

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

REGULAR MEETING OF NOVEMBER 2, 2009
Being the first day of the November 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 November 2, 2009, in the Board Room on the first floor of the new addition to the Chancery/Administrative Building, 125 West North Street, Canton, Mississippi, as follows, to-wit:

The President of the Board, 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
Chancery Clerk Arthur Johnston

Absent:

Also in attendance:

County Administrator Donnie Caughman
County Comptroller and Deputy Chancery Clerk Mark Houston
Zoning Administrator Brad Sellers
Board Attorney Eric Hamer
Board Secretary and Deputy Chancery Clerk Cynthia Parker
County Road Manager Lawrence Morris
Assistant Comptroller and Deputy Chancery Clerk Quandice Green
County Fire Coordinator Mack Pigg
County Purchase Clerk Hardy Crunk
Chief Deputy Tax Assessor Kent Hawkins
County Engineer Rudy Warnock

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 Chancery Clerk Arthur Johnston led the members and the audience in the Pledge of Allegiance to the Flag of the United States of America.

In re: Approval of Minutes From October 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 October 2009 term, said meetings having been conducted on October 5, October 12, and October 19, 2009,

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

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

President's Initials: _____

Date Signed: _____

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

SO ORDERED this the 2nd day of November, 2009.

***In re: Public Hearing Regarding a Proposed Tax Increment
Financing Plan for the Old Jackson Connector Road TIF Project***

WHEREAS, on October 12, 2009, the Board of Supervisors of Madison County adopted a Resolution setting the matter of the approval of the Old Jackson Connector Road Tax Increment Financing Plan for public hearing as required by statute, and

WHEREAS, a notice of public hearing was published one (1) time in *The Madison County Herald*, a newspaper having a general circulation within the County and was so published in said newspaper on October 15, 2009, as evidenced by the publisher's proof of publication of the same heretofore presented to the Governing Body and filed with the Chancery Clerk, and

WHEREAS, the Notice of Public Hearing generally described the TIF Plan and further called for a public hearing to be held in the Regular Meeting Room of the Governing Body in the Chancery Court and Administrative Building of Madison County, Mississippi, in Canton, Mississippi at 9:00 o'clock a.m. on November 2, 2009 in order for the general public to state or present their views on the TIF Plan; and

WHEREAS, at 9:00 o'clock a.m. on November 2, 2009, the President of the Board declared said public hearing to be open for comment, and

WHEREAS, during the time allotted for such comment, Chancery Clerk Arthur Johnston appeared before the Board and pointed out that the county was being asked, in any request for approval of TIF projects, to partially finance those projects with earmarked tax dollars generated by the incremental tax growth, and

WHEREAS, Mr. Johnston therefore urged members to adopt a methodology to perform due diligence with regard to such projects and those entities seeking to create TIF Districts to fully understand what potential risks are posed to the county minimize those risks and to analyze the long term impact of such projects on the county's tax base,

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to close the public hearing. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Not Present and Not Voting ¹
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and the public hearing was and is hereby closed.

SO ORDERED this the 2nd day of November, 2009.

¹Mr. Johnson arrived after the call of the question.

President's Initials: _____

Date Signed: _____

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**In re: Adoption of a Tax Increment Financing Plan for
Old Jackson Connector Road TIF Project**

The Board of Supervisors of Madison County, Mississippi (the "Governing Body" of the "County"), took up for consideration the matter of the Amended and Restated Tax Increment Financing Plan of 2004, Madison County, Mississippi (Old Jackson Connector Road Project) (the "Tax Increment Financing Plan"), and a resolution regarding such TIF Plan. After a full consideration and discussion of the matter, Supervisor Karl M. Banks offered and moved the adoption of the following resolution:

A RESOLUTION APPROVING THE AMENDED AND RESTATED TAX INCREMENT FINANCING PLAN OF 2004, MADISON COUNTY, MISSISSIPPI (OLD JACKSON CONNECTOR ROAD PROJECT).

WHEREAS, under the power and authority granted by the laws of the State of Mississippi and particularly under Chapter 45 of Title 21, Mississippi Code of 1972, as amended, the Governing Body on October 12, 2009 did adopt a certain resolution entitled:

RESOLUTION OF THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI, DETERMINING THE NECESSITY FOR AND INVOKING THE AUTHORITY GRANTED TO MUNICIPALITIES BY THE LEGISLATURE WITH RESPECT TO TAX INCREMENT FINANCING AS SET FORTH IN CHAPTER 45 OF TITLE 21, MISSISSIPPI CODE OF 1972, AS AMENDED; DETERMINING THAT THE TAX INCREMENT FINANCING PLAN OF 2004, MADISON COUNTY, MISSISSIPPI (OLD JACKSON CONNECTOR ROAD PROJECT), AS AMENDED & RESTATED, PROPOSES A PROJECT THAT IS ELIGIBLE FOR TAX INCREMENT FINANCING UNDER THE LAWS OF THE STATE; THAT A PUBLIC HEARING BE CONDUCTED IN CONNECTION WITH THE AMENDED & RESTATED TAX INCREMENT FINANCING PLAN OF 2004, MADISON COUNTY, MISSISSIPPI (OLD JACKSON CONNECTOR ROAD PROJECT); AND FOR RELATED PURPOSES.

WHEREAS, as directed by the aforesaid resolution and as required by law, a notice of public hearing was published one (1) time in *The Madison County Herald*, a newspaper having a general circulation within the County and was so published in said newspaper on October 15, 2009, as evidenced by the publisher's proof of publication of the same heretofore presented to the Governing Body and filed with the Clerk;

WHEREAS, the Notice of Public Hearing generally described the TIF Plan and further called for a public hearing to be held in the Regular Meeting Room of the Governing Body in the Chancery Court and Administrative Building of Madison County, Mississippi, in Canton, Mississippi at 9:00 o'clock a.m. on November 2, 2009 in order for the general public to state or present their views on the TIF Plan; and

WHEREAS, at 9:00 o'clock a.m. on November 2, 2009, the public hearing was held and all in attendance were given an opportunity to state or present their oral and written comments on the TIF Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE COUNTY, AS FOLLOWS:

SECTION 1. That all of the findings of fact made and set forth in the preamble to this resolution shall be and the same are hereby found, declared and adjudicated to be true and correct.

SECTION 2. That the Governing Body of the County is now fully authorized and empowered under the provisions of Chapter 45 of Title 21, Mississippi Code of 1972, as amended, to adopt and implement the TIF Plan, a copy of which is attached hereto as Exhibit A to this Resolution (reproduced in its entirety herein below), and does hereby adopt and approve such TIF Plan as

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presented in order to assist in the development of the proposed project by cooperating in the issuance of tax increment financing bonds or notes by the City of Canton, Mississippi (the "City"), in an amount not to exceed \$3,000,000 to finance the cost of various infrastructure improvements in connection with the TIF Plan.

SECTION 3. That the tax increment bonds or notes as set forth in the TIF Plan shall be issued pursuant to further proceedings of the Governing Body.

Supervisor Paul Griffin seconded the motion to adopt the foregoing Resolution, and the vote thereupon was as follows:

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

The motion having received the affirmative vote of the Governing Body, the President of the Board of Supervisors declared the motion carried and the Resolution adopted, on this the 2nd day of November, 2009.

EXHIBIT A

(to this Resolution reproduced in its entirety herein below)

**AMENDED AND RESTATED TAX INCREMENT FINANCING
PLAN OF 2004, MADISON COUNTY, MISSISSIPPI**

(OLD JACKSON CONNECTOR ROAD PROJECT)

**TAX INCREMENT FINANCING PLAN
MADISON COUNTY, MISSISSIPPI
(OLD JACKSON CONNECTOR ROAD PROJECT)**

January, 2005, Amended & Restated November, 2009

SECTION 1: STATEMENT OF INTENT

The Chancery Clerk and Board of Supervisors of Madison County, Mississippi (the "Governing Body"), acting for and on behalf of Madison County, Mississippi (the "County") is authorized by Sections 21-45-1, et seq., Mississippi Code of 1972, as amended (the "Act"), to undertake redevelopment projects, including, but not limited to, the acquisition of project areas within the County necessary or incidental to the development or redevelopment of such areas, and to install, construct or reconstruct streets, utilities, public improvements, and site improvements essential to the preparation of sites for use in accordance with a redevelopment plan to encourage private redevelopment within the County. In order to facilitate the development of the County and as required by the Act, the Governing Body heretofore adopted the Tax Increment Redevelopment Plan of 2004, for the County (the "Redevelopment Plan"). The Governing Body, acting for and on behalf of the County, is also authorized by the Act to issue Tax Increment Financing Bonds to finance redevelopment projects in the County.

First Choice Development, LLC, acting on behalf of itself, JJ International, LLC; and Blackhawk, LLC (collectively the "Developer") requests the County and the City of Canton, Mississippi (the "City") to participate in the construction of the Redevelopment Project (as defined hereinafter) by issuing tax increment limited obligation bonds in principal amount of up to \$3,000,000 for a term of up to twenty (20) years (the "Bonds"), a portion of the proceeds of which will be used to pay the cost of constructing Improvements (as defined hereinafter) necessary for the Developer's Project (as hereinafter defined). The County has pledged all, or such portion as may be needed, of the increased ad valorem real and personal property tax revenues as security for payment of the Bonds. The City has previously agreed to pledge

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one-half of the increased ad valorem real and personal property tax revenues of the City and up to twenty-five percent (25%) of the increased sales tax revenues of the City for such purpose. The Bonds may be issued in one or more series for terms not to exceed twenty (20) years.

The Developer's Project (also sometimes referred to herein as the "Old Jackson Connector Road Project") is defined as follows:

The construction of a four lane thoroughfare from Old Jackson Road at Nissan South exit ramp east to property line, plus mixed use commercial development of various frontage and interior parcels of property including, but not limited to, hotel/motel sites, convenience store/gas station sites, fast food and restaurant sites, retail shopping sites, office building sites, office/warehouse sites, and other service businesses, all located in the approximately 76 acres within the County, and as more particularly described in Exhibits 1 and 2 attached hereto (hereinafter, the "Developer's Project").

The Improvements necessary to induce and support the Developer's Project are defined as follows:

Construction, reconstruction, extension and/or improvement of four lane thoroughfare from Old Jackson Road at Sowell Road exit ramp east to property line, together with, but not limited to, acquisition of right-of-way; installation and/or relocation of utilities such as water, sanitary sewer, natural gas lines and electricity; construction of drainage improvements; construction of roadways with curb and gutter; asphalt overlay; lighting; installation of signalization and signage; landscaping as necessary and/or required; improvements to associated traffic corridors; construction, reconstruction, extension and/or improvement of streets, curbs and sidewalks, public parking and lighting, water and sewer facilities, fire protection improvements, and engineering, legal and architectural costs relating to the foregoing (hereinafter, the "Improvements").

The Developer's Project and the Improvements together are referred to hereinafter as the "Redevelopment Project".

Proceeds of the Bonds may also be used to pay cost of issuance for the Bonds, fund capitalized interest and any reserve deemed advisable in connection with retirement of the Bonds, related engineering fees, attorney's fees, TIF Plan preparation fees, and other related soft costs. Certain of the Improvements will be dedicated to the City for use by the general public and will be constructed on land, rights of way or easements owned or to be owned by the City and/or the Mississippi Department of Transportation made available for such purposes. The County and/or the City may enter into a development and reimbursement agreement with the Developer whereby the Developer will agree to acquire, construct, operate and maintain certain improvements and/or infrastructure under this Tax Increment Financing Plan.

SECTION 2: PUBLIC CONVENIENCE AND NECESSITY

The public convenience and necessity require participation by the City and County and the public interest will be served by such participation by (a) enhancement of the east-west traffic flow between Interstate Highway 55 and points west thereof and Highways 51 and 43 and the eastern part of the City, in accordance with the long range transportation plan(s) of the City and Madison County; (b) an estimated creation during the Project (as defined herein) of approximately 400 new permanent full-time or part-time jobs injecting into the local economy additional annual payroll and other benefits; (c) creation of construction jobs and corresponding payroll over a ten (10) year period; (d) creation of estimated additional real property and personal property ad valorem tax revenues to the City of at least \$113,416 annually and to the County of at least \$109,116 annually; (e) creation of estimated additional school district taxes of \$502,230 annually for the Madison County School District; (f) creation of estimated sales tax revenues to the City of \$739,564 and (g) inducing the Project will spur additional development, encourage private development and investment, and increase jobs, payroll, property tax revenues and sale tax rebates over and above the projections for the Project.

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SECTION 3: REDEVELOPMENT PROJECT DESCRIPTION

Project Description & Location

The Developer's Project involves mixed-use commercial development of approximately 76 acres within the City, including the construction of a four lane thoroughfare from Old Jackson Road at Sowell Road exit ramp eastward to the Developer's east property line; installation of utilities and other improvements within the right-of-way, which will be dedicated to the City and available to and for the benefit of the general public on a continuous basis, and serve as Phase I of a multi-phase project intended to address the long-term transportation needs of the City and Madison County. The development consists of fifty-seven (57) lots of varying size, intended for mixed use retail, professional office and mixed-use development including, but not limited to hotel/motel sites, convenience store/gas station sites, fast food and restaurant sites, retail shopping sites, office building sites, office/warehouse sites, and other service businesses.

Private Investment

The Developer's Project will represent a private investment of approximately \$2 Million by the Developer, consisting of, but not limited to, acquisition of right-of-way, installation and/or relocation of utilities, construction of drainage improvements, construction of roadways, asphalt overlay, lighting, installation of signalization and signage, landscaping as necessary and/or required improvements to associated traffic corridors and development of retail, office/professional and/or warehouse sites (some or all of which may be reimbursable). In addition to the Developer's investment, private investment by third parties within the site is projected to generate assessable improvements in excess of \$48.7 Million. These projections include creation of in excess of 400 permanent jobs.

SECTION 4: DEVELOPER'S INFORMATION

- | | | |
|-----|---|------------------------------------|
| (a) | Name: | First Choice Development, LLC |
| (b) | Address: | P. O. Box 342
Madison, MS 39130 |
| (c) | Telephone Number: | 601-856-2720 |
| | Facsimile: | 601-853-6765 |
| (d) | Tax identification number: | 72-1573775 |
| (e) | The Developer's contact for the Redevelopment Project is: | J. Parker Sartain |
| (f) | Telephone Number: | 601-856-2720 |
| | Facsimile: | 601-853-6765 |

SECTION 5: ECONOMIC DEVELOPMENT IMPACT DESCRIPTION

Job creation

It is estimated that the Redevelopment Project will substantially increase permanent employment opportunities for residents of the City and Madison County with the attendant increases in payroll. It is expected that there will be significant increases in construction jobs over the projected ten (10) years required to complete construction of the Redevelopment Project.

Investment

Total cost of the Redevelopment Project is estimated to be approximately \$48,718,000, in addition to the Improvements, the cost of which is estimated to be approximately \$2 Million.

Financial benefits

It is conservatively estimated that the Redevelopment Project will result in substantial increases in tax revenues to the County and City, and will create for the County at least \$109,616 annually in real property ad valorem taxes, in addition to personal property ad valorem taxes. It is estimated the Redevelopment Project will create \$502,230 in ad valorem tax revenues for the Madison County School District.

SECTION 6: STATEMENT OF THE OBJECTIVES FOR THE AMENDED & RESTATED TAX INCREMENT FINANCING PLAN OF 2004

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The objective of the Tax Increment Financing Plan is to construct the Improvements which will induce construction of the Developer's Project and foster development of the Redevelopment Area, as same is defined in the Redevelopment Plan, while also providing improved public access and addressing long-term transportation needs identified by Madison County and the City. Certain of the Improvements will be dedicated to the City and available to the general public on a continuous basis and made available to the City and citizens of Madison County for such purposes.

SECTION 7: STATEMENT INDICATING THE NEED OF PROPOSED USE OF THE AMENDED & RESTATED TAX INCREMENT FINANCING PLAN IN RELATIONSHIP TO THE REDEVELOPMENT PLAN

The need and proposed use of the Amended & Restated Tax Increment Financing Plan would be to provide an economic development incentive for the construction of improvements on vacant land and land in need of redevelopment in the City and County as described in Sections 3, 6 and 9 herein.

The TIF Plan will also provide a financing mechanism for the construction of Infrastructure Improvements necessary to serve the public that will utilize the induced Project and otherwise serve the public interest, convenience and necessity.

SECTION 8: A STATEMENT CONTAINING THE COST ESTIMATES OF THE REDEVELOPMENT PROJECT AND THE PROJECTED SOURCES OF REVENUE TO BE USED TO MEET THE COSTS INCLUDING ESTIMATES OF TAX INCREMENT AND THE TOTAL AMOUNT OF INDEBTEDNESS TO BE INCURRED

Tax increment financing in the amount not to exceed \$3,000,000.00 is requested to fund all or a part of the Improvements, fund capitalized interest, pay costs of issuance for the Bonds, pay related engineering fees, attorney's fees, TIF Plan preparation fees, and other related soft costs. The Bonds will be issued by the City. The City and County may enter into an Interlocal Agreement setting forth the responsibilities and participation of each with respect to administration of the TIF Plan including, but not necessarily limited to, the issuance of Bonds or Notes or other debt obligations to provide funds to defray the cost of Infrastructure Improvements. The term of the obligation will not exceed twenty (20) years. The estimated cost of the Improvements within the Redevelopment Project is projected to be approximately \$2 million. Estimated annual ad valorem real property tax revenue resulting from the construction of the Redevelopment Project, excluding school district taxes, is estimated to be at least \$112,916 for the County and \$109,116 for the City upon full build out. Estimated annual sales tax revenue resulting from the construction of the Redevelopment Project is estimated to be \$739,564. The City has pledged one-half (1/2) of the incremental increase in ad valorem tax revenues of the City (excluding county school district taxes), and one-quarter (1/4) of the incremental increase in sales tax revenues of the City generated by the Redevelopment Project. The County shall pledge all, or such portion as may be needed, of the ad valorem tax increases from the real and/or personal property, and the County shall pledge all, or such portion as may be needed, of ad valorem real and personal property tax increases generated from the construction of the Project to secure the bonds. The amount of Bonds, the timing of the issuance of such Bonds, the division of incremental increases in tax revenue generated by the Project, and the pledging for security for the Bonds will be determined pursuant to further proceedings of the City and County.

SECTION 9: LIST OF ALL REAL PROPERTY TO BE INCLUDED IN THE AMENDED & RESTATED TAX INCREMENT FINANCING PLAN OF 2004 (the "Tax Increment Finance District")

The Redevelopment Project will be constructed on the tract of real property described in Exhibits 1 and 2 attached hereto.

President's Initials: _____

Date Signed: _____

SECTION 10: THE DURATION OF THE AMENDED & RESTATED TAX INCREMENT FINANCING PLAN'S EXISTENCE

The duration of the Amended & Restated Tax Increment Financing Plan for the Redevelopment Project is for a period not to exceed twenty (20) years.

SECTION 11: STATEMENT OF THE ESTIMATED IMPACT OF THE AMENDED & RESTATED TAX INCREMENT FINANCING PLAN UPON THE REVENUES OF ALL TAX JURISDICTIONS IN WHICH THE REDEVELOPMENT PROJECT IS LOCATED

The following represents estimates of annual tax revenue resulting from the construction of the Redevelopment Project.

- (a) Ad valorem taxes for school district purposes: \$502,230
- (b) Real property County ad valorem taxes: \$109,616
- (c) Real property City ad valorem taxes: \$112,916
- (d) Net sales taxes to the City: \$739,564

Projected personal property County and City ad valorem taxes have not been calculated.

SECTION 12: STATEMENT REQUIRING THAT A SEPARATE FUND BE ESTABLISHED TO RECEIVE AD VALOREM TAXES AND THE PROCEEDS OF ANY OTHER FINANCIAL ASSISTANCE

In accordance with Mississippi Law, a separate fund entitled the Tax Increment Financing Fund - Old Jackson Road Connector Project, will be established by the City to receive ad valorem taxes and the proceeds of any other financial assistance received in connection with this TIF Plan.

SECTION 13: THE GOVERNING BODY SHALL BY RESOLUTION FROM TIME TO TIME DETERMINE

- (a) the division of ad valorem tax receipts, if any, that may be used to pay for the cost of all or any part of a redevelopment project;
- (b) the duration of time in which such taxes may be used for such purposes;
- (c) if the Governing Body shall issue bonds for such redevelopment project; and
- (d) such other restrictions, rules and regulations as in the sole discretion of the Governing Body shall be necessary in order to promote and protect the public interest.

Through the adoption of the Amended & Restated Tax Increment Financing Plan, the Governing Body of the County acknowledges the above and shall adopt the necessary resolutions when deemed necessary and appropriate.

EXHIBIT 1

(to this Plan, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes)

LEGAL DESCRIPTION

EXHIBIT 2

(to this Plan, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes)

LOCATION MAP AND SITE PLAN

President's Initials: _____

Date Signed: _____

In re: Approval of Consent Agenda Items

WHEREAS, President Griffin did announce that he and County Administrator Donnie Caughman had conferred in advance of the meeting and did recommend that Items (2) through (16) on the Agenda appeared to be routine, non-controversial matters on which all Supervisors were likely to agree, and could be taken up as Consent Items, and

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

WHEREAS, the County Administrator requested that Item (17) be added to the Consent Agenda, and

WHEREAS, the Board President requested that Item (16) be withheld from the Consent Agenda and addressed separately,

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

- 2. Acknowledge October 2009 Monthly Report - Road Department.**
(A true and correct copy of the October 2009 Monthly Road Department Report submitted by County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
- 3. Acknowledge October 2009 Closed Call Analysis - Road Department.**
(A true and correct copy of the October 2009 Closed Call Analysis submitted by the County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
- 4. Acknowledge November 2009 Service Call Schedule Report - Road Department.**
(A true and correct copy of the November 2009 Road Department Service Call Schedule submitted by County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
- 5. Acknowledge Credit Card Report for August 8, 2009 through September 8, 2009 and September 9, 2009 through October 8, 2009 - Sheriff's Department.**
(A true and correct copy of that certain memorandum dated October 26, 2009 from County Purchase Clerk Hardy Crunk is attached hereto as Exhibit A, spread hereupon and incorporated herein by reference.)
- 6. Approve Zoning Matter - Ralph McDaniels Petition to Rezone I-2 to R-2 Residential.**
(A true and correct copy of the petition of Ralph McDaniels seeking to rezone 1.4 acres from I-2 Industrial District to R-2 Residential District located at 456 Livingston-Vernon Road, Section 29, T9N, R1W, Madison County, Mississippi, may be found in the Miscellaneous Appendix to these Minutes.)
- 8. Authorize County Administrator to Sign Request for Cash on CAP Loans through Mississippi Development Authority.**
- 9. Approve *En Masse* Petition for Decreases of Assessments of Real Property for the 2009 Tax Year.**
(A true and correct copy of said Petition and its spreadsheet attachment is attached hereto as Collective Exhibit B, spread hereupon and incorporated herein by reference.)

President's Initials: _____

Date Signed: _____

10. **Approve *En Masse* Petition for Increases of Assessments of Real Property for the 2009 Tax Year.**
(A true and correct copy of Petitions, as accepted by taxpayers, and Petitions setting public hearing for November 16, 2009, are attached hereto as Collective Exhibit C, spread hereupon and incorporated herein by reference.)
11. **Approve *En Masse* Petition for Decreases of Assessments of Personal Property for the 2009 Tax Year.**
(A true and correct copy of said Petition and its spreadsheet attachment is attached hereto as Collective Exhibit D, spread hereupon and incorporated herein by reference.)
12. **Approve *En Masse* Petition for Increases of Assessments of Personal Property for the 2009 Tax Year.**
(A true and correct copy of Petitions, as accepted by taxpayers, and that certain Petition not accepted and for which a public hearing for November 16, 2009 is set, are attached hereto as Collective Exhibit E, spread hereupon and incorporated herein by reference.)
13. **Approve Amended Homestead Applications - 2009 Tax Year.**
(A true and correct copy of that certain memorandum dated October 27, 2009 from Homestead Director Emily Anderson is attached hereto as Exhibit F, spread hereupon and incorporated herein by reference.)
14. **Acknowledge Building & Grounds Department Monthly Report.**
(A true and correct copy of said Report is attached hereto as Exhibit G, spread hereupon and incorporated herein by reference.)
15. **Approve Location of Culvert Placements.**
(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 Exhibit H, spread hereupon and incorporated herein by reference.)
17. **Acknowledge Legal Holiday - Wednesday, November 11, 2009, Veterans Day. All county offices and courthouses are authorized to close on said date.**

The vote on the matter being as follows:

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

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

SO ORDERED this the 2nd day of November, 2009.

***In re:* Authorize Agreement for Telephone and Internet Service for Election Commission**

WHEREAS, Purchase Clerk Hardy Crunk appeared before the Board and presented a request from Election Commissioner Kakey Chaney requesting permission to change the Election Commission's phone, fax and internet service from AT&T to Comcast, and

WHEREAS, a true and correct copy of Mr. Crunk's explanatory memorandum is attached hereto as Exhibit I, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to (1) authorize the Election Commission to change their phone, fax and internet service from

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AT&T to Comcast and (2) authorize the Board President to execute a 36-month agreement with Comcast for said service. 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	No

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

SO ORDERED this the 2nd day of November, 2009.

In re: Request for Comments - Proposed Telecommunications Tower

WHEREAS, the Board President inquired as to public comments to discuss the historic impact for proposed telecommunication towers to be erected at 6091 Highway 51, Pickens, Madison County, Mississippi and 907 Davis Crossing Road, Canton, Madison County, Mississippi, and

WHEREAS, no one appeared in opposition to said proposed telecommunication towers,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to request that the Emergency Management Agency and other public safety departments of our county be allowed to place repeaters and other transmitted devices on said towers. 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 request was and is hereby approved.

SO ORDERED this the 2nd day of November, 2009.

In re: Discussion of Livingston Township Covenants

WHEREAS, Zoning Administrator Brad Sellers appeared before the Board and presented that certain memorandum dated September 11, 2009 from Ms. Rita McGuffie on behalf of the Mannsdale-Livingston Heritage Preservation District with regard to the covenants of Livingston Township, and

WHEREAS, Mr. Sellers requested permission to confer with the Commission of the Mannsdale-Livingston Heritage Preservation District to develop covenants for Livingston Township that would be in compliance with various applicable county ordinances,

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to authorize Mr. Sellers to confer with the Mannsdale-Livingston Heritage Preservation District Board of Commissioners to develop covenants for Livingston Township that would be in compliance with various applicable county ordinances. The vote on the matter being as follows:

President's Initials: _____

Date Signed: _____

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

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

SO ORDERED this the 2nd day of November, 2009.

In re: Approval of Final Right of Way Plat of Orchard Lane

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented the final plat of Right of Way of Orchard Lane, the same depicting the dimensions of right of way of said road and reported that said road met with all applicable county requirements and was suitable for adoption, dedication and approval and requested the Board to approve same

WHEREAS, Mr. Warnock did also present a Performance Bond and advised the Board that the street depicted on said plat was to be accepted as a public road, and added to the County Road Register, to-wit: Orchard Lane,

Following discussion of this matter, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to approve said final plat and accept the dedication of the above listed road as a public road, and direct the Clerk to accept and retain the aforesaid performance bond. 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 final plat Right of Way of Orchard Lane was and is hereby approved and said road accepted as a public street.

SO ORDERED this the 2nd day of November, 2009.

In re: Awarding of Bid to Bulldog Construction Company for the Northshore Way Drainage Improvements Project

WHEREAS, County Engineer Rudy Warnock appeared before the Board and reported that he and the standing committee of the Board appointed for such purposes had received and tabulated bids for the Northshore Way Drainage Improvements Project, and

WHEREAS, in his estimation, the lowest and best bidder for said project was Bulldog Construction Company who submitted a bid in the total amount of \$108,292.90, and

WHEREAS, Mr. Warnock recommended that the Board award the contract for said project to Bulldog Construction Company in accordance with its bid, and

WHEREAS, Mr. Warnock's tabulation sheet, together with his written recommendation is attached hereto as Exhibit J, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to (1) accept the bid of Bulldog Construction Company as the lowest and best bid received for the Northshore Way Drainage Improvements Project, and (2) authorize the Board Attorney and the County Engineer to put in place all environmental issues within the contract for such work to

President's Initials: _____

Date Signed: _____

Bulldog Construction Company. 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 bid of Bulldog Construction Company was and is hereby accepted, and the Board Attorney and County Engineer were and are hereby so authorized.

SO ORDERED this the 2nd day of November, 2009.

In re: Authorize Board Attorney to Prepare Easement Documents; Authorize Appraiser to Prepare Appraisal; and Authorize County Right of Way Agent to Acquire Right of Way - LSBP-0045(7) Hart Road Project

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented survey drawing for the construction of a new bridge for the LSBP-0045(7) Hart Road Project, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, Mr. Warnock recommended that the Board (1) authorize the Board Attorney to prepare the easement documents associated therewith, (2) authorize an appraisal be performed for said project, and (3) authorize the County Right of Way Agent to acquire necessary right of way easement associated with said project,

Following discussion, Mr. Paul Griffin did offer and Mr. Tim Johnson did second a motion to authorize (1) authorize the Board Attorney to prepare the legal descriptions and easement documents associated therewith, (2) authorize Mr. Jim Turner to prepare an appraisal, and (3) authorize the County Right of Way Agent Woody Sample to acquire necessary right of way easement associated with the construction of a new bridge for the LSBP-0045(7) Hart 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	Not Present and Not Voting ²
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and the Board Attorney, Mr. Turner and Mr. Sample were and are hereby authorized.

SO ORDERED this the 2nd day of November, 2009.

In re: Acknowledgment of Revised Personnel Handbook Sheriff/Jail Departments

WHEREAS, Human Resource Director Lisa Mayo appeared before the Board and presented a revised Personnel Handbook for the Sheriff and Jail Departments, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, and requested the Board acknowledge same, and

²Mr. Banks excused himself briefly from the meeting.

President's Initials: _____

Date Signed: _____

WHEREAS, Ms. Mayo did inform the Board that the same had met with the approval of Sheriff Trowbridge,

Following discussion, Mr. Tim Johnson did offer and Mr. John Bell Crosby did second a motion to acknowledge the Personnel Handbook for the Sheriff and Jail Departments as presented by Ms. Mayo. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and said Personnel Handbook was and is hereby acknowledged.

SO ORDERED this the 2nd day of November, 2009.

In re: Approval of Claims Docket for November 2, 2009

WHEREAS, the Board reviewed the claims docket for November 2, 2009; and

WHEREAS, the 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:

Fund	Claim Nos.	No. of Claims	Amount
001	434 to 587	154	449,752.26
002	3 to 3	1	260.00
012	15 to 31	17	13,532.44
014	2 to 2	1	2,464.57
051	3 to 3	1	11,164.20
095	3 to 4	2	16,141.45
096	2 to 2	1	2,581.14
097	26 to 43	18	34,610.50
105	25 to 38	14	35,538.26
113	1 to 3	3	4,430.93
114	2 to 2	1	998.28
115	12 to 17	6	5,092.44
116	5 to 7	3	558.45
118	3 to 3	1	3,149.40
120	9 to 12	4	224.55
121	5 to 8	4	414.37
150	60 to 114	55	102,190.81
160	11 to 15	5	14,552.04
170	1 to 1	1	9,315.59
190	18 to 27	10	5,951.38
226	4 to 6	3	322,082.17
240	2 to 2	1	4,061.15
291	2 to 4	3	457,871.88
302	5 to 7	3	565,948.25
305	2 to 2	1	33,249.92
401	3 to 4	2	11,083.05
690	3 to 4	2	14,505.96
691	3 to 4	2	14,457.19
TOTAL ALL FUNDS		319	2,136,182.63

President's Initials: _____

Date Signed: _____

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HELD CLAIM

Fund	Claim No.	Payee	Amount
150	103	Warnock & Associates	\$ 11,551.92

Following discussion, Mr. Tim Johnson did offer and Mr. John Bell Crosby did second a motion to discontinue paying dues to NACo and earmark said funds for improvements to Dover Lane. The vote on the matter being as follows:

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

the matter failed by a vote of 1 in favor, 2 against and 2 abstentions.

SO ORDERED this the 2nd day of November, 2009.

Thereafter and following discussion, Mr. John Bell Crosby did offer and Mr. Karl M. Banks did second a motion to approve the claims docket as presented, less and except the above noted held claim. 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 K, 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 by the unanimous vote of those present 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 2nd day of November, 2009.

Thereafter, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to pay the held claim of Warnock & Associates in the amount of \$11,551.92. 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 pay warrant accordingly.

SO ORDERED this the 2nd day of November, 2009.

President's Initials: _____

Date Signed: _____

In re: Authorize Board President Execute Invoices

WHEREAS, Sheriff Toby Trowbridge appeared before the Board and requested the Board authorize the Board President to execute those certain invoices to Mississippi Department of Corrections in the amount of \$6,620.00 and \$10,928.16 for feeding and housing of prisoners,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to authorize the Board President to execute said invoices. The vote on the matter being as follows:

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

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

SO ORDERED this the 2nd day of November, 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 Monday, November 16, 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: _____