

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

REGULAR MEETING OF SEPTEMBER 21, 2009
Recessed from regular meeting conducted on September 8, 2009

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on September 21, 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
Tax Collector Kay Pace
Chancery Clerk Arthur Johnston

Absent:

None

Also in attendance:

County Comptroller Mark Houston
Board Secretary and Deputy Chancery Clerk Cynthia Parker
Board Attorney Eric Hamer
County Engineer Rudy Warnock
E911 Director Butch Hammack
County Zoning Administrator Brad Sellers
County Fire Coordinator Mack Pigg

Special Guests:

The family of the late Robert L. Goza, including Mrs. Beverly Goza,
Sam Goza, Esq. and Kathryn Irving
Circuit Judge Samac Richardson
Circuit Judge William E. Chapman
County Judge Bill Agin
Circuit Clerk Lee Westbrook

The President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Supervisor D. I. Smith opened the meeting with a prayer and Board Attorney Eric Hamer led the members and the audience in the Pledge of Allegiance to the Flag of the United States of America. Prior to the commencement of business, the Board presented a Resolution Honoring the Life of Former Circuit Judge Robert L. Goza to members of his family, said Resolution having been adopted on August 24, 2009.

In re: Approval of Consent Agenda Items

WHEREAS, the Board President announced that he and County Comptroller Mark Houston had conferred in advance of the meeting as to certain matters denominated "Consent Items" which bear Item numbers (2) through (11) on the Agenda and that the same appeared to be routine, non-controversial matters on which all Supervisors were likely to agree, and

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 1 of 17 (9/21/09)

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, County Purchase Clerk Hardy Crunk appeared before the Board and requested that the Board add item (12) to the Consent Agenda, regarding authorization of the purchase of handheld radios for use by AMR,

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

2. **Acknowledge Letter Regarding Rip Rap on County Right of Way - Bellevue Drive.**
(A true and correct copy of that certain explanatory memorandum dated September 10, 2009 from Board Attorney Eric Hamer with regards to the dam within Lake Caroline Subdivision, is attached hereto as Exhibit A, spread hereupon and incorporated herein by reference.)
3. **Approve Terry-Trane Service Agency, Inc. Contracts.**
(True and correct copies of those certain contracts for support and maintenance for various county buildings and the Sheriff's Complex are attached hereto as Collective Exhibit B, spread hereupon and incorporated herein by reference.)
4. **Authorize Auctioning of Certain Surplus Road Department Personal Property.**
(A true and correct copy of that certain memorandum dated September 14, 2009 from County Purchase Clerk Hardy Crunk articulating those items to be auctioned, is attached hereto as Exhibit C, spread hereupon and incorporated herein by reference.)
5. **Declare Certain Property as Surplus/Delete from Inventory and Properly Dispose.**
(A true and correct copy of that certain memorandum dated September 17, 2009 from Inventory Control Clerk Loretta Phillips is attached hereto as Exhibit D, spread hereupon and incorporated herein by reference.)
6. **Acknowledge Sheriff's Credit Card Report July - August 2009.**
(A true and correct copy of that certain memorandum dated September 10, 2009 from County Purchase Clerk Hardy Crunk is attached hereto as Exhibit E, spread hereupon and incorporated herein by reference.)
7. **Acknowledge General County Credit Card Report August - September 2009.**
(A true and correct copy of that certain memorandum dated September 16, 2009 from County Purchase Clerk Hardy Crunk is attached hereto as Exhibit F, spread hereupon and incorporated herein by reference.)
8. **Approve Utility Permit.** The following permit allowing use and occupancy for the construction or adjustment of a utility within certain roads or highway rights of way was and is hereby approved, and the application for which is attached hereto as Collective Exhibit G, spread hereupon, and incorporated herein by reference:
 - (1) Bear Creek Water Association, Inc. - seeking to bore and jack 42 inches of steel casing under Hardy Road
9. **Approve Site Plan for Krystal Restaurant - Gluckstadt Road.**
(A true and correct copy of that certain site plan may be found in the Miscellaneous Appendix to these Minutes.)
10. **Correct, *Nunc Pro Tunc* Minutes of August 24, 2009.**
(A true and correct copy of that certain explanatory memorandum dated September 21, 2009 from Chancery Clerk Arthur Johnston correcting the VIN on vehicle donated to West Madison Utility District, is attached hereto as Exhibit H, spread hereupon and incorporated herein by reference.)

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 2 of 17 (9/21/09)

11. **Approve Sublease Agreement for the Madison County WIN Job Center.**
(A true and correct copy of that certain sublease agreement is attached hereto as Exhibit I, spread hereupon and incorporated herein by reference.)

12. **Authorize Purchase of Handheld Radios for Use by AMR.**
(A true and correct copy of that certain memorandum dated September 18, 2009 from County Purchase Clerk Hardy Crunk as to the purchase of handheld radios for use by AMR on state contract for the total price of \$57,288 is attached hereto as Exhibit 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 each item was and is hereby approved, adopted and authorized.

SO ORDERED this the 21st day of September, 2009.

In re: Request for Approval to Operate a Home-based Business at 150 St. David's Way

WHEREAS, Bentley Conner, attorney at law, appeared before the Board on behalf of his client, Edward Tate, seeking authority to conduct a home-based business at his home at 150 St. David's Way and seeking a variance therefor, and

WHEREAS, Mr. Conner reported that the traffic associated with the business was limited to FedEx delivery trucks, that his client had just three employees, but said employees were not family members and thus the provisions of Section 405 of the Zoning Ordinance were triggered, giving the Board the discretion to grant a variance to allow the business to operate and set such terms and conditions as it deems appropriate,

WHEREAS, Edward Sanders, Esq. appeared on behalf of the St. David's Way Homeowners Association and urged the denial of Mr. Tate's request on the basis that a business should not be able to operate in a residential neighborhood, and

WHEREAS, Mr. Sanders presented a Resolution in opposition to the proposed action by the Twin Cedars Homeowners Association and the Madison County Federation of Homeowners Associations, true and correct copies of which are attached hereto as Exhibits K and L, respectively,

Following discussion, Mr. Karl Banks did offer a motion to grant the request. The motion failed for lack of a second.

Thereafter, Mr. John Bell Crosby did offer and Mr. D. I. Smith did second a motion to deny the request. The vote on the matter being as follows:

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

President's Initials: _____

Date Signed: _____

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

SO ORDERED this the 21st day of September, 2009.

In re: Proposal to Preserve Natural Water Spring on Lottville Road in Farmhaven, Mississippi

WHEREAS, Ms. Artista Ware and Ms. Phillis Ware Parker appeared before the Board and presented photographs depicting a natural spring on Lottville Road and requested the Board protect and preserve the same as an important local and national landmark,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize and direct County Engineer Rudy Warnock to confer with County Road Manager Lawrence Morris to insure that motorists on Lottville Road are protected from the roadside hazard which appears to be present as a result of the existence of the aforesaid spring and well associated with it, and to consult with a drilling company of his choosing to obtain an estimate of the cost associated with repair and preservation of said spring. The vote on the matter being as follows:

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

the matter carried unanimously and Mr. Warnock was and is hereby so authorized and directed.

SO ORDERED this the 21st day of September, 2009.

In re: Request to Overturn Decision of Zoning Administrator Finding that the Location of Playground Equipment in Buffer Zone at Building Blocks Day Care Facility on Gluckstadt/Yandell Road is Not in Violation of County Zoning Ordinance

WHEREAS, Zoning Administrator Brad Sellers appeared before the Board and reported that he had determined that the placing of playground equipment in a portion of the designated buffer zone by Building Blocks of Madison Crossing Day Care Facility “Building Blocks” was not in violation of county zoning regulations and was in conformity therewith, and

WHEREAS, Richard Conrad, Esq. of the law firm of Robinson, Biggs, Ingram , Solop & Farris, PLLC also appeared before the Board representing Ms. Sherry Harris, whose home is directly behind Building Blocks, and

WHEREAS, Mr. Conrad, on behalf of Ms. Harris and other homeowners, requested that the Board determine that the construction and erection of playground equipment partially within the fifty (50) foot buffer zone between Ms. Harris’ lot and Building Blocks constitute a violation of the county’s zoning ordinance, arguing that the ordinance clearly contemplated that the required buffer zone be kept completely open, and

Following a lengthy discussion, Mr. Tim Johnson did offer and Mr. Paul Griffin did second a motion to affirm the decision of the Zoning Administrator and find, determine and declare that the construction and erection of playground equipment partially within the fifty (50) foot buffer zone between Ms. Harris’ lot and Building Blocks did not and does not constitute a violation of the county’s zoning ordinance and regulations. The vote on the matter being as follows:

President’s Initials: _____

Date Signed: _____

For Searching Reference Only: Page 4 of 17 (9/21/09)

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 the decision of the Planning and Zoning Administrator was and is hereby affirmed.

SO ORDERED this the 21st day of September, 2009.

***In re: Alleged Zoning Violation -
Federal National Mortgage Association***

WHEREAS, Zoning Administrator Brad Sellers appeared before the Board advising that certain property bearing parcel no. 093F-23-010/04 and assessed in the name of Federal National Mortgage Association was in violation of certain provisions of the Madison County Zoning Ordinance and required clean up and/or other legal action to rectify the same, and

WHEREAS, Mr. Sellers did give written notice, by certified mail, of the continued violations, a true and correct copy of that certain explanatory memorandum dated July 14, 2008 and August 25, 2009 from Mr. Sellers may be found in the Miscellaneous Appendix to these Minutes, and

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to **(1)** find, adjudicate and determine that said property was and is in such a state of uncleanness as to be a menace to the public health and safety of the community, **(2)** direct that the County Road Department proceed to have the land cleaned by cutting weeds and excessive growth, removing rubbish, dilapidated buildings and other debris, and **(3)** upon completion of such cleaning, assess the actual cost of cleaning the said lot to the owner thereof, the same constituting a lien against said property to be enrolled in the office of the circuit clerk of the county as other judgments are enrolled, and the tax collector of the county shall, if such sums are not tendered, proceed to sell said land to satisfy said lien as now provided by law for the sale of lands for delinquent taxes, all in accordance with Miss. Code Ann. § 19-5-105. 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 property was and is hereby declared in violation of the zoning ordinances of Madison County and the Zoning Administrator and Road Manager were and are hereby directed to take necessary action to bring said property within compliance and to charge the expenses associated therewith to the responsible taxpayer via the tax roll accordingly, to assess unto said taxpayer all fines and other penalties provided for in said ordinance and to take all necessary steps to enforce said ordinance including, if necessary, the institution of legal proceedings.

SO ORDERED this the 21st day of September, 2009.

***In re: Authorization of Aqua Engineering
to Perform Base Flood Elevation***

WHEREAS, Zoning Administrator Brad Sellers appeared before the Board and requested the Board authorize Ms. Jill Butler of Aqua Engineering to perform a base flood elevation within

President's Initials: _____

Date Signed: _____

Harvey Crossing Subdivision and Hampton Hills Subdivision, and

WHEREAS, Mr. Sellers reported that the base flood elevation needed to be established for the flood maps,

Following discussion, Mr. John Bell Crosby did offer and Mr. Tim Johnson did second a motion to authorize Aqua Engineering to perform a base flood elevation within Harvey Crossing Subdivision and Hampton Hills Subdivision at a cost not to exceed \$1,000.00. 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 Aqua Engineering was and is hereby authorized.

SO ORDERED this the 21st day of September, 2009.

***In re: Adoption and Approval of Proclamation -
Constitution Week***

WHEREAS, Chancery Clerk Arthur Johnston appeared before the Board and presented that certain Proclamation recognizing September 17 through 23 as Constitution Week as the two hundred twenty-second anniversary of the drafting of the constitution of the United States of America, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, Mr. Johnston did recommend the Board adopt and approve same,

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to adopt and approve the foregoing proclamation 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 Proclamation was and is hereby adopted and approved and the Board President was and is hereby authorized.

SO ORDERED this the 21st day of September, 2009.

In re: Acknowledgment of Road Fund Millage Report

WHEREAS, County Comptroller Mark Houston appeared before the Board and presented that certain "Report to Madison County Board of Supervisors Regarding Road Fund Millage," a true and correct copy of which is attached hereto as Exhibit M, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Houston reported that each municipality within the County had received its portion of the one-half (1/2) of all road and bridge ad valorem taxes which had been collected by the county as well as monies received over and above one-half (1/2) of ad valorem taxes

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 6 of 17 (9/21/09)

collected,

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to acknowledge said report and adopt a resolution asking the cities to provide a report to the county as to where they have spent their portion of road tax. 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 report was and is hereby acknowledged and resolution was and is hereby adopted and approved.

SO ORDERED this the 21st day of September, 2009.

In re: Authorization to Participate in Mississippi Beaver Control Assistance Program and Approval of Payment of \$7,000 Therefor

WHEREAS, County Comptroller Mark Houston appeared before the Board with the matter of a request for an appropriation of \$7,000 to pay for the county to participate in the Mississippi Beaver Control Program and requested the Board's approval of such participation,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to authorize the county's participation in said program, appropriate the sum of \$7,000 therefor, and authorize and direct the Board President and the County Administrator to execute all necessary documents to insure such participation. 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 such participation was and is hereby approved, the Board President and the County Administrator were and are so authorized and the Chancery Clerk was and is directed to issue a pay warrant in the amount of \$7,000.00.

SO ORDERED this the 21st day of September, 2009.

In re: Approval of Claims Docket for September 21, 2009

WHEREAS, the Board reviewed the claims docket for September 21, 2009; and

WHEREAS, the County Comptroller 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:

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 7 of 17 (9/21/09)

Fund	Claim Nos.	No. of Claims	Amount
001	3659 to 3777	119	752,561.12
012	253 to 263	11	10,368.70
051	38 to 38	1	42,096.40
096	5 to 5	1	843.75
097	376 to 380	5	6,649.92
105	46 to 49	4	14,886.59
114	26 to 26	1	10,000.00
115	100 to 102	3	312.21
116	57 to 58	2	123.52
120	100 to 103	4	1,014.42
121	52 to 52	1	107.34
150	946 to 963	18	43,725.28
160	354 to 372	19	31,663.31
190	188 to 192	5	2,199.35
302	82 to 83	2	317,456.73
401	18 to 18	1	20,796.40
TOTAL ALL FUNDS		197	1,254,805.04

HELD CLAIMS

Fund	Claim Nos.	Payee	Amount
001	3763	Gulf South Construction	\$18,247.00
302	83	Warnock & Associates, LLC	\$57,846.98

Following discussion, Mr. Tim Johnson did offer and Mr. Paul Griffin 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 N, spread hereupon, and incorporated herein by reference. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye ¹
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 21st day of September, 2009.

Thereafter, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to approve the aforementioned held claim unto Gulf South Construction being claim no. 3763 in the amount of \$18,247.00. The vote on the matter being as follows:

¹After casting his vote on this matter, Mr. Johnson excused himself from the meeting, departed the meeting room and did not participate in the discussion or deliberation of the following matter.

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 8 of 17 (9/21/09)

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

the matter carried by the unanimous vote of those present and said Held Claim was and is hereby approved and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 21st day of September, 2009.

Thereafter, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to approve the aforementioned held claim unto Warnock & Associates, LLC being claim no. 83 in the amount of \$57,846.98. 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 (3-2) of the Board and said Held Claim was and is hereby approved and the Chancery Clerk was and is instructed to issue a pay warrant accordingly.

SO ORDERED this the 21st day of September, 2009.

In re: Acknowledgment of Certificate of Northshore of Lake Caroline Owners Association, Inc.

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented a Certificate of Northshore of Lake Caroline Owners Association, Inc. with regards to the drainage improvements within Northshore of Lake Caroline and requested the Board acknowledge receipt of the same, a true and correct copy of which is attached hereto as Exhibit O, spread hereupon, and incorporated herein by reference,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to acknowledge said certificate from Northshore of Lake Caroline Owners Association, Inc. 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 certificate was and is hereby acknowledged.

SO ORDERED this the 21st day of September, 2009.

In re: Acknowledgment of High Risk Rural Road Roadway Safety Audit

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented four (4) High Risk Rural Road Roadway Safety Audits and requested the Board acknowledge same, and

President's Initials: _____

Date Signed: _____

WHEREAS Mr. Warnock noted that the Audit Team had met and recommended proposed changes on Stump Bridge Road, Cedar Hill Road, Livingston-Vernon Road, and Coker Road, true and correct copies of which are 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 acknowledge said safety audit reports. 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 audit reports were and are hereby acknowledged.

SO ORDERED this the 21st day of September, 2009.

In re: Authorize Board Attorney to Correspond with Neel-Schaffer, Inc.

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize Board Attorney Eric Hamer to correspond with former State Aid and LSBP Engineer Keith O'Keefe of Neel Schaffer, Inc. as to the completion of the Virillia Road State Aid Project, Ratliff Ferry State Aid Project, Cox Ferry Road State Aid Project, and Moss Road Bridge State Aid Project. The vote on the matter being as follows:

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

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

SO ORDERED this the 21st day of September, 2009.

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

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

WHEREAS, Mr. Warnock reported that said change order reflected the need for erosion control for protection of slopes on open ditch section around 10 x 5 box culvert at a cost of \$39,097.50, as detailed on that certain document submitted by Southern Rock, LLC, a true and correct copy of which is attached hereto as Exhibit Q, 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 Changer Order No. Five as submitted by Southern Rock, LLC for the Gluckstadt Road Reconstruction Project at a cost of \$39,097.50 once right of way has been acquired and authorize the Board President to execute same. The vote on the matter being as follows:

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 10 of 17 (9/21/09)

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 change order was and is hereby approved with the aforementioned proviso and the Board President was and is hereby so authorized.

SO ORDERED this the 21st day of September, 2009.

In re: Approval of One (1) Utility Permit

WHEREAS, one certain utility permit was presented allowing use and occupancy for the construction or adjustment of a utility within certain roads or highway rights of way was and is hereby approved, as follows:

- (1) Centerpoint Energy – seeking to install 4" plastic gas line parallel within the last 5 feet of the west right of way installed between West Sowell Road and Church Road, a true and correct copy 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 the aforesaid utility permit. 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 permit was and is hereby approved.

SO ORDERED this the 21st day of September, 2009.

In re: Acknowledge Agreement - Illinois Central Railroad Company

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented that certain “Agreement for Local Agency Highway-Railway Grade Crossing Relocation Grade Separation and Improvements,” a true and correct copy of which is attached hereto as Exhibit S, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Warnock reminded the Board that it had approved said agreement on August 17, 2009 to close Old Jackson Road, in the interest of public safety, and the Board needed to acknowledge the agreement as executed by Illinois Central Railroad Company,

Following discussion, Mr. Tim Johnson did offer and Mr. John Bell Crosby did second a motion to acknowledge 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	Aye

President’s Initials: _____

Date Signed: _____

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

SO ORDERED this the 21st day of September, 2009.

***In re: Approve Utility Permit - West Sowell Road Project:
Gulf South Construction Co. and Authorize Board Attorney to Review***

Following discussion, and at the recommendation of County Engineer Rudy Warnock, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to approve a utility permit unto Gulf South Construction Company to move a gas line upon an agreement between the Board Attorney and Gulf South Construction at no cost to the county for the West Sowell Road 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 permit was and is hereby approved upon an agreement between the Board Attorney and Gulf South Construction Company.

SO ORDERED this the 21st day of September, 2009.

***In re: Approval of a Traffic Count Study -
Catlett & Stribling Roads***

Following discussion, and at the request of County Engineer Rudy Warnock, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to authorize Mr. Warnock to perform a traffic count at Catlett and Stribling Roads to justify the need for a stop sign. The vote on the matter being as follows:

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

the matter carried unanimously and Mr. Warnock was and is hereby authorized.

SO ORDERED this the 21st day of September, 2009.

***In re: Approval of Resolution Adopting Procedures in
Compliance with Federal Regulations for Acquisition of
Rights-of-Way Related to Madison County Improvement Projects***

WHEREAS, Board Attorney Eric Hamer appeared before the Board and presented that certain "Resolution Adopting Procedures in Compliance with Federal Regulations for Acquisition of Rights-of-Way Related to Madison County Improvement Projects," a true and correct copy of which is attached hereto as Exhibit T, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Hamer recommended the Board adopt same and authorize the Board President to execute,

President's Initials: _____

Date Signed: _____

Following discussion, Mr.. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to adopt the aforementioned resolution 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 resolution was and is hereby adopted and approved and the Board President was and is hereby authorized.

SO ORDERED this the 21st day of September, 2009.

In re: Retention of Counsel to Defend Deputy Sheriff

WHEREAS, Board Attorney Eric Hamer appeared before the Board and reported that a certain Deputy Sheriff has been notified that a complaint has been filed against him and was requesting the county retain counsel to represent him in connection with such matter,

Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to authorize Board Attorney Eric Hamer to represent and defend said Deputy Sheriff in connection therewith. 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. Hamer was and is hereby so authorized.

SO ORDERED this the 21st day of September, 2009.

In re: Authorization of Board Attorney to Attend Department of Environmental Quality Hearing

Following discussion, and at the request of Board Attorney Eric Hamer, Mr. John Bell Crosby did offer and Mr. Tim Johnson did second a motion to authorize the Board Attorney and the County Engineer to attend, represent and defend the county in all aspects of the show cause hearing at the Department of Environmental Quality. 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. Hamer and Mr. Warnock were and are hereby authorized.

SO ORDERED this the 21st day of September, 2009.

President's Initials: _____

Date Signed: _____

In re: Acknowledge Appraisal - Highway 17 and Sulphur Springs Road Property and Authorize Board Attorney to Correspond with Property Owner

Mr. Paul Griffin did offer and Mr. Tim Johnson did second a motion to acknowledge that certain appraisal performed by Mr. James L. Turner of JLT Realty, Inc. on sixty-four (64) acres for a proposed public park located on the corner of Highway 17 and Sulphur Springs Road, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes. The vote on the matter being as follows:

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

the matter carried unanimously and said appraisal was and is hereby acknowledged.

SO ORDERED this the 21st day of September, 2009.

Thereafter, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to authorize the Board Attorney to correspond with the property owner of said property and negotiate the acquisition of said property. 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. Hamer was and is hereby so authorized.

SO ORDERED this the 21st day of September, 2009.

In re: Approval of Petition to Amend Subdivision Plat - Marabella Estates

WHEREAS, Mr. Jim Crews, Esq. on behalf of King Ranch Road Partners, L.P. appeared before the Board and presented a Petition to Amend Subdivision Plat being Marabella Estates and requested the Board approve same, a true and correct copy of which is attached hereto as Exhibit U, spread hereupon and incorporated herein by reference, and

WHEREAS, an error in the legal description on the plat, consisting of two (2) erroneous calls in the distances between the point of commencement of the survey and the point of beginning of the legal description of the platted subdivision, and

WHEREAS, Mr. Crews reported that the Petitioner is the sole owner of the platted subdivision,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to approve the petition to amend said plat, adopt an Order to that effect, a true and correct copy of which is attached hereto as Exhibit V, spread hereupon and incorporated herein by reference, and direct the Chancery Clerk to make notation of same on the face of said plat. The vote on the matter being as follows:

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 14 of 17 (9/21/09)

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 plat was and is hereby amended and the Chancery Clerk was and is hereby authorized.

SO ORDERED this the 21st day of September, 2009.

In re: Authorization of Vehicles at Auction

WHEREAS, Chancery Clerk Arthur Johnston on behalf of Sheriff Toby Trowbridge appeared before the Board and requested permission to send ten (10) vehicles at the Sheriff's Department to auction, being a 1996 Ford Taurus, a 1999 Ford Crown Vic, a 2004 Pontiac GPR, a 1998 Dodge 250, a 2007 Ford Crown Vic, three (3) 2005 Ford Crown Vics, and two (2) 2004 Ford Crown Vics, and

WHEREAS, a true and correct copies of the certificate of titles as to each vehicle and reflecting the VIN numbers of each may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Tim Johnson did offer and Mr. John Bell Crosby did second a motion to authorize the Sheriff to sell said vehicles at an auction of his choosing. 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 aforesaid vehicles were and are hereby authorized to be sold by the Sheriff at an auction of his choosing.

SO ORDERED this the 21st day of September, 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 economic development prospects and acquisition of real property, and

Following discussion and pursuant to the terms of Miss. Code Ann. § 25-41-7, as amended, Mr. Karl M. Banks did offer and Mr. Tim Johnson 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 economic development prospects and acquisition of real property, 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, County Comptroller and Deputy Chancery Clerk Mark

President's Initials: _____

Date Signed: _____

Houston, Board Attorney Eric Hamer² and County Engineer Rudy Warnock. The vote on the matter being as follows:

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

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

SO ORDERED this the 21st day of September, 2009.

In re: Entering into Executive Session

WHEREAS, the Chancery Clerk 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 Supervisor Karl M. Banks informed the Board that he had information concerning economic development prospects and acquisition of real property,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to enter into Executive Session to discuss economic development prospects and acquisition of real property. 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 President Griffin declared the Board of Supervisors to be in Executive Session for the consideration of such matters and the Chancery Clerk announced to the public the purpose for the Executive Session.

SO ORDERED this the 21st day of September, 2009.

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to (1) authorize the County Engineer to consult with potential developers, the City of Canton, and Neu Markt developers to discuss and acquire developmental plans and road construction plans and (2) authorize the hiring of Mr. Johnny Brunini, Esq. to represent the county on proposed Calhoun Station Parkway 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

²Due to a potential conflict of interest, Mr. Hamer departed the meeting room following the vote taken on Executive Session.

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 16 of 17 (9/21/09)

the matter carried unanimously and the County Engineer was and is hereby authorized and Mr. Brunini was and is hereby hired.

SO ORDERED this the 21st day of September, 2009.

Thereafter, Mr. Tim Johnson did offer and Mr. D. I. Smith did second a motion to adjourn the Executive Session and direct the Chancery Clerk to announce to the public the action taken therein. The vote on the matter being as follows:

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

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

SO ORDERED this the 21st day of September, 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 John Bell Crosby and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Wednesday, September 30, 2009 for the purpose of consideration of final budget amendment for FY 2009, 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: _____

For Searching Reference Only: Page 17 of 17 (9/21/09)

President's Initials: _____

Date Signed: _____