

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

REGULAR MEETING OF APRIL 19, 2010
Recessed from regular meeting conducted on April 5, 2010

BE IT REMEMBERED that the regular Meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on April 19, 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
Tax Assessor Gerald Barber

Absent:

None

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

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 Supervisor John Bell Crosby led the members and the audience in the Pledge of Allegiance to the Flag of the United States of America.

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

WHEREAS, on April 5, 2010, the Board determined that April 19, 2010 would be an appropriate date for a public hearing on the matter of increasing certain real property assessments for 2009 on certain parcels in the county and did set said date for said hearing to begin at the hour of 9:00 am, and

WHEREAS, the Chancery Clerk did prepare and serve the appropriate notices thereof by regular mail to the affected property owners, and the Board does find that said notices were sufficient, and

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WHEREAS, the petitions listing the property owners, the parcel numbers, and amount s of the proposed assessment increases are attached hereto as Collective 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 increases to be open, and

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

Following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to close the public hearing and approve the assessment increases for the individuals and parcel numbers as set forth in the aforesaid petitions. 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 assessments of the parcels reflected thereon were and are hereby approved and adopted.

SO ORDERED this the 19th day of April, 2010.

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 (2) and (11) 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. John Bell Crosby did second a motion to take the following actions on the Consent Agenda:

- 2. Acknowledge Clerk of the Board Report.**
(A true and correct copy of said Report is attached hereto as Exhibit B, spread hereupon and incorporated herein by reference.)
- 3. Approve Avaya Maintenance Contract for Main Telephone System and Authorize Board President Execute Same.**
(A true and correct copy of said contract is attached hereto as Exhibit C, spread hereupon and incorporated herein by reference.)
- 4. Authorize Advertising for Term Bids.**
(A true and correct copy of that certain explanatory memorandum dated April 6, 2010 from County Purchase Clerk Hardy Crunk requesting permission to advertise for term bids for the period July 1, 2010 - June 30, 2011 and asphalt products for a period of July 1, 2010 - December 31, 2010, is attached hereto as Exhibit D, spread hereupon and incorporated herein by reference.)
- 5. Approve Notices to Renew Residential Lease Contracts on 16th Section Leases.**
(A true and correct copy of those certain Notices to Renew Residential Lease Contract to Lawrence L. Williams, Jr. and wife, Kelly G. Williams on Lot 21, Sherbourne

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Subdivision, Pt 1; Hugh Castleberry and wife, Judy H. Castleberry on Lot 35, Sherbourne Subdivision, Pt 1; Robert R. Walker and wife, Carol C. Walker on Lot 135, Sherbourne Subdivision, Pt 5; John W. Fisk, Jr. and wife, Karen H. Fisk on Lot 133, Sherbourne Subdivision, Pt 5; David A. Thomas and wife, Wendi D. Thomas on Lot 16, Eastbrook Estates; Daniel E. Fitzhugh and wife, Terri Jo Fitzhugh on Lot 140, Sherbourne Subdivision, Pt 5, and Billy M. Luke and wife, Tammy D. Luke on Lot 2, Block 25, Jones Addition to the Town of Flora, may be found in the Miscellaneous Appendix to these Minutes.)

6. **Acknowledge Madison County Library System Audit Report for FY Ending September 30, 2008 and September 30, 2009.**
(A true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes.)
7. **Acknowledge Receipt of Revenues in Excess of Fees for 2009 - Chancery Clerk.**
(A true and correct copy of that certain memorandum and its attachment dated April 19, 2020 from Chancery Clerk Arthur Johnston is attached hereto as Exhibit E, spread hereupon and incorporated herein by reference.)
8. **Approve TEC Agreement for Ridgeland Annex Telephone System and Authorize Board President Execute Same.**
(A true and correct copy of said agreement is attached hereto as Exhibit F, spread hereupon and incorporated herein by reference.)
9. **Acknowledge Receipt of Revenues in Excess of Fees for 2009 - Circuit Clerk.**
(A true and correct copy of that certain memorandum dated April 10, 2020 from Circuit Clerk Lee Westbrook is attached hereto as Exhibit G, spread hereupon and incorporated herein by reference.)
10. **Acknowledge and Approve Chancery Court Order Closing Chancery and Administrative Building for Canton Flea Market - May 13, 2010.**
(A true and correct copy of said Order is attached hereto as Exhibit H, spread hereupon and incorporated herein by reference.)
11. **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 were and are hereby approved, and the application for which is attached hereto as Collective Exhibit I , spread hereupon, and incorporated herein by reference:
 - (1) Entergy - seeking to install single phase overhead primary line paralleling Old Natchez Trace.
 - (2) Entergy - seeking to install single phase overhead primary line crossing Stribling Road.
 - (3) Bear Creek Water Assoc. - seeking to install approximately 860 l.f. of 6" pvc sewer force main and 860 l.f. of 8" waterline on Johnson Lane.

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

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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 19th day of April, 2010.

In re: Discussion of Drainage Issues on Giles Drive

WHEREAS, during the period of citizens concerns, Ms. Ruby Smith appeared before the Board and requested the County assess a drainage issue on Giles Drive, and

WHEREAS, Ms. Smith reported that her pond is eroding due to the culvert, which is within the county right of way, overflowing during heavy rains, and

Following discussion, Mr. Paul Griffin did offer and Mr. D. I. Smith did second a motion to authorize the County Engineer to review the property located at 524 Giles Drive and assess the drainage and erosion matter. 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 the County Engineer was and is hereby so authorized.

SO ORDERED this the 19th day of April, 2010.

***In re: Request to Set Date and Advertise for Public Hearing -
Petition for Special Exception - Cellular South Real Estate, Inc.***

WHEREAS, Zoning Administrator Brad Sellers appeared before the Board and requested permission to set June 7, 2010 as the date for a public hearing to consider the petition of Cellular South Real Estate, Inc., pursuant to the Zoning Ordinance of Madison County, Mississippi, to amend the Zoning Maps adopted pursuant thereto, and to amend the adopted Land Use and Transportation Plan, for a special exception to construct a new telecommunications tower at 2340 Loring Road,

Following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to set the public hearing date for the aforementioned petition to June 7, 2010 and authorize the advertising 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
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and said public hearing was and is hereby set and Mr. Sellers was and is hereby authorized to advertise for the same.

SO ORDERED this the 19th day of April, 2010.

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In re: Rescinding the Board's Action of April 5, 2010 Approving Cellular South Special Exception Petition to Construct a Communication Tower

WHEREAS, Zoning Administrator Brad Sellers appeared before the Board and requested the Board rescind its action of March 5, 2010 related to the approval of a zoning matter for a special exception petition from CellularSouth requesting permission to construct a cellular tower at 2340 Loring Road, and

WHEREAS, Mr. Sellers reported to the Board that he had erroneously placed said petition on the consent agenda for March 5, 2010 and should have requested the Board set a date for public hearing instead, as the Board has done previously in these Minutes,

Following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second to rescind the action of this Board of March 5, 2010 approving the special exception petition from CellularSouth requesting permission to construct a cellular tower at 2340 Loring 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	Not Present and Not Voting
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and the action of this Board approving the special exception petition from CellularSouth requesting permission to construct a cellular tower at 2340 Loring Road on March 5, 2010 was and is hereby rescinded.

SO ORDERED this the 19th day of April, 2010.

In re: Consideration of Preliminary Plats - Still House Creek, Phases 4, 5, and 6

WHEREAS, County Zoning Administrator Brad Sellers appeared before the Board and presented the preliminary plats of Still House Creek, Phases 4, 5, and 6 for the Board's consideration and review, and

WHEREAS, true and correct copies of said plats may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, Mr. Sellers reported to the Board that said plats comply with the Master Plan and each phase is required to be approved by the Board of Supervisors,

Following discussion, Mr. Paul Griffin did offer and Mr. D. I. Smith did second a motion to approve the preliminary plats of said subdivision, subject to the requirement that approval of the Madison County Board of Supervisors would be required on any changes to said plats and/or the accompanying covenants until such time as a majority of votes necessary to change the covenants are controlled by residents of the subdivision and subject to zoning ordinances that the Board finds will be applicable upon adoption thereof in the future. 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

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the matter carried by the unanimous vote of those present and said preliminary plats were and are hereby approved.

SO ORDERED this the 19th day of April, 2010.

In re: Appointee to the Madison County Planning and Zoning Commission

Mr. Tim Johnson did offer and Mr. Paul Griffin did second a motion to appoint Mr. Will Sligh to the Madison County Planning and Zoning Commission replacing Mr. Sidney Spiro in such capacity. 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 ¹
Supervisor Paul Griffin	Aye

the matter carried unanimously and Mr. Sligh was and is so appointed.

SO ORDERED this the 19th day of April, 2010.

In re: Discussion of Waiver of Increase in Assessment - Leavitt Tube, Inc.

WHEREAS, Tax Assessor Gerald Barber appeared before the Board and requested the Board acknowledge and approve the payment of back taxes on previously exempt property on Leavitt Tube bearing parcel no. 082E-21-008/01.02, and

WHEREAS, Mr. Barber reported to the Board that Leavitt Tube, Inc. has agreed to pay the property back taxes to Madison County for the years 2007, 2008 and 2009, and to further pay school taxes for 2003, 2004, 2005, 2006, 2007, 2008, and 2009, and

WHEREAS, a true and correct copy of that certain explanatory memorandum dated March 17, 2010 from Tax Assessor Gerald Barber and agreed upon by Mr. Joseph Fattori of Leavitt Tube, Inc. is attached hereto as Exhibit J, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to acknowledge and approve the payment of back taxes for the aforementioned years and authorize the Tax Collector is issue a tax bill to Leavitt Tube, Inc. accordingly. 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 payments were and are hereby approved, and the Tax Collector was ans is so authorized.

SO ORDERED this the 19th day of April, 2010.

¹Mr. Banks arrived during the discussion of this matter.

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Date Signed: _____

In re: Discussion of Letters of Credit

Following discussion, Mr. John Bell Crosby did offer and Mr. Paul Griffin did second a motion to (1) require all letters of credit be submitted with automatic renewal provisions with no expiration date, (2) to direct the County Engineer (a) to insure that bond amounts are updated regularly with regard to current asphalt pricing and (b) take appropriate steps to bring expired letters of credit current as he deems 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 all letters of credit were and are hereby required to be submitted with automatic renewal provisions and no expiration dates, and the County Engineer was and is hereby so directed.

SO ORDERED this the 19th day of April, 2010.

Thereafter, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize Mr. Blake Cress to tender a check to the Chancery Clerk in place of renewing a letter of credit on Stillhouse Creek, Phase One and authorize the Chancery Clerk to deposit said funds accordingly. 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. Cress was and is hereby authorized and the Chancery Clerk was and is hereby authorized.

SO ORDERED this the 19th day of April, 2010.

In re: Request to Expand Mining Operations on North Livingston Road - Livingston Lakes

WHEREAS, Zoning Administrator Brad Sellers appeared before the Board and requested the Board grant an extension to Eutaw Construction of its mining permit on forty-six (46) acres in an R1 Residential District on North Livingston Road, and

WHEREAS, Mr. Al White, Esq., Mr. John Reeves, Esq. and Mr. Tom Elmore of Eutaw Construction also appeared before the Board and reported that Cypress Lake Homeowners Association, Springbrook Homeowners Association, and Eutaw Construction had arrived at an agreement regarding the same, and

Following discussion, Mr. Karl M. Banks offered and Mr. Paul Griffin did second a motion to extend the mining permit to Eutaw Construction for three (3) years and acknowledge receipt of the agreement between Cypress Lake Homeowners Association, Springbrook Homeowners Association and Eutaw Construction, contingent upon receipt of the approved agreement. The vote on the matter being as follows:

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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 extension of the mining permit was and is hereby approved for three (3) years and said agreement was and is hereby acknowledged.

SO ORDERED this the 19th day of April, 2010.

In re: Discussion of Agreement Between Richard Skinner and The City of Madison

WHEREAS, Board Attorney Eric Hamer appeared before the Board and presented an Agreement dated November 17, 2009 between Mr. Richard Skinner and The City of Madison for final surface overlay of Reunion Boulevard, Phase II, and

WHEREAS, Mr. Hamer reported to the Board that it appears that said agreement required Mr. Skinner to deposit \$400,000.00 with the City as a condition of the City's re-zoning of property formerly owned by Mr. Skinner which does not front that portion of Reunion Boulevard at all,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize the Board Attorney to forward said agreement to the proper authorities to determine legality of the same and send a demand letter to the City of Madison to refund the \$400,000.00 to Mr. Skinner. The vote on the matter being as follows:

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

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

SO ORDERED this the 19th day of April, 2010.

Thereafter, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to authorize the Board Attorney to work with the necessary officials regarding the aforementioned matter. The vote on the matter being as follows:

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

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

SO ORDERED this the 19th day of April, 2010.

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In re: Discussion of Speed Humps

WHEREAS, Supervisor Banks brought to the Board’s attention a request he had received with regard to the placement of the speed humps on Caroline Boulevard between Hampton Bay entrance and Lake Ridge Drive, and

WHEREAS, Mr. Ken Sprayberry, a resident of the are appeared before the Board and requested that the humps be removed, and

WHEREAS, Greg and Susie Reagan appeared before the Board and requested that they remain in place, and

WHEREAS, as a comprise, Mr. Banks requested the Board consider moving one of the speed humps on Caroline Boulevard to the northwest to allow the homeowners to enter and exit off of Beaufort Circle without traversing over two speed humps,

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to authorize the Road Department to move one of the speed humps on Caroline Boulevard to the northwest in order to allow the homeowners coming in and out of Beaufort Circle to travel without traversing the speed humps. 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 Road Department was and is hereby so authorized.

SO ORDERED this the 19th day of April, 2010.

In re: Establishment of Just Compensation on Twin Harbor Drainage Project and Calhoun Station II Project

WHEREAS, Right of Way Agent Woody Sample appeared before the Board and reported to the Board that Mr. Ron Hutchinson and Mr. John Harreld have agreed to waive their right to the appraisal process and donate the right of way and easement for the construction of Calhoun Station II Project contingent on the County paying the cost of the appraisal in the amount of \$2,000.00, and

WHEREAS, Mr. Sample reported that the two parties requested that in the event construction for said project has not begun by June, 2011 the property would then revert back to the property owners,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to pay the appraisal cost in the amount of \$2,000.00 in exchange for donation of right of way and easement for the construction of Calhoun Station II Project subject to and including the reverter clause requested by the owners. 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

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Date Signed: _____

the matter carried unanimously and said donation was and is hereby accepted on the terms aforesaid, and the Chancery Clerk was and is hereby authorized to issue a pay warrant accordingly.

SO ORDERED this the 19th day of April, 2010.

Thereafter, Mr. Sample requested the Board establish just compensation in the amount of \$13,530.00 for right of way on Parcel No. 3 to William and Emaly Tucker related to the Calhoun Station II Project, and

WHEREAS, a true and correct copy of a document reflecting this amount is attached hereto as Exhibit L, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to establish just compensation in the amount of \$13,530.00 for acquisition of right of way on Parcel No. 3 owned by William and Emaly Tucker related to the Calhoun Station II Project and authorize and direct the Chancery Clerk to issue a pay warrant in said amount unto said owners, upon their acceptance of said offer. 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 just compensation was and is hereby established, and the Chancery Clerk was and is hereby authorized to issue pay warrant accordingly.

SO ORDERED this the 19th day of April, 2010.

Thereafter, Mr. Sample requested the Board establish just compensation in the amount of \$188,450.00 for acquisition of right of way on Parcel No. 4 owned by S. L. Sethi related to the Calhoun Station II Project, and

WHEREAS, a true and correct copy of a document reflecting this amount is attached hereto as Exhibit L, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to establish just compensation in the amount of \$188,450.00 for acquisition of right of way on Parcel No. 4 owned by S. L. Sethi related to the Calhoun Station II Project and authorize and direct the Chancery Clerk to issue a pay warrant in said amount unto said owners, upon their acceptance of said offer. 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 just compensation was and is hereby established, and the Chancery Clerk was and is hereby authorized to issue pay warrant accordingly.

SO ORDERED this the 19th day of April, 2010.

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Mr. Sample then requested the Board establish just compensation in the amount of \$711,500.00 for acquisition of right of way on Parcel No. 5 owned by VCR 1, LLC and \$45,000.00 on Parcel No. 5X-Deed (the same being a non-economic remnant) also owned by VCR I, LLC related to the Calhoun Station II Project, and

WHEREAS, a true and correct copy of a document reflecting this amount is attached hereto as Exhibit L, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to establish just compensation in the amount of \$711,500.00 for acquisition of right of way on Parcel no. 5 to VCR 1, LLC and \$45,000.00 on Parcel no. 5X-Deed to VCR I, LLC related to the Calhoun Station II Project and authorize and direct the Chancery Clerk to issue a pay warrant in said amount unto said owners, upon their acceptance of said offer. 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 just compensation was and is hereby established and the Chancery Clerk was and is hereby authorized to issue pay warrants accordingly.

SO ORDERED this the 19th day of April, 2010.

Mr. Sample then requested the Board establish just compensation in the amount of \$2,942.24 for the acquisition of right of way on Parcel No. 1A owned by Graham and Sybil Shaw related to the Twin Harbor Drainage Project, and

WHEREAS, a true and correct copy of just compensation is attached hereto as Exhibit M, spread hereupon and incorporated herein by reference,

Following discussion, Mr. John Bell Crosby did offer and Mr. Paul Griffin did second a motion to establish just compensation in the amount of \$2,942.24 for the acquisition of right of way on Parcel No. 1A owned by Graham and Sybil Shaw related to the Twin Harbor Drainage 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 just compensation was and is hereby established and the Chancery Clerk was and is hereby authorized to issue pay warrant accordingly.

SO ORDERED this the 19th day of April, 2010.

President's Initials: _____

Date Signed: _____

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**In re: Approval of Reimbursement to Canton Municipal Utilities
South Madison County Fire Protection District No. 2**

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented that certain correspondence dated April 13, 2010 from Mr. Don Holtsinger of Canton Municipal Utilities outlining the cost estimate from for the materials to encase the water main under the driveway of the new fire station being constructed on Stribling Road known as South Madison County Fire Protection District Station No. 2, and

WHEREAS, Mr. Warnock requested the Board authorize the Road Department assist with the labor on said project,

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

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to authorize the reimbursement to Canton Municipal Utilities for the materials to encase the water main under the driveway of the new fire station being constructed on Stribling Road known as South Madison County Fire Protection District Station No. 2, as set forth in Exhibit N, and authorize the Road Department to assist with the labor on said 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 such reimbursement was and is hereby authorized and the Road Manager was and is so directed.

SO ORDERED this the 19th day of April, 2010.

**In re: Authorize Advertising for Bids for Construction of
Calhoun Station Parkway Phase II**

WHEREAS, County Engineer Rudy Warnock appeared before the Board and requested the Board authorize advertising for bids for construction of Calhoun Station Parkway Phase II once Right of Way Agent Woody Sample has acquired the necessary right of way based upon duly established just compensation as authorized previously herein,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize the advertising for bids for the construction of Calhoun Station Parkway Phase II once Mr. Sample has acquired the necessary right of way. 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 advertising for bids for the construction of said project was and is hereby authorized.

SO ORDERED this the 19th day of April, 2010.

President's Initials: _____

Date Signed: _____

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**In re: Authorize Payment to Big Black Mitigation Bank
Calhoun Station Parkway, Phase III**

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented that certain invoice dated April 16, 2010, from The Big Black Mitigation Bank, LLC in the amount of \$6,500.00 and requested the Board approve payment of same, and

WHEREAS, Mr. Warnock reported to the Board that the U. S. Army Corps of Engineers required the county to purchase one credit from The Big Black Mitigation Bank for environmental purposes related to the Calhoun Station Parkway, Phase III Project, and

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

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize the payment of \$6,500.00 to The Big Black Mitigation Bank for the purchase of one credit related to the Calhoun Station Parkway, Phase III Project. 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 the Chancery Clerk was and is hereby authorized to issue pay warrant accordingly.

SO ORDERED this the 19th day of April, 2010.

In re: Authorization of the Board Attorney to Prepare Easement Documents; Authorize County Right of Way Agent to Acquire Right of Way; and Authorize County Appraiser to Prepare Appraisal on Moss Road Bridge Project

WHEREAS, County Engineer Rudy Warnock appeared before the Board and recommended that the Board authorize the Board Attorney to prepare legal descriptions and easement documents, authorize County Right of Way Agent, Mr. Woody Sample to acquire necessary right of way for construction easements, and authorize Mr. Jim Turner to prepare appraisals associated with the Moss Road Bridge Project, and

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to (1) authorize the Board Attorney to prepare legal descriptions and easement documents associated therewith; (2) authorize and retain Mr. Sample to acquire necessary right of way for construction easements; and (3) authorize and retain Mr. Turner to prepare appraisals for the Moss 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

President's Initials: _____

Date Signed: _____

the matter carried unanimously and the Board Attorney, Mr. Sample, and Mr. Turner were and are hereby so authorized and retained.

SO ORDERED this the 19th day of April, 2010.

In re: Approval of Claims Docket for April 19, 2010

WHEREAS, the Board reviewed the claims docket for April 19, 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:

Fund	Claim Nos.	No. of Claims	Amount
001	1799 to 1915	117	259,288.49
002	12 to 12	1	1,500.00
012	137 to 141	5	754.21
051	7 to 7	1	23,811.49
096	8 to 8	1	3,425.55
097	191 to 196	6	1,882.55
105	137 to 144	8	23,660.44
115	71 to 73	3	534.41
116	31 to 33	3	344,107.14
119	3 to 5	3	53,589.99
120	49 to 52	4	1,253.61
121	29 to 29	1	72.27
150	581 to 615	35	115,884.21
160	82 to 101	20	94,377.29
190	120 to 123	4	388.02
226	13 to 13	1	750.01
302	29 to 34	6	1,070,865.79
401	15 to 15	1	16,366.86
TOTAL ALL FUNDS		220	2,012,512.33

HELD CLAIMS

Fund	Claim No.	Payee	Amount
096	8	Warnock & Associates, LLC	\$ 3,425.55
150	581	Warnock & Associates, LLC	\$ 4,819.16
302	32	Warnock & Associates, LLC	\$ 9,600.00
302	32	Warnock & Associates, LLC	\$ 9,375.76
302	33	Warnock & Associates, LLC	\$ 239,250.00

Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to pay the aforesaid held claims of Warnock & Associates in the amount of \$3,425.55, \$4,819.16, \$9,600.00, \$9,375.76 and \$239,250.00 as set forth above. 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

President's Initials: _____

Date Signed: _____

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 19th day of April, 2010.

Thereafter and following discussion, Mr. John Bell Crosby did offer and Mr. D. I. Smith did second a motion to approve the claims docket as presented, less and except the above noted held claims previously approved by a separate vote as reflected herein above. 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	No
Supervisor Paul Griffin	Aye

the matter carried by a majority vote (4-1) of the Board 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 19th day of April, 2010.

In re: Approve Renewal of Stevens Seale Lobbying Contract

WHEREAS, County Administrator Mark Houston appeared before the Board and reported that the contract with Mr. Stevens Seale, Esq. of Wise Carter Child & Caraway was due to expire shortly, and

WHEREAS, Mr. Houston recommended the Board renew the county's contract with Mr. Seale and his firm for providing lobbying services and counsel to Madison County in obtaining funding for various projects,

Following discussion, Mr. Tim Johnson did offer and Mr. Paul Griffin did second a motion to approve the renewal of Mr. Seale's contract for another year with Madison County Economic Development Authority sharing in the cost as previously agreed upon. 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 said contract was and is hereby renewed and approved.

SO ORDERED this the 19th day of April, 2010.

President's Initials: _____

Date Signed: _____

**In re: Accept Letter of Resignation
County Administrator Mark Houston**

WHEREAS, County Administrator Mark Houston appeared before the Board and presented his letter of resignation effective April 30, 2010, and

WHEREAS, Mr. Houston reported to the Board he would be retiring from State Service and entering employment in the private sector, and

WHEREAS, the Board and the Chancery Clerk expressed their deep gratitude to Mr. Houston for his service to the County and its citizens,

Following discussion, Mr. Tim Johnson did offer and Mr. John Bell Crosby did second a motion to accept Mr. Houston's resignation effective April 30, 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 said resignation was and is hereby accepted.

SO ORDERED this the 19th day of April, 2010.

**In re: Acknowledge Receipt of Funds and
Approval of Securus Technologies, Inc.
Phone Service Agreement**

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	\$ 13,829.91
Valley Foods	\$ 1,434.34
Town of Flora	\$ 632.50
City of Ridgeland	\$ 2,753.18
City of Madison	\$ 2,124.00
City of Canton	\$ 2,741.12
Warren County	\$ 75.00

Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to acknowledge receipt of said checks. 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.

SO ORDERED this the 19th day of April, 2010.

President's Initials: _____

Date Signed: _____

Thereafter, Sheriff Trowbridge requested the Board approve the renewal of the contract with Securus Technologies, Inc. for phone service provided at the Madison County Detention Center and authorize the Board President to execute same, a true and correct which is attached hereto as Exhibit Q, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to (1) approve the renewal of the contract with Securus Technologies, Inc. for phone service provided at the Madison County Detention Center and (2) authorize the Board President to execute said agreement. The vote on the matter being as follows:

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

the matter carried unanimously and said agreement with Securus Technologies, Inc. was and is hereby approved, and the Board President was and is hereby so authorized

SO ORDERED this the 19th day of April, 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,

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 potential litigation, 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, County Comptroller and Deputy Chancery Clerk Quandice Green, County Engineer Rudy Warnock, Mr. Doug Minor, Esq, and Mr. John Brunini, Esq. 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 19th day of April, 2010.

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. The vote on the matter

President’s Initials: _____

Date Signed: _____

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 19th day of April, 2010.

Thereafter, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to adjourn the Executive Session and announce to the public that no action was 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 Chancery Clerk did announce to the public no action was taken therein.

SO ORDERED this the 19th day of April, 2010.

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor Paul Griffin and seconded by Supervisor John Bell Crosby and approved by the unanimous vote of those present, the April, 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: _____

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 19 of 18 (4/19/10)