

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

REGULAR MEETING OF AUGUST 3, 2009

Being the first day of the August 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 August 3, 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 Collector Kay Pace  
Tax Assessor Gerald Barber  
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  
County Engineer Rudy Warnock  
E911 Director Butch Hammack  
County Zoning Administrator Brad Sellers  
Deputy Tax Assessor Kent Hawkins  
Deputy Tax Assessor Diane Odom  
Deputy Tax Assessor Jeff Peterson  
Deputy Tax Assessor Ira "Buddy" Thorn  
County Fire Coordinator Mack Pigg  
County Road Manager Lawrence Morris

Special Guests:

Hon. Rita Martinson, State Representative  
Hon. Guy Bowering, Alderman, City of Madison  
Hon. Dwight Luckett, Superintendent of Canton Public Schools

The President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. E911 Director Butch Hammack opened the meeting with a prayer and Supervisor D. I. Smith led the members and the audience in the Pledge of Allegiance to the Flag of the United States of America.

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

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

*For Searching Reference Only: Page 1 of 24 (8/03/09)*

***In re: Adoption of Resolution Honoring the  
Life of Robert Joseph “Bob” Dowdle***

RESOLUTION

WHEREAS, Robert Joseph “Bob” Dowdle, a longtime resident of Canton, Madison County, Mississippi departed this life on July 21, 2009, and

WHEREAS, Mr. Dowdle was born on October 20, 1954 to Dorothy Luckett Dowdle and the late, Robert Amos Dowdle, Jr., and

WHEREAS, Mr. Dowdle graduated from the University of Mississippi in 1975 where he was a member of the Kappa Alpha Order, and

WHEREAS, Mr. Dowdle was a lifelong communicant of Sacred Heart Catholic Church, and

WHEREAS, Mr. Dowdle was a Christian, God-fearing man, who loved his family and who fully committed himself to serving the people of this county, and

WHEREAS, Mr. Dowdle was president and general manager of Dowdle’s Economy Furniture, Inc. in Canton for ten (10) years, and

WHEREAS, Mr. Dowdle served as president of the Madison County Chamber of Commerce, president of the Canton Rotary Club, president of the Canton County Club, and was Mississippi Furniture Retailer of the Year in 1983, and

WHEREAS, Mr. Dowdle served as a member of the Madison County Board of Supervisors from 1989 to 1995, and

WHEREAS, Madison County was blessed by Mr. Dowdle’s service in county government, and by his many accomplishments as Supervisor,

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

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

Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to adopt the above and foregoing Resolution. The vote on the matter being as follows:

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

the motion carried unanimously and said Resolution was and is hereby adopted.

SO ORDERED this the 3<sup>rd</sup> day of August, 2009.

**President’s Initials:** \_\_\_\_\_

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

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***In re: Approval of Minutes From July, 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 July 2009 term, said meetings having been conducted on July 7 and July 20, 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. Tim Johnson 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 July 2009 term of the Board of Supervisors of Madison County were and are hereby approved as amended and corrected

SO ORDERED this the 3<sup>rd</sup> day of August, 2009.

***In re: 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 had been previously set by this Board and continued until

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

today, and

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

WHEREAS, Mr. Roger Williams, Esq., appeared before the Board representing the Mississippi Muslim Association and urged the approval of said special exception, arguing that many Muslims have moved to the Madison County area, were good neighbors and were in need of a worship facility, and

WHEREAS, Mr. Williams also noted that of the nine petitions for special exception seeking a special use as a worship facility in an R-1 residential district over the last three years, all nine had been approved, and

WHEREAS, Mr. Williams reported that the Mississippi Department of Health had approved the proposed sewage treatment plant and that water would be supplied by Bear Creek Water Association, and

WHEREAS, Mr. Williams also observed that while some additional traffic may occur as the result of the mosque, the acreage acquired by the association was of sufficient size to accommodate parking without disturbing area neighbors and, since, the site was located along U. S. Highway 51 traffic really should not be a problem, and

WHEREAS, Mr. Azzam Abumirshid appeared before the Board on behalf of the Association and gave an impassioned plea for the approval of the special exception, pointing out that Muslims were good citizens of the community and moved to this county for the same reasons that so many others had done so – improved quality of life and the betterment of themselves and their families, and

WHEREAS, John Reeves, Esq. appeared before the Board on behalf of opponents to the special exception and referred the Board to section 2605 of the Madison County Zoning Ordinance and indicated that the petitioners could not comply and had not complied with subsections (a) through (h) thereof, and

WHEREAS, Mr. Reeves argued that Bear Creek Water Association in fact would not be able to provide water service to the proposed mosque because of the danger of cross-contamination of effluents from the proposed on-site sewage treatment plant with Bear Creek's water lines, and cited the Board to various provisions of Appendix B to Bear Creek's Wastewater Policies and Procedures which he contended would prevent Bear Creek from supplying water service to the location, and

WHEREAS, a number of area residents appeared before the Board and spoke in opposition to the special exception, including Mr. Alan Henderson, Ms. Betty Stewart, and Ms. Debbie Westerfield, who argued, *inter alia*, that (a) the area along Highway 51 where the mosque is proposed is tranquil and rural and the increased traffic and activity associated with the mosque would disturb their quiet enjoyment of their property, (b) prior contentions that every application for a special exception to allow a place of worship had been granted was in error and cited the Board to two prior petitions that were denied by the Board, and (c) most of the people who would be attending the mosque in fact did not live in the area, and

WHEREAS, Board members requested that a representative of Bear Creek Water Association appear and respond to the primary issue that water service could not be had at the proposed location, and

WHEREAS, Mr. Tony McMullan, Manager of Bear Creek, appeared and responded that his Association would defer to the City of Madison for the provision of water service to the mosque in that the mosque was within a one mile radius of the City of Madison, and hence, pursuant to state law and the rulings of the Mississippi Public Service Commission, it had the

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option of providing service, and

WHEREAS, after being pressed concerning whether Bear Creek would provide water if the City of Madison declined to do so and assuming an adequate on-site sewage treatment plant, Mr. McMullan responded that Bear Creek would in fact provide water service to the location, and

WHEREAS, Supervisor Tim Johnson stated for the record that in view of the fact that water and sewer could now be provided for, there was no basis to deny the special exception, and

WHEREAS, Supervisor John Bell Crosby stated that the interest of area landowners in the use of their property and the effects that the special exception may have on those uses were more important than the interest of the true landowner, Abdul G. Bahro, who did not even appear for today's hearing, and

WHEREAS, Mr. Crosby also stated that the county has a plan of growth for the Highway 51 corridor as described in the county's land use plan and elsewhere, and the location of a worship facility on this property did not correlate to that plan, and furthermore, Mr. Crosby stated that if the Board were to deny the special exception, it would send a positive message to developers that the county has strong guidelines and plans for development and the county intends to adhere to them,

Following additional discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to close the public hearing in this matter and admit the following documents into evidence in the matter, all of which may be found in the Miscellaneous Appendix to these Minutes and marked by the Clerk as follows:

- Exhibit 1 – Numerous Petitions in Support of the Special Exception
- Exhibit 2 – Numerous Petitions in Opposition to the Special Exception
- Exhibit 3 – Appendix B of Bear Creek Water Association, Inc.'s Wastewater Policies
- Exhibit 4 – Correspondence from Madison Mayor Mary Hawkins-Butler dated April 10, 2009
- Exhibit 5 – Petition for Special Exception with Exhibits
- Exhibit 6 – Supplement to Petition for Special Exception.

. 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 closed and the above and foregoing Exhibits were and are hereby admitted into evidence in this cause.

SO ORDERED this the 3<sup>rd</sup> day of August, 2009.

Thereafter, and following much additional discussion and questioning by Supervisors, Mr. John Bell Crosby did offer and Mr. D. I. Smith did second a motion to affirm the decision of the Madison County Planning and Zoning Commission and deny the application for a Special Exception. The vote on the matter being as follows:

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

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

SO ORDERED this the 3<sup>rd</sup> day of August, 2009.

Thereafter, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to reverse the decision of the Madison County Planning and Zoning Commission and grant the application for a Special Exception, subject to subsequent approval by the Board of petitioners' site plan, architectural and building plans, together with written verification from the appropriate provider(s) of sewer and water service that such would in fact be provided. The vote on the matter being as follows:

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

the matter carried by a majority (3-2) vote of the Board and the decision of the Madison County Panning and Zoning Commission was and is hereby reversed and the Special Exception granted subject to the conditions aforesaid.

SO ORDERED this the 3<sup>rd</sup> day of August, 2009.

***In re: Request for Assistance on Infrastructure Projects  
Canton Public School District***

WHEREAS, Superintendent of Education for Canton Public School District, Dwight J. Luckett appeared before the Board and requested the county's assistance with various projects at Canton High School and Nichols Middle School, and

WHEREAS, Mr. Luckett presented that certain explanatory memorandum containing the items in need of assistance, the same being a bus loop at Finney Road, a multi-purpose parking lot behind visitor bleachers, a new stadium entrance area parking lot north of the field house at Canton High School, and a service road at Nichols Middle School, and

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

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to (1) authorize County Engineer Rudy Warnock and Road Manager Lawrence Morris review the aforementioned list and determine if the county can be of any assistance to the school district and (2) provide a detail cost estimate for said projects. 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 the County Engineer and the Road Manager were and are hereby so authorized.

SO ORDERED this the 3<sup>rd</sup> day of August, 2009.

***In re: Public Hearing on Objections to the Equalization of the 2009 Assessment Roll of Madison County, Mississippi***

WHEREAS, this day came on to be considered by the Board of Supervisors of Madison County, Mississippi, the matter of the objections to the assessment roll for the year 2009, and it appearing that said preliminary assessment rolls have been heretofore filed by the Madison County Tax Assessor and that said roll has been examined and equalized by this Board of Supervisors as required by law and the required notice has been given to the public and to the taxpayers in the manner provided by law at least ten (10) days prior to this meeting, and

WHEREAS, the Board authorized the publication of such notice in *The Madison County Herald*, a newspaper of general circulation in Madison County, the same having been accomplished on July 18 and July 23, 2009, and

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

WHEREAS, Tax Assessor Gerald Barber did appear before the Board and requested that the Board close the period for accepting objections to the real and personal rolls as of 9:00 am today and set aside a date certain for entertaining individual equalization hearings on protests properly submitted and for final consideration of said rolls, and

WHEREAS, Mr. Barber did also present spreadsheets containing recommended adjustments for the 2009 real and personal preliminary property assessment rolls, true and correct copies of which are attached hereto as Collective Exhibit D, spread hereupon, and incorporated herein by reference,

WHEREAS, thereafter, Mr. Barber presented certain Notices to Increase assessments regarding the 2009 real and personal preliminary property assessment rolls and requested that the Board accept and approve the increases which have been agreed to in writing by the affected taxpayers and set the matter of the approval of the remainder thereof for hearing on August 24, 2009 in conjunction with the public hearings on the aforementioned protests, and

WHEREAS, said Notices, both those that have been agreed to and those that have not been agreed to, are attached hereto as Collective Exhibit E, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion, in accordance with Miss. Code Ann. §§ 27-35-89 and 27-35-93, to (1) declare the period for accepting objections to said rolls closed as of 9:00 a.m. this date, August 3, 2009; (2) set Monday, August 24, 2009, at 9:00 am as the date for individual equalization hearings on same for those who have timely filed objections thereto and for the final approval of said rolls; (3) direct the Chancery Clerk to communicate with each protester as to the date of said hearing and request that each protester complete and submit a Request for Review to the Tax Assessor in advance of said hearing in order to give the Tax Assessor an opportunity to prepare a response; (4) approve recommended changes for the 2009 real and personal preliminary property assessment rolls as set forth on Exhibit D hereto; (5) to accept and approve the increases which have been agreed to in writing by the affected taxpayers for the 2009 real and personal property preliminary assessment rolls as set forth on Exhibit E hereto, and set the matter of the approval of the remainder thereof for hearing on August 24, 2009 at 9:00am in conjunction with the public

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hearings on the aforementioned protest hearings. 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 the motion was and is hereby approved, the objection period was and is hereby closed as of 9:00 a.m. today, August 3, 2009, and individual equalization hearings were and are hereby set beginning at 9:00 a.m. on Monday, August 24, 2009 in the Board Room in the new addition to the Chancery and Administrative Building 125 West North Street, Canton, Mississippi, and the Chancery Clerk was and is directed accordingly, and the recommended changes for the 2009 Tax Roll were and are hereby approved and the real property changes proposed for 2009 equalization were and are hereby approved and said increases were and are hereby adopted and the hearing set as to the remainder.

SO ORDERED this the 3<sup>rd</sup> day of August, 2009.

***In re: Homestead Exemption Tax Loss Disallowances***

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

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

WHEREAS, a copy of such spreadsheet, together with a copy of each such disallowance notice, may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to (1) accept the Homestead Exemption Tax Loss Allowances as presented subject to the listed objections, (2) direct that said properties to which no objection is lodged be re-assessed in the statutory amount, (3) direct the Chancery Clerk to forward the spreadsheet and notices to Mississippi State Tax Commission subject to the listed objections which are hereby affirmed and accepted, and (4) direct the Clerk to request of the Tax Commission that each such Disallowance to which an objection was received not be effectuated. The vote on the matter being as follows:

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

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

SO ORDERED this the 3<sup>rd</sup> day of August, 2009.

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

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

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***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 (5) through (20) 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 number (11) be removed from the Consent Agenda and addressed separately, 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:

5. **Acknowledge July Monthly Road Department Report**  
(A true and correct copy of the July 2009 Monthly Road Department Report submitted by County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
6. **Acknowledge July Closed Call Analysis - Road Department**  
(A true and correct copy of the July 2009 Closed Call Analysis submitted by the County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
7. **Acknowledge August Service Call Schedule - Road Department**  
(A true and correct copy of the August 2009 Road Department Service Call Schedule submitted by County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
8. **Approve Update to Employee Handbook**  
(A true and correct copy of summary of changes to Employee Handbook is attached hereto as Exhibit F, spread hereupon and incorporated herein by reference.)
9. **Approve Compensatory Leave Policy - Road Department**  
(A true and correct copy of compensatory leave policy for the Road Department is attached hereto as Exhibit G, spread hereupon and incorporated herein by reference.)
10. **Acknowledge Credit Card Report for June 9, 2009 through July 9, 2009 - Sheriff's Department**  
(A true and correct copy of that certain memorandum dated July 28, 2009 from County Purchase Clerk Hardy Crunk is attached hereto as Exhibit H, spread hereupon and incorporated herein by reference.)
12. **Authorize Advertising for New Bulldozer**  
(A true and correct copy of that certain explanatory memorandum dated July 27, 2009, from Purchase Clerk Hardy Crunk requesting permission to advertise for new bulldozer is attached hereto as Exhibit I, spread hereupon and incorporated herein by reference.)
13. **Acknowledge Certificate of Recapitulation of Real/Personal Assessments Rolls by State Tax Commission and Authorize Salary of Tax Assessor**  
(A true and correct copy of said Certificate is attached hereto Exhibit J, 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 July 28, 2009 from Inventory

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

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

Control Clerk Loretta Phillips is attached hereto as Exhibit K, spread hereupon and incorporated herein by reference.)

15. **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 L, spread hereupon, and incorporated herein by reference:
  - (1) Telepak - seeking to place fiber cable along the north side of Gluckstadt Road proceeding east approximately 8800' to intersection of Catlett and Gluckstadt Road.
  - (2) Telepak - seeking to place fiber cable along the north side of gluckstadt Road proceeding east approximately 5300' to the city limits sign.
  - (3) AT&T - seeking to place approximately 2511' of composite cable along the east side of Catlett Road.
  - (4) Bear Creek Water Association, Inc. - seeking to bore 90 l.f. of fourteen-inch steel casing to house a new ten-inch PVC water line under Gluckstadt Road
16. **Approve Amended Homestead Applications - 2009 Tax Year**  
(A true and correct copy of said memorandum dated July 22, 2009 from Homestead Director Emily Anderson is attached hereto as Exhibit M, spread hereupon and incorporated herein by reference.)
17. **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 N, spread hereupon and incorporated herein by reference.)
18. **Approve Zoning Matter - Greg Green/Save Our Children Petition for Special Exception to Establish and Operate a Facility for Youth Programs in R-2 District/Kearney Park Road**  
(A true and correct copy of the petition of Greg Green/Save Our Children seeking a special exception to operate a facility for youth programs in R-2 District on Kearney Park Road may be found in the Miscellaneous Appendix to these Minutes.)
19. **Acknowledge Receipt of Madison County's Financial Audit for FY 2007**  
(A true and correct copy of said audit may be found in the Miscellaneous Appendix to these Minutes.)
20. **Acknowledge Credit Card Report for June 9, 2009 through July 9, 2009 - General County**  
(A true and correct copy of that certain memorandum dated July 16, 2009 from County Purchase Clerk Hardy Crunk 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
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 3<sup>rd</sup> day of August, 2009.

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

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***In re: Approve Lease-Purchase Financing for Sheriff's Department Vehicles and Garbage Trucks***

WHEREAS, Purchase Clerk Hardy Crunk appeared before the Board and requested the Board authorize the Board Attorney to prepare the required opinions for the lease-purchase financing of the Sheriff's Department vehicles and six garbage truck, and

WHEREAS, a true and correct copy of that certain explanatory memorandum dated July 27, 2009 from Mr. Crunk 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 authorize the Board Attorney to prepare the necessary documents for the lease purchase financing of Sheriff's Department vehicles and six garbage trucks and authorize the Board President to execute the lease-purchase financing documents associated therewith. The vote on the matter being as follows:

Supervisor John Bell Crosby	No
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 of the Board (3-2) and the Board Attorney was and is hereby authorized and the Board President was and is hereby so authorized.

SO ORDERED this the 3<sup>rd</sup> day of August, 2009.

***In re: Request for Extension to Replace Temporary Facility - BankFirst***

WHEREAS, Zoning Administrator Brad Sellers appeared before the Board and requested permission to grant unto BankFirst an extension to replace a temporary facility on Gluckstadt Road, prior to the commencement of construction, and

WHEREAS, Mr. Billy Brunt of BankFirst reported that they were waiting on the final design from Mississippi Department of Transportation before beginning construction,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to grant the extension to BankFirst until such time when Mississippi Department of Transportation's design of the south side of Gluckstadt Road has been approved. 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 preliminary plat was and is hereby approved.

SO ORDERED this the 3<sup>rd</sup> day of August, 2009.

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

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

**In re: Consideration of Preliminary Plat -  
Park View Part 4**

WHEREAS, Zoning Administrator Brad Sellers appeared before the Board and presented the preliminary plat of Park View Part 4 on King Ranch Road for the Board's consideration and review, and

WHEREAS, a true and correct copy of said plat 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 approve the preliminary plat of said subdivision. 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 preliminary plat was and is hereby approved.

SO ORDERED this the 3<sup>rd</sup> day of August, 2009.

**In re: Consideration of Preliminary Plat -  
Galloway Estates Subdivision**

WHEREAS, Zoning Administrator Brad Sellers appeared before the Board and presented the preliminary plat of Galloway Estates Subdivision on Mt. Pilgrim Road for the Board's consideration and review, and

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

WHEREAS, Mr. Sellers reported that there will be covenants provided and mobile homes will not be allowed,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to approve the preliminary plat of said subdivision. 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 preliminary plat was and is hereby approved.

SO ORDERED this the 3<sup>rd</sup> day of August, 2009.

**In re: Consideration of Revised Master Plan -  
Angeline Subdivision**

WHEREAS, Zoning Administrator Brad Sellers appeared before the Board and presented the revised master plan for Angeline Subdivision on King Ranch Road for the Board's consideration and review, and

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

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

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

WHEREAS, Mr. Sellers reported that the total number of lots would be reduced from 342 to 260 allowing for a proposed lake and green space,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to approve the revised master plan of said subdivision, subject to the requirement that approval of the Madison County Board of Supervisors would be required on any changes to said plan and/or the accompanying covenants until such time as a majority of votes necessary to change the covenants are controlled by residents of the subdivision and subject to zoning ordinances that the Board finds will be applicable upon adoption thereof in the future. 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 preliminary plat was and is hereby approved.

SO ORDERED this the 3<sup>rd</sup> day of August, 2009.

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

WHEREAS, Zoning Administrator Brad Sellers appeared before the Board and presented that certain memorandum dated July 28, 2009, from Ms. Rita McGuffie, Chairperson of Mannsdale-Livingston Heritage Preservation District (MLHPD), giving the Board an update as to the activities related to the district, and

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

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to acknowledge receipt of the aforementioned memorandum. 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 3<sup>rd</sup> day of August, 2009.

***In re: Approval of FY 2010 Bridge Inspection***

WHEREAS, County Engineer Rudy Warnock on behalf of State Aid and LSBP Engineer John Granberry appeared before the Board and presented the Board with a "Program, Agreement and Project Order for Inspection of Designated Bridges for the FY 2010", a true and correct copy of which is attached hereto as Exhibit Q, spread hereupon and incorporated herein by reference, and

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

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

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WHEREAS, Mr. Warnock noted that said agreement required the signature of each Supervisor and Chancery Clerk in order to release federal funds,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to approve said Agreement and to authorize the Chancery Clerk and all Board members to execute the same. The vote on the matter being as follows:

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

the matter carried unanimously and said agreement and project order was and is hereby approved.

SO ORDERED this the 3<sup>rd</sup> day of August, 2009.

***In re: Acknowledgment of Closure of Old Highway 49***

WHEREAS, County Engineer Rudy Warnock on behalf of State Aid and LSBP Engineer John Granberry appeared before the Board and requested the Board acknowledge the closure of Old Highway 49, and

WHEREAS, Mr. Warnock further explained that the section of Old Highway 49 being closed begins at Cox Ferry Road and goes north to Highway 49 right-of-way and includes two (2) bridge structures, being Structure #13 over Sibley Creek and Structure #166 over Dobson Branch Creek deleting said bridges from the State Aid Bridge Inventory,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to acknowledge the closure of Old Highway 49 beginning at Cox Ferry Road and going north to Highway 59 right-of-way. 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 Old Highway 49 was and is hereby closed.

SO ORDERED this the 3<sup>rd</sup> day of August, 2009.

***In re: Deprogramming State Aid Project LSBP-45(5)  
Mount Elam Road Bridge***

WHEREAS, County Engineer Rudy Warnock on behalf of State Aid and LSBP Engineer John Granberry appeared before the Board and requested the Board authorize the de-programming of State Aid Project LSBP-45 (5) being the Mount Elam Road Bridge, and make any remaining funds available for other projects,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to approve the de-programming of State Aid Project LSBP-45 (5) being the Mount Elam Road Bridge and make any remaining funds available for other projects. The vote on the matter being as follows:

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

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

***For Searching Reference Only: Page 14 of 24 (8/03/09)***

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

the matter carried unanimously and said de-programming was and is hereby approved.

SO ORDERED this the 3<sup>rd</sup> day of August, 2009.

***In re: De-programming State Aid Project SAP-45(50)  
Old Canton Road Overlay Project***

WHEREAS, County Engineer Rudy Warnock on behalf of State Aid and LSBP Engineer John Granberry appeared before the Board and requested the Board authorize the de-programming of State Aid Project SAP-45 (50) being the Old Canton Road Overlay Project,

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to approve the de-programming of State Aid Project SAP-45 (50) being the Old Canton Road 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 said de-programming was and is hereby approved.

SO ORDERED this the 3<sup>rd</sup> day of August, 2009.

***In re: Authorization to Advertise for Construction***

WHEREAS, County Engineer Rudy Warnock on behalf of State Aid and LSBP Engineer John Granberry appeared before the Board and requested permission to advertise for bids for the construction of State Aid Project SAP-45 (3) Ratliff Ferry Road,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to authorize Mr. Granberry to advertise for bids for the construction of State Aid Project SAP-45 (3) Ratliff Ferry Road. 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. Granberry was and is hereby authorized.

SO ORDERED this the 3<sup>rd</sup> day of August, 2009.

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

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

**In re: Approval of Change Order No. Three  
Gluckstadt Road Reconstruction Project**

WHEREAS, County Engineer Rudy Warnock appeared before the Board and requested the Board approve Changer Order No. Three submitted by Southern Rock, LLC for the Gluckstadt Road Reconstruction Project, and

WHEREAS, Mr. Warnock reported that said change order reflected the need for items required to improve tailwater conditions downstream of a double 16'x10' box culvert at a cost of \$35,270.00, as detailed on that certain document submitted by Southern Rock, LLC, a true and correct 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. Tim Johnson did second a motion to approve Changer Order No. Three as submitted by Southern Rock, LLC for the Gluckstadt Road Reconstruction Project at a cost of \$35,270.00 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 change order was and is hereby approved and the Board President was and is hereby so authorized.

SO ORDERED this the 3<sup>rd</sup> day of August, 2009.

**In re: Approval of Transition Agreement on  
Project SAP-45(49) - King Ranch Road**

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented that certain "Agreement Between Mike McKenzie, PE DBA: WGK, Inc. and Rudy Warnock DBA: Warnock & Associates, LLC Regarding SAP-45(49), King Ranch Road in Madison County, Mississippi," and requested the Board approve same and authorize the Board President to execute said agreement, and

WHEREAS, a true and correct of which is attached hereto as Exhibit S, 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 agreement subject to the provisions that (a) the last sentence of paragraph no. 1 under the List of Terms be removed and (b) all of paragraph 5 under the List of Terms be stricken, 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 with the aforesaid provisions and the Board President was and is hereby so authorized.

SO ORDERED this the 3<sup>rd</sup> day of August, 2009.

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

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

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

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented invoice numbers 320 through 323 submitted by the Parkway East Public Improvement District and reported he had verified quantities associated with each and that the same were in order and could be acknowledged by the Board, and

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to acknowledge receipt of Parkway East PID invoice numbers 320 through 323, true and correct copies of which may be found in the Miscellaneous Appendix to these Minutes. The vote on the matter being as follows:

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

the matter carried unanimously and said invoices were and are hereby acknowledged.

SO ORDERED this the 3<sup>rd</sup> day of August, 2009.

***In re: Discussion of Calhoun Station Parkway, Phase Two***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented that certain explanatory memorandum dated July 28, 2009 along with three spreadsheets representing different scenarios at various cost estimates pertaining to Calhoun Station Parkway, Phase Two, and

WHEREAS, true and correct copies of which are attached hereto as Collective Exhibit T, spread hereupon and incorporated herein by reference,

Following a lengthy discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to (1) authorize the County Engineer to redesign the said road at the most cost effective way reducing the right-of-way by eighty feet, reducing the cost to \$2,486,078.49; (2) authorize the County Right-of-Way Woody Sample to re-acquire necessary right-of way and (3) request supplemental funding from Mississippi Department of Transportation for said project. The vote on the matter being as follows:

Supervisor John Bell Crosby	No
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 of the Board (3-2) and the County Engineer was and is hereby authorized, the County Right-of-Way Agent was and is hereby authorized and said request for supplemental funding was and is hereby approved.

SO ORDERED this the 3<sup>rd</sup> day of August, 2009.

***In re: Approval of Claims Docket for August 3, 2009***

WHEREAS, the Board reviewed the claims docket for August 3, 2009; and

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

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

***For Searching Reference Only: Page 17 of 24 (8/03/09)***

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	3184 to 3323, 3326	141	365,458.41
002	15 to 15	1	260.00
012	213 to 226	14	14,377.68
014	11 to 11	1	2,464.57
051	34 to 34	1	435.67
095	23 to 22	2	31,363.94
097	332 to 346	15	33,503.80
105	39 to 41	3	183,845.61
113	14 to 14	1	880.00
114	19 to 19	1	998.28
115	85 to 90	6	2,542.12
116	49 to 50	2	221.34
118	2 to 2	1	3,090.00
120	86 to 90	5	1,624.12
121	43 to 45	3	121.51
137	13 to 13	1	124,987.00
150	828 to 865	38	69,809.91
160	325 to 337	13	22,374.83
190	155 to 171	17	8,241.90
226	20 to 20	1	717,493.13
240	11 to 11	1	4,061.15
302	73 to 74	2	620,865.36
305	21 to 21	1	40,906.33
401	16 to 16	1	5,130.01
690	22 to 23	2	28,220.09
691	22 to 23	2	30,489.54
TOTAL ALL FUNDS		276	2,313,766.30

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to approve the claims docket as presented and authorize the payment of \$980.00 for postage to the Tax Assessor. 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 U, 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 payment of \$980.00 for postage to the Tax Assessor was and is hereby approved and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 3<sup>rd</sup> day of August, 2009.

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

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

*For Searching Reference Only: Page 18 of 24 (8/03/09)*

***In re: Request for Comments on Location of Proposed Telecommunications Tower***

Mr. Tim Johnson did offer and Mr. John Bell Crosby did second a motion to authorize the Chancery Clerk to post said notice for a proposed telecommunications tower at 120 Lula Baptist Church Road, Madison County, Mississippi, a true and correct copy of which is attached hereto as Exhibit V 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 Chancery Clerk was and is hereby authorized and directed.

SO ORDERED this the 3<sup>rd</sup> day of August, 2009.

***In re: Discussion of North Shore Drainage Improvements***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented that certain spreadsheet titled "North Shore Way Drainage Improvements - Cost Estimate - July, 2009," a true and correct copy of which is attached hereto as Exhibit W spread hereupon, and incorporated herein by reference, and

WHEREAS, Mr. Warnock reported that the costs associated with said drainage improvements would be funded *via* road bond maintenance funds, and

WHEREAS, Mr. Warnock further requested permission to advertise for bids for said drainage improvements,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to approve the North Shore Drainage Improvements cost estimate and authorize the County Engineer to advertise for 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 drainage improvements were and are hereby approved and the County Engineer was and is hereby authorized.

SO ORDERED this the 3<sup>rd</sup> day of August, 2009.

***In re: Approval of Resolution to Condemn***

E. SOWELL ROAD, MADISON COUNTY,  
MISSISSIPPI - RESOLUTION TO CONDEMN REAL PROPERTY  
OF THE HEIRS AT LAW OF JIM TAYLOR, DECEASED, AND ALL  
PARTIES CLAIMING AN INTEREST IN THE PROPERTY DESCRIBED  
HEREIN LOCATED IN SUPERVISOR DISTRICT NO. 4

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

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

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## RESOLUTION TO CONDEMN

WHEREAS, the Board of Supervisors of Madison County, Mississippi, by virtue of its authority, previously, by and through a Resolution to Condemn dated October 20, 2008, resolved to acquire for public use, certain property described therein belonging to the Heirs of Jim Taylor, deceased, being James Taylor, Jr., Lugene Taylor, Lessie Taylor, Albert Taylor, Perry Lee Taylor, Annie Mae Taylor Paynter, Juanita Taylor McDonald, Lawrence Taylor, Alberta Taylor Johnson, Betty Taylor, James Monroe Taylor, Charlie Taylor, Cleon Taylor, Maggie Taylor Humphrey, John Taylor, Haywood Taylor, Jeannette Garner and all other interested parties claiming ownership of the property. The Board determined that the purpose of acquiring said property was to lay out, construct, pave and maintain a new segment of East Sowell Road located in Supervisor District No. 4 of Madison County, Mississippi, as a County public road, in order to connect existing Sowell Road with Interstate Highway No. 55 and to further provide a connector road between said Interstate and U.S. Highway No. 51 as is shown by the plans, maps and plats prepared by the County Engineer, all of which are now on file in the offices of the Clerk of this Board, and which are made a part hereof by reference; and

WHEREAS, by Order of the Special Court of Eminent Domain of Madison County, Mississippi dated April 14, 2009 (the "April 14 Order"), Madison County, by and through the Madison County Board of Supervisors, was granted right of immediate title and possession and entry upon the land described in the aforementioned resolution; and

WHEREAS, shortly after beginning work on the new segment of East Sowell Road began, an unforeseen drainage issue was discovered which required the construction of a drainage ditch that was not included in the original construction plans. Said drainage ditch crosses a portion of property that is not included in the April 14 Order of the Special Court of Eminent Domain. While the Board did not previously approve the construction of this drainage ditch, it hereby finds that it is necessary to acquire for public use, that certain property upon which the drainage ditch was constructed, said property belonging to the heirs of Jim Taylor, deceased, being James Taylor, Jr., Lugene Taylor, Lessie Taylor, Albert Taylor, Perry Lee Taylor, Annie Mae Taylor Paynter, Juanita Taylor McDonald, Lawrence Taylor, Alberta Taylor Johnson, Betty Taylor, James Monroe Taylor, Charlie Taylor, Cleon Taylor, Maggie Taylor Humphrey, John Taylor, Haywood Taylor, Jeannette Garner and all other interested parties claiming ownership of the property herein described, which is located in Section 15, Township 8 North, Range 2 East, Madison County, Mississippi, and more particularly described as follows, to-wit:

See Exhibit "A" for the description of the right-of-way to be condemned.

WHEREAS, this Board has found, and now finds, that the purpose for acquiring the right-of-way described above is for the construction of a connector road connecting Interstate Highway No. 55 and U.S. Highway No. 51 and that said project, as proposed, does not displace any property owners from their dwelling or place of business;

WHEREAS, this Board, for the aforesaid purpose, has found, and now finds, that it is necessary to seek and acquire immediate possession of the property described above, and that the County shall suffer irreparable harm and delay by exercising the right to condemn the above described property through eminent domain proceedings, as opposed to its right of claiming immediate possession as allowed by law.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI that being unable to agree with the owners and other parties interested in said property, this Board, after due consideration, does hereby declare said property as described in Exhibit "A" necessary for public use and orders that it be condemned; and said Board hereby authorizes, instructs, and requests McGlinchey Stafford, PLLC to institute and pursue any and all condemnation proceedings necessary to acquire the above described property with the uses mentioned above in the name of this County and as provided for by law for the exercise of the right of eminent domain; and

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

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

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BE IT FURTHER RESOLVED that the County Engineer and Jerry Mask are hereby directed to prepare evidence for the condemnation proceedings herein authorized and are hereby ordered to do any and all things necessary to consummate the condemnation of the above described property.

After a discussion of this project, Supervisor Tim Johnson called for the adoption of the above and foregoing Resolution and Supervisor Karl M. Banks seconded the Motion to adopt the above and foregoing Resolution and the question being put to a roll call vote, the vote was as follows:

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

The Motion having received the affirmative vote of the majority of the members present, the President of the Board of Supervisors of Madison County, Mississippi, declared the Motion carried and the Resolution adopted.

SO ORDERED this the 3<sup>rd</sup> day of August, 2009.

***In re: Consideration of Capitol Coverage, LLC Agreement***

WHEREAS, Board Attorney Eric Hamer appeared before the Board and presented that certain Letter of Agreement with Capitol Coverage, LLC as an additional lobbyist providing assistance to the county in obtaining federal and state funding for various road and other projects, and

WHEREAS, a true and correct copy of said agreement is attached hereto as Exhibit X, 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 the Letter of Agreement with Capitol Coverage, LLC 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	No
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

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

SO ORDERED this the 3<sup>rd</sup> day of August, 2009.

***In re: Approve Refinancing of Balloon Payment – Dump and Tractor Fleet***

WHEREAS, Purchase Clerk Hardy Crunk appeared before the Board and requested the Board accept the low bid from Hancock Bank for the refinancing of a balloon payment due on the county's dump and tractor truck fleet at a rate of interest of 3.1% for thirty-six (36) months, and

WHEREAS, a true and correct copy of the lease purchase closing memorandum is attached hereto as Exhibit Y, spread hereupon, and incorporated herein by reference,

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

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

***For Searching Reference Only: Page 21 of 24 (8/03/09)***

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to (1) accept the low bid from Hancock Bank to refinance that certain balloon payment at 3.1% interest for thirty-six (36) months, (2) authorize the Board Attorney to write an opinion and prepare all other necessary documentation to effectuate the same, and (3) authorize the Board President to execute necessary documents for refinancing said balloon payment. 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 low bid from Hancock Bank was and is hereby accepted, the Board Attorney was and is hereby authorized and the Board President was and is hereby authorized.

SO ORDERED this the 3<sup>rd</sup> day of August, 2009.

***In re: Approval of Cell Phone Agreement***

WHEREAS, Purchase Clerk Hardy Crunk appeared before the Board and requested the Board accept the proposal submitted by Cellular South for cell phone service with the county, and

WHEREAS, Mr. Crunk reported that the contract with Verizon Wireless had expired and that Cellular South was cheaper than Verizon and Cellular South had also erected a temporary tower in Northern Madison County and committed to four (4) permanent towers by December 31, 2009, in that area and

WHEREAS, a true and correct copy of the service and equipment agreement is attached hereto as Exhibit Z, spread hereupon, and incorporated herein by reference,

Following discussion, Mr. Tim Johnson did offer and Mr. Paul Griffin did second a motion to approve the contract with Cellular South as the county's new cell phone provider and accept the proposal submitted by said firm 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 contract was and is hereby approved and the Board President was and is hereby authorized.

SO ORDERED this the 3<sup>rd</sup> day of August, 2009.

***In re: Authorize Closing of Lincoln Street***

WHEREAS, Road Manager Lawrence Morris appeared before the Board and presented a request to close Lincoln Street in the Town of Flora for the annual Magnolia Heights Block Festival on September 26, 2009 from 12:00 p.m. until,

Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to authorize the

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

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

***For Searching Reference Only: Page 22 of 24 (8/03/09)***

closing of Lincoln Street for the annual Magnolia Heights Block Festival on September 26, 2009 from 12:00 p.m. until. 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 Lincoln Street was and is hereby closed on September 26, 2009 from 12:00 p.m. until.

SO ORDERED this the 3<sup>rd</sup> day of August, 2009.

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

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>
Anonymous Donor	\$ 150.00 (to drug fund)
City of Ridgeland	\$ 2,743.82
City of Ridgeland	\$ 5,352.68
City of Canton	\$ 6,600.04
City of Canton	\$ 46.00
Valley Food	\$ 2,594.08
VS Visual	\$ 180.00 (wreck report online)
Security Transport	\$ 60.00
State of MS	\$ 68,760.00
State of MS	\$ 5,142.66(jail officer training)

WHEREAS, Sheriff Trowbridge later requested the Board authorize the Board President to execute that certain meal rate agreement with Valley Services, Inc., a true and correct copy of which is attached hereto as Exhibit AA, spread hereupon and incorporated herein by reference

Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to acknowledge receipt of said checks, and authorize the Board President to execute said 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	Not Present and Not Voting

the matter carried by the unanimous vote of those present and said checks were and are hereby acknowledged, and the Board President was and is hereby authorized.

SO ORDERED this the 3<sup>rd</sup> day of August, 2009.

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

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

***For Searching Reference Only: Page 23 of 24 (8/03/09)***

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, August 17, 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:** \_\_\_\_\_