

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

REGULAR MEETING OF JANUARY 4, 2010
Being the first day of the January 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 January 4, 2010, in the Board Room on the first floor of the Madison County Office Complex, 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:

None

Also in attendance:

County Administrator Mark Houston
County Comptroller Quandice Green
County Zoning Administrator Brad Sellers
Board Secretary and Deputy Chancery Clerk Cynthia Parker
Board Attorney Eric Hamer
County Road Manager Lawrence Morris
County Engineer Rudy Warnock
E911 Director Butch Hammack
County Purchase Clerk Hardy Crunk

Special Guests:

Hon. Rita Martinson, State Representative

The Board President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. County Administrator Mark Houston opened the meeting with a prayer and County Comptroller Quandice Green 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 December 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 December 2009 term, said meetings having been conducted on December 7, December 15, and December 18, 2009, with the meeting of December 15, 2009, being a special called meeting of the Board,

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks 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:

President's Initials: _____

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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 Minutes for the December 2009 term of the Board of Supervisors of Madison County were and are hereby approved as amended.

SO ORDERED this the 4th day of January, 2010.

***In re: Authority of County Administrator
Mark Houston***

WHEREAS, Chancery Clerk Arthur Johnston appeared before the Board and recommended the Board grant and assign unto new County Administrator Mark Houston all duties and responsibilities enumerated in Miss. Code Ann. §§ 19-4-1 through 19-4-9; and that Mr. Houston be given authority over personnel matters relative to county employees employed by the Board of Supervisors, including the authority to hire and fire, and that he be authorized to approve travel expenses of county employees as set forth in § 25-3-41,

Following discussion, Mr. Tim Johnson did offer and Mr. D. I. Smith did second a motion to grant and assign unto new County Administrator Mark Houston all duties and responsibilities enumerated in Miss. Code Ann. §§ 19-4-1 through 19-4-9; and that Mr. Houston be given authority over personnel matters relative to county employees employed by the Board of Supervisors, including the authority to hire and fire, and that he be authorized to approve travel expenses of county employees as set forth in § 25-3-41. 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. Houston was and is hereby granted and assigned all duties and responsibilities enumerated in Miss. Code Ann. §§ 19-4-1 through 19-4-9; given authority over personnel matters relative to county employees employed by the Board of Supervisors, including the authority to hire and fire; authorized to approve travel expenses of county employees as set forth in § 25-3-41.

SO ORDERED this the 4th day of January, 2010.

***In re: Election of Officers of the
Madison County Board of Supervisors***

WHEREAS, on January 7, 2008, at the organizational meeting of the Madison County Board of Supervisors, the Board determined that the presidency of the Board would rotate from year to year within the four (4) year term, and

WHEREAS, a new calendar year has now begun, and the Board does desire to conduct an election of officers anew in accordance with said determination, and

WHEREAS, Board President Paul Griffin did announce his resignation as Board President effective immediately,

President's Initials: _____
Date Signed: _____

Thereafter, the Board President did offer and Mr. Karl M. Banks did second a motion to elect Mr. Tim Johnson as President of the Madison County Board of Supervisors for the current year and Mr. Karl M. Banks as Vice President of the Madison County Board of Supervisors for the current year. 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. Tim Johnson was and is hereby elected and declared President and Mr. Karl M. Banks was and is hereby elected and declared Vice President.

SO ORDERED this the 4th day of January, 2010.

In re: Petition to Re-zone 2.77 acres from A-1 Agricultural to C2 Highway Commercial (Tabled from October 19, 2009 following Closure of Public Hearing)

WHEREAS, on October 19, 2009 the Madison County Board of Supervisors, after closing a public hearing on the matter, tabled the Petition of Thomas Dewees and Mason Lee Dewees seeking to re-zone certain property owned by them from A-1 Agricultural to C-2 Commercial at the intersection of Highway 463 and Cedar Hill Road, and

WHEREAS, Thomas Dewees and Mason Lee Dewees did file an application to re-zone certain property from its present A-1 Agricultural to C-2 Commercial Classification; and

WHEREAS, a hearing was had on the 19th day of October, 2009, at 9 o'clock a.m., and the Clerk did cause Notice of said hearing to be published in the Madison County Herald, a newspaper published and of general circulation in Madison County, Mississippi, in the manner and for the time required by law; and

WHEREAS, on October 19, 2009 the Madison County Board of Supervisors, after closing said public hearing, tabled the Petition of Thomas Dewees and Mason Lee Dewees seeking to re-zone certain property owned by them from A-1 Agricultural to C-2 Commercial at the intersection of Highway 463 and Cedar Hill Road,, and

WHEREAS, also on said date, numerous petitions were presented by adjoining landowners and others in opposition to the re-zoning, which petitions were sufficient, pursuant to Section 2606.07 of the Zoning Ordinance of Madison County, Mississippi, to constitute the written objection of more than 20% of the adjoining landowners within 300 feet, and thereby requiring a four vote majority of this Board to secure the re-zoning requested, and

Following discussion, Mr. Tim Johnson did offer and Mr. Paul Griffin did second a motion to adopt an Ordinance granting the Petition and approving the re-zoning. 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 vote (3-2) did not, on the subsequent advice of counsel, carry and the re-zoning request was not approved and the Ordinance was not adopted.

SO ORDERED this the 4th day of January, 2010.

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Date Signed: _____

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In re: Approval of Consent Agenda Items

WHEREAS, the Board President announced that he and County Administrator Mark Houston had conferred in advance of the meeting as to certain matters denominated "Consent Items" which bear Item numbers (4) through (8) 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

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

- 4. Approve of Petition to Decrease Assessment - 2009 Tax Year/Real Property.**
(A true and correct copy of said Petition and its spreadsheet attachment is attached hereto as Collective Exhibit A, spread hereupon and incorporated herein by reference.)
- 5. Approve Refund of Overpayment for 2006, 2007 & 2008 - Larry & Rita Johnson Parcel #81A-01-001/01.20.**
(A true and correct copy of a Memorandum from Deputy Tax Assessor Howard Snyder dated December 15, 2009, supplying the basis for said refunds which the Board hereby adopts and affirms is attached hereto as Exhibit B, spread hereupon and incorporated herein by reference.)
- 6. Approve Zoning Matter - Petition for Variance to Side Setback in the PUD District - Arthur Johnston as Conservator for E. E. Laird, III and Kathy D. Laird.**
(A true and correct copy of the petition of Arthur Johnston as Conservator for E. E. Laird, III and Kathy D. Laird seeking variance to the side setback in the Planned Unit Development District (PUD) located at 111 Links Cove may be found in the Miscellaneous Appendix to these Minutes.)
- 7. Approve Zoning Matter - Petition for Special Exception to Extend the Height of an Existing Communication Tower - American Tower Corporation.**
(A true and correct copy of the petition of American Tower Corporation seeking a special exception to extend the height of an existing communication tower on 5.736 acres, more or less in the NW¼ of Section 7, T8N, R1W may be found in the Miscellaneous Appendix to these Minutes.)
- 8. Authorize Payment of Certain Fees and Expenses for 2010 Chancery Clerk Arthur Johnston, to-wit:**

**ORDER FOR PAYMENT OF CERTAIN FEES AND EXPENSES
OF THE CHANCERY CLERK'S OFFICE**

WHEREAS, Chancery Clerk Arthur Johnston did appear before the Board and requested the Board authorize and approve the payment of the following fees and expenses, and

WHEREAS, the Clerk did represent that all such fees and expenses were proper and allowed by statute and were payable by the county as provided by law,

IT IS THEREFORE ORDERED by the Board of Supervisors of Madison County, Mississippi, that the following fees and expenses as provided by statute relating to the services performed by the Chancery Clerk of this county be and the same are hereby approved and shall be allowed unto Arthur Johnston, Chancery Clerk, for compensation of said services rendered to the people, said fees and expenses shall be payable in monthly installments except where otherwise noted below.

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IT IS FURTHER ORDERED that said Clerk is hereby employed to (a) process the homestead applications, (b) serve as the county's Passport Acceptance Agent, (c) restore certain records of the county in his charge, and is directed to carry out other necessary services as outlined in the statutes listed below:

- (1) § 25-7-9(1)(f) – Attendance on the Board of Supervisors: Clerk and one deputy, each \$20.00;
- (2) § 25-7-9(1)(g) *as amended in 2004* – Semi-annual allowance as Clerk of the Board of Supervisors: \$3,000.00 payable in one half in July and one half in January;
- (3) § 27-105-343 *as amended in 2004* – For services as County Treasurer: the sum of \$2,500 per annum, payable in equal monthly installments;
- (4) § 25-3-19 – For services as County Auditor: an annual sum of \$5,300.00, payable in equal monthly installments;
- (5) § 25-7-9(1) – For recording fees due the Chancery Clerk for recording instruments relating to county-owned real estate, and oaths and bonds of public officials, both elected and appointed – standard recording fees payable after-the-fact;
- (6) § 25-7-9(1)(h) – *as amended in 2005* - Attendance on the Chancery Court as approved by the Chancellor: For each day, first Chancellor sitting: \$50.00 per day each for himself and two deputies;
- (7) § 25-7-9(1)(h) – *as amended in 2005* - Attendance on the Chancery Court as approved by the Chancellor: For each day, second Chancellor sitting: \$50.00 per day, Clerk only;
- (8) § 25-7-9(1)(I) – *as amended in 2005* - Clerk and two deputies, allowance of five (5) extra days for the Clerk and two deputies for attendance upon the Court to get up records: \$50.00 per day each for himself and two deputies per term of court;
- (9) § 41-21-79, *et al* – For administrative services performed in connection with commitment proceedings (both alcohol/drug and mental) such as consultations with family or friends, scheduling physicians, providing insurance information to hospitals, and making arrangements for pre-screenings and follow-ups: \$60.00 per commitment, as ordered by the Court;
- (10) § 41-21-79, *et al* and M.R.C.P. 3 © and (d) – For pauper's oaths both in general and in connection with commitment proceedings for paupers: \$108.00 per case as ordered by the Court;
- (11) § 25-7-9(1)(j) – For public services not otherwise specifically provided for, contingent upon the approval of the Court, an annual sum not to exceed \$5,000.00 payable \$416.67 per month;
- (12) § 25-3-21 – For copying tax rolls, a statutory fee of \$.03 per assessment, per copy of each real roll and \$.015 per assessment, per copy of each personal roll for the current year;
- (13) § 27-33-37(m) – To employ the Clerk to collect and assemble

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data and information and to perform the services required of the Board by § 27-33-37(e) and to make investigations required of the Board in connection with administering the Homestead Exemption Law as directed by the board as follows: for the first 2,000 applications, \$1.00 per application; for the next 2,000 applications, \$.75 each, for the next 2,000 applications, \$.50 each, for the next 2,000 applications, \$.35 each, all over the above number, \$.25 each;

- (14) § 19-15-1 – For the restoration and preservation of county records in accordance with the contract approved by said Board on January 5, 2008, payable \$500.00 per month through December 2012 and \$1,500 per month in June, July and August of each year;
- (15) Such fees as are allowed and required by federal law in connection with the processing of U. S. Passport Applications including a fee of up to \$10.00 for each passport photograph taken using office equipment.
- (16) § 35-3-13 – For each certificate of military discharge recorded in the office: \$1.00. No charge, however, shall be made to the veteran for either the original recording or the making of copies.

IT IS FURTHER ORDERED that, to the extent necessary, the Board President is authorized to enter into contracts with the Clerk to carry out the above and foregoing items.

SO ORDERED on this the 4th day of January, 2010.

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 as described herein above.

SO ORDERED this the 4th day of January, 2010.

***In re: Rescheduling Consideration of Site Plan for Mosque
by Mississippi Muslim Association***

WHEREAS, County Zoning Administrator Brad Sellers appeared before the Board and reported that the Madison County Planning and Zoning Commission had approved a site plan for the construction of a mosque by the Mississippi Muslim Association, following the submission of the same unto the Commission as requested by this Board on August 3, 2009, and

WHEREAS, a proposed site plan, together with other documentary material and a memorandum from Mr. Sellers may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, Mr. Sellers reported that the matter was therefore ripe for consideration by this Board,

Following discussion, Mr. Tim Johnson did offer and Mr. Paul Griffin did second a motion to reschedule consideration of said site plan until Monday, February 1, 2010, at 9:00 am so as to

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allow Mr. Roger Williams, Esq., representing the Mississippi Muslim Association, more time to investigate information being provided to the Madison County Health Department with regards to the maximum capacity of people gathering at the mosque. 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 matter was and is hereby rescheduled.

SO ORDERED this the 4th day of January, 2010.

In re: Authorization to Prepare 2009 Mississippi Department of Environmental Quality Annual Report

WHEREAS, County Engineer Rudy Warnock appeared before the Board and requested permission to prepare the 2009 Mississippi Department of Environmental Quality Annual Report for Madison County pursuant to the 2004 Storm Water Management Plan, and

Following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to authorize Mr. Warnock to prepare the 2009 Mississippi Department of Environmental Quality Annual Report for Madison County reflecting all items of work performed in 2009 pursuant to the 2004 Storm Water Management Plan. 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 Mr. Warnock was and is hereby authorized.

SO ORDERED this the 4th day of January, 2010.

In re: Discussion of Petition to the Mississippi Department of Environmental Quality

WHEREAS, County Engineer Rudy Warnock appeared before the Board and requested the Board authorize the County Administrator to execute a petition requesting that the Mississippi Department of Environmental Quality accept responsibility for construction projects being a minimum of five (5) acres or more, and

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

Following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to authorize the County Administrator to execute said petition, contingent upon review by the Board Attorney and forward same to Mississippi Department of Environmental Quality. The vote on the matter being as follows:

¹Prior to the call of the question, Mr. Banks excused himself from the meeting.

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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 the County Administrator was and is hereby authorized.

SO ORDERED this the 4th day of January, 2010.

In re: Approval of One (1) Utility Permit

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented one certain utility permit allowing use and occupancy for the construction or adjustment of a utility within certain roads or highway rights of way were and are hereby approved, as follows:

- (1) Entergy – seeking to install single phase overhead primary line along the south side of Stokes Road, a true and correct copy which is attached hereto as Exhibit D, spread hereupon and incorporated herein by reference

Following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to approve the aforesaid utility permit. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	No
Supervisor Karl M. Banks	Not Present and Not Voting
Supervisor Paul Griffin	Aye

the matter carried by a majority vote (3-1) of the Board and said utility permit was and is hereby approved.

SO ORDERED this the 4th day of January, 2010.

In re: Approval of Budget Amendments

WHEREAS, County Administrator Mark Houston appeared before the Board and requested the Board’s consideration of certain amendments to the current year budget of the county as set forth in that certain document entitled “Madison County Budget Amendments January 4, 2010,” a true and correct copy of which is attached hereto as Exhibit E, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to approve said budget amendments. 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 budget amendments were and are hereby approved and adopted.

SO ORDERED this the 4th day of January, 2010.

President’s Initials: _____
Date Signed: _____

In re: Acknowledge Receipt of Funds

WHEREAS, Sheriff Toby Trowbridge appeared before the Board and presented a check in the amount of \$2,544.73 from Valley Foods for food service to the inmates, and

Mr. Paul Griffin did offer and Mr. D. I. Smith did second a motion to acknowledge receipt of said check. 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 said check was and is hereby acknowledged.

SO ORDERED this the 4th day of January, 2010.

In re: Approval of Claims Docket for January 4, 2010

WHEREAS, the Board reviewed the claims docket for January 4, 2010; 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:

	Claim Nos.	No. of Claims	Amount
001	970 to 1059	90	354,235.64
002	5 to 5	1	260.00
012	61 to 75	15	9,974.30
014	4 to 5	2	59,752.57
095	7 to 8	2	58,896.32
097	93 to 102	10	29,878.17
105	67 to 75	9	31,154.76
114	5 to 5	1	998.28
115	35 to 37	3	4,088.78
116	15 to 16	2	198.92
120	24 to 26	3	207.02
121	16 to 17	2	129.99
137	2 to 2	1	125,000.00
150	259 to 298	40	95,580.98
160	29 to 29	1	2,223.00
190	65 to 72	8	5,615.87
240	4 to 4	1	4,061.15
302	16 to 17	2	63,840.35
305	5 to 5	1	10,908.36
401	9 to 9	1	10,272.80
690	7 to 8	2	54,940.91
691	7 to 8	2	54,840.52
	TOTAL ALL FUNDS	199	977,058.69

²Mr. Banks returned to the meeting following the call of the question.

President's Initials: _____

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HELD CLAIMS

Fund	Claim No.	Payee	Amount
302	16	Warnock & Associates, LLC	\$ 17,500.00

Thereafter and following discussion, Mr. Paul Griffin 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 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 F, spread hereupon, and incorporated herein by reference. The vote on the matter being as follows:

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

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

SO ORDERED this the 4th day of January, 2010.

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to pay the held claim of Warnock & Associates in the amount of \$17,500.00. 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 4th day of January, 2010.

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,

Following discussion and pursuant to the terms of Miss. Code Ann. § 25-41-7, as amended, Mr. Paul Griffin 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, Board Secretary and Deputy Chancery Clerk Cynthia Parker, Board Attorney Eric Hamer, County Administrator Mark Houston, County Comptroller and Deputy Chancery Clerk Quandice Green, County Engineer Rudy Warnock, and Sheriff Toby Trowbridge. 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 took up the matter of entering into Executive Session.

SO ORDERED this the 4th day of January, 2010.

In re: Entering into Executive Session

WHEREAS, a discussion of the nature of the matters requiring Executive Session was had and County Road Manager Lawrence Morris informed the Board that Mr. John Gardner desired to appeal his termination from employment, and

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

Following discussion, Mr. John Bell Crosby did offer and Mr. Paul Griffin 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	Not Present and Not Voting ³
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and President Johnson declared the Board of Supervisors to be in Executive Session for the consideration of such matters and the Board Secretary/Deputy Chancery Clerk announced to the public the purpose for the Executive Session.

SO ORDERED this the 4th day of January, 2010.

During Executive Session, the Board conducted a hearing at the request of Mr. John Gardner concerning his termination from employment at the Madison County Road Department. Mr. Gardner, Human Resource Director, Lisa Mayo and County Road Manager Lawrence Morris appeared and testified as to the matters giving rise to the termination. Following such testimony and after a discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to uphold said termination and allow the same to stand as recommended by the County Road Manager. 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

³Mr. Banks departed the meeting room for a brief period and returned shortly after the Board entered Executive Session.

President's Initials: _____
Date Signed: _____

the matter carried unanimously and said termination was and is hereby upheld.

SO ORDERED this the 4th day of January, 2010.

Thereafter, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to adjourn the Executive Session and 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 President declared Executive Session declared adjourned, and the Board Attorney did announce to the public the action taken therein.

SO ORDERED this the 4th day of January, 2010.

In re: Authorize State Aid Engineer to Perform Survey

Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize and direct State Aid Engineer John Granberry to perform a survey on a certain five acre tract located on Kearney Park Road for purposes of establishing a park in west Madison County. The vote on the matter being as follows:

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

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

SO ORDERED this the 4th day of January, 2010.

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor John Bell Crosby and seconded by Supervisor D. I. Smith and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Tuesday, January 19, 2010 at 9:00 a. m. for the purpose of consideration of a Claims Docket and any other business which may properly come before the Board.

Tim Johnson, President
Madison County Board of Supervisors

Date signed: _____

ATTEST:

Arthur Johnston, Chancery Clerk

President's Initials: _____
Date Signed: _____

President's Initials: _____

Date Signed: _____

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