

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

REGULAR MEETING OF MARCH 22, 2010
Recessed from regular meeting conducted on March 15, 2010

BE IT REMEMBERED that the regular Meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on March 22, 2010, in the Board Room on the first floor of the Chancery/Administrative Building, 125 West North Street, Canton, Mississippi, as follows, to-wit:

The President of the Board, Mr. Tim Johnson, 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
Sheriff Toby Trowbridge
Tax Collector Kay Pace

Absent:

Also in attendance:

County Administrator Mark Houston
Board Secretary and Deputy Chancery Clerk Cynthia Parker
Comptroller and Deputy Chancery Clerk Quandice Green
Board Attorney Eric Hamer
County Zoning Administrator Brad Sellers
County Engineer Rudy Warnock
E911 Director Butch Hammack
Building and Ground Director Barry Parker
County Fire Coordinator Mack Pigg
Purchase Clerk Hardy Crunk

Special Guests:

Hon. Rita Martinson, State Representative
Constable Johnny Sims

The Board President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Supervisor Paul Griffin opened the meeting with a prayer and Chancery Clerk Arthur Johnston led the members and the audience in the Pledge of Allegiance to the Flag of the United States of America.

In re: Approval of Consent Agenda Items

WHEREAS, the Board President announced that the he and County Administrator Mark Houston had conferred in advance of the meeting as to certain matters denominated "Consent Items" which bear Item numbers (1) and (9) on the Agenda and that the same appeared to be routine, non-controversial matters on which all Supervisors were likely to agree, and

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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. D. I. Smith did second a motion to take the following actions on the Consent Agenda:

1. **Acknowledge Clerk of the Board Report.**
(A true and correct copy of said Report is attached hereto as Exhibit A, spread hereupon and incorporated herein by reference.)
2. **Approve Pitney Bowes Lease for Sheriff's Department and Tax Assessor's Office.**
(A true and correct copy of said leases are attached hereto as Collective Exhibit B, spread hereupon and incorporated herein by reference.)
3. **Acknowledge Attorney General's Opinion Regarding Board's Authority to Loan Money to West Madison Utility District.**
(A true and correct copy of which is attached hereto as Collective Exhibit C, spread hereupon and incorporated herein by reference.)
4. **Approve Madison County Continuing Disclosure Information Statement.**
(A true and correct copy of that certain Continuing Disclosure Information Statement dated March 1, 2010 is attached hereto as Exhibit D, spread hereupon and incorporated herein by reference.)
5. **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 E , spread hereupon, and incorporated herein by reference:
 - (1) Comcast - seeking to place underground CATV cable by means of trenching and boring in Stillhouse Creek Subdivision Addition.
 - (2) Centerpoint Energy - seeking to install a 4" plastic gas line within the five feet of the west right of way of U. S. Highway 51.
 - (3) AT&T - seeking to place approximately 2683' of fiber optic cable along Gluckstadt Road and Industrial Boulevard.
 - (4) Comcast - seeking to place underground CATV cable by means of trenching and boring in Bainbridge Subdivision.
 - (5) AT&T - seeking to bore 500 feet of fiber cable and 25 pair copper cable telephone cable along Virililia Road.
 - (6) AT&T - seeking to trench and bore a 50 pair copper telephone cable along Sharon Road to Old Natchez Trace Road.
 - (7) BellSouth d/b/a AT&T - seeking to place fiber optic and copper cable along Church Road.
6. **Acknowledge General County Credit Card Report February 2 - March 2, 2010.**
(A true and correct copy of that certain memorandum dated March 16, 2010 from County Purchase Clerk Hardy Crunk is attached hereto as Exhibit F, spread hereupon and incorporated herein by reference.)
7. **Acknowledge Assistant Receiving Clerk Appointment at the Sheriff's Department.**
(A true and correct copy of that certain memorandum dated March 10, 2010 from Sheriff Toby Trowbridge is attached hereto as Exhibit G, spread hereupon and incorporated herein by reference.)

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8. **Acknowledge Lake Lorman Utility District Audit Report for Years October 31, 2008 and October 31, 2009.**
(A true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes.)

9. **Award Contract to APAC and Issue Notice to Proceed to Contractor - ARRA Project STP-6988-00 LPA 105783-701000.**
(A true and correct copy of that certain memorandum dated March 12, 2010 from Mr. B. B. House, P.E. of Mississippi Department of Transportation, the bid from APAC-Mississippi, Inc. for ARRA Project STP-6988-00 LPA 105783-701000 is attached hereto as Exhibit H, 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 | Not Present and Not Voting |
| Supervisor Paul Griffin | Aye |

the matter carried by unanimous vote of those present, and each item was and is hereby approved, adopted and authorized as described herein above.

SO ORDERED this the 22nd day of March, 2010.

In re: Discussion of Longleaf Subdivision Revised Preliminary Plat

WHEREAS, during the period of citizens concerns, Ms. Cherry Deddens appeared before the Board and requested the Board not take any action on any future plans for the Longleaf Subdivision, and

WHEREAS, Ms. Deddens reported to the Board that her request was being made due to the fact that on February 16, 2010, Landrum and Slade Properties had requested the Board allow him to revise the preliminary plat of Longleaf Subdivision from twenty-three lots to forty-two lots, and

WHEREAS, Ms. Deddens reported she owned Lot 3 in said subdivision and was not notified by the developer of his desire to subdivide any lots therein, and

WHEREAS, Ms. Deddens presented that explanatory correspondence dated February 19, 2010 and requested the Board acknowledge receipt of same,

Following discussion, Mr. D. I. Smith did offer and Mr. Karl M. Banks did second a motion to acknowledge receipt of said correspondence. 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 correspondence was and is hereby acknowledged.

SO ORDERED this the 22nd day of March, 2010.

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In re: Discussion of Gunter Road

WHEREAS, during the period of citizens concerns, Ms. Jill Phillips appeared before the Board and requested the Board take some kind of action to rectify the deterioration of Gunter Road , and

WHEREAS, Ms. Phillips reported to the Board that the road was not accessible for emergency vehicles and their homes during the rain season,

Following discussion, Mr. Paul Griffin did offer and Mr. Tim Johnson did second a motion to authorize the County Engineer to evaluate said road and present a cost estimate for repairs to Gunter 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 Engineer was and is hereby so authorized.

SO ORDERED this the 22nd day of March, 2010.

In re: Request for Budget Amendment

WHEREAS, Constable Johnny Sims appeared before the Board and requested the Board approve a budget amendment to the constable’s budget to allow them to purchase air cards for the laptop computers in their vehicles,

Following discussion, Mr. Karl m. Banks did offer and Mr. Paul Griffin did second a motion to approve said budget amendment to the constable’s budget to allow for the purchase of air cards for the laptop computers. 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 budget amendment was and is hereby approved and adopted.

SO ORDERED this the 22nd day of March, 2010.

In re: Discussion of Moratorium on Square Footage of Homes

WHEREAS, Mr. Ray Butler of the Federation of Homeowners Association appeared before the Board and requested the Board adopt the Resolution presented to the Board on March 1, 2010 establishing a moratorium on the reduction of square footage in subdivisions already approved, and

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

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Following discussion, Mr. John Bell Crosby did offer and Mr. D. I. Smith did second a motion to adopt the procedure outlined in the last two (2) paragraphs of said Resolution. Prior to call of the question on said motion, Mr. Tim Johnson did offer and Mr. Paul Griffin did second a motion in the nature of a substitute to table the matter. The vote on the substitute motion 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 matter was and is hereby tabled.

SO ORDERED this the 22nd day of March, 2010.

In re: Request to Construct Lake - Scottsboro Subdivision

WHEREAS, Mr. William Shanks of Catlett Road Development, Inc. appeared before the Board and requested permission to obtain a heavy hauling permit to remove dirt for the construction of an 18.60 acre lake in the Scottsboro Subdivision off Catlett Road, and

WHEREAS, Mr. Shanks reported that the hauling of dirt would be between 227 and 243 Catlett Road,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize the Road Department to issue Mr. Shanks a heavy hauling permit to remove dirt for the construction of said lake. 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 heavy hauling permit was and is hereby authorized.

SO ORDERED this the 22nd day of March, 2010.

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

WHEREAS, County Zoning Administrator Brad Sellers appeared before the Board and reported that the Mississippi Muslim Association has obtained approval from Bear Creek Water Association to provide water service to the subject property located at 1465 Highway 51 as requested by the Board, and

WHEREAS, any and all correspondence and other related material pertaining to the approval by Bear Creek Water Association and Mr. Roger Williams, Esq. representing the Mississippi Muslim Association are attached hereto as Collective Exhibit I, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Alan Henderson, former owner of the subject property, appeared before the Board and requested the Board deny the site plan due to inadequate sewage treatment on said site, and

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WHEREAS, Representative Rita Martinson also appeared before the Board and requested the Board deny said request as to inadequate sewage treatment on the wastewater system,

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to (1) approve the site plan as presented with (a) instructions to the Board's representative on the Madison County Wastewater Authority to petition the Wastewater Authority to allow said facility to tie into the Authority's water line, and (b) with instructions to the Mississippi Muslim Association that a maximum capacity of 160 people be posted on the building, and (2) provided that no sirens, horns, or bells be allowed in order to maintain a reduction in noise levels, and that no medical facility will be established within the mosque. 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 site plan was and is hereby approved with the aforementioned provisos.

SO ORDERED this the 22nd day of March, 2010.

In re: Approval of Resolution for County's Recovery Zone Facility Bond Allocation

WHEREAS, Mr. Michael Russ, Esq. of Butler, Snow, O'Mara & Cannada appeared before the Board and presented the following resolution for approval:

The Board of Supervisors of Madison County, Mississippi (the "Governing Body") took up for consideration the matter (a) of designating certain property in the County as a Recovery Zone, as such term is defined in the American Recovery and Reinvestment Act of 2009 ("ARRA") and (b) of awarding \$4,476,000 of the County's \$4,476,000 Recovery Zone Facility Bond volume cap allocation to Alexander Holdings, LLC (the "Company"). After a discussion of the subject, Supervisor Karl M. Banks offered and moved the adoption of the following resolution:

RESOLUTION OF THE GOVERNING BODY OF MADISON COUNTY, MISSISSIPPI (THE "COUNTY"), DESIGNATING THE PROPERTY DESCRIBED IN EXHIBIT A HERETO AS A RECOVERY ZONE AND APPROVING AND AWARDING ALL OR A PORTION OF THE COUNTY'S RECOVERY ZONE FACILITY BOND ALLOCATION TO ALEXANDER HOLDINGS, LLC.

WHEREAS, the Governing Body of the County, Mississippi (the "Governing Body", hereby finds, determines, adjudicates and declares as follows:

1. On February 13, 2009 the United States Congress passed and the President of the United States signed into law the American Recovery and Reinvestment Act of 2009 ("ARRA").
2. ARRA created a new type of bond financing called Recovery Zone Facility Bonds ("RZFBs").
3. In order to issue RZFBs, the County must designate the area where a project is to be located as a Recovery Zone. ARRA defines a Recovery Zone to include, among other things, any area having significant poverty, unemployment, rate of home foreclosures, or general distress.

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4. Alexander Holdings, LLC has proposed a project to be located on property described in Exhibit A hereto, and has submitted facts and circumstances which support that the same is a Recovery Zone, as defined by ARRA, and which qualifies for the use of RZFBs.

5. The Governing Body has determined that it is necessary and in the public interest for the County to designate the property describe in Exhibit A hereto as a Recovery Zone.

6. In accordance with ARRA, an eligible issuer may issue up to the amount of RZFB volume cap allocation granted by the IRS. IRS Notice 2009-50 (the "Notice") provides that an eligible issuer includes otherwise-eligible issuers in conduit financing issues (as defined in IRC Section 1.150-1(b)). Pursuant to the Notice, the County, which is an eligible issuer, was awarded \$4,476,000 of RZFBs volume cap.

7. Pursuant to ARRA and the Notice, an eligible issuer may issue RZFBs based on a volume cap allocation received by the eligible issuer itself (i.e. Madison County) or by a conduit borrower (i.e. Mississippi Business Finance Corporation ("MBFC")) or other ultimate beneficiary (i.e. Alexander Holdings, LLC) of the issue of the bonds.

8. The Notice provides that counties who receive volume cap allocations are authorized to allocate the volume cap allocations received to ultimate beneficiaries in any reasonable manner as they shall determine in good faith in their discretion for use for eligible costs for qualified economic development purposes.

9. The Governing Body has determined that it is necessary and in the best interest of the County to award \$4,476,000 of the County's \$4,476,000 RZFB volume cap allocation to Alexander Holdings, LLC.

10. The Governing Body has determined that the award of \$4,476,000 of the County's \$4,476,000 RZFB volume cap allocation is conditioned upon the issuance of an amount not to exceed Six Million Dollars (\$6,000,000) of RZFBs by the Mississippi Business Finance Corporation no later than May 30, 2010 in order to finance the first phase of the project and absent other action by the Governing Body, such award will be rescinded if said issuance does not occur

11. The Governing Body and Alexander Holdings, LLC agree and understand that the County will not be responsible for issuing the bonds nor shall the issuance of such bonds have any effect on the County's bond rating or capacity to issue bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY, ACTING FOR AND ON BEHALF OF THE COUNTY, AS FOLLOWS:

SECTION 1. The Governing Body hereby designates the property attached hereto as Exhibit A as a Recovery Zone as such term is used in the American Recovery and Reinvestment Act of 2009.

SECTION 2. The Governing Body hereby approves and awards \$4,476,000 of the County's \$4,476,000 Recovery Zone Facility Bond volume cap to Alexander Holdings, LLC. for the use and purposes as described in "Request for 'Recovery Zone' and Bond Allocation from Madison County" document, presented to Governing Body by Alexander Holdings, LLC on March 22, 2010, as attached hereto as Exhibit B; provide however, that the award is conditioned upon the issuance of an amount not to exceed Six Million Dollars (\$6,000,000) of RZFBs by the Mississippi Business Finance Corporation no later than May 30, 2010 in order to finance the first phase of the project and absent other action by the Governing Body, such award will be rescinded if said issuance does not occur.

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Supervisor Paul Griffin seconded the motion to adopt the foregoing resolution, and the question being 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: Aye |
| Supervisor Paul Griffin | voted: Aye |

The motion having received the affirmative vote of a majority of the members present, the President declared the motion carried and the resolution adopted, on this the 22nd day of March, 2010.

SO ORDERED this the 22nd day of March, 2010.

***In re: Request for Reduction in Square Footage
Oak Field Master Development Plan***

WHEREAS, Zoning Administrator Brad Sellers appeared before the Board and presented a request from Mr. Frank Pucylowski of South Madison Development, Inc. seeking a reduction in the square footage of homes being constructed in Oak Field Subdivision, a previously approved Planned Unit Development (PUD), and

WHEREAS, Mr. Pucylowski requested the square footage of homes be reduced to a minimum of 1400 square feet in the PUD and requested permission to make changes in the protective covenants to reflect same, and

WHEREAS, Mr. Pucylowski discussed the economic and current market conditions in the area and provided documentation regarding the same and reported that no lots had been sold to date within the PUD and for economic reasons, he felt a reduction was necessary in order to maintain higher quality construction, and

WHEREAS, a true and correct copy of that certain explanatory correspondence dated March 16, 2010, is attached hereto as Exhibit J, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Ray Butler, Mr. Trey Oakes, Mr. Phil Marks, Mr. Kevin Hall, Mr. Edwin Sanders and Ms. Mary Hollingsworth all appeared in opposition to the request, stating that they were concerned about property values in surrounding areas if the developer was allowed to reduce the square footage and further argued that the developer had previously agreed to the minimum square footage as set forth on the PUD Master Plan,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve the request for reduction of square footage to a minimum of 1400 square feet and correct the misprint on the spreadsheet provided as referenced in Exhibit J as to Wimbledon Oaks to reflect 1400 square feet, provided that the developer adds entrance way treatments to distinguish the already existing sections from the newly reduced sections/phases and so as to define the different phases of said subdivision and authorize the change of the protective covenants to reflect same.

Prior to call of the question on said motion, Mr. D. I. Smith did offer and Mr. John Bell Crosby did second a motion in the nature of a substitute that due to the substantive proposed to the Oak Field Master Development Plan which the request entailed, the request should be submitted to the Planning and Zoning Commission for public notice and a public hearing. The vote on the matter being as follows:

President's Initials: _____

Date Signed: _____

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

the matter failed to garner a majority vote of the Board and therefore failed.

SO ORDERED this the 22nd day of March, 2010.

Thereafter, President Johnson called for a vote on the motion as originally offered, and the vote on the matter was 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 request was and is hereby approved with the aforementioned provisos.

SO ORDERED this the 22nd day of March, 2010.

In re: Resolution Regarding a Sprint Medic Vehicle and American Medical Response (AMR)

WHEREAS, Emergency Management Director Butch Hammack appeared before the Board and presented a Resolution between Madison County and American Medical Response (AMR) to provide a sprint medic vehicle in Madison County, a true and correct copy of which is attached hereto as Exhibit K, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Hammack reported that the sprint medic vehicle would carry the same equipment, supplies and medications as found on AMR’s ambulances and would best serve the rural areas of the county, and

WHEREAS, the Board Attorney recommended approval but requested adding the clause “the County may discontinue its approval of this program by a majority vote of the Board of Supervisors which shall become effective and binding thirty (30) days after such vote,”

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to approve said Resolution, adding the aforementioned clause. The vote on the matter being as follows:

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

the matter carried unanimously and said resolution was and is hereby approved and adopted with the aforesaid proviso.

SO ORDERED this the 22nd day of March, 2010.

President’s Initials: _____

Date Signed: _____

In re: Discussion of Rural Internet Initiative

WHEREAS, Mr. Gavin Guynes, IT Director with the Madison County School District appeared before the Board and presented information related to the Google Fiber for Communities Project, and

WHEREAS, Mr. Guynes requested the county’s participation in the trial test for high speed internet being offered by Google to rural areas of the county so that children living in extreme rural areas may have better access to the internet from their homes for school projects,

Following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to authorize the County Administrator to apply online to participate in the test being offered by Google with the assistance of the County’s IT Director Duane Thompson. 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 County Administrator was and is hereby so authorized.

SO ORDERED this the 22nd day of March, 2010.

**In re: Authorization to Advertise for Request for Proposals
HOME Grant Program for Homebuyer Assistance**

WHEREAS, Mr. Bobby Rayburn of Rayburn & Associates, LLC appeared before the Board and requested permission to advertise for Request for Proposals for the HOME Grant Program for Homebuyer Assistance,

Following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to authorize the advertising for Request for Proposals for the HOME Grant Program for Homebuyer Assistance. 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 the request to advertise was and is hereby approved.

SO ORDERED this the 22nd day of March, 2010.

¹Prior to discussion on this matter, Mr. Banks excused himself from the meeting.

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Date Signed: _____

In re: Discussion of Solid Waste Management Authority Evaluation

WHEREAS, Mr. Jim McNaughton of Environmental Business Services appeared before the Board and presented his firm’s assessment of the merits of establishing a Solid Waste Management Authority, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, Mr. McNaughton reported that should the Board desire to establish a Solid Waste Management Authority, the Board would be required to designate a Board of Commissioners,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to (1) table said matter for further consideration, (2) acknowledge receipt of said report, and (3) authorize the County Administrator to carry on discussions with Mr. McNaughton for the establishment of a Solid Waste Management Authority. 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 consideration of the matter was and is hereby tabled, said report was and is hereby acknowledged, and the County Administrator was and is hereby authorized.

SO ORDERED this the 22nd day of March, 2010.

In re: Authorization of County Administrator to Sign ARRA Project Pay Estimates

WHEREAS, County Engineer Rudy Warnock appeared before the Board and requested the Board authorize County Administrator Mark Houston sign off on any and all ARRA Project pay estimates, and

WHEREAS, Mr. Houston requested the Board authorize County Comptroller Quandice Green and Board Secretary Cynthia Parker as alternates to sign such pay estimates in his absence,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to authorize Mr. Houston to sign off on any pay estimates presented for ARRA Projects and authorize Ms. Green and Ms. Parker as alternates. 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 authorized and Ms. Green and Ms. Parker were and are hereby authorized as alternates.

SO ORDERED this the 22nd day of March, 2010.

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Date Signed: _____

In re: Discussion of Old Canton Road Thermoplastic Striping

WHEREAS, County Engineer Rudy Warnock appeared before the Board and requested the Board authorize the issuance of purchase orders for the thermoplastic striping on Old Canton Road inside the city limits of Madison from the airport to the Ridgeland city limits,

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to authorize the issuance of purchase orders for the thermoplastic striping on Old Canton 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 issuance of purchase orders for said striping was and is hereby approved.

SO ORDERED this the 22nd day of March, 2010.

In re: Acknowledge Receipt of Pay Estimate No. One (1) - Northshore Way Drainage Improvements and Pay Estimate No. Seven (7) - Gluckstadt Road Reconstruction

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented the Board with pay estimate number one (1) pertaining to the Northshore Way Drainage Improvements Project and pay estimate number seven (7) pertaining to Gluckstadt Road Reconstruction Project, true and correct copies of which may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to acknowledge receipt of said pay estimates on Northshore Way Drainage Improvements and Gluckstadt Road Reconstruction. 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 pay estimate no. 1 for the Northshore Way Drainage Improvements Project and pay estimate no. 7 for the Gluckstadt Road Reconstruction Project were and are hereby acknowledged.

SO ORDERED this the 22nd day of March, 2010.

In re: Approval of Claims Docket for March 22, 2010

WHEREAS, the Board reviewed the claims docket for March 22, 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

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WHEREAS, the following is a summary of all claims and funds from which said claims are to be paid:

| Fund | Claim Nos. | No. of Claims | Amount |
|-----------------|--------------|---------------|--------------|
| 001 | 1541 to 1675 | 135 | 775,200.31 |
| 002 | 9 to 10 | 2 | 2,910.20 |
| 012 | 114 to 119 | 6 | 572.06 |
| 097 | 155 to 170 | 16 | 33,412.01 |
| 105 | 115 to 124 | 10 | 22,828.11 |
| 108 | 3 to 4 | 2 | 815.63 |
| 113 | 7 to 7 | 1 | 1,230.00 |
| 115 | 56 to 61 | 6 | 2,008.31 |
| 116 | 26 to 28 | 3 | 275.00 |
| 120 | 42 to 44 | 3 | 421.50 |
| 121 | 25 to 27 | 3 | 209.47 |
| 150 | 465 to 521 | 57 | 100,516.62 |
| 160 | 43 to 44 | 2 | 10,174.96 |
| 170 | 5 to 5 | 1 | 35,280.00 |
| 190 | 104 to 106 | 3 | 1,735.65 |
| 210 | 1 to 1 | 1 | 383,412.91 |
| 226 | 9 to 9 | 1 | 3,000.00 |
| 302 | 25 to 26 | 2 | 48,090.84 |
| 401 | 14 to 14 | 1 | 14,449.35 |
| TOTAL ALL FUNDS | | 255 | 1,436,542.93 |

HELD CLAIMS

| Fund | Claim No. | Payee | Amount |
|------|-----------|---------------------------|--------------|
| 150 | 507 | Warnock & Associates, LLC | \$ 11,233.09 |
| 302 | 26 | Warnock & Associates, LLC | \$ 46,586.34 |

Thereafter and following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve the claims docket as presented, less and except the above noted held claims. Said motion directed that invoice numbers should be attached to each claim on the claims docket and further directed the Chancery Clerk to publish the Summary of Claims as required by law and to authorize the Board President to sign and approve the Claims Docket, a copy of which may be found in the Miscellaneous Appendix to these Minutes together with a separate Resolution approving payment of said claims, which Resolution is attached hereto as Exhibit L, 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 22nd day of March, 2010.

Thereafter, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to pay the held claims of Warnock & Associates in the amount of \$11,233.09 and \$46,586.34. The vote on the matter being as follows:

President's Initials: _____

Date Signed: _____

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| | |
|-----------------------------|-----|
| 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 Claims were and are hereby approved, and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 22nd day of March, 2010.

In re: Approval of Claim

WHEREAS, Emergency Management Director Butch Hammack appeared before the Board and requested the Board approve payment of claim for damages sustained to a vehicle owned by a citizen while traveling on Davis Crossing and Way Road, and recommended approval of same², and

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to approve the claim for damages in the amount of \$121.72. 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 22nd day of March, 2010.

In re: Acknowledge Receipt of Funds; Acceptance of Donation to Sheriff's Department and Authorize Board President to Execute Invoice

WHEREAS, Sheriff Toby Trowbridge appeared before the Board and presented checks received from various agencies for housing of prisoners and other services as follows:

| <u>Entity</u> | <u>Amount</u> |
|-------------------|---------------|
| Evercom | \$ 12,021.11 |
| Town of Flora | \$ 1,049.39 |
| City of Ridgeland | \$ 3,254.25 |
| City of Madison | \$ 2,419.26 |
| City of Madison | \$ 2,338.00 |
| City of Pearl | \$ 625.00 |
| Valley Foods | \$ 1,767.51 |
| Town of Flowood | \$ 171.66 |
| Warren County | \$ 3,050.00 |
| MDOC | \$ 34,340.00 |

Thereafter, Sheriff Trowbridge requested the Board authorize the Board President to execute an

²No documentation was provided to the Clerk for this request.

President's Initials: _____

Date Signed: _____

invoice in the amount of \$11,762.51 unto MDOC for housing of prisoners,

WHEREAS, Sheriff Trowbridge did further request that the Board acknowledge the receipt by his office of certain items of ammunition donated by Wal Mart, a true and correct list thereof is attached hereto as Exhibit M, spread hereupon and incorporated herein by reference,

Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to (1) acknowledge receipt of said checks, (2) authorize the Board President to execute said invoice and (3) acknowledge receipt of donation from Wal Mart. 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 checks were and are hereby acknowledged; the Board President was and is hereby so authorized; and said donation was and is hereby acknowledged.

SO ORDERED this the 22nd day of March, 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 potential litigation, personnel matters, and right of way acquisition,

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 Mark Houston, Board Secretary and Deputy Chancery Clerk Cynthia Parker, Board Attorney Eric Hamer, Human Resource Director Lisa Mayo, County Comptroller and Deputy Chancery Clerk Quandice Green, County Engineer Rudy Warnock, and Right of Way Agent Woody Sample. 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 22nd of March, 2010.

President's Initials: _____

Date Signed: _____

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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. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to enter into Executive Session to discuss potential litigation matters, personnel matters, and right of way acquisition. 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 Johnson 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 22nd of March, 2010.

Following discussion during Executive Session, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to authorize the Board Attorney consult with the property owner and lessor of certain property on Hart Road for the bridge replacement project and proceed with “quick take” action if he deems such necessary. The vote on the matter being as follows:

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

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

SO ORDERED this the 22nd of March, 2010.

Thereafter, and following discussion, and at the recommendation of Board Attorney Eric Hamer Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to retain Mr. Doug Minor of Bradley Arant Law Firm to pursue a claim against Mississippi Department of Transportation arising out of the county’s Memorandum of Understanding with said agency regarding the Reunion Interchange Project at a compensation rate of \$250.00 per hour for partners and \$195.00 per hour for association. 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. Minor was and is hereby so retained.

SO ORDERED this the 22nd of March, 2010.

Thereafter, Mr. Paul Griffin did offer and Mr. Karl M. Banks 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:

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

SO ORDERED this the 22nd day of March, 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 Paul Griffin and approved by the unanimous vote of those present, the March, 2010 term of the Madison County Board of Supervisors was adjourned.

Tim Johnson, President
Madison County Board of Supervisors

Date signed: _____

ATTEST:

Arthur Johnston, Chancery Clerk

President's Initials: _____

Date Signed: _____