

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

REGULAR MEETING OF MAY 3, 2010
Being the first day of the May 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 May 3, 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, 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
Sheriff Toby Trowbridge
Chancery Clerk Arthur Johnston

Absent:

Also in attendance:

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
E911 Director Butch Hammack
Fire Coordinator Mack Pigg
County Purchase Clerk Hardy Crunk
County Engineer Rudy Warnock
Chief Deputy Tax Assessor Kent Hawkins

The Board President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Chancery Clerk Arthur Johnston opened the meeting with a prayer and Board Attorney Eric Hamer 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 April 2010 Term

WHEREAS, Chancery Clerk Arthur Johnston did present the Board with the Minutes of the previous meetings of the Board of Supervisors during the April 2010 term, said meetings having been conducted on April 5, and April 19, 2010,

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: _____

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 the Minutes for the April 2010 term of the Board of Supervisors of Madison County were and are hereby approved as amended.

SO ORDERED this the 3rd day of May, 2010.

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 (2) through (25) on the Agenda and that the same appeared to be routine, non-controversial matters on which all Supervisors were likely to agree, and

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

WHEREAS, the Board President requested that an additional item (26) be added to the Consent Agenda as Approval of TEC Agreement for Telephone Service at the Ridgeland County Office Annex, 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:

2. **Acknowledge Name Change and Transfer of Industrial Exemption from Steel Technologies, Inc. to Steel Technologies, LLC.**
(A true and correct copy of that explanatory correspondence dated April 23, 2010 from Mr. Chad A. Davidson, Esq. of Phelps Dunbar, LLP regarding the conversion of Steel Technologies, Inc. to Steel Technologies, LLC per Kentucky law is attached hereto as Exhibit A, spread hereupon and incorporated herein by reference.)
3. **Adopt Emergency Declaration - Yazoo County, Mississippi Tornado, a true and correct copy of which is attached hereto as Exhibit B, spread hereupon and incorporated herein by reference.**
4. **Approve Addendum to Agreement for Service with DeltaCom, Inc. for Lease of T-1 Lines and Authorize Board President Execute Same.**
(A true and correct copy of that certain memorandum dated April 21, 2010 from County Purchase Clerk Hardy Crunk together with the “Addendum to Agreement for Service” with DeltaCom, Inc. for lease of T-1 lines for use by the IT Department is attached hereto as Exhibit C, spread hereupon and incorporated herein by reference.)
5. **Approve Avaya Maintenance Contracts for Main Telephone System and the Sheriff’s Department Switch and Authorize Board President Execute Same.**
(A true and correct copy of said contracts are attached hereto as Collective Exhibit D, spread hereupon and incorporated herein by reference.)
6. **Approve Monthly Credit Card Report March 9 - April 9, 2010 - General County.**
(A true and correct copy of that certain memorandum dated April 26, 2010 from County Purchase Clerk Hardy Crunk together with the General County monthly credit card report is attached hereto as Exhibit E, spread hereupon and incorporated herein by reference.)

President’s Initials: _____
Date Signed: _____

7. **Award Bid for Used Asphalt Paving Machine with Trade-In of Current Machine; Authorize Deletion of Current Machine from Inventory; and Reject Bids on New Paving Machine.**
(A true and correct copy of that certain explanatory memorandum dated April 28, 2010 from County Purchase Clerk Hardy Crunk together with the sole bid for a used asphalt paving machine from Mid-South Machinery, Inc. is attached hereto as Collective Exhibit F, spread hereupon and incorporated herein by reference.)
8. **Authorize Purchase Clerk Hardy Crunk as the LPA Director for ARRA Funding Overlay Projects and Authorize Him to Execute Pay Estimates Until a County Administrator is hired.**
9. **Acknowledge and Set Ground Breaking Ceremony for the South Madison County Fire Protection District, Adam Weisenberger Fire Station No. 2 for May 3, 2010 at 1:00 p.m.**
10. **Acknowledge South Madison County Fire Protection District's Purchase of New Fire Truck.**
(A true and correct copy of that certain correspondence dated October 21, 2009 from Ms. Carolyn Mills of Pyle, Mills, Dye & Pittman giving South Madison County Fire Protection District's commitment to supplement the purchase of a new fire truck and equipment in an amount up to \$120,000.00, is attached hereto as Exhibit G, spread hereupon and incorporated herein by reference.)
11. **Authorize All Supervisors, County Administrator, Comptroller, Board Attorney, Chancery Clerk, and County Engineer to Attend the Mississippi Association of Supervisors 81st Annual Convention June 14-17, 2010, Tunica, MS, and Approve Travel and Registration Expenses Related Thereto.**
12. **Approve Zoning Matter - South Madison County Fire Protection District Special Exception to Construct and Operate a Public/Quasi-Public Facility in an R-2 Residential District.**
(A true and correct copy of the Petition of South Madison County Fire Protection District seeking to construct and operate a new fire station on Stribling Road known as South Madison County Fire Protection District, Adam Weisenberger Fire Station No. 2, may be found in the Miscellaneous Appendix to these Minutes, said Petition was and is hereby accepted and the Special Exception granted.)
13. **Approve Zoning Matter - Towers of Mississippi II, LLC Special Exception to Construct and Operate a Public/Quasi-Public Communication Tower in an A-1 Agricultural District.**
(A true and correct copy of the Petition of Towers of Mississippi II, LLC seeking to construct and operate a 400' communication tower located at 3513 Highway 43 North, may be found in the Miscellaneous Appendix to these Minutes. Said Petition was and is hereby accepted and the Special Exception granted.)
14. **Approve Location of Culvert Placements.**
(A true and correct copy of a spreadsheet containing dates and locations of the placement of culverts for the protection of county right of way is attached hereto as Exhibit H, spread hereupon and incorporated herein by reference.)
15. **Acknowledge April 2010 Monthly Report - Road Department.**
(A true and correct copy of the April 2010 Monthly Road Department Report submitted by County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)

President's Initials: _____
Date Signed: _____

16. **Acknowledge April 2010 Closed Call Analysis - Road Department.**
(A true and correct copy of the April 2010 Closed Call Analysis submitted by the County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
17. **Acknowledge May 2010 Service Call Schedule Report - Road Department.**
(A true and correct copy of the May 2010 Road Department Service Call Schedule submitted by County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
18. **Acknowledge Building & Grounds Department Monthly Report.**
(A true and correct copy of said Report is attached hereto as Exhibit I, spread hereupon and incorporated herein by reference.)
19. **Acknowledge Correction of Petition to Increase Assessment of Amdata Properties, Parcel No. 071A-12A-015/01.00 for the 2009 Tax Year.**
(A true and correct copy of said spreadsheet reflecting the correct amount of the increase, as accepted by the taxpayer, is attached hereto as Exhibit J, spread hereupon and incorporated herein by reference.)
20. **Approve *En Masse* Petition for Decreases of Assessments of Real Property for the 2009 Tax Year.**
(A true and correct copy of said Petition and its spreadsheet attachment is attached hereto as Collective Exhibit K, spread hereupon and incorporated herein by reference.)
21. **Acknowledge Correction of Petition for Decrease of Assessment of Oriental Avenue, LLC, Parcel No. 071A-12A-015/00.00 for the 2009 Tax Year.**
(A true and correct copy of said spreadsheet reflecting the correct amount of the decrease, is attached hereto as Exhibit L, spread hereupon and incorporated herein by reference.)
22. **Approve Amended Homestead Applications - 2009 Tax Year.**
(A true and correct copy of that certain memorandum dated April 22, 2010 from Homestead Director Emily Anderson is attached hereto as Exhibit M, spread hereupon and incorporated herein by reference.)
23. **Approve *En Masse* Petition for Increases of Assessments of Personal Property for the 2009 Tax Year.**
(True and correct copies of said Petitions, as accepted by the affected taxpayers, are attached hereto as Collective Exhibit N, spread hereupon and incorporated herein by reference.)
24. **Approve *En Masse* Petition for Decreases of Assessments of Personal Property for the 2009 Tax Year.**
(A true and correct copy of said Petition and its spreadsheet attachment is attached hereto as Collective Exhibit O, spread hereupon and incorporated herein by reference.)
25. **Adopt and Approve Amendment to Contract for Services and Correct, *Nunc Pro Tunc*, this Board's Minutes of January 7, 2008.**
(A true and correct copy of that certain memorandum dated April 26, 2010 from Chancery Clerk Arthur Johnston together with the Amendment to Contract for Services, are attached hereto as Collective Exhibit P, spread hereupon and incorporated herein by reference. The Minutes of January 7, 2008 reflect the correct terms of payment set forth in said Amendment, namely "payable \$500.00 per month through December 2012 and \$1,500 per month in June, July and August." However, the Contract which was attached to said minutes only reflected \$500 per month. It was the intention of the Board in January 2008 to approve the contract containing the language set forth in the Amendment.)

President's Initials: _____

Date Signed: _____

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26. Approve TEC Agreement for Phone Service at Ridgeland Annex and Authorize Board President Execute Same.

(A true and correct copy of said agreement is attached hereto as Exhibit Q, 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 each item was and is hereby approved, adopted and authorized.

SO ORDERED this the 3rd day of May, 2010.

***In re: Request to Erect Sign for Public/Quasi Public Facility
Sacred Heart Church***

WHEREAS, Zoning Administrator Brad Sellers appeared before the Board and presented a request from Sacred Heart Catholic Church to erect a 32x96 digital sign on church property located at the intersection of Highway 43 and Highway 17,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to grant the request of Sacred Heart Catholic Church to erect a digital sign on property located at the intersection of Highway 43 and Highway 17. The vote on the matter being as follows:

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

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

SO ORDERED this the 3rd day of May, 2010.

***In re: Request to Allow Two Residences on Two Acre Tract at
140 Country Lane***

WHEREAS, Zoning Administrator Brad Sellers appeared before the Board and presented a request from Mr. James Gregory requesting permission to allow his mother, Ms. Sharon Gregory, remain in a second dwelling located on his property in an R-1 Residential District, located at 140 Country Lane, and

WHEREAS, Mr. Sellers presented a statement from Dr. Scott Torrey, M.D. on behalf of Ms. Gregory, explaining Ms. Gregory's health and the need for her to remain close to her son,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to grant the request subject to use by Ms. Gregory as long as her needs required it and contingent on review or approval of the septic system by the appropriate Health Department personnel. 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 said request was and is hereby approved with the conditions aforesaid.

SO ORDERED this the 3rd day of May, 2010.

***In re: Request to Set Date and Advertise for Public Hearing -
Petition for Special Exception - Minnie J. Bozeman Family Limited
Family Partnership***

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 Minnie J. Bozeman Family Limited Family Partnership, pursuant to the Zoning Ordinance of Madison County, Mississippi, to amend the Zoning Maps adopted pursuant thereto, and for a special exception to change the zoning of seventeen (17) acres on the corner of Bozeman Road and Gluckstadt Road to C-1 District,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin 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	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously 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 3rd day of May, 2010.

***In re: Approval of Special Called Meeting
Planning and Zoning Commission***

WHEREAS, Zoning Administrator Brad Sellers appeared before the Board and requested permission to hold a Special Called Meeting of the Planning and Zoning Commission on Tuesday, May 4, 2010, for consideration of a proposed site plan in view of the closure of the courthouse on Thursday, May 13, 2010 due to the Canton Flea Market,

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to set a Special Called Meeting of the Planning and Zoning Commission for Tuesday, May 4, 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

President's Initials: _____
Date Signed: _____

the matter carried unanimously and said Special Called Meeting of the Planning and Zoning Commission was and is hereby set.

SO ORDERED this the 3rd day of May, 2010.

In re: Discussion of Drainage Issues on Giles Lane

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented that certain explanatory correspondence dated April 28, 2010 related to drainage issues on Giles Lane at North Livingston Road, and

WHEREAS, Mr. Warnock recommended the Board authorize the Road Department install riprap downstream of the corrugated metal pipe and widen the existing channel on county right of way to disperse the flow of water over a larger area as part of routine maintenance,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to (1) acknowledge receipt of said correspondence, a true and correct copy of which is attached hereto as Exhibit R, spread hereupon and incorporated herein by reference, and (2) authorize the Road Department to install riprap as referenced above to allow better flow distribution on Giles 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	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said correspondence was and is hereby acknowledged.

SO ORDERED this the 3rd day of May, 2010.

In re: Discussion of Gluckstadt Road Utility Relocation - Bear Creek Water Association Reimbursement

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented that certain preliminary cost estimate for the "Gluckstadt Road Utility Relocation - 2008 - Casing and Pipe Relocation at Drainage Structure," a true and correct copy of which is attached hereto as Exhibit S, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Warnock did request that a payment in an amount up to \$57,589.00 to Bear Creek Water Association be approved for the relocation of utilities on Gluckstadt Road upon submission of an appropriate invoice, and

WHEREAS, the Board does find that such payment is necessary and in the best interest of the county so that said project may move toward completion,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to authorize payment of an amount up to \$57,589.00 to Bear Creek Water Association and to authorize the expenditure to be made from the Gluckstadt Road Contingency Fund, and to direct the Chancery Clerk to issue a pay warrant accordingly. The vote on the matter being as follows:

President's Initials: _____

Date Signed: _____

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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	No

the matter carried by the unanimous vote (4-1) of the Board and the aforesaid payment was and is authorized to be made from the Gluckstadt Road Contingency Fund, and the Chancery Clerk was and is hereby authorized to issue pay warrant accordingly.

SO ORDERED this the 3rd day of May, 2010.

In re: Approval of Claims Docket for May 3, 2010

WHEREAS, the Board reviewed the claims docket for May 3, 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	1925 to 2036	112	346,031.16
012	143 to 146	4	264.83
014	9 to 9	1	2,464.57
051	8 to 9	2	15,213.35
095	15 to 16	2	35,808.83
096	9 to 9	1	1,100.00
097	198 to 207	10	12,285.43
105	146 to 153	8	33,871.91
108	5 to 5	1	1,057.97
114	9 to 9	1	998.28
115	76 to 81	6	12,919.83
116	34 to 35	2	231.59
120	53 to 54	2	77.26
121	30 to 31	2	152.47
150	617 to 653	37	119,054.92
160	104 to 126	23	43,435.47
190	127 to 135	9	5,756.10
226	14 to 16	3	1,832,086.40
291	7 to 8	2	1,217,121.88
302	36 to 37	2	99,329.20
401	16 to 16	1	10,655.00
690	15 to 16	2	33,405.16
691	15 to 16	2	33,336.06
	TOTAL ALL FUNDS	235	3,856,657.67

HELD CLAIMS

Fund	Claim No.	Payee	Amount
302	37	Warnock & Associates, LLC	\$84,000.00

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 claim. Said motion directed that invoice numbers should be attached to each claim on the claims

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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 T, 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, less and except the aforesaid held claim and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 3rd day of May, 2010.

Thereafter, Mr. Tim Johnson did offer and Mr. John Bell Crosby did second a motion to approve and pay the held claim of Warnock & Associates in the amount of \$84,000.00. 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 Held Claim was and is hereby approved, and the Chancery Clerk was and is instructed to issue pay warrant accordingly.

SO ORDERED this the 3rd day of May, 2010.

In re: Approval of Freeport Warehouse License for Skyhawke Technologies, LLC

WHEREAS, Chancery Clerk Arthur Johnston appeared before the Board and represented that the Tax Assessor and his staff had received and reviewed the timely filed Freeport Warehouse Application of Skyhawke Technologies, LLC and found the same to be in order, and

WHEREAS, Mr. Johnston did recommend to the Board its approval thereof,

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to approve the issuance of a Freeport Warehouse License to Skyhawke Technologies, LLC, as set forth in its Application. 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 Skyhawke Technologies, LLC was and is hereby granted a Freeport Warehouse License.

SO ORDERED this the 3rd day of May, 2010.

President's Initials: _____

Date Signed: _____

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In re: Discussion of Roadside Spraying by NaturChem

WHEREAS, Mr. Lance Cline of NaturChem appeared before the Board and requested permission to perform a roadside spraying test on approximately fifty (50) miles of county road at a cost of \$50.00 per mile to allow the Board to determine if this is something that would be beneficial to the county, and

WHEREAS, Mr. Cline reported that the cost of roadside spraying of vegetation could save the county thirty to forty percent in mowing expense per year, and

WHEREAS, Mr. Cline further informed the Board that the spraying would consist of three applications per year in order to reduce mowing to one time per year,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to (1) approve the roadside spraying by NaturChem to test approximately fifty road miles at a cost of \$50.00 per mile to include a section of Loring Road and Stribling Road, and (2) authorize the Road Manager and the County Engineer to confer with each Supervisor to determine which roads would be further tested. 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 NaturChem was and is hereby authorized to test approximately fifty road miles of county roads for the spraying of vegetation and the Road Manager and County Engineer were and are hereby authorized.

SO ORDERED this the 3rd day of May, 2010.

In re: Approval of Mowing Agreement with MDOT - Highways 22 and 463

WHEREAS, Board Attorney Eric Hamer appeared before the Board and requested the Board approve a mowing agreement with the Mississippi Department of Transportation (MDOT) whereby the county agrees to mow highway rights of way along Highway 22 and Highway 463 for MDOT, said agreement containing a price of \$8,487.98 per year, and

WHEREAS, a true and correct copy of which is attached hereto as Exhibit U, spread hereupon and incorporated herein by reference,

Following discussion, Mr. John Bell Crosby did offer and Mr. Paul Griffin did second a motion to approve the Mowing Agreement with the MDOT whereby the county agrees to mow highway rights of way along Highway 22 and Highway 463 for MDOT, at a cost of \$8,487.98 per year and 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

President's Initials: _____

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the matter carried unanimously and said Mowing Agreement was and is hereby approved and the Board President was and is hereby authorized.

SO ORDERED this the 3rd day of May, 2010.

***In re: Acknowledge Receipt of Restrictive Covenants -
Livingston Lakes, LLC***

WHEREAS, Chancery Clerk Arthur Johnston appeared before the Board and presented the Restrictive Covenants of Livingston Lakes, LLC and requested the Board acknowledge receipt of same, a true and correct copy of which is attached hereto as Exhibit V, spread hereupon and incorporated herein by reference, and

WHEREAS, on March 19, 2010, the Board of Supervisors did extend the mining permit to Eutaw Construction for three (3) years with regard to Livingston Lakes,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to acknowledge receipt of the Restrictive Covenants of Livingston Lakes, LLC on the mining operation. 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 Restrictive Covenants of Livingston Lakes, LLC was and is hereby acknowledged.

SO ORDERED this the 3rd day of May, 2010.

In re: Authorization of Reimbursement of Shelter Grant Payment

WHEREAS, E911 Director Butch Hammack appeared before the Board and requested the Board approve payment of claim for reimbursement of storm shelter grant funds in the amount \$3,500.00 to a certain citizen of Madison County¹, and

WHEREAS, Mr. Hammack reported that his office had received a timely application for storm shelter grant reimbursement,

Following discussion, Mr. Paul Griffin did offer and Mr. D. I. Smith did second a motion to approve the reimbursement of storm shelter grant funds in the amount \$3,500.00. 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

¹No documentation was provided to the Clerk for this request, nor was the recipient's name given.

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

SO ORDERED this the 3rd day of May, 2010.

In re: Approval of Claim of Ms. Clara Steele

WHEREAS, E911 Director Butch Hammack appeared before the Board and requested the Board approve payment of claim in the amount of \$118.93 to Ms. Clara Steele for damages sustained to a vehicle owned by her while traveling on certain county roads, 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 \$118.93 unto Ms. Clara Steele. 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 3rd day of May, 2010.

In re: Authorization to Apply for Round Nine (9) - Rural Fire Truck Acquisition Program

WHEREAS, County Fire Coordinator Mack Pigg appeared before the Board and requested permission to submit an application for Round Nine of the Rural Fire Truck Acquisition Program, and

WHEREAS, the State of Mississippi has made available funds for improvement of rural fire protection through the Rural Fire Truck Acquisition Assistance Program, and

WHEREAS, the Board has determined the need of such equipment in various communities in Madison County,

Following discussion, Mr. Paul Griffin did offer and Mr. D. I. Smith did second a motion to authorize Mr. Pigg to make application for participation in round nine (9) of the Rural Fire Truck Acquisition program through the State of Mississippi. 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

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

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the matter carried unanimously and Mr. Pigg was and is so authorized.

SO ORDERED this the 3rd day of May, 2010.

In re: Appointment of Brad Sellers as Interim County Administrator

WHEREAS, after the resignation of County Administrator Mark Houston, the Board does desire to appoint Zoning Administrator Brad Sellers as the Interim County Administrator, and

WHEREAS, Mr. Sellers will also continue his duties and responsibilities as Zoning Administrator but will receive the current rate of pay of the position of County Administrator only, and

WHEREAS, Chancery Clerk Arthur Johnston appeared before the Board and recommended the Board grant and assign unto Mr. Sellers all duties and responsibilities enumerated in Miss. Code Ann. §§ 19-4-1 through 19-4-9; and that Mr. Sellers 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. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to (1) appoint Mr. Brad Sellers as Interim County Administrator; (2) grant and assign unto him all duties and responsibilities enumerated in Miss. Code Ann. §§ 19-4-1 through 19-4-9, as well as authority over personnel matters relative to county employees employed by the Board of Supervisors, including the authority to hire and fire; (3) authorize him to approve travel expenses of county employees as set forth in § 25-3-41; and (4) direct that he remain in the position of Planning and Zoning Administrator concurrently with his service as Interim County Administrator; and (5) that his salary and rate of pay be the same as that of the former County Administrator only. 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. Sellers was and is so appointed, was and is hereby granted the powers enumerated herein above and his salary was and is hereby established.

SO ORDERED this the 3rd day of May, 2010.

In re: Authorize Board President to Execute Invoices and Authorization to Submit and Sell Vehicles at Auction

WHEREAS, Sheriff Trowbridge appeared before the Board and requested the Board authorize the Board President to execute invoices in the amount of \$7,406.87 and \$8,222.56 unto MDOC for housing of prisoners, and

WHEREAS, Sheriff Trowbridge also requested permission to send four (4) vehicles at the Sheriff's Department to auction, being a 1988 Oldsmobile, 1987 Nissan Pickup, 2000 Chevrolet Malibu, and a 1997 Nissan Maxima, and

WHEREAS, a true and correct copy of that certain memorandum dated April 20, 2010 from Captain Randall Tucker reflecting the VIN numbers of each may be found in the Miscellaneous Appendix to these Minutes,

President's Initials: _____
Date Signed: _____

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize the Board President to execute said invoices and authorize the Sheriff to sell said vehicles at an auction of his choosing. The vote on the matter being as follows:

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

the matter carried unanimously and the Board President was and is hereby authorized and the aforesaid vehicles were and are hereby authorized to be sold by the Sheriff at an auction of his choosing.

SO ORDERED this the 3rd day of May, 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 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 right of way acquisition, 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 Brad Sellers, Board Secretary and Deputy Chancery Clerk Cynthia Parker, Board Attorney Eric Hamer, County Comptroller and Deputy Chancery Clerk Quandice Green, and County Engineer Rudy Warnock. The vote on the matter being as follows:

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

the matter carried unanimously and the Board took up the matter of entering into Executive Session.

SO ORDERED this the 3rd day of May, 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 right of way acquisition. The vote on the matter being as follows:

President's Initials: _____

Date Signed: _____

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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 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 3rd day of May, 2010.

Following discussion during Executive Session, and acting pursuant to that certain Contribution Agreement approved by this Board on January 21, 2005, a true and correct copy of which is attached hereto as Exhibit W, spread hereupon and incorporated herein by reference, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to direct Chancery Clerk Arthur Johnston, with assistance from County Comptroller Quandice Green, to issue a pay warrant by means of an appropriate wire transfer if necessary unto the bond trustee for the Parkway South Public Improvement District Special Assessment Bonds, Series 2007 upon receipt of a written demand therefrom and in such amount as may be set forth 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 Chancery Clerk was and is hereby so authorized and directed.

SO ORDERED this the 3rd day of May, 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 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 Chancery Clerk did announce to the public the action taken therein.

SO ORDERED this the 3rd day of May, 2010.

In re: Approval of the County Administrator as the LPA Director and Authorization to Execute ARRA Project Pay Estimates

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to (1) rescind the prior action of this Board set forth herein above naming County Purchase Clerk Hardy Crunk as the LPA Director for purposes of the American Recovery and Revitalization Act (ARRA), and authorizing him to sign off on and approve pay estimates presented for ARRA

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projects; (2) designate Interim County Administrator Brad Sellers as the LPA Director for purposes of the American Recovery and Revitalization Act (ARRA), and authorize him to sign off on and approve any pay estimates presented for ARRA Projects. 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. Sellers was and is hereby approved as the LPA Director and so authorized.

SO ORDERED this the 3rd day of May, 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 Karl M. Banks and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Monday, May 17, 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: _____

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