Report - Road Department**
(A true and correct copy of the April 2009 Monthly Road Department Report submitted by County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
6. **Acknowledge May Service Call Schedule Report - Road Department**
(A true and correct copy of the May 2009 Road Department Service Call Schedule submitted by County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
7. **Acknowledge April Closed Call Analysis - Road Department**
(A true and correct copy of the 2009 April Closed Call Analysis submitted by the County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
8. **Approve Placement of Culverts for Protection of Right of Way**
(A true and correct copy of a spreadsheet containing dates and locations of the placement of culverts for protection of county right of way is attached hereto as Collective Exhibit D, spread hereupon and incorporated herein by reference.)
9. **Approve Service Contract to Move E911/Emergency Management Antenna**
(A true and correct copy of said Service Contract is attached hereto as Exhibit E, spread hereupon and incorporated herein by reference.)
10. **Acknowledge Clerk of the Board Report**
(A true and correct copy of said Report is attached hereto as Exhibit F, spread hereupon and incorporated herein by reference.)
11. **Approve Service Contract with Joseph Orr - South Madison Volunteer Fire Department #2**
(A true and correct copy of said Contract (AIA Document B151 - 1997) is attached hereto as Exhibit G, spread hereupon and incorporated herein by reference.)
12. **Approve *En Masse* Petition for Reduction of Assessments of Real Property for the 2008 Tax Year**
(A true and correct copy of said Petition and its spreadsheet attachment is attached hereto as Collective Exhibit H, spread hereupon and incorporated herein by reference.)
13. **Approve *En Masse* Petitions for Increases of Assessments of Real Property for the 2008 Tax Year Agreed to by Taxpayers and Set Public Hearing as to All Others**
(A true and correct copy of Petitions, as accepted by taxpayers, and those certain Petitions not so accepted and for which a public hearing for May 18, 2009 is set, are attached hereto as Collective Exhibit I, spread hereupon and incorporated herein by reference.)
14. **Approve *En Masse* Petition for Reduction of Assessments of Personal Property for the 2008 Tax Year**
(A true and correct copy of said Petition and its spreadsheet attachment is attached hereto as Collective Exhibit J, spread hereupon and incorporated herein by reference.)
15. **Approve Petition for Increases of Assessment of Personal Property for the 2008 Tax Year Agreed to by Taxpayer**
(A true and correct copy of Petition, as accepted by taxpayer, is attached hereto as Collective Exhibit K, spread hereupon and incorporated herein by reference.)
16. **Approve Amended Homestead Applications - 2008 Tax Year**
(A true and correct copy of said Applications are attached hereto as Collective Exhibit L, spread hereupon and incorporated herein by reference.)

President's Initials: _____

Date Signed: _____

17. **Approve Refunds for 2005, 2006 & 2007 Tax Year - Parcel No. 052G-35-009/09.00**
 (A true and correct copy of a Memorandum from Chief Deputy Tax Assessor Kent Hawkins dated April 27, 2009, supplying the basis for said refunds which the Board hereby adopts and affirms is attached hereto as Collective Exhibit M, spread hereupon and incorporated herein by reference.)
18. **Approve Utility Permits.** The following permits allowing use and occupancy for the construction or adjustment of a utility within certain roads or highway rights of way were and are hereby approved, and the applications for which are attached *en masse* hereto as Collective Exhibit N, spread hereupon, and incorporated herein by reference:
- (1) AT&T – seeking to place 1,450 feet of 50 pair copper cable to replace two defective 25 pair cables along Patrick Road
 - (2) City of Ridgeland – seeking to construct a 16" water distribution line installed on the eastern right of way of Livingston Road
 - (3) CenterPointe Energy – seeking to install 1" plastic natural gas service by boring across Gluckstadt Road

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 each item was and is hereby approved, adopted and authorized.

SO ORDERED this the 4th day of May, 2009.

In re: Consideration of Certain Claims for Repair of Vehicles

WHEREAS, during a period of Citizens Concerns, Mr. Jimmie Roush appeared before the Board and presented certain claims for payment for damage received to his vehicle while traveling on Joe Hall Road on February 1, 2009, and

WHEREAS, Mr. Roush requested the Board overturn Emergency Management Director Butch Hammack’s rejection of said claim, stating that the county had recently attempted to repair the road at the area of his damage and thus had adequate notice thereof, and

WHEREAS, Emergency Management Director Butch Hammack did recommend that such claim be rejected in that the damage to the vehicle was due to the fact that the vehicle sits low to the ground (a Mini Cooper) and that it appeared to him that the vehicle may have been traveling at an excessive rate of speed,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to table consideration of such claim until May 18, 2009 with the request that Mr. Roush provide the Board with additional information. 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

President’s Initials: _____

Date Signed: _____

the matter carried by the unanimous vote of those present and the matter was and is hereby tabled until May 18, 2009.

SO ORDERED this the 4th day of May, 2009.

In re: Approval of Amendment to Agreement to Make Payments in Lieu of Ad Valorem Taxes with Nissan North America and Authorize Board President and Tax Assessor to Same

WHEREAS, Tax Assessor Gerald Barber appeared before the Board and presented the “Amendment to Agreement to Make Payments in Lieu of Ad Valorem Taxes” with Nissan North America and requested the Board authorize the Board President and himself to execute same, and

WHEREAS, said Amendment provides that the payment for which Nissan is obligated will never be less than \$3,650,000.00, which sum represents the amount of the county’s annual bond payment associated with the Nissan plant, and

WHEREAS, said Amendment further provides for a method of determining the true value of property covered by the precious and various agreements associated with said plant and will result in the dismissal of Nissan north America, inc.’s challenge to the 2009 assessment of its property in Madison County, and

WHEREAS, a true and correct copy of said Amendment is attached hereto as Exhibit O, 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 and adopt the foregoing Amendment and authorize the Board President and the Tax Assessor to execute same. 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 above and foregoing Amendment was and is hereby approved and adopted.

SO ORDERED this the 4th day of May, 2009.

In re: Establishment of a Public Hearing on Appeal by Mississippi Muslim Association from Decision of the Madison County Planning and Zoning Commission

WHEREAS, Zoning Administrator Brad Sellers appeared before the Board and reported that the Mississippi Muslim Association had registered an appeal with his office pertaining to the decision of the Madison County Planning and Zoning Commission of April 15, 2009 denying its Petition for a Special Exception to allow the construction and use of a public/quasi public facility (mosque) in an R-1 Residential District, on property located on U. S. Highway 51 north of the City of Madison, Mississippi, more particularly described as follows:

A parcel of land containing 5.00 acres (217,928.81 square feet), more or less, being situated in the S1/2 of the S1/2 of Section 33, T8N-R2E, Madison County, Mississippi, and being more particularly described by metes and bounds as follows:

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Commence at a found concrete monument marking the SE corner of Lansdowne Estates (Plat located in Slide A-104, office of the Madison County Chancery Clerk); run thence along the western right of way line of U. S. Highway 51 S 23 degrees 30 minutes 00 seconds W for a distance of 515.20 feet to a found iron pin marking the Point of Beginning for the parcel herein described;

From said Point of Beginning, continue thence S 23 degrees 30 minutes 00 seconds W for a distance of 437.90 feet; thence leave said right of way and run N 82 degrees 16 minutes 00 seconds W for a distance of 485.90 feet; thence N 23 degrees 30 minutes 00 seconds E for a distance of 295.00 feet; thence N 89 degrees 16 minutes 00 seconds W for a distance of 86.70 feet; thence N 17 degrees 21 minutes 00 seconds E for a distance of 150.30 feet; thence S 82 degrees 16 minutes 00 seconds E for a distance of 585.70 feet to the Point of Beginning.

AND WHEREAS, Mr. Sellers reported that pursuant to Madison County's Zoning Ordinance, a hearing on said appeal should be set by this Board, and

WHEREAS, Mr. Sellers recommended the Board set and establish the date of June 15, 2009 at 9:00 a.m. for a hearing on said appeal and requested the Board authorize and direct him to advertise the same in the manner required by said Ordinance

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to set and establish the date of June 15, 2009 at 9:00 am as the date and time for the Board to conduct a public hearing concerning the appeal of the Mississippi Muslim Association's Petition for a Special Exception to allow the construction and use of a public/quasi public facility (mosque) in an R-1 Residential District and direct the Zoning Administrator to advertise the same in the requisite manner. 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 public hearing was and is hereby set and the Zoning Administrator was and is so authorized and directed.

SO ORDERED this the 4th day of May, 2009.

In re: Authorization of Southern Rock, LLC to Acquire Borrow Material

WHEREAS, Zoning Administrator Brad Sellers appeared before the Board and requested the Board authorize Southern Rock, LLC to acquire borrow material to be used on the Gluckstadt Road Reconstruction Project, and

WHEREAS, Mr. Sellers reported that all material taken from the adjacent property would be used for the Gluckstadt Road Reconstruction Project only, and

WHEREAS, Mr. Sellers presented that certain explanatory memorandum dated April 30, 2009, from Mr. Edmond Turnage of Southern Rock, LLC, a true and correct copy of which is attached hereto as Exhibit P, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to authorize Southern Rock, LLC to acquire certain borrow material for the Gluckstadt Road Reconstruction Project as outlined in said memorandum. The vote on the matter being as follows:

President's Initials: _____

Date Signed: _____

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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 Southern Rock, LLC was and is hereby authorized.

SO ORDERED this the 4th day of May, 2009.

In re: Acknowledgment of Reunion Benefit Cost Study

WHEREAS, Mr. Richard Young of PBS&J appeared before the board and presented a “Benefit-Cost Ratio (BCR) Analysis Technical Memorandum for Reunion Parkway at I-55 Interchange,” a true and correct copy which may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to acknowledge receipt of the “Benefit-Cost Ratio (BCR) Analysis Technical Memorandum for Reunion Parkway at I-55 Interchange.” 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 report was and is hereby acknowledged.

SO ORDERED this the 4th day of May, 2009.

In re: Approval of Utility Relocation Agreement - Canton Municipal Utilities

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented a Utility Relocation Agreement between Canton Municipal Utilities and Madison County for Virillia Road and Old Yazoo City Road Improvements Project, and

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

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve said Utility Relocation Agreement and authorize the Board President to execute same. 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

President’s Initials: _____

Date Signed: _____

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

SO ORDERED this the 4th day of May, 2009.

In re: Authorization of Activation of ARRA Funding Overlay Project

At the recommendation of County Engineer Rudy Warnock, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to appoint a committee of County Administrator Donnie Caughman as Project Director and County Engineer Rudy Warnock as Project Manager to oversee ARRA Funding Overlay Projects. 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 Mr. Caughman and Mr. Warnock were and are hereby appointed and directed.

SO ORDERED this the 4th day of May, 2009.

In re: Approval of Budget Amendments and Interfund Transfers

WHEREAS, County Comptroller Mark Houston appeared before the Board and requested the Board’s consideration of certain amendments to the current year budget of the county as set forth in that certain document entitled “Madison County Budget Amendments/Interfund Transfers May 4, 2009,” a true and correct copy of which is attached hereto as Exhibit R, 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 budget amendments. 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 interfund transfers and budget amendments were and are hereby approved and adopted.

SO ORDERED this the 4th day of May, 2009.

In re: Approval of Claims Docket for May 4, 2009

WHEREAS, the Board reviewed the claims docket and a supplemental claims docket for May 4, 2009, and

WHEREAS, the County Comptroller Mark Houston 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

President’s Initials: _____

Date Signed: _____

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

Fund	Claim Nos.	No. of Claims	Amount
001	2377 to 2495	119	363,514.11
012	141 to 150	10	8,332.24
014	8 to 8	1	2,464.57
095	15 to 16	2	28,869.29
097	238 to 254	17	57,016.69
105	28 to 29	2	14,067.95
114	16 to 16	1	998.28
115	58 to 60	3	206.07
116	36 to 37	2	104.56
120	60 to 63	4	139.43
121	29 to 30	2	107.52
150	567 to 606	40	85,813.50
160	198 to 223	26	66,343.21
170	3 to 3	1	9,000.00
180	1 to 2	2	234.44
190	108 to 115	8	6,244.40
226	13 to 15	3	1,741,774.55
240	8 to 8	1	4,061.15
291	7 to 8	2	1,197,236.37
302	50 to 51	2	25,087.45
305	15 to 15	1	115,039.44
690	15 to 16	2	25,963.93
691	15 to 16	2	25,853.22
TOTAL ALL FUNDS		253	3,778,472.37

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to approve the claims docket as presented. Said motion directed that invoice numbers should be attached to each claim on the claims docket and further directed the Chancery Clerk to publish the Summary of Claims as required by law and to authorize the Board President to sign and approve the Claims Docket and Supplemental 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 S, spread hereupon, and incorporated herein by reference. 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 unanimously and said Claims Docket and Supplemental Claims Docket were and are hereby approved and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 4th day of May, 2009.

***In re: Request for Assistance to
Gravel Parking Lot - Holmes Community College***

WHEREAS, County Administrator Donnie Caughman appeared before the Board and presented a request from Dr. Glenn Boyce for assistance in graveling the parking lot at the Holmes Community College Ridgeland Campus for overflow parking, and

President's Initials: _____

Date Signed: _____

WHEREAS, a true and correct copy of said memorandum dated April 21, 2009, from Dr. Boyce is attached hereto as Exhibit T, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to authorize the Road Department to provide gravel and spread and compact the same for stabilization of a parking lot at Holmes Community College, Ridgeland Campus. 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 Road Department was and is hereby authorized and directed.

SO ORDERED this the 4th day of May, 2009.

***In re: Request for Ex Officio Deputy Clerks
at Justice Court***

WHEREAS, County Administrator Donnie Caughman appeared before the Board and presented a request from Justice Court Clerk Susan McCarty for the appointment of nine (9) additional Justice Court Clerks within the Sheriff's Department pursuant to HB 718 recently enacted by the Mississippi Legislature, and

WHEREAS, a true and correct copy of said memorandum dated April 21, 2009, from Ms. McCarty is attached hereto as Exhibit U, spread hereupon and incorporated herein by reference,

Following discussion, Mr. John Bell Crosby did offer and Mr. D. I. Smith did second a motion to approve the appointment of nine (9) Deputy Sheriffs and Sheriff Trowbridge as Ex Officio Deputy Clerks at Justice Court to handle attestations on traffic citations only to be in compliance with HB 718 and to authorize a compensation in the amount of \$100 monthly unto said nine (9) Deputies. 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 appointments were and are hereby approved and said compensation unto said Deputies was and is hereby authorized.

SO ORDERED this the 4th day of May, 2009.

***In re: Request for Assistance with Drainage Ditch
Improvements to the Town of Flora***

WHEREAS, County Administrator Donnie Caughman appeared before the Board and presented a request from Mayor Scott Greaves of The Town of Flora for assistance in drainage ditch improvements within the city, and

WHEREAS, a true and correct copy of said memorandum dated April 21, 2009, from Mayor Scott Greaves is attached hereto as Exhibit V, spread hereupon and incorporated herein by reference,

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Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to authorize the Road Department provide assistance to the Town of Flora by means of use of county equipment and Road Department personnel for the purposes of cleaning out drainage ditches. 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 Road Department was and is hereby authorized and directed.

SO ORDERED this the 4th day of May, 2009.

In re: Discussion Regarding Energy Efficiency and Conservation Block Grant

WHEREAS, County Administrator Donnie Caughman appeared before the Board and requested permission to hire Upchurch Services, LLC to assist the county with the Energy Efficiency and Conservation Block Grant, and

WHEREAS, Mr. Caughman reported that the county was designated to receive \$380,100.00 from the United States Department of Energy in the form of a Block Grant, and

WHEREAS, Mr. Caughman recommended that the county use these funds for maintenance and repairs at the jail,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize Mr. Caughman to acquire a proposal from Upchurch Services, LLC to assist the county with the Energy Efficiency and Conservation Block Grant. 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 Mr. Caughman was and is hereby directed.

SO ORDERED this the 4th day of May, 2009.

In re: Authorization of Capital Improvement Revolving Loan Program - South Madison Fire Protection District Fire Station No. 2

WHEREAS, on December 1, 2008, the Board held a public hearing for the purpose of authorizing and approving a capital improvements (CAP) loan through the Mississippi Development Authority in order to design, construct and equip the South Madison Fire Protection District Fire Station No. 2, and

WHEREAS, County Administrator Donnie Caughman requested permission to proceed with said loan agreement not to exceed \$775,000.00,

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to

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authorize and direct County Administrator Donnie Caughman to proceed with loan agreement with the Mississippi Development Authority for the purpose of completing capital improvements for the construction of South Madison Fire Protection District Fire Station No. 2. 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 Mr. Caughman was and is hereby so directed.

SO ORDERED this the 4th day of May, 2009.

In re: Approval of Service Agreement for the Use of Credit/Debit/Check Cards in the Office of the Chancery Clerk

WHEREAS, Chancery Clerk Arthur Johnston appeared before the Board and presented a service agreement between himself and Elavon, Inc., a vendor of credit card services allowing for the processing of payments of delinquent taxes and other fees collected in his office through the use of credit/debit/check cards, a true and correct copy of which is attached hereto as Exhibit W, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Johnston reported that BankPlus, one of the county's approved depositories, had previously provided credit card services at no charge to his office or to the county and absorbed the merchant fees; however, he had been advised by said bank that such services would no longer be provided and absorbed, and

WHEREAS, Mr. Johnston reported that, therefore, a service agreement with a credit card vendor was necessary in order for his office to continue to accept such methods of payment,

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to (1) authorize the Chancery Clerk to pass merchant fees associated with the acceptance of payment of delinquent taxes and fees by credit/debit/check card to the cardholder, and (2) approve said contact. 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 Chancery Clerk was and is hereby so authorized and the agreement so approved.

SO ORDERED this the 4th day of May, 2009.

In re: Approval of Letter Agreement with Sides, LLC

WHEREAS, Board Attorney Eric Hamer appeared before the Board and presented a Letter Agreement between Madison County and Sides, LLC pertaining to a check tendered in place of posting a bond for surface mining being conducted on North Livingston Road, and

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

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Following discussion, Karl M. Banks did offer and Mr. D. I. Smith did second a motion to accept and adopt said Letter Agreement with Sides, LLC. 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 Letter Agreement was and is hereby accepted and adopted.

SO ORDERED this the 4th day of May, 2009.

In re: Discussion of West Sowell Road Extension Project

WHEREAS, Board Attorney Eric Hamer appeared before the Board and recommended the Board remove two requirements approved by the Board at its April 20, 2009 meeting regarding construction of a temporary fence associated with the West Sowell Road Extension Project, and

WHEREAS, in particular, said items are reflected in the minutes of said meeting as follows, to-wit: “(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, and (3) direct Board Attorney to seek reimbursement from landowner *via* petition of court should county have to remove cattle,”

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to remove said requirements as previously approved by the Board at the April 20, 2009 meeting as unnecessary and hold the same for naught, and (2) find, determine and declare that the Board has the authority to erect the same pursuant to its acquisition of the necessary right of way associated therewith. 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 requirements were and are hereby removed and held for naught.

SO ORDERED this the 4th day of May, 2009.

In re: Authorization to Increase Hours for Volunteer Fire Departments to Distribute Mosquito Pesticide

WHEREAS, County Fire Coordinator Mack Pigg appeared before the Board and requested the Board increase the hours for South Madison Volunteer Fire Department and Southwest Volunteer Fire Department to spray mosquito pesticide within their districts from 16 hours per week to 25 hours per week effective June 1, 2009,

Following discussion, Mr. John Bell Crosby did offer and Mr. Karl M. Banks did second a motion to authorize the aforementioned volunteer fire departments to increase the hours for spraying mosquito pesticide to 25 hours per week effective June 1, 2009. The vote on the matter being as follows:

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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 hours for spraying mosquito pesticide were and are hereby approved.

SO ORDERED this the 4th day of May, 2009.

In re: Approve Exemption for Car Tag

WHEREAS, Tax Collector Kay Pace requested *via* that certain memorandum dated April 30, 2009, the Board acknowledge HB 1482 extending the military motor vehicle exemption from September 30, 2009 to September 20, 2012, a true and correct copy of which is attached hereto as Exhibit Y, spread hereupon and incorporated herein by reference, and

WHEREAS, said HB 1482 grants an exemption from motor vehicle ad valorem taxes levied by the county of up to \$100.00 on one (1) motor vehicle owned by any county resident who is also a resident of the State of Mississippi who and a member of the Mississippi National Guard, any branch of the armed forces of the United States or a member of a reserve unit thereof, and who is serving on active duty pursuant to military orders in Iraq or Afghanistan,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve the extension of the military motor vehicle exemption from September 30, 2009 to September 20, 2012 as provided in said HB 1482. 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 extension was and is hereby approved.

SO ORDERED this the 4th day of May, 2009.

In re: Authorization of Board President to Execute Contract

Mr. John Bell Crosby did offer and Mr. Paul Griffin did second a to authorize the Board President to execute the contract between Madison County and Mr. Stevens Seale, Esq. of Wise Carter Child & Caraway as previously approved by the Board. 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	No
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by a majority vote (3-1) of those present and the Board President was and is hereby authorized.

SO ORDERED this the 4th day of May, 2009.

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Date Signed: _____

In re: Acknowledge Receipt of Funds; Acceptance of Donation; and Authorize Board Attorney Review Contract

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>
City of Ridgeland	\$ 2,100.00
Valley Foods	\$ 2,398.58

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

WHEREAS, Sheriff Trowbridge then presented a proposed contract with Lexis/Nexis for use in the law library at the Madison County Jail and requested the Board Attorney review same,

Mr. John Bell Crosby did offer and Mr. Karl M. Banks did second a motion to acknowledge receipt of said checks, accept said donations, and authorize the Board Attorney to review the proposed contract with Lexis/Nexis. 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 checks were and are hereby acknowledged, said donations were and are hereby accepted and the Board Attorney was and is hereby so directed.

SO ORDERED this the 4th day of May, 2009.

In re: Acknowledgment of Order Closing Chancery/Administrative Building

Mr. John Bell Crosby did offer and Mr. D. I. Smith did second a motion to acknowledge and adopt the Order issued by Judge Cynthia L. Brewer to close the Chancery/Administrative Building on Thursday, May 14, 2009 for the semi-annual Canton Flea Market, a true and correct copy of which is attached hereto as Exhibit AA, spread hereupon and incorporated herein by reference. 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 Order was and is hereby acknowledged and adopted.

SO ORDERED this the 4th day of May, 2009.

In re: Authorization of Travel to Camp Shelby

Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to authorize and approve the payment of travel and related expenses for any Supervisor wishing to travel to Camp

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Shelby as part of the Mississippi National Guard's Civilian Leaders Orientation Program in Hattiesburg, Mississippi at a date to be determined. 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 travel and related expenses were and are hereby approved.

SO ORDERED this the 4th day of May, 2009.

In re: Authorization of Board Attorney to Consult with Lake Caroline Inc. Attorney

Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to authorize Board Attorney Eric Hamer to consult with counsel for Lake Caroline Inc. regarding rezoning of the Lake Caroline Golf Course. 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 Board Attorney was and is hereby authorized.

SO ORDERED this the 4th day of May, 2009.

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor D. I. Smith and seconded by Supervisor Karl M. Banks and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Monday, May 18, 2009 for purposes of consideration of a Claims Docket and any other business which may properly come before the Board.

Paul Griffin, President
Madison County Board of Supervisors

Date signed: _____

ATTEST:

Arthur Johnston, Chancery Clerk

President's Initials: _____

Date Signed: _____

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