

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

REGULAR MEETING OF JUNE 22, 2009  
Recessed from regular meeting conducted on June 8, 2009

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on June 22, 2009, in the Board Room on the first floor of the new addition to the Chancery/Administrative Building, 125 West 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 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 and Deputy Chancery Clerk Cynthia Parker  
Assistant County Comptroller and Deputy Chancery Clerk Quandice Green  
Board Attorney Eric Hamer  
County Purchase Clerk Hardy Crunk  
State Aid & LSBP Engineer John Granberry  
County Road Manager Lawrence Morris  
County Fire Coordinator Mack Pigg  
Mr. Tim Coursey, Executive Director, Madison County Economic Development Authority

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

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

WHEREAS, the Board President did announce that he and County Administrator Donnie Caughman had conferred in advance of the meeting and did recommend that Items (1) through (16) 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, Supervisor D. I. Smith requested that Consent Item No. 12 be removed from the Consent Agenda and addressed separately,

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

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

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Therefore, Mr. John Bell Crosby did offer and Mr. D. I. Smith did second a motion to take the following actions on the Consent Agenda:

1. **Approve Temporary Employee - Road Department**  
(A true and correct copy of that certain Personnel Appointment Form from Road Manager Lawrence Morris containing the appointment approved hereby is attached hereto as Exhibit A, spread hereupon and incorporated herein by reference.)
2. **Approve Personnel Appointments - Road Department**  
(A true and correct copy of those certain Personnel Appointment Forms from Road Manager Lawrence Morris containing the appointment approved hereby are attached hereto as Exhibit B, spread hereupon and incorporated herein by reference.)
3. **Acknowledge Clerk of the Board Report**  
(A true and correct copy of which is attached hereto as Exhibit C, spread hereupon and incorporated herein by reference.)
4. **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 hereto as Collective Exhibit D, spread hereupon, and incorporated herein by reference:
  - (1) AT&T - seeking to place approximately 14734 feet of fiber optic cable from the west intersection of Gluckstadt Road south along Bozeman Road and west along Reunion Parkway to Madison Station Elementary School.
  - (2) Comcast - seeking to place underground CATV cable by means of trenching and boring in Ashbrooke Subdivision
  - (3) Telepak - seeking to place cable on the west side of Emmit Road approximately 850 feet
5. **Approve Site Plan for Addition to Commercial Building - M & M Operators**  
(A true and correct copy of the site plan for an addition to commercial building connecting two buildings with addition to create one building on Enterprise Drive is attached hereto as Exhibit E, spread hereupon and incorporated herein by reference.)
6. **Acknowledge Credit Card Report for May 8, 2009 - June 8, 2009 - Sheriff's Department**  
(A true and correct copy of that certain memorandum dated June 16, 2009 from County Purchase Clerk Hardy Crunk is attached hereto as Exhibit F, spread hereupon and incorporated herein by reference.)
7. **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 G, spread hereupon and incorporated herein by reference.)
8. **Acknowledge Credit Card Report for May 8, 2009 - June 8, 2009**  
(A true and correct copy of that certain memorandum dated June 16, 2009 from County Purchase Clerk Hardy Crunk is attached hereto as Exhibit H, spread hereupon and incorporated herein by reference.)
9. **Approve Maintenance Agreements for Emergency Generators at Chancery/Administrative Building, Sheriff's Department and Jail and Authorize Board President to Execute Same**  
(A true and correct copy of that certain memorandum dated June 16, 2009 from County Purchase Clerk Hardy Crunk and maintenance agreements are attached hereto as Collective Exhibit I, spread hereupon and incorporated herein by reference.)

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

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

10. **Approve Final Payment - JH&H Architect for Madison County Office Complex**  
(A true and correct copy of said final payment is attached hereto as Exhibit J, spread hereupon and incorporated herein by reference.)
11. **Approve Change Order No. 5 - JH&H Architect - Madison County Office Complex**  
(A true and correct copy of said change order is attached hereto as Collective Exhibit K, spread hereupon and incorporated herein by reference.)
13. **Approve Payment of Claim for Damages - Martha Dixon**  
(A true and correct copy of that certain explanatory memorandum dated June 17, 2009 from Emergency Management Director Butch Hammack recommending payment for damages in the amount of \$91.95 and quotes for repairs are attached hereto as Collective Exhibit L, spread hereupon and incorporated herein by reference.)
14. **Declare Certain Inventory Items as Surplus and Delete from Inventory**  
(A true and correct copy of that certain memorandum dated June 17, 2009 from Inventory Control Clerk Loretta Phillips is attached hereto as Exhibit M, spread hereupon and incorporated herein by reference.)
15. **Acknowledge Rankin County's Public Hearing on Proposal to Amend Solid Waste Management**  
(A true and correct copy of that certain memorandum dated June 8, 2009 from Mr. Christopher P. Palmer of Adams & Edens is attached hereto as Exhibit N, spread hereupon and incorporated herein by reference.)
16. **Approve Amendment to Covenants for Ashbrooke Subdivision**  
(A true and correct copy of that certain memorandum dated June 17, 2009 from Mr. Eugene A. Simmons of Wells Moore Simmons & Hubbard and the "Supplemental Declaration of Covenants, Conditions and Restrictions for Ashbrooke, a Community" are attached hereto as Collective Exhibit O, spread hereupon and incorporated herein by reference.)

The vote on the matter being as follows:

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

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

SO ORDERED this the 22<sup>nd</sup> day of June, 2009.

***In re: Acknowledgment of Invoices Submitted by the Parkway East Public Improvement District***

WHEREAS, Chancery Clerk Arthur Johnston appeared before the Board and presented invoice numbers 311 through 315 submitted by the Parkway East Public Improvement District and represented that County Engineer Rudy Warnock 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. John Bell Crosby did second a motion to acknowledge receipt of Parkway East PID invoice numbers 311 through 315, true and correct copies of which may be found in the Miscellaneous Appendix to these Minutes. 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 invoices were and are hereby acknowledged.

SO ORDERED this the 22<sup>nd</sup> day of June, 2009.

***In re: Mannsdale-Livingston Heritage Preservation District***

WHEREAS, during the period of citizens concerns, Ms. Hermine Peel appeared before the Board and presented that certain memorandum dated June 21, 2009, from Ms. Rita McGuffie, Chairperson of Mannsdale-Livingston Heritage Preservation District (MLHPD), and

WHEREAS, on May 18, 2009, a public hearing was had with regards to the MLHPD at which time the MLHPD Commission agreed to stay in communication with the Board of Supervisors and the Planning and Zoning Board as to the activities of said district,

Following discussion, Mr. D. I. Smith did offer and Mr. Tim Johnson did second a motion to acknowledge receipt of the aforementioned memorandum, a true and correct copy of which may be found in the Miscellaneous Appendix of 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 memorandum was and is hereby acknowledged.

SO ORDERED this the 22<sup>nd</sup> day of June, 2009.

***In re: Approval of Union Hill Missionary Baptist Church Lease - County Park***

WHEREAS, Road Manager Lawrence Morris appeared before the Board and presented a “draft” lease agreement between Madison County and Union Hill Missionary Baptist Church for the purposes of establishing a county park on 16<sup>th</sup> section land located in the NE<sup>1</sup>/<sub>4</sub> of NE <sup>1</sup>/<sub>4</sub> of Section 16, T8N, R1W, and

WHEREAS, a true and correct copy of said “draft” lease agreement may be found in the Miscellaneous Appendix of these Minutes,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to approve said lease agreement. The vote on the matter being as follows:

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

**President’s Initials:** \_\_\_\_\_

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

the matter carried unanimously and said "draft" lease agreement was and is hereby approved.

SO ORDERED this the 22<sup>nd</sup> day of June, 2009.

**In re: Authorization and Approval of Change Order No. 3 - Old Canton Road Bridge State Aid Project BR-6926(3)B**

WHEREAS, State Aid and LSBP Engineer John Granberry appeared before the Board and presented Change Order No. 3 pertaining to the Old Canton Road Bridge State Aid Project BR-6926(3)B, a true and correct copy of which is attached hereto as Exhibit P, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to approve said Change Order No. 3 for the Old Canton Road Bridge State Aid Project BR-6926(3)B. 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 Change Order No. 3 was and is hereby approved and the Chancery Clerk was and is authorized to issue a pay warrant accordingly.

SO ORDERED this the 22<sup>nd</sup> day of June, 2009.

**In re: Approval of Claims Docket for June 22, 2009**

WHEREAS, the Board reviewed the claims docket for June 22, 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	2794 to 2916	123	309,982.12
002	14 to 14	1	260.00
012	177 to 187	11	11,113.58
013	25 to 25	1	285,225.30
051	30 to 30	1	11,874.46
097	286 to 299	14	36,975.60
105	35 to 35	1	10,351.20
113	11 to 11	1	1,735.50
115	70 to 72	3	1,386.58
116	42 to 43	2	184.30
120	70 to 74	5	340.81
121	35 to 36	2	127.04
150	709 to 752	44	161,525.65
160	248 to 269	22	67,521.78
180	3 to 3	1	363.97
190	132 to 133	2	118.45
226	19 to 19	1	2,500.00
302	61 to 62	2	278,222.82

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305	19 to 19	1	1,070.00
401	13 to 13	1	32,207.03
TOTAL ALL FUNDS		239	1,213,086.19

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin 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, 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 Q, 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 22<sup>nd</sup> day of June, 2009.

***In re: Approval of Budget Amendments***

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 for June 22, 2009,” a true and correct copy of which is attached hereto as Exhibit R, spread hereupon and incorporated herein by reference,

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

SO ORDERED this the 22<sup>nd</sup> day of June, 2009.

***In re: Consideration of Ad Valorem Tax Exemptions Applications***

WHEREAS, Chancery Clerk Arthur Johnston did present a total of ten (10) applications for ten (10) year ad valorem tax exemptions to the Board, reported that each application was timely received pursuant to statute and the previously adopted policy of this Board, except for the applications of Denbury Onshore, LLC, and M-Tek, Inc., and

**President’s Initials:** \_\_\_\_\_

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WHEREAS, Mr. Johnston, MECDA and Tax Assessor Gerald Barber recommended that the Board grant the exemptions as requested in the applications submitted by the following entities and adopt the Resolutions presented with respect to each, as follows, to-wit:

- (1) **Levi Strauss & Company**  
Period Requested: 12/31/08 – 12/31/18
- (2) **Capitol Hardware Company**  
Period Requested: 1/1/09 – 1/1/19
- (3) **Unipres Southeast, USA, Inc.**  
Period Requested: 12/1/08 – 11/1/18
- (4) **Euro-American Investments, LLC**  
Period Requested: 12/31/08 – 12/31/18
- (5) **Primos, Inc.**  
Period Requested: 12/31/08 – 12/31/18

WHEREAS, Levi-Strauss & Co. seeks an **addition/expansion/equipment replacement** exemption under Miss. Code Ann. § 27-31-105 in the amount of \$1,206,218.00 representing the total value of the property which is the subject of the expansion, and

WHEREAS, Capitol Hardware Company seeks an **new enterprise** exemption under Miss. Code Ann. § 27-31-101 in the amount of the value thereof (\$6,607,152.74), and

WHEREAS, Unipres Southeast, USA, Inc. seeks an **addition/expansion/equipment replacement** exemption under Miss. Code Ann. § 27-31-105 in the amount of \$320,502.78 representing the total value of the property which is the subject of the expansion, and

WHEREAS, Euro-American Investments, LLC seeks a **new enterprise** exemption under Miss. Code Ann. § 27-31-101 in the amount of the value thereof (\$597,380.00), and

WHEREAS, Primos, Inc. seeks an **addition/expansion/equipment replacement** exemption under Miss. Code Ann. § 27-31-105 in the amount of \$413,779.00 representing the total value of the property which is the subject of the expansion, and

WHEREAS, the Chancery Clerk and the MCEDA Board recommend granting the exemption as requested, excepting therefrom any taxes levied for fire protection services which may be applicable, and

WHEREAS, the Tax Assessor's position statement reflects no objection, and

WHEREAS, a true and correct copy of said Applications may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, the Board does desire, after due consideration, to finally approve each of the above referenced Applications for Ad Valorem Tax Exemption in accordance with statute, and authorize the Board President and the Chancery Clerk to execute any and all documentation necessary to evidence such approval and to forward the same to the Mississippi State Tax Commission,

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

(1) grant unto Levi-Strauss & Co., Unipres Southeast, USA, Inc, and Primos, Inc. ten (10) year *ad valorem* tax exemptions respectively under Miss. Code Ann. § 27-31-105 for addition/

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expansion and equipment replacement in the amounts reflected on said firms' Application **except ad valorem taxes levied for school district purposes and except ad valorem taxes levied for fire protection services where applicable**; and

(2) grant unto Capitol Hardware Company a ten (10) year *ad valorem* tax exemption for a new enterprise in the amount reflected on said firm's Application **except ad valorem taxes levied for school district purposes and except ad valorem taxes levied for fire protection services where applicable**; and

(3) grant unto Euro-American Investments, LLC a ten (10) year *ad valorem* tax exemption for a new enterprise in the amount reflected on said firm's Application **except ad valorem taxes levied for school district purposes and except ad valorem taxes levied for fire protection services where applicable**; and

(4) authorize the Board President and the Chancery Clerk to execute any and all documentation necessary to evidence such approval and to forward the same to the Mississippi State Tax Commission.

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 applications were and are hereby granted and approved.

SO ORDERED this the 22<sup>nd</sup> day of June, 2009.

WHEREAS, Mr. Johnston reported that, due to the untimeliness of the application submitted by Denbury Onshore, LLC, the same having been filed for record June 3, 2009, some 2 days after the statutory deadline of June 1, 2009 and some three (3) months after the county's deadline of March 1, 2009, he, the Madison County Economic Development Authority (MCEDA), and Tax Assessor Gerald Barber recommended that the Board deny the application of Denbury Onshore, LLC, and

WHEREAS, Mr. Johnston further reported that Hederman Brothers, LLC, had submitted a total of three (3) separate applications, one for \$2,599,011.55 in additions and expansions occurring as of January 1, 2009, another application in the amount of \$254,104.24 seeking only a nine (9) year exemption based on this Board's action in denying its application pertaining to additions and expansions occurring as of January 1, 2008, and yet another application in the amount of \$540,960.05 seeking only an eight (8) year exemption based on this Board's action in denying its application pertaining to additions and expansions occurring as of January 1, 2007, and

WHEREAS, Mr. Johnston reported that the applications of Hederman Brothers, LLC did not receive the recommendation of the Tax Assessor or the Madison County Economic Development Authority for reasons enumerated on that certain Position Statement of the Tax Assessor,, a true and correct copy of which is attached hereto as Exhibit S, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Johnston reported that although the application of M-Tek, Inc. was untimely with regard to the deadline established by the county's policy on industrial exemption, in years past M-Tek had been granted an exemption without being required to adhere to the county's deadline in that it appeared that the county was contractually bound under the various

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agreements with Nissan North America, Inc. to grant the application of M-Tek since M-Tek constitutes a Nissan supplier within the meaning of said agreements, and

WHEREAS, Mr. Johnston reported, however, that the county's policy did not exempt Nissan suppliers from compliance with the procedural requirements thereof, particularly with regard to timeliness,

Following additional discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to (1) deny the application Denbury Onshore, LLC for the reasons set forth herein above, and (2) authorize and direct Board Attorney Eric Hamer to review the applications of Hederman Brothers and ascertain whether the same are allowed by law in that they appear retro-active in nature and make a recommendation to this Board in its next term, and to continue consideration of the applications of Hederman Brothers and M-Tek until July 7, 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 the application of Denbury Onshore, LLC was and is hereby **denied**, the Board Attorney was and is so authorized and directed, and consideration of the applications of Hederman Brothers and M-Tek is continued until July 7, 2009.

SO ORDERED this the 22<sup>nd</sup> day of June, 2009.

***In re: Rescission of Action Granting Freeport Warehouse to Cypress Pharmaceutical***

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to rescind the action of this Board of June 8, 2009 which approved and granted a Freeport Warehouse License to Cypress Pharmaceuticals. 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 action of this Board approving and granting a Freeport Warehouse License unto said firm on June 8, 2009 was and is hereby rescinded.

SO ORDERED this the 22<sup>nd</sup> day of June, 2009.

***In re: Approval of Project Lifesaver Agreement***

WHEREAS, Chancery Clerk Arthur Johnston on behalf of Emergency Management Director Butch Hammack appeared before the Board and presented that certain agreement titled "Project Lifesaver Active Membership Operational Agreement and Standards," a true and correct copy of which is attached hereto as Exhibit T, spread hereupon and incorporated herein by reference, and requested the Board approve same and authorize the Board President execute said agreement,

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

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to approve said 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	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said agreement was and is hereby approved and the Board President was and is hereby so authorized.

SO ORDERED this the 22<sup>nd</sup> day of June, 2009.

***In re: Discussion of Cleaning Assessment -  
Monnie C. Anders Singletary – Parcel # 093D-17C-124/04.00***

WHEREAS, in April and June of 2005, County Zoning Administrator Brad Sellers issued notice by certified mail to Ms. Monnie C. Anders Singletary requesting that, as the owner of multiple parcels of land in the Sawmill Quarters, she bring two of them up to code or face the county doing so using its forces, which would result in the imposition of cleaning assessment(s) as provided for by statute, and

WHEREAS, a hearing was held before the Board on July 25, 2005 after the issuance of notice and the publication of the same as required in detail by statute (Miss. Code Ann. § 19-5-105), and

WHEREAS, at this hearing, Ms. Anders Singletary appeared and specifically requested the county's assistance in cleaning her property, and

WHEREAS, substantial cleanup work was performed by the Road Department on the parcels directed to be cleaned by the Board following the July 25, 2005 hearing, and

WHEREAS, on September 28, 2008, the Board considered the work undertaken by county forces in the clean up of these parcels as detailed above and levied an assessment accordingly, and

WHEREAS, Ms. Anders Singletary has previously appeared before the Board and requested rescission of said assessment, claiming that, after and despite said hearing, she requested the county not clean said property, and

WHEREAS, Ms. Anders Singletary has now secured counsel who has, in writing, also requested that the Board rescind said assessment so as to avoid litigation, and

WHEREAS, on June 8, 2009 Chancery Clerk Arthur Johnston presented the Board with a Memorandum dated May 27, 2009 articulating the steps the county took with respect to the cleaning of said property and the levying of the aforesaid assessment, a true and correct copy of which is attached hereto as Exhibit U, spread hereupon and incorporated herein by reference,

Following discussion, Mr. John Bell Crosby did offer and Mr. Tim Johnson did second and motion to remove and rescind the cleaning assessment against Ms. Monnie C. Anders Singletary as ordered by the Board with respect to parcel 093D-17C-124/04.00 on September 28, 2008 due to threat of litigation. 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	No
Supervisor Karl M. Banks	No
Supervisor Paul Griffin	No

the matter failed to garner a majority of the votes of the Board and therefore failed.

SO ORDERED this the 22<sup>nd</sup> day of June, 2009.

***In re: Authorize Board President to Execute Correspondence to the US Army Corps of Engineers***

WHEREAS, Board Attorney Eric Hamer appeared before the Board and requested the Board authorize the Board President execute a letter to the US Army Corps of Engineers in support of NCL Waste/Bilberry MSW Landfill in Madison County, and

WHEREAS, the Board does find a public need for the new MSW landfill in meeting its long term infrastructure and solid waste disposal capacity needs,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize the Board President to execute said correspondence. 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 the Board President was and is hereby authorized.

SO ORDERED this the 22<sup>nd</sup> day of June, 2009.

***In re: Approval of Homeland Security Cooperative Agreement Corner's Mass Casualty Preparedness***

WHEREAS, Purchase Clerk Hardy Crunk on behalf of Emergency Management Director Butch Hammack appeared before the Board and presented that certain Homeland Security Cooperative Agreement - Coroner's Mass Casualty Preparedness, a true and correct copy of which is attached hereto as Exhibit V, spread hereupon and incorporated herein by reference, and requested the Board approve same and authorize the Board President execute said agreement,

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to approve said 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	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

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

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

the matter carried unanimously and said agreement was and is hereby approved and the Board President was and is hereby so authorized.

SO ORDERED this the 22<sup>nd</sup> day of June, 2009.

***In re: Acknowledge The Lakes of Grandview Public Improvement District Proposed Budget***

Mr. D. I. Smith did offer and Mr. Paul Griffin did second a motion to acknowledge receipt of the proposed budget of The Lakes of Grandview Public Improvement District for fiscal year beginning October 1, 2009, a true and correct copy 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 proposed budget was and is hereby acknowledged.

SO ORDERED this the 22<sup>nd</sup> day of June, 2009.

***In re: Request for Audit of Invoices and Performance and Operations of County Engineer by the Office of the State Auditor***

WHEREAS, during a period of new business, Supervisor D. I. Smith drew members attention to recent news accounts of the amount of fees paid to County Engineer Rudy Warnock and his firm since 2005,

Following discussion, Mr. D. I. Smith did offer and Mr. John Bell Crosby did second a motion to request and direct the County Engineer to provide to the Board all invoices associated with the work performed by his consultants and sub-contractors on the Calhoun Station Phase I and Phase II environmental clearance projects. The vote on the matter being as follows:

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

the motion did not garner a majority vote of the Board and therefore failed.

SO ORDERED this the 22<sup>nd</sup> day of June, 2009.

Thereafter, Mr. D. I. Smith did offer and Mr. John Bell Crosby did second a motion to request the State Auditor's Office conduct a performance and operational audit of all aspects of billing and billing apparatus employed by the County Engineer in connection with his various contracts with the county. The vote on the matter being as follows:

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

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

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

the motion did not garner a majority vote of the Board and therefore failed.

SO ORDERED this the 22<sup>nd</sup> day of June, 2009.

***In re: Acknowledge Receipt of Funds  
and  
In re: Retirement of Don Frazier From  
the Madison County Sheriff's Department***

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 Pearl	\$ 325.00
City of Canton	\$ 3,056.37
City of Ridgeland	\$ 1,496.51
City of Flora	\$ 584.87
City of Madison	\$ 1,244.04
Evercom	\$ 17,884.55
Valley Foods	\$ 2,104.55, and

WHEREAS, pursuant to Miss Code. Ann. 45-9-131, Sheriff Trowbridge also requested permission to purchase the firearm for Deputy Don Frazier, being a Cig Sauer 40 caliber, bearing serial no. U642707 and inventory no. 1490,

Acting pursuant to Miss Code. Ann. 45-9-131, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion **(1)** to acknowledge receipt of said checks; **(2)** to allow Don Frazier to purchase as his personal property that certain sidearm which has been issued to him by the Madison County Sheriff's Department, the same being a Sig Sauer 40 caliber, bearing serial no. U642707 and inventory no. 1490, upon the occasion of his retirement under the Mississippi state retirement system and **(3)** to set, fix and determine that the sum of \$10.00 is the amount to be paid for said firearm. 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, and Deputy Frazier was and is so authorized and allowed, and the purchase price established.

SO ORDERED this the 22<sup>nd</sup> day of June, 2009.

***In re: Authorization of Additional Fee for Traffic Tickets***

Mr. John Bell Crosby did offer and Mr. Karl M. Banks did second a motion to authorize an additional \$2.00 fee be added to all traffic tickets for Crime Stoppers advertising purposes, as allowed by statute. The vote on the matter being as follows:

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

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

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

the matter carried unanimously and said additional fee was and is hereby authorized.

SO ORDERED this the 22<sup>nd</sup> day of June, 2009.

***In re: Entering into “Closed Session” to Determine Whether or not the Board Should Declare an Executive Session***

WHEREAS, the Board of Supervisors, after beginning the meeting in open session, determined that it was necessary to enter into closed session for a brief discussion to ascertain whether an Executive Session was needed as to real property acquisition and potential litigation,

Following discussion and pursuant to the terms of Miss. Code Ann. § 25-41-7, as amended, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to make a closed determination upon the issue of whether or not to declare an Executive Session for the purpose of discussing real property acquisition and potential litigation, with the following persons deemed necessary for Board discussions, deliberations, and recording of such Executive Session, to wit: members of the Board, Chancery Clerk Arthur Johnston, Board Secretary and Deputy Chancery Clerk Cynthia Parker, Board Attorney Eric Hamer, his assistant Ms. Tammy McDaniel, County Administrator Donnie Caughman, County Comptroller and Deputy Chancery Clerk Mark Houston, State-Aid Engineer John Granberry, County Right-of-Way Agent Woody Sample. The vote on the matter being as follows:

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

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

SO ORDERED this the 22<sup>nd</sup> day of June, 2009.

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

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

WHEREAS, the Board Attorney also informed the Board of certain items related thereto which involve potential and threatened litigation and advised the Board that, consequently, discussion thereof was properly the subject of executive session,

Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to enter into Executive Session to discuss real property acquisition and litigation issues. 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 President Griffin declared the Board of Supervisors to be in Executive Session for the consideration of such matters and the Chancery Clerk announced to the public the purpose for the Executive Session.

SO ORDERED this the 22<sup>nd</sup> day of June, 2009.

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion (1) to authorize the County Right-of-Way Agent to accept the offer of \$7,500.00 from Savita Nair for the purchase of Parcel 6 in connection with the Sowell Road Project; (2) to establish just compensation in said amount, and (3) authorize and direct the Chancery Clerk to issue an appropriate pay warrant upon the execution of the necessary right of way conveyance documents. 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 offer was and is hereby accepted, the County Right-of-Way Agent was and is hereby so authorized and directed, just compensation in said amount was and is hereby established, and the Chancery Clerk was and is authorized accordingly.

SO ORDERED this the 22<sup>nd</sup> day of June, 2009.

Thereafter, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to authorize Mr. Michael Cory of the law firm of Danks Miller Hamer & Cory to represent certain county employees and elected officials subpoenaed to testify at the trial of the matter of Beaumont Homes, LLC v. Colonial Jordan Properties, LLC, et al, bearing Cause No. 2006-0864 on the docket of the Chancery Court of Madison County, Mississippi, said trial being set for June 29, 2009. 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. Cory was and is hereby authorized to represent all such officials.

SO ORDERED this the 22<sup>nd</sup> day of June, 2009.

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

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

the matter carried unanimously and the President declared Executive Session declared adjourned, and the Chancery Clerk did announce to the public the nature of the action taken therein.

SO ORDERED this the 22<sup>nd</sup> day of June, 2009.

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

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

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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 D. I. Smith and approved by the unanimous vote of those present, the June, 2009 term of the Madison County Board of Supervisors was adjourned.

\_\_\_\_\_  
Paul Griffin, President  
Madison County Board of Supervisors

Date signed: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Arthur Johnston, Chancery Clerk

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

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