

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

REGULAR MEETING OF JULY 7, 2009  
Being the first day of the July 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 July 7, 2009, in the Board Room on the first floor of the new addition to the Chancery and Administrative Building, 125 W. North Street, 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  
Sheriff Toby Trowbridge  
Tax Assessor Gerald Barber  
Tax Collector Kay Pace  
Chancery Clerk Arthur Johnston

Absent:

None

Also in attendance:

County Administrator Donnie Caughman  
County Comptroller Mark Houston  
Board Secretary and Deputy Chancery Clerk Cynthia Parker  
Board Attorney Eric Hamer  
County Road Manager Lawrence Morris  
Assistant County Engineer John Granberry  
E911 Director Butch Hammack  
Assistant County Comptroller and Deputy Chancery Clerk Quandice Green  
County Purchase Clerk Hardy Crunk  
County Zoning Administrator Brad Sellers  
Building and Grounds Director Barry Parker  
Deputy Tax Assessor Kent Hawkins  
Deputy Tax Assessor Diane Odom  
County Fire Coordinator Mack Pigg

Special Guests:

Hon. Rita Martinson, State Representative  
Justice Court Clerk Susan McCarty

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

The President then recognized Chancery Clerk Arthur Johnston who then announced that Ms. Redonna Burns of the Madison County District Attorney's Office was named as Madison County's Employee of the Quarter and reported to the Board that Ms. Burns demonstrated a willingness to go above and beyond the call of duty to maintain efficiency and professionalism of her office. The Board issued its deep appreciation to Ms. Burns and her service to Madison County.

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

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

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**In re: Approval of Minutes From June, 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 June 2009 term, said meetings having been conducted on June 1, June 8, and June 22, 2009, and

WHEREAS, Mr. Johnston read certain amendments and corrections to said Minutes and suggested the Board approve the same with said amendments and corrections,

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to approve the Minutes as presented, and to authorize the President to sign said Minutes once the amendments and corrections have been made. 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 Minutes for the June 2009 term of the Board of Supervisors of Madison County were and are hereby approved as amended and corrected

SO ORDERED this the 7<sup>th</sup> day of July, 2009.

**In re: Approval of Increase of Assessments of 2008 Real Property Pursuant to Miss. Code Ann. § 27-35-147 et seq.**

WHEREAS, on June 22, 2009, the Board determined that July 7, 2009 would be an appropriate date for a public hearing on the matter of increasing the assessment on that certain parcels of real property as set forth on that certain Notice to Increase Assessment, a 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 owner, and the Board does find that said notice was sufficient, and

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. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to close the public hearing and approve the assessment increase for that entity 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

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the matter carried unanimously and the assessment of the parcel reflected thereon was and is hereby approved and adopted.

SO ORDERED this the 7<sup>th</sup> day of July, 2009.

***In re: Re-Setting 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:

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, the Board previously set and established 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, and

WHEREAS, on May 18, 2009, the Board re-set and continued said matter until July 7, 2009 at 9:00 am, and

WHEREAS, Mr. Roger Williams, Esq., appeared before the Board representing the Mississippi Muslim Association and reported that he had been informed over the weekend that the City of Madison was not obligated to furnish sewer as had been previously determined in that the property in question did not lie within the certificated area of the City of Madison, and

WHEREAS, as a result of the recent development cited above, Mr. Williams requested, on behalf of his clients, that the matter be continued until the first meeting of the August, 2009 term,

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to continue the public hearing in this matter, and re-set and establish the date of August 3, 2009 at 9:00 am as the date and time for the Board to conduct a public hearing concerning the appeal of

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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	Aye
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 re-set and the Zoning Administrator was and is so authorized and directed.

SO ORDERED this the 7<sup>th</sup> day of July, 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 (2) through (12) 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

WHEREAS, Supervisor D. I. Smith requested that Item numbers (8) and (15) be removed from the Consent Agenda and addressed separately, and

WHEREAS, Chancery Clerk Arthur Johnston requested that Item number (16) be removed from the Consent Agenda and withheld from further consideration until July 20, 2009, 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:

4. **Acknowledge June Monthly Road Department Report**  
(A true and correct copy of the June 2009 Monthly Road Department Report submitted by County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
5. **Acknowledge June Closed Call Analysis - Road Department**  
(A true and correct copy of the 2009 June Closed Call Analysis submitted by the County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
6. **Acknowledge July Service Call Schedule - Road Department**  
(A true and correct copy of the July 2009 Road Department Service Call Schedule submitted by County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
7. **Approve Rental Agreement with Pitney Bowes - District Attorney's Office**  
(A true and correct copy of that certain memorandum dated June 26, 2009 from Purchase Clerk Hardy Crunk recommending the Board approve the State Contract Rental Agreement with Pitney Bowes for the District Attorney's Office is attached hereto as Exhibit B, spread hereupon and incorporated herein by reference.)

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9. **Acknowledge Parkway East Public Improvement District Invoices**  
(A true and correct copy of Parkway East Public Improvement District Invoice Nos. 316 and 317 may be found in the Miscellaneous Appendix to these Minutes.)
10. **Adopt Order Accepting Contract for State Aid Project No. SAP-45(55), Old Highway 16 and Authorize Board President to Execute Same**  
(A true and correct copy of that certain memorandum dated June 22, 2009 from Ms. Emily Rut of Neel-Schaffer, Inc. along with the "Order of the Board of Supervisors Accepting Contract for State Aid Project No. SAP-45(55)," Old Highway 16, is attached hereto as Exhibit C, spread hereupon and incorporated herein by reference and the Board President is authorized to execute same.)
11. **Establish Just Compensation - Stribling Road Extension/Bouldin Estate**  
(A true and correct copy of that certain "Establishment of Just Compensation" on Parcel 3B, Bouldin Estate is attached hereto as Exhibit D, spread hereupon and incorporated herein by reference and the Board President is authorized to execute same.)
12. **Authorize Blanket Bonds - Deputy Circuit Clerks and Deputy Justice Court Clerks**  
(A true and correct copy of those certain blanket bonds for the Deputy Circuit Clerks and Deputy Justice Court Clerks may be found in the Miscellaneous Appendix to these Minutes.)
13. **Approve Petition for Reduction of Assessment - Real Property 2008 Tax Year**  
(A true and correct copy of said Petition and its spreadsheet attachment is attached hereto as Collective Exhibit E, spread hereupon and incorporated herein by reference.)
14. **Authorize Placement of Culverts**  
(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 F, 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 hereby approved, adopted and authorized.

SO ORDERED this the 7th day of July, 2009.

***In re: Consideration and Approval of Certain Renegotiated 16<sup>th</sup> Section Long Term Residential Leases***

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

Lessees:	Helen V. Cook
Description:	Lot 29, Sherbourne Subdivision, Part I
Lease Term:	40 years

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<u>Year</u>	<u>Annual Rent</u>
1 (Pro-rated)	\$ 423.69
2 - 5	\$ 650.00
6 - 10	\$ 715.00
11 - 15	\$ 780.00
16 - 20	\$ 845.00
21 - 25	\$ 910.00
26 - 30	\$ 975.00
31 - 35	\$ 1,040.00
36 - 40	\$ 1,105.00

Lessees: Elizabeth L. Ward  
Description: Lot 66, Sherbourne Subdivision, Part 2  
Lease Term: 40 years

<u>Year</u>	<u>Annual Rent</u>
1 (Pro-rated)	\$ 595.50
2 - 5	\$ 675.00
6 - 10	\$ 742.50
11 - 15	\$ 810.00
16 - 20	\$ 877.50
21 - 25	\$ 945.00
26 - 30	\$ 1,012.50
31 - 35	\$ 1,080.00
36 - 40	\$ 1,147.50

Mr. Tim Johnson did offer and Mr. John Bell Crosby did second a motion to approve the 16th Section Leases as set forth above, 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	No
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by a majority vote (4-1) and said leases were and are hereby approved.

SO ORDERED this the 7<sup>th</sup> day of July, 2009.

***In re: Approval of Ten (10) Utility Permits***

WHEREAS, the Board considered the following permits allowing use and occupancy for the construction or adjustment of a utility within certain roads or highway rights of way, and a copy of each may be found in the Miscellaneous Appendix to these Minutes:

- (1) Entergy - seeking to construct 1 - 1 phase primary conductor across Quail Road to serve Cleveland Edmond per WR #32025157381
- (2) Telepak - seeking to place fiber cable along the east side of Catlett Road
- (3) Telepak - seeking to place fiber cable along the north side of Yandell Road
- (4) Telepak - seeking to place fiber cable along the west side of Industrial Drive
- (5) Telepak - seeking to place fiber cable along the north side of Weisenberger Road
- (6) Telepak - seeking to place fiber cable along the east side of Old Jackson Road
- (7) Telepak - seeking to place fiber cable along the east side of Industrial Drive
- (8) Telepak - seeking to place fiber cable along the east side of Bozeman Road
- (9) Telepak - seeking to place fiber cable along the south side of Church Road
- (10) AT&T - seeking to place 50 pair copper cable along Loring Road

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Following discussion, Mr. Tim Johnson did offer and Mr. D. I. Smith did second a motion to approve the aforementioned utility permits. 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 utility permits were and are hereby approved.

SO ORDERED this the 7<sup>th</sup> day of July, 2009.

***In re: Request to Place Mobile Home***

During a period of citizens concerns, Ms. Carolyn Orr appeared before the Board and requested permission to place a mobile home on her property in an R-2 Residential District located on Simpson Road in the Kearney Park are of Flora,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to authorize the placement of a mobile home on the subject property with a three (3) year limitation. 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 Ms. Orr was and is hereby authorized to place a mobile home on her property with a three (3) year limitation.

SO ORDERED this the 7<sup>th</sup> day of July, 2009.

***In re: Acknowledging Receipt of the 2009 Property Tax Rolls***

WHEREAS, Tax Assessor Gerald Barber appeared before the Board of Supervisors and presented the 2009 Real and Personal Property Tax Rolls for Madison County, and

WHEREAS, the Board of Supervisors immediately began to equalize such tax rolls and determined that it would continue said equalization at every subsequent meeting of the Board as recessed from this meeting in July as provided for by law, and

WHEREAS, the Board of Supervisors also desired to authorize the Clerk to forward a copy of the recap sheet and affidavit of the Tax Assessor to the Mississippi State Tax Commission when necessary and required, as well as such other evidence of the Board's receipt of said rolls and this Board's action thereon, and

WHEREAS, the Board does desire to adopt that certain "Order of the Board of Supervisors" of even date herewith pertaining to said Rolls, a true and correct copy of which is attached hereto as Exhibit G, spread hereupon and incorporated herein by reference,

Following additional discussion of this matter, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion (1) to acknowledge receipt of the Property Tax Rolls for 2009 for Madison County with the assumption that the industrial exemptions which have been previously adopted by this Board and/or hereinafter so adopted, but not yet approved by the Mississippi

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State Tax Commission will be so approved and with the understanding that such exemptions are taken into account within said Rolls; (2) to adopt and enter the July form Order, a true and correct copy of which is attached hereto as Exhibit G, spread hereupon and incorporated herein by reference; (3) to further authorize the equalization process to be conducted at each and every Board meeting in July, 2009 conducted hereafter; (4) to establish August 3, 2009 as the date the Board will entertain and consider objections to said Rolls, set said date as the deadline for the filing of written protests with the Clerk, and advertise the same in the *Madison County Herald* for August 3, 2009 and to post notice of said hearing in prominent places throughout the county courthouse, said rolls to be available for public inspection in the Board Room of the new addition to the Chancery and Administrative Building; (5) to accept the Assessor's Affidavit of the Personal Roll and the Assessor's Affidavit of the Real Roll, as well as the draft recapitulation sheet, true and correct copies of each of which are attached hereto as Exhibits H, I, and J, 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 the receipt of the Real and Personal Property Tax Rolls for 2009 was and is hereby acknowledged; the July form Order was and is hereby adopted and entered; the equalization process was and now is begun; August 3, 2009 was and is hereby established as the date the Board will take up protests to said Rolls and as the deadline for the filing of written protests; the Affidavits of the Tax Assessor were and are hereby accepted; and the Clerk was and is authorized to advertise the date for public protest.

SO ORDERED this the 7th day of July, 2009.

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

**(1)** M-Tek, Inc. – Period Requested: 1/1/08 – 1/1/18

WHEREAS, Chancery Clerk Arthur Johnston appeared before the Board and reported that the Board had yet to consider the applications for industrial ad valorem tax exemptions filed by M-Tek and Hederman Brothers, LLC, and that, based on the Board's actions of June 22, 2009, said firms were invited and noticed to appear today for such consideration, and

WHEREAS, with regard to M-Tek, Mr. Johnston reported that although its application 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 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,

WHEREAS, Chris Pace, Esq. with the law firm of Watkins Ludlam Winter & Stennis appeared before the Board together with Mr. Jeffery Rhodes of M-Tek, both of whom stated that they believed that the Board's exemption policy created a complete exception for M-Tek and all other Nissan suppliers and cited actions of the Board from prior years wherein late applications were accepted and granted by the Board, and

WHEREAS, Mr. Barber spoke in opposition to the application, stating that his office had informed representatives of M-Tek and its prior counsel of the applicability of the procedural provisions of the Board's policy and that the Board's prior actions in granting such out-of-time

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exemption applications were in an effort to insure compliance in the future and that such accommodations had indeed been made by the Board three years in a row and could not be further tolerated, and

WHEREAS, Mr. Tim Coursey, Executive Director of the Madison County Economic Development Authority spoke in favor of the exemption request, drawing attention to the difficult state of the economy and the substantial and continuing investments being made in Madison County by M-Tek,

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to grant unto M-Tek, Inc. ten (10) year *ad valorem* tax exemption under Miss. Code Ann. § 27-31-105 for addition/ expansion and equipment replacement occurring as of January 1, 2009 in the amounts 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 if applicable**, provided, however, that in all future years, late filed applications by said firm will not be considered and the procedural provisions of the Board's policy shall be strictly applicable unto said firm, and (2) authorize the Board President and the Chancery Clerk to execute any and all documentation necessary to evidence such approval, including orders and resolutions, and to forward the same to the Mississippi State Tax Commission as required by law seeking the approval of said agency.. 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	No

the matter carried by a majority (3-2) vote of the Board and the application of M-Tek for a ten year *ad valorem* tax exemption was and is hereby granted and approved with the aforesaid provisos and the Board President and the Chancery Clerk were and are so authorized.

SO ORDERED this the 7<sup>th</sup> day of July, 2009.

- (1)** Hederman Brothers, LLC – Period Requested: 1/1/09 – 1/1/19 for 10 years
- (2)** Hederman Brothers, LLC – Period Requested: 1/1/09 – 1/1/18 for 9 years
- (3)** Hederman Brothers, LLC – Period Requested: 1/1/09 – 1/1/17 for 8 years

WHEREAS, with regard to Hederman Brothers, LLC, Mr. Johnston reminded the Board that said firm 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 2008 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 2007 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 K, spread hereupon and incorporated herein by reference, and

WHEREAS, Ms Christine Rollins with Property Tax Associates, Inc. and Mr. Doug Hederman appeared on behalf of the applicant and reviewed the details of said firms three applications with the Board, and

WHEREAS, Mr. Coursey spoke in support of the requests and observed that the firm was an excellent corporate citizen of the county, and

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WHEREAS, the Board determined, during the course of the proceedings hereon, that a retroactive grant of previously denied ad valorem exemption requests would be inappropriate and not in the best interest of the remaining taxpayers of Madison County,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to (1) grant unto Hederman Brothers, LLC a ten (10) year *ad valorem* tax exemption under Miss. Code Ann. § 27-31-105 for addition/ expansion and equipment replacement occurring as of January 1, 2009 in the amounts reflected on said firm's 2009 Application only **except *ad valorem* taxes levied for school district purposes and except *ad valorem* taxes levied for fire protection services if applicable**, and (2) authorize the Board President and the Chancery Clerk to execute any and all documentation necessary to evidence such approval, including orders and resolutions, and to forward the same to the Mississippi State Tax Commission as required by law seeking the approval of said agency.

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 Hederman Brothers LLC for a ten year *ad valorem* tax exemption for those improvements reflected in its 2009 application only was and is hereby granted and the Board President and the Chancery Clerk were and are so authorized.

SO ORDERED this the 27<sup>th</sup> day of July, 2009.

***In re: Approval of Letter of Agreement with nCourt, LLC***

WHEREAS, Justice Court Clerk Susan McCarty appeared before the Board and presented a Letter of Agreement with nCourt, LLC and requested the Board approve same, and

WHEREAS, Ms. McCarty reported to the Board that nCourt provides a website that permits offenders to pay traffic citations online with a credit or debit card,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to approve the Letter of Agreement with nCourt, LLC for payment of traffic citations online. 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 Letter of Agreement was and is hereby approved.

SO ORDERED this the 7<sup>th</sup> day of July, 2009.

***In re: Discussion of Proposed Franchise Agreement with AT&T***

WHEREAS, Mr. Michael Walker of AT&T appeared before the Board and requested the Board consider issuing a proposed franchise agreement to AT&T for networking and video services throughout the county,

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

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authorize the Board Attorney to consult with counsel for AT&T and present a franchise agreement to the Board in a subsequent term. The vote on the matter being as follows:

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

the matter carried unanimously and the Board Attorney was and is hereby so authorized.

SO ORDERED this the 7<sup>th</sup> day of July, 2009.

***In re: Set Date for Public Hearing – Livingston Township, LLC***

WHEREAS, Zoning Administrator Brad Sellers appeared before the Board and reported that Nell B. Wade & Associates had registered an appeal with his office pertaining to the decision of the Madison County Planning and Zoning Commission of June 11, 2009 approving the Petition to Rezone filed by Livingston Township, LLC to allow the rezoning of certain property from A-1 Agricultural District and C-2 Commercial District to an R-1B Residential District with a Planned Unit Development District overlay, being 47.20 acres with 23.94 acres reserved for commercial use and 23.25 acres reserved for residential use, on property located in Section 8, T8N, R1E,

Following discussion, Mr. Tim Johnson did offer and Mr. John Bell Crosby did second a motion to set and establish the date of August 17, 2009 at 9:00 a.m. as the date and time for the Board to conduct a public hearing concerning the appeal of Nell B. Wade & Associates regarding the aforementioned decision of the Madison County Planning and Zoning Commission of June 11, 2009 approving the Petition to Rezone 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	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said public hearing was and is hereby set and the Zoning Administrator was and is so authorized and directed.

SO ORDERED this the 7<sup>th</sup> day of July, 2009.

***In re: Approval of Claim for Damages – Charles Nash***

WHEREAS, Emergency Management Director Butch Hammack appeared before the Board and presented a claim for damages from Charles Nash for damages received to the windshield of his vehicle due to debris thrown from a Road Department truck, and recommended approval of same, and

WHEREAS, a true and correct copy of that certain explanatory memorandum dated July 1, 2009 from Mr. Hammack and the low quote from Myers Car Care in the amount of \$228.00 is attached hereto as Collective Exhibit L, 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 approve the aforementioned claim for damages unto Mr. Nash in the amount of \$228.00. 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 claim was and is hereby approved and the Chancery Clerk was and is hereby authorized to issue a pay warrant accordingly.

SO ORDERED this the 7<sup>th</sup> day of July, 2009.

***In re: Approval of Claim for Damages - Kathie Curtis***

WHEREAS, Emergency Management Director Butch Hammack appeared before the Board and presented a claim for damages from Kathie Curtis for damages received to the driver's side window of her vehicle while traveling on Bozeman Road, and recommended approval of same, and

WHEREAS, a true and correct copy of an explanatory memorandum dated July 1, 2009 from Mr. Hammack and the low quote from Venable Glass Services in the amount of \$176.55 is attached hereto as Exhibit M, spread hereupon and incorporated herein by reference, and

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to approve the aforementioned claim for damages unto Ms. Curtis in the amount of \$176.55. 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 claim was and is hereby approved and the Chancery Clerk was and is hereby authorized to issue a pay warrant accordingly.

SO ORDERED this the 7<sup>th</sup> day of July, 2009.

***In re: Acknowledgment and Approval of Transition Agreement Between Current State Aid Engineer and Former State Aid Engineer***

WHEREAS, State Aid & LSBP Engineer John Granberry appeared before the Board and presented that certain "Agreement by and between John J. Granberry, P.E. (Warnock & Associates, LLC), Keith O'Keefe, P.E. (Neel Schaffer, Inc.) and Madison County, Mississippi" for the transfer of engineering responsibilities associated with state aid projects to the Board for its consideration, and

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

Following discussion, Mr. Tim Johnson did offer and Mr. John Bell Crosby did second a motion to acknowledge and approve said transition agreement and direct Mr. Granberry to forward the same to the appropriate officials at the Mississippi State Aid Office. The vote on the matter being as follows:

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

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

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

the matter carried unanimously and said transition agreement was and is hereby acknowledged.

SO ORDERED this the 7<sup>th</sup> day of July, 2009.

***In re: Authorization of Activation of  
ARRA Funding Overlay Project***

WHEREAS, State Aid & LSBP Engineer John Granberry on behalf of County Engineer Rudy Warnock appeared before the Board and requested the Board authorize County Administrator Donnie Caughman request the activation of the ARRA Funding Overlay Project,

Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to authorize the County Administrator to request the activation of th ARRA Funding Overlay 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. Caughman was and is hereby authorized.

SO ORDERED this the 7<sup>th</sup> day of July, 2009.

***In re: Approval of Claims Docket for July 7, 2009***

WHEREAS, the Board reviewed the claims docket for July 7, 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	2921 to 3067	147	725,911.37
012	189 to 203	15	21,209.66
013	27 to 28	2	152,610.51
014	10 to 10	1	2,464.57
051	31 to 32	2	78,206.98
095	20 to 21	2	42,224.40
097	302 to 319	18	65,195.58
105	36 to 37	2	173,647.02
113	12 to 12	1	963.00
114	18 to 18	1	998.28
115	74 to 82	9	1,721.31
116	44 to 46	3	388.42
120	75 to 80	6	482.21
121	37 to 40	4	450.88
150	755 to 789	35	163,821.32

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

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

160	271 to 294	24	120,414.88
190	135 to 147	13	14,461.22
240	10 to 10	1	4,061.15
302	67 to 68	2	136,973.77
305	20 to 20	1	40,906.32
401	14 to 14	1	4,822.85
690	20 to 21	2	37,976.56
691	20 to 21	2	37,855.67
TOTAL ALL FUNDS		294	1,827,767.93

**HELD CLAIMS**

Fund	Claim Nos.	Payee	Amount
013	27	Gulf South Construction Co.	\$87,331.05
013	28	Gulf South Construction Co.	\$65,279.46

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to approve the claims docket as presented, less and except the above noted held claims. 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 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 <sup>1</sup>
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 7th day of July, 2009.

Thereafter, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to approve the aforementioned held claims. 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 Held Claims were and are hereby approved and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 7th day of July, 2009.

***In re: Authorize County Administrator to Expend Funds to Acquire Public Records Regarding Engineering Fees***

WHEREAS, County Administrator Donnie Caughman appeared before the Board and presented a cost bill from the City of Jackson for an Open Records Request for all contracts relating to engineering, professional service contracts relating to engineering and any sub-

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<sup>1</sup>Prior to discussion on consideration of the following matter regarding held claims, Mr. Johnson excused himself from the meeting and departed the room.

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

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

contracts relating to engineering services between the City of Jackson and those professionals since January 2005, and

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

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to authorize the County Administrator to review the aforementioned documents with the City of Jackson and acquire those documents deemed necessary, as well as documents from other governmental entities at a cost not to exceed the total sum of \$3,000.00. The vote on the matter being as follows:

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

the matter carried unanimously and the County Administrator was and is hereby so authorized.

SO ORDERED this the 7th day of July, 2009.

***In re: Appointment to West Madison Utility  
District Board of Directors***

Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to appoint Ms. Sadie Heard to the West Madison Utility District Board of Directors replacing Mr. Eddie Nelson representing District 4. 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 Ms. Heard was and is hereby appointed.

SO ORDERED this the 7<sup>th</sup> day of July, 2009.

***In re: Appointment to Metropolitan Planning Organization (MPO)***

Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to appoint Board President Paul Griffin to the Metropolitan Planning Organization (MPO) Board replacing Supervisor D. I. Smith. 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) and Mr. Griffin was and is hereby so appointed.

SO ORDERED this the 7<sup>th</sup> day of July, 2009.

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

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

***For Searching Reference Only: Page 15 of 18 (7/07/09)***

***In re: Acknowledge Receipt of Funds for Housing Prisoners; Acknowledge Hires and Terminations; and Authorize Board President Execute Invoice***

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

<u>Entity</u>	<u>Amount</u>
State of MS	\$59,009.87 (wireless communication fund)

WHEREAS, Sheriff Trowbridge did further then presented a list of three (3) terminations for the month of June, 2009, a true and correct list thereof is attached hereto as Exhibit Q, spread hereupon and incorporated herein by reference, and

WHEREAS, Sheriff Trowbridge later requested the Board authorize the Board President to execute those certain invoices to Mississippi Department of Corrections in the amount of \$9,364.23 for the month of May and \$13,006.54 for the month of April for feeding and housing of prisoners,

Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to acknowledge receipt of said checks, acknowledge said terminations, and authorize the Board President to execute said invoices. 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, said terminations were and are hereby acknowledged, and the Board President was and is hereby authorized.

SO ORDERED this the 7<sup>th</sup> day of July, 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 potential litigation, and

Following discussion and pursuant to the terms of Miss. Code Ann. § 25-41-7, as amended, Mr. Tim Johnson did offer and Mr. Karl M. Banks 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 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, County Administrator Donnie Caughman, County Comptroller and Deputy Chancery Clerk Mark Houston, County Purchase Clerk Hardy Crunk, and Sheriff Toby Trowbridge. The vote on the matter being as follows:

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

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



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

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

SO ORDERED this the 7<sup>th</sup> day of July, 2009.

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

WHEREAS, the Board Attorney advised the Board that, consequently, discussion thereof was properly the subject of executive session,

WHEREAS, a discussion of the nature of the matters requiring Executive Session was had and Board Attorney Eric Hamer informed the Board that he had information concerning potential litigation,

Following discussion, Mr. Tim Johnson did offer and Mr. John Bell Crosby did second a motion to enter into Executive Session to discuss potential litigation. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and President Griffin declared the Board of Supervisors to be in Executive Session for the consideration of such matters and the Board Attorney announced to the public the purpose for the Executive Session.

SO ORDERED this the 7<sup>th</sup> day of July, 2009.

Following discussion, Mr. Tim Johnson did offer and Mr. John Bell Crosby did second a motion to authorize the Board Attorney to join with Attorney General Jim Hood as a party plaintiff in connection with the Mississippi Department of Transportation's lawsuit against the former Madison County Human Resource Agency, said matter bearing Cause No. 3:09 cv 415 DDJ-JCS on the docket of the United State District Court for the Southern District of Mississippi, so as to seek recovery of unaccounted for county 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 the Board Attorney was and is hereby authorized.

SO ORDERED this the 7<sup>th</sup> day of July, 2009.

Thereafter, Mr. Tim Johnson 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:

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

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

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

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

SO ORDERED this the 7<sup>th</sup> day of July, 2009.

***In re: Authorization of Board Attorney to Review  
Memorandum of Understanding with the City of Canton***

WHEREAS, Sheriff Toby Trowbridge appeared before the Board and presented a Memorandum of Understanding (MOU) with the City of Canton to apply for JAG grant funds for use at the firing range,

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to authorize the Board Attorney to review said MOU with the City of Canton to apply for JAG grant funds for use at the firing range within the City and present the same to the Board at its next term. The vote on the matter being as follows:

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

the matter carried unanimously and the Board Attorney was and is hereby authorized.

SO ORDERED this the 7<sup>th</sup> day of July, 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 meeting of the Board of Supervisors was recessed until Monday, July 20, 2009 for the purpose 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:** \_\_\_\_\_