

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

REGULAR MEETING OF SEPTEMBER 7, 2010

Being the first day of the September 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 September 7, 2010, in the Board Room on the first floor of the Chancery/Administrative Building, 125 W. North St., in 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:

Absent:

Supervisor John Bell Crosby	None
Supervisor Tim Johnson	
Supervisor D. I. Smith	
Supervisor Karl M. Banks	
Supervisor Paul Griffin	
Sheriff Toby Trowbridge	
Chancery Clerk Arthur Johnston	
Tax Collector Kay Pace	
Madison County Superintendent of Education Mike Kent	

Also in attendance:

Interim County Administrator and Zoning Administrator Brad Sellers  
Comptroller and Deputy Chancery Clerk Quandice Green  
Board Secretary and Deputy Chancery Clerk Cynthia Parker  
Board Attorney Eric Hamer  
County Engineer Rudy Warnock  
County Purchase Clerk Hardy Crunk  
County Fire Coordinator Mack Pigg  
County Road Manager Lawrence Morris  
Chief Deputy Tax Assessor Kent Hawkins

The 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 Minutes From August 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 August 2010 term, said meetings having been conducted on August 2, and August 16, and the Minutes of a Special Called Meeting occurring during the August term, the same occurring August 24, 2010,

Following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby 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:** \_\_\_\_\_

***For Searching Reference Only: Page 1 of 19 (9/7/10)***

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

the matter carried unanimously and the Minutes for the August 2010 term of the Board of Supervisors of Madison County and the Special Called Meeting of August 24, 2010 were and are hereby approved as amended.

SO ORDERED this the 7<sup>th</sup> day of September, 2010.

***In re: Conducting a Public Hearing on the Adoption of a Budget for FY 2011 for Madison County, Mississippi and the Adoption of a Proposed Tax Levy(ies) for FY 2011 for Madison County, Mississippi and Authorizing the Publication of Said Budget***

WHEREAS, the Board of Supervisors previously advertised its intent to conduct a public hearing on September 7, 2010 at 9:00 a.m. concerning the adoption of a budget and proposed tax levy(ies) for FY 2011; and

WHEREAS, the notice of said hearings was published in the *Madison County Herald*, a newspaper of general circulation in the county, said publication having occurred on August 24, 26, 31, and September 2, 2010, as required by law and as reflected on the Proof of Publication thereof, a true and correct copy of which is attached hereto as Exhibit A, spread hereupon and incorporated herein by reference, and

WHEREAS, said date and hour did arrive and the Board of Supervisors convened and opened the public hearing to consider the adoption of the budget and the setting of proposed tax levies for the upcoming 2010-11 fiscal year (FY 2011); and

WHEREAS, the President of the Board, Tim Johnson, declared open the public hearing on the matter of the adoption of said budget and levy, and

WHEREAS, the Board received comments and reviewed a proposed budget with Interim County Administrator Brad Sellers and also reviewed the proposed tax levies for adoption in connection with said budget, and

WHEREAS, Mr. Sellers pointed out that the proposed Tax Levy reflected no overall millage increase, and

Following additional discussion of this matter, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to (1) close the public hearing on said budget, (2) approve and adopt the budget as proposed, a true and correct copy of which is attached hereto as Exhibit B, spread hereupon and incorporated herein by reference, (3) set and establish the levies and millage rates for the county as set forth on Exhibit C, spread hereupon and incorporated herein by reference, and (4) authorize the publication of the budget as required by law. The vote on the matter being as follows:

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

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

the matter carried by a majority vote (4-1) of the Board and the public hearing was and is hereby closed, the FY 2010-2011 Budget was and is hereby adopted and approved as set forth in Exhibit B, and the same is ordered published in accordance with law by the Chancery Clerk, and the millage rates and tax levies reflected in Exhibit C were and are hereby set and established.

SO ORDERED this the 7<sup>th</sup> day of September, 2010.

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

WHEREAS, the Board determined that September 7, 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

WHEREAS, the petition listing the property owners, the parcel number, and amount of the proposed assessment increase is attached hereto as Exhibit D, 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 appeared to contest or protest said assessment increases,

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

the matter carried unanimously and the assessments of the parcels reflected thereon were and are hereby approved and adopted.

SO ORDERED this the 7<sup>th</sup> day of September, 2010.

***In re: Approval of Consent Agenda Items***

WHEREAS, President Johnson did announce that he and County Administrator Brad Sellers had conferred in advance of the meeting and reported that Items (4) through (26) on the Agenda appeared to be routine, non-controversial matters on which all Supervisors were likely to agree, and could be taken up as Consent Items, and

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

WHEREAS, Mr. D. I. Smith requested that Item (15) be removed from the Consent Agenda and addressed separately, and

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

***For Searching Reference Only: Page 3 of 19 (9/7/10)***

WHEREAS, Mr. Sellers requested that two (2) additional items be added to the Consent Agenda as follows: Item (27) Acknowledge Letter of Full Compliance and Item (28) Acknowledge Letter to Walter Booker,

Therefore, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to take the following actions on the Consent Agenda:

4. **Acknowledge August 2010 Monthly Report - Road Department.**  
(A true and correct copy of the August 2010 Monthly Road Department Report submitted by County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
5. **Acknowledge August 2010 Closed Call Analysis - Road Department.**  
(A true and correct copy of the August 2010 Closed Call Analysis submitted by the County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
6. **Acknowledge September 2010 Service Call Schedule Report - Road Department.**  
(A true and correct copy of the September 2010 Road Department Service Call Schedule submitted by County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
7. **Approve Location of Culvert Placements.**  
(A true and correct copy of a spreadsheet containing dates and locations of the placement of culverts for protection of county right of way is attached hereto as Exhibit E, spread hereupon and incorporated herein by reference.)
8. **Authorize All Supervisors, County Administrator, Comptroller, Board Attorney, Chancery Clerk, and County Engineer to Attend the 2010 Annual Mississippi Association of Supervisors Workshop, October 11-13, 2010, Meridian, Mississippi, and Approve Travel and Registration Expenses Related Thereto.**
9. **Approve Resolution Adopting Proclamation for Family Day as the Fourth Monday of September.**  
(A true and correct copy of Resolution is attached hereto as Exhibit F, spread hereupon and incorporated herein by reference.)
10. **Approve Donation of Vehicle to Kearney Park Fire Protection District.**  
(A true and correct copy of that certain memorandum dated August 26, 2010 from County Fire Coordinator Mack Pigg listing the vehicle to be donated to Kearney Park Fire Protection District as a Ford Crown Victoria, bearing asset number 2956, is attached hereto as Exhibit G, spread hereupon and incorporated herein by reference.)
11. **Acknowledge "A Day in the Country" 5K Race - Chapel of the Cross Episcopal Church.**  
(A true and correct copy of that certain email correspondence dated August 19, 2010 from Mr. Craig Carter requesting to hold said event on October 2, 2010, is attached hereto as Exhibit H, spread hereupon and incorporated herein by reference.)
12. **Approve Monthly Credit Card Report July 10 - August 10, 2010 - General County.**  
(A true and correct copy of that certain memorandum dated August 20, 2010 from County Purchase Clerk Hardy Crunk is attached hereto as Exhibit I, spread hereupon and incorporated herein by reference.)
13. **Adopt and Approve Proclamation Declaring Constitution Week as September 17-September 23, 2010.**  
(A true and correct copy of said Proclamation is attached hereto as Exhibit J, spread hereupon and incorporated herein by reference.)

President's Initials: \_\_\_\_\_

Date Signed: \_\_\_\_\_

*For Searching Reference Only: Page 4 of 19 (9/7/10)*

14. **Acknowledge Building & Grounds Department Monthly Report.**  
(A true and correct copy of said Report is attached hereto as Exhibit K, spread hereupon and incorporated herein by reference.)
16. **Approve Preliminary Plat of Gideon Development - Section 34, T9N, R1E.**  
(A true and correct copy of said plat may be found in the Miscellaneous Appendix to these Minutes.)
17. **Approve Site Plan for Fleet Morris Petroleum/Fleet Way - Gluckstadt Road.**  
(A true and correct copy of that certain site plan may be found in the Miscellaneous Appendix to these Minutes.)
18. **Approve Pay Estimates to APAC - North Old Canton Road Overlay Project (ARRA).**  
(A true and correct copy of that certain memorandum dated August 30, 2010 from Mr. Brad Engles of AGMB Engineers, Inc. along with the Pay Estimate Nos. 1 and 2 are attached hereto as Collective Exhibit L, spread hereupon and incorporated herein by reference.)
19. **Approve Access Agreement and Authorize Board President to Execute - Denbury Onshore, LLC.**  
(A true and correct copy of said Access Agreement is attached hereto as Exhibit M, spread hereupon and incorporated herein by reference.)
20. **Approve *En Masse* Petition for Decreases of Assessments of Real Property for the 2010 Tax Year and Set Public Hearing for September 20, 2010.**  
(A true and correct copy of said Petition and its spreadsheet attachment is attached hereto as Collective Exhibit N, spread hereupon and incorporated herein by reference.)
21. **Approve *En Masse* Petition for Increases of Assessments of Real Property for the 2010 Tax Year.**  
(A true and correct copy of said Petition, as accepted by taxpayer, is attached hereto as Collective Exhibit O, spread hereupon and incorporated herein by reference.)
22. **Approve *En Masse* Petition for Decreases of Assessments of Personal Property for the 2010 Tax Year.**  
(A true and correct copy of said Petition and its spreadsheet attachment is attached hereto as Collective Exhibit P, spread hereupon and incorporated herein by reference.)
23. **Approve *En Masse* Petition for Increases of Assessments of Personal Property for the 2010 Tax Year.**  
(A true and correct copy of Petition, as accepted by taxpayer, is attached hereto as Collective Exhibit Q, spread hereupon and incorporated herein by reference.)
24. **Approve Amended Homestead Applications - 2010 Tax Year.**  
(A true and correct copy of that certain memorandum dated August 31, 2010 from Homestead Director Emily Anderson is attached hereto as Exhibit R, spread hereupon and incorporated herein by reference.)
25. **Approve Refund of Deposit for use of Rogers Park - Tanisha Caldwell.**  
(A true and correct copy of that certain explanatory memorandum dated September 1, 2010 from Ms. Gloria Nichols requesting a refund to Tanisha Caldwell is attached hereto as Exhibit S, spread hereupon and incorporated herein by reference.)
26. **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 applications for which may be found in the Miscellaneous Appendix to these Minutes:

President's Initials: \_\_\_\_\_

Date Signed: \_\_\_\_\_

*For Searching Reference Only: Page 5 of 19 (9/7/10)*

- (1) AT&T - seeking to bore approximately 200' of copper cable along Patrick Road.
- (2) AT&T - seeking to bore approximately 36' of buried service wire under Sharon Road.
- (3) AT&T - seeking to bore 42' of buried service telephone wire under Industrial Drive.
- (4) AT&T - seeking to bore approximately 47' of buried service wire under Steen Road.
- (5) AT&T - seeking to place approximately 696' of buried service wire under Grown Williams Road.
- (6) AT&T - seeking to place approximately 401' of buried service wire under Goodloe Road.
- (7) AT&T - seeking to place fiber optic cable along the west side of Johnston Lane.
- (8) Comcast - seeking to place underground CATV cable by means of trenching and boring on Camden Crossing.
- (9) Telepak - seeking to place approximately 3850' of cable along Livingston Drive.
- (10) Telepak - seeking to place approximately 640' of cable along Livingston Cove.
- (11) Telepak - seeking to place approximately 1248' of cable along Bidon Place.
- (12) AT&T - seeking to bore and trench 42,500' of fiber optic cable along Stump Bridge and Sharon Road.

**27. Acknowledge Mississippi Emergency Management Agency Letter of Full Compliance for National Flood Insurance Program.**

(A true and correct copy of that certain correspondence dated August 16, 2010 from Mr. Al W. Goodman, Jr. is attached hereto as Exhibit T, spread hereupon and incorporated herein by reference.)

**28. Acknowledge Authority to Enter Property from Mr. Walter Booker to Perform Drainage Work.**

(A true and correct copy of that certain correspondence dated August 18, 2010 from Mr. Walter Booker is attached hereto as Exhibit U, 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 7<sup>th</sup> day of September, 2010.

***In re: Consideration of Preliminary Plat - Whitney's Ridge of Oakfield***

WHEREAS, County Zoning Administrator Brad Sellers appeared before the Board and presented the preliminary plat for Whitney's Ridge of Oakfield for the Board's consideration and review, and

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

WHEREAS, Mr. Sellers requested the Board approve said preliminary plat and reported the same met with all appropriate and applicable county requirements,

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

***For Searching Reference Only: Page 6 of 19 (9/7/10)***

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to approve the preliminary plat of said subdivision. 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 majority vote (3-2) of the Board and said preliminary plat was and is hereby approved.

SO ORDERED this the 7<sup>th</sup> day of September, 2010.

***In re: Discussion of Ledora Lane and Saddle Creek Estates***

WHEREAS, during the period of citizens concerns, Ms. Sylvia Thomas appeared before the Board and requested the Board address conditions on Ledora Lane, and

WHEREAS, Ms. Thomas reported to the Board that the road was in desperate need of repair and maintenance,

Following discussion, Mr. D. I. Smith did offer and Mr. Paul Griffin did second a motion to authorize County Engineer Rudy Warnock to prepare a survey of Ledora Lane and report back to the Board of his findings. 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 7<sup>th</sup> day of September, 2010.

Thereafter, Ms. Sheila Ross appeared before the Board and requested the Board take action to rectify a drainage issue on private property in Saddle Creek Estates, and

WHEREAS, Ms. Ross reported to the Board that the water backs up on her property and does not exit,

Following discussion, Mr. John Bell Crosby did offer and Mr. D. I. Smith did second a motion to authorize County Engineer Rudy Warnock to perform a hydraulic study in an attempt to rectify said drainage issue. 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 7<sup>th</sup> day of September, 2010.

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

**In re: Discussion of Twelve Oaks Road**

WHEREAS, Mr. Bill Blair, Esq. representing Denbury Onshore (Denbury) appeared before the Board and requested the Board accept a one time payment of \$150,000.00 from Denbury for maintenance and repairs to Twelve Oaks Road due to the heavy equipment being hauled on said road for the construction of CO2 wells, and

WHEREAS, Mr. Blair reported to the Board that Denbury was willing to present said payment to the county in exchange for a release from the county holding Denbury responsible for any further maintenance to said road, and

WHEREAS, Mr. Blair further reported to the Board that Denbury would be finished with the construction of the CO2 wells in January, 2012 and would continue to make the necessary repairs to the road themselves until that time,

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to (1) authorize County Engineer Rudy Warnock negotiate with the Mark Williams, Engineer for Denbury and Mr. Bill Blair to determine the cost to make necessary repairs to Twelve Oaks Road through January, 2012, and (2) authorize Mr. Warnock to prepare a cost estimate to increase the radius of the turn at the intersection of Twelve Oaks Road and North 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 County Engineer, Mr. Williams, and Mr. Blair were and are hereby so authorized.

SO ORDERED this the 7<sup>th</sup> day of September, 2010.

**In re: Request to Appoint Committee to Inspect Lovelace Lane**

Following a discussion initiated by E911 Director Butch Hammack, and acting upon the request filed by Ms. Willie Ruth Williams, a true and correct copy of which is attached hereto as Exhibit V, spread hereupon and incorporated herein by reference, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to appoint a committee comprised of Mr. John Bell Crosby and Mr. Tim Johnson to inspect Lovelace Lane, located in District 5, and report to the Board at their earliest opportunity their assessment of its suitability to become a public road. The vote on the matter being as follows:

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

the matter carried unanimously and said committee was and is hereby appointed.

SO ORDERED this the 7<sup>th</sup> day of September, 2010.

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

**In re: Request to Hire a Temporary Employee in the E911 Department**

WHEREAS, E911 Director Butch Hammack appeared before the Board and requested permission to hire a temporary employee for his department while Ms. Bessie Minor recovers from a stroke she has recently suffered,

Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to authorize Mr. Hammack to hire a temporary employee for the E911 Department while Ms. Minor recovers from a stroke. 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. Hammack was and is hereby authorized.

SO ORDERED this the 7<sup>th</sup> day of September, 2010.

**In re: Approval of Claims Docket for September 7, 2010**

WHEREAS, the Board reviewed the claims docket for September 7, 2010;

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	3204 to 3386	183	467,851.26
012	235 to 245	11	13,794.32
014	13 to 13	1	2,464.57
051	30 to 35	6	131,062.81
095	23 to 24	2	31,753.04
096	13 to 14	2	8,768.09
097	308 to 328	21	60,243.44
105	230 to 244	15	67,859.89
113	12 to 12	1	1,490.00
114	16 to 19	4	19,969.28
115	124 to 133	10	116,901.02
116	52 to 54	3	624.99
120	82 to 85	4	285.75
121	45 to 47	3	430.97
150	819 to 843	25	118,990.93
160	331 to 373	43	87,350.49
170	7 to 7	1	52,553.85
190	181 to 193	13	7,297.26
210	2 to 2	1	18,812.50
302	70, 73 to 76	5	310,740.31
304	3 to 3	1	1,106.25
401	24 to 24	1	13,476.91
690	23 to 24	2	29,646.15
691	23 to 24	2	29,611.08
TOTAL ALL FUNDS		360	1,593,085.16

President's Initials: \_\_\_\_\_

Date Signed: \_\_\_\_\_

**HELD CLAIMS**

Fund	Claim Nos.	Payee	Amount
302	71	Utility Constructors, Inc.	\$ 67,212.50
302	72	Warren Excavation, LLC	\$ 57,203.24
302	73	Warnock & Associates, LLC	\$132,040.74

Thereafter and following discussion, Mr. D. I. Smith 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 W, 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 claims, and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 7<sup>th</sup> day of September, 2010.

Thereafter, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to approve and pay the held claim of Warnock & Associates, LLC in the amount of \$132,040.74 but not that of Utility Constructors, Inc. and Warren Excavation, LLC. 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 warrants accordingly.

SO ORDERED this the 7<sup>th</sup> day of September, 2010.

***In re: Request to Construct Exterior Building -  
Nelson Temple***

WHEREAS, Zoning Administrator Brad Sellers appeared before the Board and presented a request from Mr. Nelson Temple requesting permission to construct an accessory building for personal use on his property located on Dampeer Road, and

WHEREAS, Mr. Temple does have plans to construct a house on same parcel in the future, and

WHEREAS, a true and correct copy of Mr. Temple's request may be found in the Miscellaneous Appendix to these Minutes,

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

***For Searching Reference Only: Page 10 of 19 (9/7/10)***

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to approve the request of Mr. Temple to construct an accessory building on his property. 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. Temple was and is hereby authorized.

SO ORDERED this the 7<sup>th</sup> day of September, 2010.

***In re: Request to Set Date and Advertise for Public Hearing -  
Subdivision Ordinance and Utility Permit Policy***

WHEREAS, Zoning Administrator Brad Sellers appeared before the Board and requested permission to set October 4, 2010 as the date for a public hearing to consider an amendment to the Subdivision Ordinance and establish a Utility Permit Policy,

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 ordinance and policy to October 4, 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 7<sup>th</sup> day of September, 2010.

***In re: Request to Advertise for Bids -  
Farmhaven Fire Protection District Station #2***

WHEREAS, County Fire Coordinator Mack Pigg appeared before the Board and requested permission to advertise for bids for the construction of the Farmhaven Fire Protection District Station #2 ,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to authorize the advertising for bids for the construction of the Farmhaven Fire Protection District Station #2. 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 advertising was and is hereby authorized.

SO ORDERED this the 7<sup>th</sup> day of September, 2010.

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

***For Searching Reference Only: Page 11 of 19 (9/7/10)***

**In re: Acknowledgment of Invoices Submitted by the Parkway East Public Improvement District and Authorization to Pay Invoices**

WHEREAS, Chancery Clerk Arthur Johnston appeared before the Board and presented invoice numbers 370 through 374 submitted by the Parkway East Public Improvement District, and

WHEREAS, County Engineer Rudy Warnock had verified quantities associated with each and reported that the same were in order and could be acknowledged by the Board, and

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to acknowledge receipt of Parkway East PID invoice numbers 370 through 374 , true and correct copies of which may be found in the Miscellaneous Appendix to these Minutes and authorize the Chancery Clerk to execute the same. The vote on the matter being as follows:

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

the matter carried unanimously and said invoices were and are hereby acknowledged and the Chancery Clerk was and is hereby authorized.

SO ORDERED this the 7<sup>th</sup> day of September, 2010.

**In re: Awarding of Bid to Southern Rock, LLC - Twin Harbors Drainage Project**

WHEREAS, County Engineer Rudy Warnock appeared before the Board and reported that he and the standing committee of the Board appointed for such purposes had received and tabulated bids for the Twin Harbors Drainage Project, and

WHEREAS, in his estimation, the lowest and best bidder for said project was Southern Rock, LLC who submitted a bid in the total amount of \$97,871.08, and

WHEREAS, Mr. Warnock recommended that the Board award the contract for said project to Southern Rock, LLC in accordance with its bid, and

WHEREAS, Mr. Warnock's tabulation sheet, together with his written recommendation may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. John Bell Crosby did offer and Mr. Karl M. Banks did second a motion to (1) accept the bid of Southern Rock, LLC as the lowest and best bid received for the Twin Harbors Drainage Project; (2) award the contract for such work to Southern Rock, LLC; (3) authorize County Engineer Rudy Warnock to issue a notice to proceed to said contractor; and (4) authorize the Board President to execute said contract. 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 bid of Southern Rock, LLC was and is hereby accepted; the contract was and is hereby awarded unto Southern Rock, LLC; the County Engineer was and is hereby authorized; and the Board President was and is hereby authorized.

SO ORDERED this the 7<sup>th</sup> day of September, 2010.

***In re: Authorization of Board President to  
Correspond with Mississippi Department of Transportation***

Following discussion and at the recommendation of County Engineer Rudy Warnock, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to authorize the Board President to execute correspondence to Mississippi Department of Transportation (MDOT) requesting MDOT provide services for improvements to Hoy Road and Yandell Road and for the construction of Stribling Road Extension and West Sowell Road Extension. 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.

SO ORDERED this the 7<sup>th</sup> day of September, 2010.

***In re: Acknowledgment of Cost Estimates for  
Rouser Road Reconstruction; Powell Road Reconstruction;  
Lubertha Road Reconstruction and Casmir Drive/Ledora Lane Reconstruction***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented cost estimates associated with the Rouser Road Reconstruction; Powell Road Reconstruction; Lubertha Road Reconstruction and Casmir Drive/Ledora Lane Reconstruction, true and correct copies of which are attached hereto as Collective Exhibit X, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Warnock reported that base repairs would be undercut three (3) feet and replaced with two and one-half (2½) to three (3) feet of compacted soil and six (6) inches of base asphalt with work being performed by county forces,

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to acknowledge receipt of the aforementioned cost estimates. 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 cost estimates were and are hereby acknowledged.

SO ORDERED this the 7<sup>th</sup> day of September, 2010.

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

***For Searching Reference Only: Page 13 of 19 (9/7/10)***

***In re: Acknowledgment of Cost Estimate for  
Gluckstadt Road/Highway 463 Turn Lane and  
Stribling Road/Highway 463 Turn Lane***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented a cost estimate for turn lanes at Gluckstadt Road and Stribling Road and Highway 463 Turn Lane, true and correct copies of which is attached hereto as Exhibit Y, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Warnock reported that all work is estimated based on the contractor performing the work and based on current prices from Mississippi Department of Transportation bid averages,

Following discussion, Mr. Paul Griffin did offer and Mr. D. I. Smith did second a motion to acknowledge receipt of the aforementioned cost estimates. 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 cost estimates were and are hereby acknowledged.

SO ORDERED this the 7<sup>th</sup> day of September, 2010.

***In re: Approval of Utility Relocation Agreement -  
Canton Municipal Utilities***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented a Utility Relocation Agreement between Canton Municipal Utilities and Madison County for Moss Road Project in the amount of \$33,873.00, a true and correct copy of said agreement is attached hereto as Exhibit Z, spread hereupon and incorporated herein by reference and

WHEREAS, Mr. Warnock also presented a Utility Relocation Agreement from East Madison Water Association, Inc. representing that they have right of way along Moss Road where utilities are to be moved,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to (1) approve said Utility Relocation Agreement with Canton Municipal Utilities; (2) authorize the Chancery Clerk to issue pay warrant to Canton Municipal Utilities in the amount of \$33,873.00; (3) authorize the Board President to execute said agreement with Canton Municipal Utilities; and (4) authorize Board Attorney Eric Hamer to determine whether East Madison Water Association, Inc. has a legally sufficient easement or right of way which is encroached by the Moss Road Project such that the county may lawfully compensate said Association and report his finds to the Board. 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 was and is hereby approved, the Board President was and is hereby authorized and the Boar Attorney was and is hereby authorized.

SO ORDERED this the 7<sup>th</sup> day of September, 2010.

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

***For Searching Reference Only: Page 14 of 19 (9/7/10)***

**In re: Approval of Final Plat of Kemper Creek Subdivision, Phase 2**

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented the final plat of Kemper Creek Subdivision, Phase 2 and requested the Board to approve same, indicating and representing that the same met with all appropriate and applicable county requirements, and

WHEREAS, Mr. Warnock reported to the Board that the developer had mailed the Letter of Credit but at this time he was unable to locate the same and advised the Board that the streets listed on said plat is to be accepted as public roads, and added to the County Road Register to the extent such streets are depicted on said plat, to-wit:

- Brigade Avenue
- Cascable Drive
- Cannon Run

Following discussion of this matter, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to **(1)** approve said final plat contingent on the Chancery Clerk receiving the aforementioned Letter of Credit and direct that the plat not be recorded until such time as the Letter of Credit is received, (a) subject to the requirement that approval of the Madison County Board of Supervisors would be required on any changes to said plat 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, (b) subject to zoning ordinances that the Board finds will be applicable upon adoption thereof in the future, and **(2)** accept the above listed road as public road, and **(3)** direct the Clerk to accept and retain the aforesaid Letter of Credit. 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) and the final plat of Kemper Creek, Phase 2 was and is hereby approved and said roads were and are accepted as a public streets.

SO ORDERED this the 7<sup>th</sup> day of September, 2010.

**In re: Approval of Utility Easement - Canton Municipal Utilities**

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented a utility easement from Canton Municipal Utilities for the replacement of the gas line damaged behind the “new” Chancery/Administrative Building,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to approve the utility easement from Canton Municipal Utilities contingent on review and approval of Board Attorney Eric Hamer and authorize the Board President to execute same. The vote on the matter being as follows:

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

**President’s Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

the matter carried unanimously and said agreement was and is hereby approved, the Board President was and is hereby authorized and the Board Attorney was and is hereby authorized.

SO ORDERED this the 7<sup>th</sup> day of September, 2010.

***In re: Authorization of County Engineer to Submit Change Order - Birdsong Construction Company***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and requested permission to submit a change order to Birdsong Construction Company to reduce lanes on Calhoun Station Parkway, Phase 3 from three (3) lanes to two (2) lanes,

Following discussion, Mr. Tim Johnson did offer and Mr. Paul Griffin did second a motion to authorize County Engineer Rudy Warnock to issue a change order to Birdsong Construction to reduce lanes on Calhoun Station Parkway, Phase 3 from three (3) lanes to two (2) lanes, and authorize the Board President to execute a revised contract<sup>1</sup> based on those changes. 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 the County Engineer was and is hereby authorized and the Board President was and is hereby authorized.

SO ORDERED this the 7<sup>th</sup> day of September, 2010.

***In re: Authorization of Board Attorney to Prepare Contract for Silas McCharen, Esq.***

Following discussion, and at the request of Human Resource Director Lisa Mayo, Mr. Tim Johnson did offer and Mr. Paul Griffin did second a motion to authorize Board Attorney Eric Hamer to draft a contract with Mr. Silas McCharen, Esq. and the law firm of Daniel, Coker, Horton & Bell to represent Madison County on employment matters on an as needed basis. 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 so authorized.

SO ORDERED this the 7<sup>th</sup> day of September, 2010.

***In re: Authorize Board Members and Other Officials to Travel to Washington, D.C. for Congressional Delegation***

WHEREAS, the Board does desire to approve the payment of travel and related expenses to Washington, D.C., at a date to be determined, for any Board member, the Board Attorney, the

---

<sup>1</sup>No contract was presented to the Clerk of the Board for inclusion in these Minutes.

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

***For Searching Reference Only: Page 16 of 19 (9/7/10)***

County Engineer, the County Administrator, the County Comptroller, the Chancery Clerk , and Lobbyist Steve Seale, to secure federal funding for certain road projects in Madison County, the Board finding that such expenses are in the best interest of the county, and Following discussion, Mr. Tim Johnson did offer and Mr. Paul Griffin did second a motion to authorize the payment of travel, lodging and food expenses of any Board member, the Board Attorney, the County Engineer, the County Administrator, the County Comptroller, the Chancery Clerk, Lobbyist Steve Seale to travel to Washington, D.C. and to authorize the County Engineer to prepare presentation documents to present to the delegation members. 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 travel expenses were and are hereby authorized and approved.

SO ORDERED this the 7<sup>th</sup> day of September, 2010.

***In re: Acknowledge Receipt of Funds and Acceptance of Donation to Sheriff’s Department***

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	\$13,478.54
Evercom	\$13,832.81
Town of Flora	\$ 386.63
City of Ridgeland	\$ 3,063.46
City of Madison	\$ 2,233.48
Valley Foods	\$ 2,603.96
MDOC	\$ 6,200.00
State of Mississippi	\$ 5,019.12

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 7<sup>th</sup> day of September, 2010.

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

Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to acknowledge receipt of donation from Wal Mart. 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 said donations were and are hereby acknowledged.

SO ORDERED this the 7<sup>th</sup> day of September, 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 potential litigation and 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, 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 7<sup>th</sup> day of September, 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:

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 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 7<sup>th</sup> day of September, 2010.

During Executive Session, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to establish just compensation in an amount not to exceed a sum certain for acquisition of right of way on Parcel Nos. 3, 4, 5, 6, 7 and 8 as related to Calhoun Station Phase 3 and authorize Right of Way Agent Woody Sample to advise property owners of the aforementioned parcels as to the Board's decision. The vote on the matter being as follows:

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

the matter carried by a majority vote (4-1) of the Board and just compensation was and is hereby established and Mr. Sample was and is hereby so authorized.

SO ORDERED this the 7<sup>th</sup> day of September, 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:

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 action which was taken therein.

SO ORDERED this the 7<sup>th</sup> day of September, 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 D. I. Smith and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Monday, September 20, 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:** \_\_\_\_\_

***For Searching Reference Only: Page 19 of 19 (9/7/10)***

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

*For Searching Reference Only: Page 20 of 19 (9/7/10)*