

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

REGULAR MEETING OF November 16, 2009
Recessed from regular meeting conducted on November 2, 2009

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on November 16, 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
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
Assistant Comptroller Quandice Green
Board Attorney Eric Hamer
County Engineer Rudy Warnock
E911 Director Butch Hammack
County Zoning Administrator Brad Sellers
County Fire Coordinator Mack Pigg
Road Manager Lawrence Morris

Special Guests:

Hon. William E. Chapman, Circuit Judge
Hon. Leslie Childress, Mayor, Town of Flora

The President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. County Administrator Donnie Caughman opened the meeting with a prayer and County Comptroller Mark Houston 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, Circuit Judge William E. Chapman, III appeared before the Board and expressed his appreciation to the county for its support of his court in the recent capital murder trial. Judge Chapman also commended the work and service of Sheriff Toby Trowbridge and the Madison County Sheriff Office.

***In re: Approval of Increase of Assessment of 2009 Real Property
Pursuant to Miss. Code Ann. § 27-35-147 et seq.***

WHEREAS, on November 2, 2009, the Board determined that November 16, 2009 would be an appropriate date for a public hearing on the matter of increasing a certain real property assessment for 2009 on a certain parcel in the county and did set said date for said hearing to begin at the hour of 9:00 am, and

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WHEREAS, the Chancery Clerk did prepare and serve the appropriate notice thereof by registered mail to the affected property owner, and the Board does find that said notice was sufficient, and

WHEREAS, the petition listing the property owner, the parcel number, and amount of the proposed assessment increase is attached hereto as Exhibit A, spread hereupon, and incorporated herein by reference, and

WHEREAS, the hour of 9:00 am did arise and the Board President did declare the public hearing on said proposed increase to be open, and

WHEREAS, no one did appear to contest or protest said assessment increase,

Following discussion, Mr. D. I. Smith did offer and Mr. Karl M. Banks did second a motion to close the public hearing and approve the assessment increase for the individual and parcel number as set forth in the aforesaid petition. The vote on the matter being as follows:

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

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

SO ORDERED this the 16th day of November, 2009.

***In re: Authorizing the Resolution Approving
the Adoption and Implementation of the
Madison County Medical Center/Nissan Parkway TIF Project***

WHEREAS, Mr. Ron Farris, Esq. appeared before the Board on behalf of the proponents of the Madison County Medical Center/Nissan Parkway TIF Project referred to herein below and presented the following Resolution which follows:

The Board of Supervisors of Madison County, Mississippi, (the "Governing Body" of the "County"), took up for consideration the matter of the Tax Increment Financing Plan, Canton, Madison County, Mississippi (Madison County Medical Center/Nissan Parkway) (the "Tax Increment Financing Plan"), and a resolution regarding such Tax Increment Financing Plan. After a full consideration and discussion of the matter, Supervisor Karl M. Banks offered and moved the closing of the public hearing and adoption of the following resolution:

**A RESOLUTION APPROVING THE TAX INCREMENT FINANCING
PLAN, CANTON, MADISON COUNTY, MISSISSIPPI
(MADISON COUNTY MEDICAL CENTER/NISSAN PARKWAY 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 19, 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 COUNTIES 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, CANTON, MADISON COUNTY, MISSISSIPPI
(MADISON COUNTY MEDICAL CENTER/NISSAN PARKWAY) PROPOSES A
PROJECT THAT IS ELIGIBLE FOR TAX INCREMENT FINANCING UNDER THE**

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LAWS OF THE STATE; THAT A PUBLIC HEARING BE CONDUCTED IN CONNECTION WITH THE TAX INCREMENT FINANCING PLAN, CANTON, MADISON COUNTY, MISSISSIPPI (MADISON COUNTY MEDICAL CENTER/NISSAN PARKWAY); 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 November 5, 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 at the regular meeting place of the Governing Body 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 16, 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 16, 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, and does hereby adopt and approve such TIF Plan as presented in order to assist in the development of the proposed project by cooperating with the City of Canton, Mississippi (the "City") in the City's issuance of tax increment financing bonds or notes in an amount not to exceed \$3,000,000 to finance the cost of various infrastructure improvements in connection with the TIF Plan. The County is approving and implementing the TIF Plan subject to a satisfactory, binding and appropriate Interlocal Cooperation Agreement between the City of Canton and the County, such agreement to be executed prior to the issuance of tax increment financing bonds or notes associated with the Project, and 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.

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 County and City.

Supervisor Tim Johnson seconded the motion to close the public hearing and adopt the foregoing resolution, and the question being put to a roll call vote, the result was as follows:

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

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The motion having received the affirmative vote of a majority of the Board members present, the President declared the motion carried and the resolution adopted, on this the 16th day of November, 2009.

EXHIBIT A
(to this Resolution reproduced in its entirety herein below)
TAX INCREMENT FINANCING PLAN

**TAX INCREMENT FINANCING PLAN. CANTON, MADISON COUNTY, MISSISSIPPI
(MADISON COUNTY MEDICAL CENTER / NISSAN PARKWAY PROJECT)**

SECTION 1: STATEMENT OF INTENT

The Board of Supervisors of Madison County, Mississippi (the "Governing Body"), acting for and on behalf of Madison County, Mississippi (the "County") are 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 development and 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 Financing 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 TIF-eligible projects in the County.

Partridge-Madison, Inc. (the "Developer") requests the County to participate in the construction of the Development Project (as defined hereinafter) by issuing or cooperating in the issuance of tax increment limited obligation bonds in principal amount of up to, but not to exceed, \$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). Developer requests the County to pledge up to fifty percent (50%) of the increased ad valorem taxes on real and/or personal property (excluding county school district taxes) generated by development and construction in the TIF District as described in the TIF Plan as security for payment of the Bonds. 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 "Madison County Medical Center/Nissan Parkway") is defined as follows:

Development of a new campus for the Madison County Medical Center, together with a mixed-use development featuring related and complimenting medical and quasi-medical facilities, as well as commercial, 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 facilities to be known as the Madison County Medical Center/Nissan Parkway Project (hereinafter, the "Developer's Project").

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

Clearance and certain site improvements essential to the preparation of the Project area for use in accordance with the Redevelopment Plan including, but not limited to, construction, expansion, renovation or repair of streets, other roadways, utilities, drainage facilities, lighting, landscaping, signalization and signage, right-of-way for public roads,

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water and sewer mains, street lights and electrical services and other infrastructure necessary to develop a multi-use development incident to and complimenting the medical facility in connection with the Madison County Medical Center/Nissan Parkway Project (hereinafter, the "Improvements").

The Developer's Project and the Improvements together are referred to hereinafter as the "Development 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, architect's 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, including residents of Madison County, and will be constructed on land, rights of way or easements owned or to be owned by the City made available for such purposes. The County 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. The issuance of any bonds associated with the TIF Plan shall be handled in accordance with an Interlocal Cooperation Agreement executed by and between the County and the City.

The Bonds will be special obligations of the City secured by the ad valorem and sales tax payments as more fully described in Section 10 hereof.

SECTION 2: PUBLIC CONVENIENCE AND NECESSITY

The public convenience and necessity require participation by the 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, in accordance with the long range transportation plan of the County; (b) projected creation during the Project (as defined herein) of 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 three to ten (3-10) year period; (d) creation of estimated additional real property and personal property ad valorem tax revenues to the County of at least \$100,489 annually; (e) creation of additional school district taxes for the Canton Public School District of approximately \$322,761 annually; and (f) inducing the Project will spur additional development, encourage private development and investment, and increase jobs, payroll and property tax revenues over and above the projections for the Project.

SECTION 3: REDEVELOPMENT PROJECT DESCRIPTION

Project Description and Location

Development upon land described in Exhibit "1", attached hereto and incorporated herein, of a new campus for the Madison County Medical Center, together with a mixed-use development featuring related to and complimenting medical and quasi-medical facilities, as well as commercial, 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 facilities to be known as the Madison County Medical Center/Nissan Parkway Project (hereinafter, the "Developer's Project").

Private Investment

The Developer's Project will represent a private investment in excess of \$42 Million by the Developer and owners of Madison County Medical Center and a private investment of approximately \$2 Million for Improvements consisting of clearance and certain site improvements essential to the preparation of the Project area for use in accordance with the Redevelopment Plan including, but not limited to, construction, expansion, renovation or repair

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of streets, other roadways, utilities, drainage facilities, lighting, landscaping, signalization and signage, right-of-way for public roads, water and sewer mains, street lights and electrical services and other infrastructure necessary to develop a multi-use development incident to the medical facility in connection with the Madison County Medical Center Project. In addition to the Developer's investment, private investment by third parties within the site is projected to generate assessable improvements in excess of \$2.75 Million.

SECTION 4: DEVELOPER'S INFORMATION

- (a) Name: Partridge-Madison, Inc.
- (b) Address: 4273 I-55 North, Suite A
Jackson, MS 39206
- (c) Telephone Number: 601-713-6320
Facsimile: 601-713-9928
- (d) Tax identification number: 20-1190258
- (e) The Developer's contact for the Redevelopment Project is: Ronald D. Farris, Esq.
- (f) Telephone Number: 601-713-6320
Facsimile: 601-713-9928

SECTION 5: ECONOMIC DEVELOPMENT IMPACT DESCRIPTION

Job creation

It is estimated that the Development Project will substantially increase permanent employment opportunities for residents of the County and City with the attendant increases in payroll. It is expected that there will be significant increases in construction jobs over the projected three to ten (3-10) years required to complete construction of the Development Project.

Investment

Total cost of the Redevelopment Project is estimated to be in excess of 44.8 Million, 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 create for the County at least \$100,489 annually in real and personal property ad valorem taxes. In addition, the Redevelopment Project will create substantial increases in ad valorem tax revenues for the Canton Public School District of approximately \$322,761 annually.

SECTION 6: STATEMENT OF THE OBJECTIVES FOR THE TAX INCREMENT FINANCING PLAN

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

SECTION 7: STATEMENT INDICATING THE NEED OF PROPOSED USE OF THE TIF PLAN IN RELATIONSHIP TO THE REDEVELOPMENT PLAN

The need and proposed use of the TIF 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 County as described in Sections 3, 6 and 9 herein.

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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, architect's fees, attorney's fees, TIF Plan preparation fees, and other related soft costs. The Bonds will be issued by the City in cooperation with the County in accordance with the terms of an appropriate Interlocal Cooperation Agreement setting forth the responsibilities and participation of each with respect to administration of the TIF Plan.

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 \$2 Million. Estimated annual ad valorem tax revenue resulting from the construction of the Redevelopment Project, excluding school district taxes, is estimated to be at least \$100,489 for the County upon full build out. It is requested that up to one-half (1/2) of the incremental increase in ad valorem tax revenues of the County (excluding county school district taxes) generated by the Redevelopment Project be pledged and diverted to the payment of the tax increment debt obligations of the County.

SECTION 9: LIST OF ALL REAL PROPERTY TO BE INCLUDED IN THE TIF DISTRICT (the "Tax Increment Finance District")

The Development Project will be constructed on the tract of real property described in Exhibit "1" attached hereto, the same being incorporated herein by reference.

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

The duration of the 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 TAX INCREMENT FINANCING PLAN UPON THE REVENUES OF ALL TAX JURISDICTIONS IN WHICH THE DEVELOPMENT PROJECT IS LOCATED

The following represents estimates of tax revenue resulting from the construction of the Redevelopment Project. Estimates for ad valorem tax revenue is based on the 2008 tax year mill rates of 15.52 mills for the City, 15.00 mills for the County and 47.94 mills for the School District.

- (a) Real property County ad valorem taxes: \$100,489
- (b) Real property City ad valorem taxes: \$103,990
- (c) Canton Public School District taxes: \$322,761

Projected City of Canton Net (Rebated) Sales Taxes have not been calculated as of this time.

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

In accordance with Mississippi Law, a separate fund entitled the Tax Increment Financing Fund - Madison County Medical Center/Nissan Parkway Project, will be established by the City, in cooperation with the County, to receive ad valorem taxes and the City, cooperating with the County, will make provision for any other financial assistance received in connection with this TIF Plan.

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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 TIF Plan, the Governing Body of the County acknowledges the above and shall adopt the necessary resolutions when deemed necessary and appropriate.

EXHIBIT "1" TO TIF PLAN

LEGAL DESCRIPTION

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

In re: Authorizing the Resolution Approving the Adoption and Implementation of the Amended Madison Station Redevelopment TIF Plan

WHEREAS, Mr. Chris Gouras appeared before the Board on behalf of the proponents of the Madison Station Redevelopment TIF Project referred to herein below and presented the following Resolution which follows:

RESOLUTION OF THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI APPROVING THE ADOPTION AND IMPLEMENTATION OF THE AMENDED MADISON STATION REDEVELOPMENT TAX INCREMENT FINANCING PLAN; AUTHORIZING THE ISSUANCE OF TAX INCREMENT FINANCING REVENUE BONDS IN AN AMOUNT NOT TO EXCEED FIVE HUNDRED FIFTY THOUSAND DOLLARS (\$550,000); AND AUTHORIZING CERTAIN ACTIONS WITH RESPECT TO AN INTERLOCAL AGREEMENT WITH THE CITY OF MADISON, MISSISSIPPI.

WHEREAS, the Board of Supervisors of Madison County, Mississippi (the "Board" of the "County"), acting for and on behalf of the County, hereby finds, determines and adjudicates as follows:

1. 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 "Act"), the Board, on October 19, 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 COUNTIES 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 MADISON STATION REDEVELOPMENT PROJECT, IS A PROJECT ELIGIBLE FOR TAX INCREMENT FINANCING UNDER THE LAWS OF THE STATE, THAT A PUBLIC HEARING BE CONDUCTED IN CONNECTION WITH THE TAX INCREMENT FINANCING PLAN, AND FOR RELATED PURPOSES.

2. As directed by the aforesaid resolution, and as required by law, a Notice of Public Hearing with respect to the Madison Station Redevelopment Tax Increment Financing Plan, Madison County, Mississippi, July 2008, As Amended November 2009 (the "TIF Plan"), was

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published in the Madison County Herald, a newspaper in which the County is authorized to publish legal notices, and was so published in said newspaper on October 29, 2009, as evidenced by the publisher's proof of publication of the same heretofore presented to the Board and filed with the Chancery Clerk, a copy of which is on file in the Chancery Clerk's Office.

3. The Notice of Public Hearing generally described the TIF Plan and further called for a public hearing to be held in the Board of Supervisors Meeting Room, 125 West North Street, Canton, Mississippi at 9:00 a.m., on the 16th day of November, 2009, as directed by the aforesaid resolution, to enable the general public to state or present their views on the TIF Plan and the issuance of the TIF Bonds (as hereinafter defined).

4. At 9:00 A.M. on November 16, 2009, the public hearing was held, and all in attendance were given an opportunity to state or present their oral and/or written comments on the TIF Plan and the issuance of the TIF Bonds.

5. The Board has previously approved the Tax Increment Financing Redevelopment Plan, Madison County, Mississippi (the "Redevelopment Plan") for the County and has conducted hearings on the Redevelopment Plan. The Redevelopment Plan constitutes a qualified plan under the Act.

6. In order to issue the TIF Bonds, as such term is hereinafter defined, it is necessary and in the public interest to enter into an Interlocal Agreement with the City of Madison, Mississippi (the "City"), as hereinafter described.

NOW, THEREFORE, BE IT RESOLVED, by the Board as follows:

SECTION 1. 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. The Board 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), and does hereby adopt and approve such TIF Plan as presented in order to issue Tax Increment Financing Revenue Bonds (the "TIF Bonds") in an amount not to exceed \$550,000 to support the development of the Madison Station Redevelopment Project (the "Project"), including, but not limited to, installation and/or relocation of utilities such as water, sanitary sewer, burying and relocation of electrical lines, electricity, construction of drainage improvements, construction of roadways with curb and gutter, concrete walks, sidewalks, lighting, site demolition and grading, installation of signage, landscaping of rights-of-way, irrigation, related engineering fees, attorney's fees, TIF Plan preparation fees, capitalized interest, and other related soft costs (all such costs being the "Infrastructure Improvements"). The costs of the Infrastructure Improvements will be equal to or in excess of Five Hundred Fifty Thousand Dollars (\$550,000).

SECTION 3. In accordance with the Act, school taxes cannot be used to service tax increment financing debt obligations.

SECTION 4. The Board does hereby approve and adopt the amended TIF Plan, which shall constitute an amendment to and a portion of the Redevelopment Plan previously adopted by the Board, and the Chancery Clerk is hereby directed to attach the TIF Plan to the Redevelopment Plan and to retain same in the office of the Chancery Clerk. However, the failure to attach it to the Redevelopment Plan shall not affect the validity of the TIF Plan.

SECTION 5. The County is now authorized to issue the TIF Bonds pursuant to the Act and offer said TIF Bonds for sale in accordance with the further orders and directions of this Board.

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SECTION 6. Pursuant to the Act, the County is authorized to enter into an Interlocal Agreement with the City pursuant to Title 17, Chapter 13, Mississippi Code of 1972, as amended (the "Interlocal Act") with respect to the Project, the payment of the TIF Bonds for the Project and for related purposes. Such Interlocal Agreement will be presented to and considered by the Board at a subsequent meeting. The Board of Supervisors is hereby authorized and directed to take all actions necessary and appropriate to negotiate said agreement and to present same to the Board.

Supervisor Tim Johnson moved and Supervisor John Bell Crosby seconded the motion to close the public hearing and adopt the foregoing resolution and the same has been read and considered, section by section, and put to a roll call vote, the result was as follows:

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

The motion having received the affirmative vote of a majority of the members of the Governing Body present declared the motion carried and the resolution adopted on this the 16th day of November, 2009.

SO ORDERED, this the 16th day of November, 2009.

In re: Approval of Consent Agenda Items

WHEREAS, the Board President announced that he and County Administrator Donnie Caughman had conferred in advance of the meeting as to certain matters denominated "Consent Items" which bear Item numbers (4) through (15) 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, County Purchase Clerk Hardy Crunk appeared before the Board and requested that the Board add item (16) to the Consent Agenda, regarding Acknowledgment of the Credit Card Report for General County,

WHEREAS, Supervisor D. I. Smith requested that item (10) be removed from the Consent Agenda and addressed separately,

WHEREAS, Supervisor John Bell Crosby requested that item (11) be removed from the Consent Agenda and addressed separately,

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

- 4. Authorize Advertising for Term Bids for Asphalt.**
(A true and correct copy of that certain explanatory memorandum dated November 4, 2009, from Purchase Clerk Hardy Crunk requesting permission to advertise for term bids for asphalt for a period of January 1, 2010 through June 20, 2010 is attached hereto as Exhibit B, spread hereupon and incorporated herein by reference.)
- 5. Acknowledge General County Credit Card Report September 9 - October 10 2009 - Sheriff Department.**
(A true and correct copy of that certain memorandum dated September 16, 2009 from County Purchase Clerk Hardy Crunk is attached hereto as Exhibit C, spread hereupon and

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incorporated herein by reference.)

6. **Authorize All Supervisors, County Administrator, Comptroller, Board Attorney, and Chancery Clerk to Attend the Mid-Winter Conference of the Mississippi Associates of Supervisors to be held January 10 - January 12, 2010, Jackson, Mississippi and Approve Travel and Registration Expenses Related Thereto.**
7. **Approve Madison County School District School Bus Turn-around List for 2009-2010.**
(A true and correct copy of that certain school bus turn-around list is attached hereto as Exhibit D, spread hereupon and incorporated herein by reference.)
8. **Acknowledge Legal Holidays - Thursday and Friday, November 26 - 27, 2009, Thanksgiving Day; Thursday and Friday, December 24 - 25, 2009, Christmas Day; and Thursday and Friday, December 31, 2009 through January 1, 2010, New Year's Day. All county offices and courthouses are authorized to close on said dates.**
9. **Accept the Resignation of Donnie Caughman from the Madison County Wastewater Authority Board.**
(A true and correct copy of that certain memorandum dated November 16, 2009 from County Administrator Donnie Caughman resigning from the Madison County Wastewater Authority Board is attached hereto as Exhibit E, spread hereupon and incorporated herein by reference.)
12. **Acknowledge Clerk of the Board Report.**
(A true and correct copy of said Report is attached hereto as Exhibit F, spread hereupon and incorporated herein by reference.)
13. **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 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) Entergy - seeking to install phase underground primary cable along Chapel Hill Road.
 - (2) Bear Creek Water Assoc. - seeking to bore and jack 27 l.f. of 10" steel casing under Hardy Road.
14. **Adopt Order Rescinding Lease-Purchase Financing of Sheriff Department Vehicles.**
(A true and correct copy of that certain Order rescinding the action of the Board of May 18, 2009 approving the lease-purchase financing of certain vehicles for the Sheriff's Department is attached hereto as Exhibit H, spread hereupon and incorporated herein by reference.)
15. **Approve Certificate of the County with Respect to Drug-Free Workplace Policy.**
(A true and correct copy of that certain certificate of the county to maintain a drug-free workplace policy is as Exhibit I, spread hereupon and incorporated herein by reference.)
16. **Acknowledge General County Credit Card Report September 9 - October 10 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 J, spread hereupon and incorporated herein by reference.)

President's Initials: _____

Date Signed: _____

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 16th day of November, 2009.

In re: Approval of Certain Notice to Renew Residential 16th Section Lease Contracts

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

Lessees: Russell D. Boles and wife, Rhonda Ballard Boles
Description: Lot 16, Madison Village Estates II, Part B
Lease Term: Additional Twenty-five (25) years commencing on the initial termination date, now terminating on November 30, 2066.

Lessees: Joe Collins and wife, Elizabeth Collins
Description: Lot 3, Eastbrooke Estates Subdivision
Lease Term: Additional Twenty-five (25) years commencing on the initial termination date, now terminating on July 19, 2069.

Lessees: Mark C. Carroll and wife, Amy E. Carroll
Description: Lot 18, Eastbrooke Estates Subdivision
Lease Term: Additional Twenty-five (25) years commencing on the initial termination date, now terminating on October 9, 2068.

Lessees: Kelly J. Collins
Description: Lot 47, Calumet Subdivision, Part 4
Lease Term: Additional Twenty-five (25) years commencing on the initial termination date, now terminating on July 27, 2068.

Lessees: Brandi Richelle Busby, aka Brandi Sartin Busby
Description: Lot 22, Belle Rose Subdivision
Lease Term: Additional Twenty-five (25) years commencing on the initial termination date, now terminating on November 30, 2066.

Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to approve the 16th Section Leases as set forth above, as submitted by the Madison County School Board. The vote on the matter being as follows:

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

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

SO ORDERED this the 16th day of November, 2009.

In re: Approval of Final Orders of the Mississippi State Tax Commission

WHEREAS, Chancery Clerk Arthur Johnston appeared before the Board and presented correspondence dated October 23, 2009 from the Mississippi State Tax Commission approving ad valorem tax exemption on Primos, Inc., Levi Strauss & Company, Hederman Brothers, M-Tek, Inc., Unipres Southeast USA, Inc., and

WHEREAS, true and correct copies of which are attached hereto as Exhibit K, 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 and approve the final orders of the Mississippi State Tax Commission regarding the aforesaid ad valorem tax exemptions. The vote on the matter being as follows:

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

the matter carried by a majority vote (4-1) and the final orders were and are hereby acknowledged and approved.

SO ORDERED this the 16th day of November, 2009.

In re: Consideration of Speed Bumps in Twin Harbors Subdivision

During a period of citizens concerns, Mr. Douglas Perry appeared before the Board and presented a petition from residents in Twin Harbors Subdivision requesting the placement of speed bumps on Channel Lane and Channel Circle, a true and correct copy of which is attached hereto as Exhibit L, spread hereupon and incorporated herein by reference,

Following discussion, Mr. John Bell Crosby did offer and Mr. Tim Johnson did second a motion to acknowledge receipt of said petition and take the matter under advisement. 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 petition was and is hereby acknowledged and said matter was and is hereby taken under advisement.

SO ORDERED this the 16th day of November, 2009.

In re: Request to Place Mobile Home

During a period of citizens concerns, Ms. Delores Tedford on behalf of Mr. David Tedford appeared before the Board and requested permission to place a mobile home on family property in an R-1 Residential District located on Twelve Oaks Road,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to authorize the placement of a mobile home on the subject property with a three (3) year limitation. The vote on the matter being as follows:

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

the matter carried unanimously and Mr. Tedford was and is hereby authorized to place a mobile home on family property with a three (3) year limitation.

SO ORDERED this the 16th day of November, 2009.

***In re: Request for Extension to Remove Excavated Material
Ms. Janice Kraft***

WHEREAS, Zoning Administrator Brad Sellers appeared before the Board and reported he had received a request from Ms. Janice Kraft requesting permission for an extension to excavate material for a 5.5 acres lake on certain property located at 2608 Highway 43 North, and

WHEREAS, Mr. Sellers requested the Board set June 30, 2010 as a date certain for the completion of said excavation,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to approve the request for extension to remove said material and set June 30, 2010 as a date certain for completion of 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 request was and is hereby granted subject to the date set.

SO ORDERED this the 16th day of November, 2009.

***In re: Request for Tax Refund
Ms. Ruth Wylie***

WHEREAS, Ms. Ruth Wylie appeared before the Board and requested the Board approve a refund for three years for overpayment on real property tax on parcel no. 072B-10D-040/22,

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and

WHEREAS, Ms. Wylie reported that her house had been assessed for a second floor when there is only one floor in the house, and

WHEREAS, Tax Assessor Gerald Barber appeared before the Board and explained that all taxpayers, including Ms. Wylie, have the duty and opportunity to review and object to their assessments at the proper time allowed by statute, and that Ms. Wylie had not done so, and

WHEREAS, Mr. Barber stated that finality as to tax assessments was essential for a stable county budget and cautioned the Board of the dangers associated with granting such requests for retroactive refund, and

WHEREAS, a true and correct copy of that certain explanatory correspondence from Ms. Wylie and the Tax Assessor may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. John Bell Crosby did offer a motion to approve the refund of overpayment of real property tax for three years on said parcel. The motion failed for lack of a second.

SO ORDERED this the 16th day of November, 2009.

Thereafter, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to deny the request for a refund on the basis that a taxpayer has the responsibility and opportunity to review and object to an assessment of taxes at the time the rolls are considered and made final, and Ms. Wylie did not do so and that finality in tax assessments was and is essential for a stable county budget. The vote on the matter being as follows:

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

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

SO ORDERED this the 16th day of November, 2009.

In re: Request to Use Voting Equipment

WHEREAS, Hon. Leslie Childress, Mayor of the Town of Flora appeared before the Board and requested permission to use the County's voting equipment for a special election being held on December 15, 2009 to fill the unexpired terms of two (2) Board of Aldermen in Wards 2 and 3, and

WHEREAS, a true and correct copy of the Resolution and Order for Election is attached hereto as Exhibit M, 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 use of the County's voting equipment for the special election on December 15, 2009. The vote on the matter being as follows:

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

President's Initials: _____

Date Signed: _____

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

SO ORDERED this the 16th day of November, 2009.

In re: Authorize Board President to Execute Easement Documents - Madison County School District

WHEREAS, Right of Way Agent Woody Sample appeared before the Board and requested the Board authorize the Board President to execute easements granted by the Madison County School Board to the City of Ridgeland for the implementation of a water project on Old Agency Road and Pine Tree Lane,

Following discussion, Mr. D. I. Smith did offer and Mr. John Bell Crosby did second a motion to authorize the Board President to execute said easement documents subject to the County Engineer's review of 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	Not Present and Not Voting ¹
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and the Board President was and is hereby authorized subject to the aforementioned proviso.

SO ORDERED this the 16th day of November, 2009.

In re: Establishment of Just Compensation on Joe Carter Drainage Project and Twin Harbor Drainage Project

WHEREAS, Right of Way Agent Woody Sample appeared before the Board and requested the Board establish just compensation based on the waiver valuation method on the easements needed to implement the Joe Carter Drainage Project and the Twin Harbor Drainage Project,

Following discussion, Mr. Tim Johnson did offer and Mr. John Bell Crosby did second a motion to (1) establish just compensation for the easements needed to implement the Joe Carter Drainage Project and the Twin Harbor Drainage Project based on the waiver valuation method and, (2) authorize the Board President to execute documentation reflecting 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	Not Present and Not Voting
Supervisor Paul Griffin	Aye

the matter carried unanimously and just compensation was and is hereby established, the Board President was and is hereby so authorized and the Chancery Clerk was and is hereby authorized to issue pay warrants accordingly.

SO ORDERED this the 16th day of November, 2009.

¹Prior to the discussion on this matter, Mr. Banks briefly excused himself from the meeting but returned shortly thereafter.

President's Initials: _____

Date Signed: _____

In re: Consideration of Hiring County Appraiser

WHEREAS, Right of Way Agent Woody Sample appeared before the Board and requested the Board consider hiring Mr. Alfred Clark to perform a review appraisal for the Hart Road Bridge Project,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to hire Mr. Alfred Clark to perform a review appraisal for the Hart Road Bridge Project. The vote on the matter being as follows:

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

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

SO ORDERED this the 16th day of November, 2009.

***In re: Approval of Claim for Damages
John Wender***

WHEREAS, Emergency Management Director Butch Hammack appeared before the Board and presented a claim for damages from Mr. John Wender for damages received to his vehicle while traveling along Weisenberger Road and

WHEREAS, Mr. Hammack reported that his investigation revealed that Mr. Wender’s vehicle sustained a broken side glass window as the result of objects thrown by Road Department mowers in the area, and recommended approval of same, and

WHEREAS, a true and correct copy of the low quote from Venable Glass Services in the amount of \$345.00 is attached hereto as Exhibit N, spread hereupon and incorporated herein by reference, and

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to approve the aforementioned claim for damages unto Mr. Wender in the amount of \$345.00 with no admission of liability. The vote on the matter being as follows:

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

the matter carried unanimously and said claim was and is hereby approved and the Chancery Clerk was and is hereby authorized to issue a pay warrant accordingly.

SO ORDERED this the 16th day of November, 2009.

In re: Correction of County Road Registry

WHEREAS, Emergency Management Director Butch Hammack appeared before the Board and reported that, due to a scrivener’s error on the County Road Registry, Cedar Ridge Drive in Cedar Ridge Subdivision was listed as a private road and should be listed as a public road, and

President’s Initials: _____

Date Signed: _____

WHEREAS, Mr. Hammack requested the Board approve the correction to reflect Cedar Ridge Drive in Cedar Ridge Subdivision as a public road,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to approve a correction to the County Road Registry to reflect Cedar Ridge Drive in Cedar Ridge Subdivision as a public 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 the County Road Registry was and is hereby corrected to reflect Cedar Ridge Drive in Cedar Ridge Subdivision as a public road.

SO ORDERED this the 16th day of November, 2009.

In re: Request to Transfer One Vehicle to Road Department and Declare One Vehicle as Surplus

WHEREAS, Emergency Management Director Butch Hammack appeared before the Board and reported that he had determined that a certain 2004 GMC ½ ton truck, VIN 1GTEK19TX4Z274097, was no longer of any use to his department and requested permission to transfer said vehicle to the Road Department to be used as a mosquito vehicle, and

WHEREAS, Mr. Hammack had also determined that a certain 2004 Chevrolet 4x4 truck, VIN 1GCGK23UX4F101567 had been deemed surplus and requested permission to sell said vehicle at auction,

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to (1) approve the removal of that a certain 2004 GMC ½ ton truck from Emergency Management Department inventory and transfer same to the Road Department, and (2) declare that certain 2004 Chevrolet 4x4 truck as surplus and authorize the sell of said vehicle at auction. 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 GMC ½ ton truck was and is hereby transferred to the Road Department and the 2004 Chevrolet 4x4 truck was and is hereby authorized to be sold at auction.

SO ORDERED this the 16th day of November, 2009.

In re: Authorize the Release of Bond for Bradshaw Ridge

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented that certain correspondence dated November 2, 2009 from Bradshaw, LLC requesting the County release the bonds on Bradshaw Ridge, a true and correct copy of which is attached hereto as Exhibit O, spread hereupon and incorporated herein by reference, and

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WHEREAS, Mr. Warnock requested permission to submit unto Travelers Surety a letter of release for said bonds,

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to authorize Mr. Warnock to submit a letter to Travelers Surety to release the bonds associated with Bradshaw Ridge. 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 16th day of November, 2009.

***In re: Authorize Hydraulic Analysis for
Pearl River Valley Water Line Relocation***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and requested permission to perform a hydraulic analysis to determine the impact of incorporation of a new section of water line into the existing water system as needed due to the Reunion Parkway Interchange Project in accordance with the Standard Operating Procedures of all involved agencies and to secure a permit for the relocation of the Pearl River Valley water line,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to authorize Mr. Warnock to perform a hydraulic analysis for the relocation of the Pearl River Valley water line. The vote on the matter being as follows:

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

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

SO ORDERED this the 16th day of November, 2009.

***In re: Approval of Three Final Plats of the Re-
Subdivision of Lots 52, 53, and 54 of Chestnut Hill, Part 1B***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented three final plats of the proposed Re-subdivision of Lots 52, 53 and 54 of Chestnut Hill, Part 1B, and requested the Board to approve same, and

WHEREAS, Mr. Warnock reported the said three (3) lots were being increased to at total seven (7) lots and each lot would be reduced to no less than five (5) acres, and

WHEREAS, Mr. Warnock then reported that (1) the Re-Subdivision of Lot 52 of Chestnut Hill, Part 1B would now be recorded as "Lot 52A, Lot 52B, and Lot 52C," (2) the Re-Subdivision of Lot 53 of Chestnut Hill, Part 1B would now be recorded as "Lot 53A, Lot 53B, and Lot 53C," and (3) Subdivision of Lot 54 of Chestnut Hill, Part 1B would now be recorded as "Lot 54A, Lot 54B, and Lot 54C,"

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WHEREAS, Mr. Charles Craig, an adjoining land owner appeared before the Board in opposition to the re-subdividing of said lots, expressing that he was not in agreement with the proposed changes, and

WHEREAS, Mr. John Robinson and Ms. Nell Wade also appeared before the Board and argued that the developers should be required to present the re-subdividing of said plat to the Planning and Zoning Commission under Section 15.11 of the County's Zoning Ordinance, and

WHEREAS, a representative of the Mannsdale Livingston Heritage Preservation District (MLHPD) also appeared before the Board and urged that the matter be returned to the Planning and Zoning Commission, and

WHEREAS, County Zoning Administrator Brad Sellers and Board Attorney Eric Hamer were questioned extensively by Board members regarding the proposed changes to the recorded plat, and the Board Attorney informed the Board that it could approve the changes if it found that adjacent and nearby landowners are not adversely affected by the requested change, and Mr. Sellers informed the Board that the covenants for the subdivision allowed for lots to be divided, so long as the lots were a minimum of five (5) acres in size, and

Following a lengthy discussion of this matter, Mr. Tim Johnson did offer and Mr. Paul Griffin did second a motion to **(1)** find, determine, and declare that the re-subdivision of the lots in question did not adversely affect any adjacent or other landowner, nor were any other persons directly interested therein, given the terms of the covenants which all landowners in the subdivision have agreed to and since the new lots would be no less than five (5) acres in size and would still be considered estate-size lots; and **(2)** approve said final plats as (a) Subdivision of Lot 52 of Chestnut Hill, Part 1B, (b) Subdivision of Lot 53 of Chestnut Hill, Part 1B, and (c) Subdivision of Lot 54 of Chestnut Hill, Part 1B. 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	No
Supervisor Paul Griffin	Aye

the matter carried by a majority vote (3-2) of the Board and the final plats of Subdivision of Lot 52 of Chestnut Hill, Part 1B; Lot 53 of Chestnut Hill, Part 1B; and Lot 54 of Chestnut Hill, Part 1B were and are hereby approved.

SO ORDERED this the 16th day of November, 2009.

In re: Authorize Board Attorney to Execute Certificate and Authorize Board President to Execute Contract

WHEREAS, County Engineer Rudy Warnock appeared before the Board and requested the Board authorize the Board Attorney to review and execute the Certificate of Sufficiency related to the bonds on the Northshore Way Drainage Improvement Project and authorize the Board President to execute the contract documents between Madison County and Bulldog Construction pertaining to same, and

WHEREAS, a true and correct copy of said contract 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 (1) authorize the Board Attorney to review and execute the Certificate of Sufficiency and (2) authorize the Board President to execute the contract documents with Bulldog Construction for the Northshore Way Drainage Improvement Project. The vote on the matter being as follows:

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

the matter carried unanimously and the Board Attorney and the Board President were and are hereby authorized.

SO ORDERED this the 16th day of November, 2009.

In re: Authorize the County Engineer to Perform Survey - Trails End

WHEREAS, Road Manager Lawrence Morris appeared before the Board and requested the Board authorize the County Engineer to perform a survey at the end of Trails End to determine the county right of way as the road ends just short for a turnaround for the garbage trucks,

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to authorize the County Engineer to perform a survey to determine the county's right of way on Trails End. The vote on the matter being as follows:

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

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

SO ORDERED this the 16th day of November, 2009.

In re: Approval of Claims Docket for November 16, 2009 and the Hold Docket through November 15, 2009

WHEREAS, the Board reviewed the claims docket for November 16, 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: _____

Fund	Claim Nos.	No. of Claims	Amount
001	592 to 612, 614 to 687	95	188,766.78
012	32 to 40	9	1,256.80
051	4 to 4	1	27,632.10
097	45 to 54	10	3,552.24
105	40 to 46	7	21,218.85
115	19 to 21	3	317.65
116	8 to 9	2	186.14
120	13 to 15	3	310.58
121	9 to 10	2	156.08
150	117 to 161	45	42,986.43
190	31 to 36	6	2,644.46
302	8 to 8	1	68,281.84
401	5 to 5	1	10,812.29
TOTAL ALL FUNDS		185	368,122.24

HELD CLAIMS

Fund	Claim Nos.	Payee	Amount
001	613	McGlinchey Stafford PLLC	\$ 16,124.78
001	686	Gulf South Construction Company	\$ 4,213.00
001	8	Warnock & Associates, LLC	\$ 26,250.00
001	8	Warnock & Associates, LLC	\$ 22,915.20

Following discussion, Mr. Tim Johnson did offer and Mr. John Bell Crosby 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 P, spread hereupon, and incorporated herein by reference. The vote on the matter being as follows:

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

the matter carried unanimously and said Claims Docket was and is hereby approved and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 16th day of November, 2009.

Thereafter, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to approve the aforementioned held claims unto Warnock & Associates being claim no. 8 in the amount of \$26,250.00 and \$22,915.20. The vote on the matter being as follows:

Supervisor John Bell Crosby	No
Supervisor Tim Johnson	Aye ²
Supervisor D. I. Smith	No
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

²After 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.

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the matter carried by a majority vote (3-2) of the Board and said Held Claims were and are hereby approved and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 16th day of November, 2009.

Thereafter, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to approve the aforementioned held claim unto Gulf South Construction being claim no. 686 in the amount of \$4,213.00. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and 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 16th day of November, 2009.

Thereafter, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to release the held claim for payment unto Tri-State Truck Center, Inc. in the amount of \$20,517.02 bearing claim no. 323 on the Hold Docket of November 15, 2009. The vote on the matter being as follows:

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

the matter carried unanimously and said held claim of Tri-State Truck Center, Inc. was and is hereby released and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 16th day of November, 2009.

In re: Approval of Energy Efficiency and Conservation Block Grant Program

WHEREAS, County Comptroller Mark Houston appeared before the Board and requested the Board approve the "Energy Efficiency and Conservation Block Grant Program" for Madison County and authorize the Board President execute same, and

WHEREAS, a true and correct copy of which 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 said grant program and authorize the Board President to execute same. The vote on the matter being as follows:

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

President's Initials: _____

Date Signed: _____

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the matter carried unanimously and said grant program was and is hereby approved and the Board President was and is hereby authorized.

SO ORDERED this the 16th day of November, 2009.

***In re: Consideration of Memorandum of Understanding
City of Canton Grant Writer***

WHEREAS, Board Attorney Eric Hamer appeared before the Board and presented a corrected version of a “Memorandum of Understanding (MOU) Between the City of Canton and Madison County for the Services of a Grant Writer,” and requested the Board approve same and authorize the Board President to execute same,

Following discussion, Mr. Tim Johnson did offer and Mr. D. I. Smith did second a motion to table the aforementioned MOU and request the Mayor of the City of Canton to appear before the Board of Supervisors to request approval of same per the Board policy regarding Municipal requests. 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 of Understanding was and is hereby tabled.

SO ORDERED this the 16th day of November, 2009.

***In re: Acknowledgment of Void Tax Sale
Parcel No. 072B-09A-231/00.00***

WHEREAS, Chancery Clerk Arthur Johnston appeared before the Board and requested that the Board declare the 2009 tax sale of the 2008 taxes void as to parcel no. 072B-09A-231/00.00 which is owned by Mr. John C. Bowman, and

WHEREAS, Mr. Johnston reported that said parcel was for a 2008 Homestead Chargeback that was struck to the State and the Tax Assessor previously presented an increase due to a homestead deletion, resulting in a double assessment of the chargeback,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to find and declare the 2009 tax sale of parcel no. 072B-09A-231/00.00 was and is void due to a double chargeback of said parcel. 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 tax sale was and is hereby declared void.

SO ORDERED this the 16th day of November, 2009.

President's Initials: _____

Date Signed: _____

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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 discuss personnel matters, 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. John Bell Crosby did second a motion to make a closed determination upon the issue of whether or not to declare an Executive Session for the purpose of discussing personnel matters, 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, County Administrator Donnie Caughman, Board Secretary and Deputy Chancery Clerk Cynthia Parker, Board Attorney Eric Hamer 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 16th day of November, 2009.

In re: Entering into Executive Session

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

Following discussion, Mr. Tim Johnson did offer and Mr. John Bell Crosby did second a motion to enter into Executive Session to discuss personnel matters. 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 16th day of November, 2009.

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to (1) approve the salary of Mark Houston at \$112,500.00 annually for serving as County Administrator effective January 1, 2010, (2) approve the salary of Quandice Green at \$96,500.00 for serving as County Comptroller effective January 1, 2010 and (3) approve the salary for the Assistant County Comptroller at \$50,000.00 effective December 1, 2009. 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 salaries were and are hereby set.

SO ORDERED this the 16th day of November, 2009.

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

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 16th 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 November, 2009 term of the Madison County Board of Supervisors was adjourned

—

Paul Griffin, President
Madison County Board of Supervisors

Date signed: _____

ATTEST:

Arthur Johnston, Chancery Clerk

President's Initials: _____

Date Signed: _____

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President's Initials: _____

Date Signed: _____

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