

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

REGULAR MEETING OF NOVEMBER 1, 2010
Being the first day of the November 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 November 1, 2010, in the Board Room on the first floor of the new addition to the Chancery/Administrative Building, 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:

Interim County Administrator and Zoning Administrator Brad Sellers
County Comptroller and Deputy Chancery Clerk Quandice Green
Board Attorney Eric Hamer
Board Secretary and Deputy Chancery Clerk Cynthia Parker
County Road Manager Lawrence Morris
County Fire Coordinator Mack Pigg
County Purchase Clerk Hardy Crunk
Chief Deputy Tax Assessor Kent Hawkins
County Engineer Rudy Warnock
E911 Director Butch Hammack

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 Sheriff Toby Trowbridge 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 October 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 October 2010 term, said meetings having been conducted on October 4 and October 18, 2010,

Following discussion, Mr. Paul Griffin did offer and Mr. D. I. Smith 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:

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

President's Initials: _____

Date Signed: _____

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the matter carried by the unanimous vote of those present and the Minutes for the October 2010 term of the Board of Supervisors of Madison County were and are hereby approved as amended.

SO ORDERED this the 1st day of November, 2010.

In re: Public Hearing Regarding a Proposed Amendments to the Madison County Subdivision Ordinance

WHEREAS, on September 7, 2010, the Board of Supervisors of Madison County adopted an Order setting the matter of the consideration and approval of certain amendments to the Madison County Subdivision Ordinance for public hearing on October 4, 2010, and whereas the Board subsequently re-set said matter to November 1, 2010 at 9:00 am, and

WHEREAS, a notice of public hearing was published one (1) time in *The Madison County Herald*, a newspaper having a general circulation within the County and was so published in said newspaper on October 14, 2010, as evidenced by the publisher's proof of publication of the same, a true and correct copy of which is attached hereto as Exhibit A, spread hereupon and incorporated herein by reference, and

WHEREAS, the Notice of Public Hearing reflected that a public hearing would be held in the Regular Meeting Room of the Governing Body in the Chancery Court and Administrative Building of Madison County, Mississippi, in Canton, Mississippi at 9:00 o'clock a.m. on November 1, 2010 in order for the general public to state or present their views on the proposed amendments, and

WHEREAS, at 9:00 o'clock a.m. on November 1, 2010, the President of the Board declared said public hearing to be open for comment, and

WHEREAS, Interim County Administrator Brad Sellers appeared before the Board and presented a document entitled "Subdivision Regulations for Madison County, Mississippi," a true and correct copy of which is attached hereto as Exhibit B, spread hereupon and incorporated herein by reference, and

WHEREAS, during the time allotted for public comment, no citizen appeared, and

Following discussion, Mr. John Bell Crosby did offer and Mr. Paul Griffin did second a motion to close the public hearing and adopt the regulations set forth in the aforesaid Exhibit B as the Subdivision Regulations for Madison County. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Not Present and Not Voting
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and the public hearing was and is hereby closed and the aforesaid Regulations were and are hereby adopted.

SO ORDERED this the 1st day of November, 2010.

President's Initials: _____

Date Signed: _____

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In re: Public Hearing Regarding a Proposed Utility Permit Policy for Madison County

WHEREAS, on September 7, 2010, the Board of Supervisors of Madison County adopted an Order setting the matter of the consideration and adoption of a Policy governing the issuance of public utility permits for public hearing on October 4, 2010, and whereas the Board subsequently re-set said matter to November 1, 2010 at 9:00 am, and

WHEREAS, a notice of public hearing was published one (1) time in *The Madison County Herald*, a newspaper having a general circulation within the County and was so published in said newspaper on October 14, 2010, as evidenced by the publisher's proof of publication of the same, a true and correct copy of which is attached hereto as Exhibit C, spread hereupon and incorporated herein by reference, and

WHEREAS, the Notice of Public Hearing reflected that a public hearing would be held in the Regular Meeting Room of the Governing Body in the Chancery Court and Administrative Building of Madison County, Mississippi, in Canton, Mississippi at 9:00 o'clock a.m. on November 1, 2010 in order for the general public to state or present their views on the proposed policy; and

WHEREAS, at 9:00 o'clock a.m. on November 1, 2010, the President of the Board declared said public hearing to be open for comment, and

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented a document entitled "A Policy for the Accommodation of Utility Facilities Within the Right of Way of all Public County Roads," a true and correct copy of which is attached hereto as Exhibit D, spread hereupon and incorporated herein by reference,

WHEREAS, during the time allotted for public comment, Mr. Charles Bryan appeared on behalf of Entergy and voiced no objection to the proposed policy, and

Following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to close the public hearing and adopt the policy set forth in the aforesaid Exhibit D as the Public Utility Policy for Madison County. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Not Present and Not Voting
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and the public hearing was and is hereby closed and the aforesaid policy was and is hereby adopted.

SO ORDERED this the 1st day of November, 2010.

In re: Approval of Consent Agenda Items

WHEREAS, President Johnson did announce that he and Interim County Administrator Brad Sellers had conferred in advance of the meeting and did recommend that Items (3) through (17) 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

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WHEREAS, the County Administrator requested that Items (18) and (19) be added to the Consent Agenda, and

WHEREAS, the Chancery Clerk requested that Item (20) be added to the Consent Agenda, and

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

- 3. Acknowledge Legal Holiday - Thursday, November 11, 2010, Veterans Day; Thursday and Friday, November 25 - 26, 2010, Thanksgiving Holiday; Friday, December 24 and Monday, December 27, 2010, Christmas Holiday; and New Year's Day Holiday, Friday, December 31, 2010 and Monday, January 3, 2011. All county offices and courthouses are authorized to close on said dates.**
- 4. Approve Lovelace Lane as a Public Road. The committee comprised of Supervisor Johnson and Supervisor Crosby determined that Lovelace Lane met the county's requirements to establish Lovelane Lane as a public road and the same is hereby so established and the Road Registry amended accordingly.**
- 5. Acknowledge Credit Card Report for September 10, 2010 through October 10, 2010 - General County.**
(A true and correct copy of that certain memorandum dated October 18, 2010 from County Purchase Clerk Hardy Crunk is attached hereto as Exhibit E, spread hereupon and incorporated herein by reference.)
- 6. Acknowledge Credit Card Report for September 10, 2010 through October 10, 2010 - Sheriff's Department.**
(A true and correct copy of that certain memorandum dated October 25, 2010 from County Purchase Clerk Hardy Crunk is attached hereto as Exhibit F, spread hereupon and incorporated herein by reference.)
- 7. Authorize Advertising for Term Bids for Asphalt Products for Period of January 1, 2011 through September 30, 2011.**
(A true and correct copy of that certain memorandum dated October 26, 2010 from County Purchase Clerk Hardy Crunk is attached hereto as Exhibit G, spread hereupon and incorporated herein by reference.)
- 8. Approve Zoning Matter - Missionary Servants of the Most Holy Trinity Petition to Rezone A1 Agricultural to R3 Multi Family District.**
(A true and correct copy of the petition of Missionary Servants of the Most Holy Trinity seeking to rezone 11.031 acres from A1 Agricultural District to R3 Multi Family District located at 1493 Highway 17, Section 6, T10N, R5E, Madison County, Mississippi, may be found in the Miscellaneous Appendix to these Minutes.)
- 9. Acknowledge November 2010 Service Call Schedule Report - Road Department.**
(A true and correct copy of the November 2010 Road Department Service Call Schedule submitted by County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
- 10. Acknowledge October 2010 Closed Call Analysis - Road Department.**
(A true and correct copy of the October 2010 Closed Call Analysis submitted by the County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)

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11. **Acknowledge October 2010 Monthly Report - Road Department.**
(A true and correct copy of the October 2010 Monthly Road Department Report submitted by County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
12. **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 H, spread hereupon and incorporated herein by reference.)
13. **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.)
14. **Approve *En Masse* Petition for Decreases of Assessments of Real Property for the 2010 Tax Year.**
(A true and correct copy of said Petition and its spreadsheet attachment is attached hereto as Collective Exhibit J, spread hereupon and incorporated herein by reference.)
15. **Approve Notice to Increase of Assessment of Real Property for the 2010 Tax Year.**
(A true and correct copy of said Notice, as accepted by taxpayers, is attached hereto as Exhibit K, spread hereupon and incorporated herein by reference.)
16. **Approve Amended Homestead Applications - 2010 Tax Year.**
(A true and correct copy of that certain memorandum dated October 27, 2010 from Homestead Director Emily Anderson is attached hereto as Exhibit L, spread hereupon and incorporated herein by reference.)
17. **Acknowledge Distribution of Cash/Aging of Accounts Report - Justice Court.**
(A true and correct copy of the Distribution of Cash/Aging of Accounts Reports for Justice Court may be found in the Miscellaneous Appendix to these Minutes.)
18. **Authorize Purchase Clerk Hardy Crunk to Advertise for Proposals for Curbside Pickup Recycling Services.**
19. **Authorize City of Madison to Utilize the County's Electronic Voting System for Special Municipal Election - Tuesday, November 30, 2010.**
(A true and correct copy of that certain memorandum dated October 27, 2010 from Ms. Susan Crandall, City Clerk, is attached hereto as Exhibit M, spread hereupon and incorporated herein by reference.)
20. **Acknowledge Parkway East Public Improvement District Invoices.**
(A true and correct copy of those certain Parkway East Public Improvement District Invoice nos. 381 and 382 may be found in the Miscellaneous Appendix to these Minutes.)

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

¹Mr. Banks arrived prior to the call of the question on this matter.

President's Initials: _____

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the matter carried unanimously and each item was and is approved, adopted and authorized.

SO ORDERED this the 1st day of November, 2010.

In re: Acknowledge AT&T's Agreement to Dismiss Lawsuit and Approve Settlement Thereof

WHEREAS, Tax Assessor Gerald Barber appeared before the Board and reported that AT&T had agreed to a dismissal of its lawsuit against Madison County for Tax Years 2008 and 2009, the same bearing Cause No. 2008-348 on the docket of the Circuit Court of Madison County, Mississippi, and requested the Board acknowledge same, and

WHEREAS, Mr. Barber discussed the terms of the settlement of said lawsuit which culminated in its dismissal and reported that AT&T had agreed to pay full taxes due for broadband for Tax Year 2010 but noted that the county would be required to grant a substantial broadband exemption to AT&T in 2011 for its 3G and 4G technology, and

WHEREAS, Mr. Barber informed the Board that Mr. John Robinson of AT&T had been very cooperative in working with the Tax Assessor staff and the County to resolve these issues,

Following discussion, Mr. John Bell Crosby did offer and Mr. D. I. Smith did second a motion to acknowledge the dismissal of the AT&T lawsuit and to authorize and direct Board Attorney Eric Hamer to prepare and execute the necessary pleadings and other document effectuate 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 withdrawal of lawsuit from AT&T was and is acknowledged and the Board Attorney was and is hereby so authorized and directed.

SO ORDERED this the 1st day of November, 2010.

In re: Establishment of Just Compensation on Twin Harbor Drainage Project

WHEREAS, Mr. Bobby Horton on behalf of Right of Way Agent Woody Sample appeared before the Board and requested the Board establish just compensation based on the waiver valuation method on the easements needed to implement the Twin Harbor Drainage Project, and

WHEREAS, a true and correct copy of that certain document establishing just compensation on Parcel 1 which is owned by Sybil and Graham Shaw; Parcel 2 which is owned by Pearl River Valley Water Supply District; and Parcel 3 which is owned by Marc C. Lauderdale is attached hereto as Collective Exhibit N, spread hereupon and incorporated herein by reference,

Following discussion, Mr. John Bell Crosby did offer and Mr. Karl M. Banks did second a motion to (1) establish just compensation for the aforementioned easements referenced in Exhibit N, all of which are needed to implement the Twin Harbor Drainage Project based on the waiver valuation method, (2) authorize the Board President to execute documentation reflecting the same, and (3) authorize and direct the Chancery Clerk to issue pay warrants in the amounts reflected on said Exhibit N once the land owners have agreed. The vote on the matter being as

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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, the Board President was and is hereby so authorized and the Chancery Clerk was and is hereby authorized to issue pay warrants accordingly.

SO ORDERED this the 1st day of November, 2010.

***In re: Adoption of Pro-Forma Order for
Position of County Extension Director***

WHEREAS, Interim County Administrator Brad Sellers appeared before the Board and presented that certain document entitled “Pro-Forma Order of County Board of Supervisors” for the position of County Extension Director, a true and correct copy is attached hereto as Exhibit O, spread hereupon and incorporated herein by reference,

Following discussion, Mr. D. I. Smith did offer and Mr. Paul Griffin did second a motion to adopt the aforementioned “Pro-Forma Order” as reflected in Exhibit O, 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

the matter carried unanimously and Pro-Forma Order was and is hereby adopted and the Board President was and is hereby so authorized.

SO ORDERED this the 1st day of November, 2010.

In re: Approve Vacating Plat of Charlton Place Subdivision, Phase One

WHEREAS, Interim County Administrator Brad Sellers appeared before the Board on behalf of the developers, Highway 22 Property, LLC, and requested permission to vacate the plat of Charlton Place Subdivision, Phase One, and

WHEREAS, Mr. Sellers reported that he had determined that the developer had sold no lots in said subdivision and that no other person or entity was adversely affected thereby or directly interested therein, other than said developer, Trustmark National Bank, Canton Municipal Utilities, Bear Creek Water Association and Entergy Mississippi, Inc., each of whom had joined in said petition as evidenced by the appropriate and authorized signatures thereon, and

WHEREAS, a true and correct copy of the Petition to Vacate Subdivision Plat of Charlton Place Subdivision, Phase One may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to vacate the plat of Charlton Place Subdivision, Phase One and direct the Chancery Clerk to note the Board’s action on the face thereof. The vote on the matter being as follows:

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

the matter carried unanimously and the plat of Charlton Place Subdivision, Phase One was and is hereby vacated.

SO ORDERED this the 1st day of November, 2010.

In re: Discussion of Chapel Hill Road

WHEREAS, during the period of citizens concerns, Mr. Skinner King appeared before the Board and requested the Board address conditions on Chapel Hill Road, and

WHEREAS, Mr. King reported to the Board that the road was in desperate need of repair and maintenance, particularly with regard to the bridge near Gus Green and Cedar Hill Roads, and

WHEREAS, Mr. King informed the Board that there are numerous pot holes and cave ins along Chapel Hill Road, and

WHEREAS, Ms. Nell Wade also appeared before the Board and expressed similar concerns, and

WHEREAS, Ms. Sylvia King then appeared before the Board and requested information as to when the county would make the necessary repairs and maintenance to Ledora Lane,

Following discussion, Mr. D. I. Smith did offer and Mr. Paul Griffin did second a motion to acknowledge the comments and requests that were made by Mr. King, Ms. Wade and Ms. Thomas. 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 comments were and are hereby acknowledged.

SO ORDERED this the 1st day of November, 2010.

In re: Authorization to Alter the Plat of Northshore of Lake Caroline, Part Two, by Making Two Lots Out of Three Lots

WHEREAS, the Board received and considered the Petition to alter the plat of Northshore of Lake Caroline, Part Two (“Northshore”), by making two lots out of three lots requested by Curtis R. Shelton and wife, Sandra G. Shelton, Thomas A. Cook, the Board of Directors of Northshore of Lake Caroline Owners Association, Inc., the Board of Directors of Lake Caroline Owners Association, Inc., JRJ Development, LLC, and Lake Caroline, Inc. (the “Petition”), and

WHEREAS, Northshore is a subdivision according to a plat thereof which is on file in the office of the Chancery Clerk of Madison County, Mississippi, in Plat Book D, Page 20-21 as ratified in Book 1121, Page 581 (the “Plat”), and a Declaration of Covenants, Conditions, and

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Restrictions for Northshore is recorded in Book 110, Page 716 of the land records of Madison County (the "Northshore Covenants"), and

WHEREAS, Curtis R. Shelton and wife, Sandra G. Shelton are the owners of Lot 83 and the easterly half of Lot 84 of Northshore, and Thomas A. Cook is the owner of Lot 85 and the westerly half of Lot 84 of Northshore and filed the Petition (collectively, the "Petitioners"), and

WHEREAS, the legal descriptions of the easterly and westerly halves of Lot 84 are attached to the Petition as Exhibit 1 thereto and to these Minutes as Exhibit P, spread hereupon and incorporated herein by reference, and the configuration of the easterly half of Lot 84 and the westerly half of Lot 84 are reflected in the survey attached to the Petition as Exhibit 2 thereto and to these Minutes as Exhibit Q, spread hereupon and incorporated herein by reference, with Lots 83, 84 and 85 being referred to herein as the "Lots", and

WHEREAS, in addition to the Northshore Covenants, the Lots are subject to the Lake Caroline Covenants recorded in Book 696, Page 609 of the land records of Madison County, Mississippi (the "Lake Caroline Covenants"), and

WHEREAS, both the Northshore Covenants and the Lake Caroline Covenants state in Section 12 of Article XI:

No Lot shall be subdivided or its boundary line changed, except with the written consent of the Board of Directors and the Declarant.... The provisions of this Section 12 shall not prohibit the combining of two or more contiguous Lots into one larger Lot or making two Lots out of three or more contiguous Lots, provided that each of the resulting Lots are larger and contain a minimum Lot frontage equal to or greater than their original frontage on the Lot having the least frontage before combining said Lots or portions thereof, and

WHEREAS, Exhibit 2 to the Petition shows that, after the easterly half of Lot 84 is combined with existing Lot 83 and the westerly half of Lot 84 is combined with existing Lot 85, the resulting "New Lot 83" and "New Lot 85" each is larger than it was prior to the combination, and that New Lot 83 and New Lot 85 each satisfies the minimum lot frontage requirements of Section 12 of Article XI of the Northshore Covenants and the Lake Caroline Covenants, and

WHEREAS, pursuant to Section 12 of Article XI of the Northshore Covenants and the Lake Caroline Covenants, and pursuant to Section 17-1-23(4) of the Mississippi Code Annotated, the Board finds that Petitioners and the following parties are the only parties adversely affected by or interested in the subject matter of the Petition: (i) Board of Directors of Northshore of Lake Caroline Owners Association, Inc., (ii) JRJ Development, LLC (Declarant of Northshore), (iii) Board of Directors of Lake Caroline Owners Association, Inc., and (iv) Lake Caroline, Inc. (Declarant of Lake Caroline) (collectively, the "Interested Parties"), and the Board finds that each of the Interested Parties joined in and consented to the requests in the Petition and is, therefore, properly before the Board, and

WHEREAS, the Board finds that, as requested by Petitioners and as allowed by the Northshore Covenants and the Lake Caroline Covenants, and pursuant to Section 17-1-23(4) of the Mississippi Code Annotated, the Plat should be, and hereby is, altered to reflect that:

New Lot 83 is comprised of original Lot 83 reflected in the Plat plus the easterly half of Lot 84 described in Exhibit 1 to the Petition,

New Lot 85 is comprised of original Lot 85 reflected in the Plat plus the westerly half of Lot 84 described in Exhibit 1 to the Petition, and

Original Lot 84 shown in the Plat no longer exists, having been consumed half by Lot 83 and half by Lot 85, and

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WHEREAS, any easements formerly existing along the easterly and westerly boundaries of Lot 84 in the original Plat shall no longer exist by alteration of the Plat, and easements shall exist on the westerly boundary of New Lot 83 and the easterly boundary of New Lot 85 as provided in the Northshore Covenants and the Lake Caroline Covenants, and

WHEREAS, with regard to the westerly boundary of New Lot 83 and the easterly boundary of New Lot 85, Petitioners and the successor owners of New Lot 83 and New Lot 85 shall comply with all set back requirements of the Northshore Covenants and the Lake Caroline Covenants;

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to authorize and approve the alteration of the Plat to make two lots from three lots as requested in the Petition, with 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 Petition was and is hereby granted, the plat altered, and the Chancery Clerk was and is hereby authorized to make the appropriate notation on the face of the plat and enter certified copy of this Order in the land records of Madison County, Mississippi and index the same accordingly.

SO ORDERED this the 1st day of November, 2010.

***In re: Approval of Resolutions to Condemn Real Property -
Calhoun Station Phase III***

WHEREAS, Board Attorney Eric Hamer appeared before the Board and presented those certain "Resolution to Condemn Real Property of All Parties Claiming an Interest in the Property Described Herein Located in Supervisor District Number 4," and

WHEREAS, true and correct copies of which are attached hereto as Exhibits R, S, T, U, V and W respectively, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Hamer reported that the condemnation was for Parcel 3 which is owned by Wanda Clack; Parcel 4 which is owned by Earl Hill; Parcel 5 which is owned by Jesse Robinson; Parcel 6 which is owned by Yolanda Jackson; Parcel 7 which is owned by Annie Ransburg; and Parcel 8 which is owned by Fabian Hill and is for the construction of the Calhoun Station Phase III Project,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve and adopt the aforementioned Resolutions and to authorize the Board President to execute same. The vote on the matter being as follows:

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

the matter carried by a majority vote (3-2) of the Board and said Resolutions were and are hereby approved and adopted and the Board President was and is hereby so authorized.

SO ORDERED this the 1st day of November, 2010.

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In re: Approval of Claim of Jennie Mullendorf

WHEREAS, E911 Director Butch Hammack appeared before the Board and requested the Board approve payment of a certain claim in the amount of \$203.25 to Ms. Jennie Mullendorf for damages sustained to a vehicle owned by her while traveling along Stribling Road, and recommended approval of same², and

WHEREAS, Mr. Hammack reported that damage to said vehicle on Stribling Road was due to a pot hole not being reported to the Road Department in a timely manner,

Following discussion, Mr. John Bell Crosby did offer and Mr. Tim Johnson did second a motion to approve the claim for damages submitted by Ms. Jennie Mullendorf in the amount of \$203.25 and authorize the Chancery Clerk to issue a pay warrant 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 claim was and is hereby approved, the Chancery Clerk was and is hereby authorized to issue a pay warrant accordingly.

SO ORDERED this the 1st day of November, 2010.

In re: Approval of Amendments to 2008 Road Plan and Use of STP Funds to Begin Yandell Road Reconstruction Project

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented certain amendments to the 2008 Road Plan and requested the Board adopt and approve same, and

WHEREAS, the Board does desire to approve said amendments with certain modifications which were discussed in open session, and

WHEREAS, the proposed amendments, including the modifications discussed in open session, are reflected in that certain document entitled "Madison County Road Plan Adopted February 4 2008 (Amended November 01, 2010)," a true and correct copy of which is attached hereto as Exhibit X, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Warnock also recommended the Board use STP funds to begin the Yandell Road Reconstruction Project,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion (1) to approve the aforementioned amendments to the 2008 Road Plan and (2) authorize County Engineer Rudy Warnock to execute the necessary program documents to make use of the STP funds to begin the Yandell Road Reconstruction 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

²No documentation was provided to the Clerk concerning this request for inclusion in these Minutes.

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the matter carried by a majority vote (4-1) of the Board and said amendments to the 2008 Road Plan were and are hereby approved and adopted and the County Engineer was and is hereby authorized to execute the necessary program documents regarding STP funds.

SO ORDERED this the 1st day of November, 2010.

In re: Acknowledge Receipt of Funds and Authorize Board President Execute Invoice

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

<u>Entity</u>	<u>Amount</u>
Town of Flora	\$ 180.00
City of Ridgeland	\$ 3,424.08
Evercom	\$ 14,571.88
Valley Foods	\$ 1,741.35
State of MS	\$ 25,360.00

Thereafter, Sheriff Trowbridge requested the Board authorize the Board President to execute an invoice in the amount of \$5,302.57 for submission to the Mississippi Department of Corrections for feeding and housing of state prisoners,

Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to acknowledge receipt of said checks and authorize the Board President to execute said invoice. 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 and the Board President was and is hereby authorized.

SO ORDERED this the 1st day of November, 2010.

In re: Approval of Budget Amendments

WHEREAS, County Comptroller Quandice Green appeared before the Board and requested the Board's consideration of certain amendments to the current year budget of the county as set forth in that certain document entitled "Madison County Budget Amendments November 1, 2010," a true and correct copy of which is attached hereto as Exhibit Y, spread hereupon and incorporated herein by reference,

Following discussion, Mr. John Bell Crosby did offer and Mr. D. I. Smith did second a motion to approve said budget amendments. The vote on the matter being as follows:

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

President's Initials: _____

Date Signed: _____

the matter carried unanimously and said budget amendments were and are hereby approved and adopted.

SO ORDERED this the 1st day of November, 2010.

In re: Approval of Claims Docket for November 1, 2010

WHEREAS, the Board reviewed the claims docket for November 1, 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	236 to 365	130	421,022.62
002	5 to 5	1	975.00
012	21 to 31	11	13,055.47
014	2 to 2	1	2,464.57
051	4 to 4	1	5,908.20
095	3 to 4	2	15,128.33
096	2 to 2	1	3,047.56
097	28 to 37	10	38,063.60
105	18 to 20, 22 to 25	7	34,250.72
114	2 to 2	1	998.28
115	15 to 17	3	1,025.17
116	6 to 7	2	520.94
120	9 to 12	4	222.82
121	5 to 6	2	361.15
150	68 to 109	42	86,031.92
160	24 to 25	2	53,147.30
190	17 to 26	10	5,762.36
226	4 to 6	3	295,025.58
291	2 to 3	2	435,829.84
302	12 to 16	5	691,991.22
304	2 to 2	1	1,167.50
401	3 to 4	2	17,710.58
690	3 to 4	2	14,032.12
691	3 to 4	2	13,930.07

HELD CLAIMS

Fund	Claim No.	Payee	Amount
001	276	Bradley Arant Boulton Cummings LP	\$ 6,993.95
001	342	Warnock & Associates LLC	\$ 3,260.00
150	21	Red River Service Corp	\$ 9,792.00
150	76	Warnock & Associates LLC	\$ 47.50
150	76	Warnock & Associates LLC	\$ 115.00
150	76	Warnock & Associates LLC	\$ 450.00
302	15	Warnock & Associates LLC	\$ 90,000.00
302	15	Warnock & Associates LLC	\$ 26,300.00
302	15	Warnock & Associates LLC	\$115,000.00
302	13	VCR I LLC	\$ 59,291.67

President's Initials: _____

Date Signed: _____

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. 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 Z, 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 1st day of November, 2010.

Thereafter, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to approve and pay the aforementioned held claims, respectively, as set forth herein above with the exception of the aforementioned held claims of Red River Service Corp. and VCR I 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 Claims were and are hereby approved with the exception of the aforementioned held claims of Red River Service Corp and VCR I LLC, and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 1st day of November, 2010.

Thereafter, Mr. Paul Griffin did offer and Mr. Tim Johnson did second a motion to approve and pay the aforementioned held claim of VCR I LLC as set forth herein above. 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	No
Supervisor Paul Griffin	Aye

the matter carried by a majority vote (3-2) of the Board and said Held Claim was and is hereby approved, and the Chancery Clerk was and is instructed to issue a pay warrant accordingly.

SO ORDERED this the 1st day of November, 2010.

President's Initials: _____

Date Signed: _____

In re: Request to Advertise for Term Bids for Reseal and DBST Road Construction

WHEREAS, County Engineer Rudy Warnock appeared before the Board and requested permission to advertise for term bids for reseal and DBST road construction,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to authorize Purchase Clerk Hardy Crunk and County Engineer Rudy Warnock to advertise for term bids for reseal and DBST road construction. 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 Purchase Clerk and the County Engineer were and are hereby authorized.

SO ORDERED this the 1st day of November, 2010.

In re: Consideration of Approval of Contract Documents and Change Order - Calhoun Station Phase 3

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented that certain "903 Agreement" contract document and a change order from Birdsong Construction Co., Inc. regarding the Calhoun Station Phase 3 project and revising the design thereof from three lanes to two lanes and an open ditch roadway, and

WHEREAS, a true and correct copy of said Agreement and change order is attached hereto as Collective Exhibit AA, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Warnock reported that the change order resulted in a reduction in the estimated construction cost in the amount of \$1,175,940.05, and

WHEREAS, Mr. Warnock requested the Board acknowledge the performance and payment bonds included in the contract documents and authorize him to issue a notice to proceed to the contractor,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to (1) approve the "903 Agreement" with Birdsong Construction Co., Inc., (2) approve the change order as presented by Birdsong Construction Co., Inc. causing a reduction in the estimated construction in the amount of \$1,175,940.05, (3) authorize the Board President to execute aforementioned agreement and change order, (4) acknowledge the performance bond and payment bonds for Birdsong Construction Co., Inc., and (5) authorize County Engineer Rudy Warnock to issue a notice to proceed to said contractor. The vote on the matter being as follows:

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

the motion did not garner a majority vote of the Board and therefore failed.

SO ORDERED this the 1st day of November, 2010.

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Date Signed: _____

In re: Discussion of State Aid Projects

WHEREAS, County Engineer Rudy Warnock on behalf of State Aid Engineer John Granberry appeared before the Board and recommended the Board de-program State Aid Project SAP-45(50), Old Canton Road Overlay Project and LSBP-45(5), Mt. Elam Road Bridge Project, previously programmed,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize said request and direct the de-programming of State Aid Project No. SAP-45(50), Old Canton Road Overlay Project and LSBP-45(5), Mt. Elam 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

the matter carried unanimously and the SAP-45(50), Old Canton Road Overlay Project and LSBP-45(5), Mt. Elam Road Bridge Project were and are hereby requested and directed to be de-programmed.

SO ORDERED this the 1st day of November, 2010.

In re: Authorization of Staking and Construction Engineering Regarding the Lake Caroline Boulevard Reconstruction Project

WHEREAS, County Engineer Rudy Warnock appeared before the Board and requested permission to assist the Road Department in re-constructing Lake Caroline Boulevard by staking and providing construction engineering as needed,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize County Engineer Rudy Warnock to assist the Road Department in constructing Lake Caroline Boulevard by staking and providing construction engineering as needed. 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 1st day of November, 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 to discuss potential litigation matters and right of way acquisition,

Following discussion and pursuant to the terms of Miss. Code Ann. § 25-41-7, as amended, Mr. John Bell Crosby did offer and Mr. Paul Griffin 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

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discussing potential litigation matters 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, Interim 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 Jim Turner, Appraiser. 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 1st day of November, 2010 .

In re: Entering into Executive Session

WHEREAS, following such brief discussion, the Board Attorney advised the Board that further discussion of such matters was properly the subject of executive session,

Following discussion, Mr. John Bell Crosby did offer and Mr. Karl M. Banks did second a motion to enter into Executive Session to discuss potential litigation and right of way acquisition. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Not Present and Not Voting ³

the matter by a unanimous vote of the Board 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 1st day of November, 2010.

During Executive Session, and following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion (1) to establish just compensation in an amount not to exceed a sum certain for acquisition of right of way along property owned by Ms. Tanya Green and Ms. Mary Hart related to the Moss Road Reconstruction Project and authorize Jim Turner to advise said property owners of said sum and make offer(s) accordingly and (2) to authorize Board Attorney Eric Hamer to notify Mr. Jasper Banks and Mr. Clyde Lott of the Board's decision to proceed with eminent domain should they elect not to accept the Board's prior 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

³Mr. Griffin briefly excused himself from the meeting and returned after the vote was taken.

President's Initials: _____

Date Signed: _____

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the matter carried unanimously and just compensation was and is hereby established and the Mr. Turner and the Board Attorney were and are hereby so authorized.

SO ORDERED this the 1st day of November, 2010 .

Thereafter, and at the Board Attorney's recommendation, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to enter into a settlement agreement with APAC Mississippi, Inc. culminating in the dismissal of that certain lawsuit styled "APAC Mississippi, Inc. v. The Madison County Board of Supervisors" bearing Cause No. 2009-0138 on the docket of the Circuit Court of Madison County, Mississippi and authorize the payment of a sum certain unto APAC Mississippi, Inc. in settlement thereof. 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 authorized to enter into a settlement agreement on the terms set forth above and discussed herein, and the Chancery Clerk was and is hereby authorized to issue a pay warrant accordingly.

SO ORDERED this the 1st day of November, 2010.

Thereafter, and following a discussion led by Mark J. Beyea, P. E. of Neel-Schaffer engineering firm, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to approve the payment of the sum of \$12,000.00 unto APAC Mississippi, Inc. as re-mobilization charges associated with SAP 45 (56), the Virillia Road at Old Yazoo City Road Project in order to complete the work previously started but that had been stopped due to a conflict in the movement of utilities by AT&T and Canton Municipal Utilities. 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 authorized to issue a pay warrant accordingly.

SO ORDERED this the 1st day of November, 2010.

Thereafter, Mr. John Bell Crosby did offer and Mr. D. I. Smith did second a motion to adjourn the Executive Session and to direct the Chancery Clerk to 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 1st day of November, 2010.

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Date Signed: _____

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In re: Re-Consideration of Approval of Contract Documents and Change Order - Calhoun Station Phase 3

WHEREAS, Board President Tim Johnson announced to the Board is desire to re-consider the motion previously made by Mr. Karl M. Banks herein above concerning the approval of that certain “903 Agreement” and a certain change order relative to the Calhoun Station Phase 3 project as set forth elsewhere herein above, and

WHEREAS, County Engineer Rudy Warnock again appeared before the Board and presented that certain “903 Agreement” contract document and a change order from Birdsong Construction Co., Inc. regarding the Calhoun Station Phase 3 project and revising the design thereof from three lanes to two lanes and an open ditch roadway, and

WHEREAS, a true and correct copy of said Agreement and change order is attached hereto as Collective Exhibit AA, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Warnock reported that the change order resulted in a reduction in the amount of \$1,175,940.05, and

WHEREAS, Mr. Warnock requested the Board acknowledge the performance and payment bonds included in the contract documents and authorize him to issue a notice to proceed to the contractor,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to (1) approve the “903 Agreement” with Birdsong Construction Co., Inc., (2) approve the change order as presented by Birdsong Construction Co., Inc. causing a reduction in the cost of the Calhoun Station Phase 3 project of \$1,175,940.05, (3) authorize the Board President to execute aforementioned agreement and change order, (4) acknowledge the performance bond and payment bonds for Birdsong Construction Co., Inc., and (5) authorize County Engineer Rudy Warnock to issue a notice to proceed to said contractor. 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 motion carried by a majority (3-2) vote of the Board and said “903 Agreement” and change order were and are hereby approved as set forth on Exhibit AA, the Board President was and is hereby authorized to execute the same, the aforesaid performance bond was and is hereby acknowledged, and the County Engineer was and is authorized to issue a notice to proceed unto Birdsong Construction Co., Inc.

SO ORDERED this the 1st day of November, 2010.

In re: Discussion of Joe Hall Road Bridge Project

WHEREAS, County Engineer Rudy Warnock appeared before the Board and requested the Board authorize and appropriate an additional \$17,000.00 for a third timber span to compete the Joe Hall Road Bridge Project,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize and appropriate an additional \$17,000.00 for a third timber span to compete the Joe Hall Road Bridge Project. The vote on the matter being as follows:

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

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

SO ORDERED this the 1st day of November, 2010.

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor John Bell Crosby and seconded by Supervisor D. I. Smith and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Monday, November 15, 2010, 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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