

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

REGULAR MEETING OF NOVEMBER 15, 2010  
Recessed from regular meeting conducted on November 1, 2010

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on November 15, 2010, in the Board Room on the first floor of the new addition to the Chancery and Administrative Building 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:

Supervisor John Bell Crosby  
Supervisor Tim Johnson  
Supervisor D. I. Smith  
Supervisor Karl M. Banks  
Supervisor Paul Griffin  
Sheriff Toby Trowbridge

Absent:

Chancery Clerk Arthur Johnston

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 Engineer Rudy Warnock  
County Purchase Clerk Hardy Crunk  
County Fire Coordinator Mack Pigg  
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 Supervisor John Bell Crosby led the members and the audience in the Pledge of Allegiance to the Flag of the United States of America.

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

WHEREAS, the Board President announced that he and Interim County Administrator Brad Sellers had conferred in advance of the meeting as to certain matters denominated "Consent Items" which bear Item numbers (1) through (11) on the Agenda and that the same appeared to be routine, non-controversial matters on which all Supervisors were likely to agree, and

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

WHEREAS, Board Attorney requested that Consent Item No. 8 be removed from the Consent Agenda and addressed at the December 6, 2010 meeting,

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

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

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1. **Authorize the Members of the Board, the County Engineer, the County Attorney, the Chancery Clerk, the County Administrator and the County Comptroller to Attend the Mid-Winter Conference, January 10-12, 2011, Jackson Hilton, Jackson, Mississippi for the Benefit of the County, and Approve Travel and Registration Expenses Thereto.**
2. **Approve Notices to Renew Residential Lease Contracts on 16<sup>th</sup> Section Property.**  
(True and correct copies of those certain Notices to Renew Residential Lease Contracts to Robert Louis Franciskato and wife, Mary Denise Franciskato on Lot 098, Sherbourne Subdivision, Part 3; Mark C. Carmichael and wife, Alenda W. Carmichael on Lot 7, Sherbourne Subdivision, Part 1; Jason W. Scott and wife, Trish P. Scott on Lot 16, Sherbourne Subdivision, Part 1; and amendment to 16<sup>th</sup> Section Other Property Lease Contract to the Town of Flora on 1.386 acres, more or less, may be found in the Miscellaneous Appendix to these Minutes.)
3. **Approve Contract with Election Systems Software Support Agreement and Authorize Board President to Execute Same.**  
(A true and correct copy of that certain explanatory memorandum dated November 5, 2010 from Purchase Clerk Hardy Crunk along with the Election Systems Software Support Agreement for runoff election set for November 23, 2010, are attached hereto as Collective Exhibit A, spread hereupon and incorporated herein by reference.)
4. **Acknowledge Clerk of the Board Report.**  
(A true and correct copy of said Report is attached hereto as Exhibit B, spread hereupon and incorporated herein by reference.)
5. **Declare Certain Inventory Items as Surplus and Delete from Inventory.**  
(A true and correct copy of that certain memorandum dated November 9, 2010 from Inventory Control Clerk Loretta Phillips listing the items to be deleted is attached hereto as Exhibit C, spread hereupon and incorporated herein by reference.)
6. **Authorize Chancery Clerk to Advertise for County Depository Bids from all Financial Institutions in Madison County, Mississippi Desiring to Qualify for the Privilege of Keeping County Funds in their Respective Banks in Accordance with 27-105-305 of the Mississippi Code of 1972, as amended.**
7. **Acknowledge and Approve FY 2011 Emergency Medical Services Operating Fund (EMSOF) Grant Application.**  
(A true and correct copy of said application may be found in the Miscellaneous Appendix to these Minutes.)
9. **Approve 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 D, spread hereupon and incorporated herein by reference.)
10. **Approve *En Masse* Notices of Increase of Assessments of Personal Property for the 2010 Tax Year Agreed to by Taxpayers and Set Public Hearing as to All Others.**  
(True and correct copies of said Petitions, as accepted by taxpayers, and those certain Petitions not so accepted and for which a public hearing for December 6, 2010 is set, are attached hereto as Collective Exhibit E, spread hereupon and incorporated herein by reference.)
11. **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 F, spread hereupon and incorporated herein by reference.)

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

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

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 <sup>1</sup>
Supervisor Paul Griffin	Aye

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

SO ORDERED this the 15<sup>th</sup> day of November, 2010.

***In re: Request to Waive Permit Fee for 113 Klaas Boulevard***

WHEREAS, Interim County Administrator Brad Sellers appeared before the Board and presented a request from Mr. Robert Hunt requesting the Board waive the permit fee for Lot 13, Klaas Plantation, Part 1, and

WHEREAS, Mr. Sellers reported that a building permit was issued in 2005 and said permit was renewed on December 5, 2007 at no charge to Mr. Hunt, and said permit has now expired, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, Mr. Sellers also reported that Mr. Hunt had purchased said property out of foreclosure,

WHEREAS, Mr. Sellers stated that a Certificate of Occupancy had never been issued due to a required gas inspection and final inspection had yet to be performed,

Following discussion, Mr. John Bell Crosby did offer and Mr. Karl M. Banks did second a motion to reinstate said permit for a period of thirty (30) days at no additional cost to Mr. Hunt. 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 permit was and is hereby reinstated for a period of thirty (30) days.

SO ORDERED this the 15<sup>th</sup> day of November, 2010.

***In re: Request to Prepare Entrance to Charlton Subdivision***

WHEREAS, Interim County Administrator Brad Sellers appeared before the Board and presented a request from Mr. Arthur Noble of Noble Development, LLC requesting permission to remove the bluff from the southeast quadrant of the intersection of Charlton Drive and Stokes Road by way of Charlton Drive to Highway 22, and

WHEREAS, Mr. Sellers reported that the dirt was to be delivered at Grayhawk Subdivision and Reunion Subdivision,

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<sup>1</sup>Mr. Banks arrived after the call of the question on this matter.

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Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to approve said request subject to County Engineer Rudy Warnock's review of drawings to be provided by Mr. Noble. The vote on the matter being as follows:

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

the matter carried unanimously and said request was and is hereby approved subject to review by the County Engineer.

SO ORDERED this the 15<sup>th</sup> day of November, 2010.

***In re: Request for Borrow Pit - Martin Meadowlands, LLC***

WHEREAS, Interim County Administrator Brad Sellers appeared before the Board and presented a request from Mr. Mike McKenzie of WGK, Inc. requesting permission to dirt mine fifteen (15) acres on property owned by Martin Meadowlands, LLC, and

WHEREAS, Mr. Sellers reported that all material taken from said property would be used for the Calhoun Station Projects, and

WHEREAS, a true and correct copy of that certain correspondence dated November 9, 2010 from Mr. McKenzie is attached hereto as Exhibit G, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve the request at allow surface mining by Martin Meadowlands, LLC with the excavated material to be used for the Calhoun Station Projects only. The vote on the matter being as follows:

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

the matter carried unanimously and said request was and is hereby approved subject to materials being used for the Calhoun Station Projects only.

SO ORDERED this the 15<sup>th</sup> day of November, 2010.

***In re: Request for Extension on Special Extension for Surface Mining/Highway 51 - Key, LLC***

WHEREAS, Interim County Administrator Brad Sellers appeared before the Board and presented a request from Key, LLC requesting permission for an extension for surface mining operation located on U. S. Highway 51 between Yandell Road and Church Road,

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to grant a one (1) year extension of the special exception previously granted unto Key, LLC for surface mining on property owned by it on U. S. Highway 51. 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 such extension was and is hereby granted subject to the one (1) year limitation.

SO ORDERED this the 15<sup>th</sup> day of November, 2010.

***In re: Approval of Final Plat of The Retreat Subdivision***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented the final plat of The Retreat Subdivision 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 did also advise the Board that the streets had previously been built by the contractor, Gideon Development, and therefore a Letter of Credit was not required from said developer, and

WHEREAS, Mr. Warnock pointed out that the streets listed on said plat were private and would not be accepted as public streets,

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to approve said final plat, (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, and (b) subject to zoning ordinances that the Board finds will be applicable upon adoption thereof in the future. The vote on the matter being as follows:

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

the matter carried unanimously and the final plat of The Retreat Subdivision was and is hereby approved with the aforesaid provisos, all roads depicted thereon to remain private.

SO ORDERED this the 15<sup>th</sup> day of November, 2010.

***In re: Yandell Road Walking Trails***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and requested permission to include the layout of a walking trail in the specifications going to bid on the Yandell Road Reconstruction Project, and

WHEREAS, Mr. Warnock reported that the cost to include said walking trail in the design layout of said project would be included as additional services in his engineering contract chargeable by the hour at the rates set forth therein, and

WHEREAS, the Board does desire to include a walking trail at the time of said reconstruction project,

Following discussion, Mr. John Bell Crosby did offer and Mr. Karl M. Banks did second a motion to (1) authorize County Engineer Rudy Warnock to include the design of a walking trail

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in his design for the Yandell Road Reconstruction Project, (2) authorize Mr. Warnock to include the fees for the inclusion of walking trails to his general services contract being billed by the hour, (3) direct Mr. Warnock to present a cost estimate for the walking trails before final approval by the Board is made, and (4) direct Mr. Warnock to inquire as to grant money that may be available to pay for the cost of the walking trails. 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. Warnock was and is hereby so authorized and directed.

SO ORDERED this the 15<sup>th</sup> day of November, 2010.

***In re: Approval of One (1) Utility Permit***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented one certain utility permit allowing use and occupancy for the construction or adjustment of a utility within certain roads or highway rights of way, as follows:

- (1) AT&T - seeking to unearth and expose existing cable, splice in cable loop and place a pedestal and bore a service wire under 370 Church road, a true and correct copy of which is attached hereto as Exhibit H, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to approve the aforesaid utility permit. 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 utility permit was and is hereby approved.

SO ORDERED this the 15<sup>th</sup> day of November, 2010.

***In re: Adoption of Order Designation Right of Way Agent -  
North Old Canton Road State Aid Project No. STP-6988(7) B***

WHEREAS, County Engineer Rudy Warnock on behalf of State Aid Engineer John Granberry appeared before the Board and presented that certain document entitled "Order of Board of Supervisors of Madison County, Setting Forth Proposed State Aid Projects for Period January 1, 2008 through December 31, 2011," a true and correct copy of which is attached hereto as Exhibit I, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Warnock reported that the aforementioned Order was for the North Old Canton Road State Aid Project No. STP-6988(7) B, and

WHEREAS, Mr. Warnock informed the Board that said Order was for the designation of Mr. Woody Sample as the Right of Way Agent for the county and for the maintenance overlay and rumble strip along North Old Canton Road,

Following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to approve and adopt the aforementioned Order as submitted by Mr. Warnock. The vote on the

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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 Order was and is hereby approved and adopted.

SO ORDERED this the 15<sup>th</sup> day of November, 2010.

***In re: Approval of Budget Amendments/Interfund Transfers***

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/Interfund Transfers November 15, 2010," a true and correct copy of which is attached hereto as Exhibit J, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to 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

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

SO ORDERED this the 15<sup>th</sup> day of November, 2010.

***In re: Approval of Claims Docket  
for November 15, 2010***

WHEREAS, the Board reviewed the claims docket for November 15, 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	370 to 765	396	198,497.65
002	6 to 6	1	500.00
012	32 to 35	4	203.76
051	5 to 7	3	107,583.26
097	39 to 48	10	6,581.87
105	27 to 31	5	14,237.47
113	2 to 2	1	1,310.00
114	3 to 4	2	17,365.00
115	18 to 26	9	5,035.15
116	8 to 9	2	378.22
120	13 to 17	5	1,329.59

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121	7 to 7	1	54.66
150	112 to 129	18	44,061.62
160	29 to 32	4	78,934.55
190	27 to 29	3	168.02
302	17 to 20	4	326,933.55
401	5 to 5	1	5,606.11
TOTAL ALL FUNDS		469	808,780.48

**HELD CLAIMS**

Fund	Claim Nos.	Payee	Amount
401	6	Matthew Bender & Co., Inc.	\$ 2,698.00
302	19	Burns Cooley Dennis, Inc.	\$ 1,396.25
302	20	Warnock & Assoc., Inc.	\$ 96,000.00

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby 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 K, 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 15<sup>th</sup> day of November, 2010.

Thereafter, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to approve and pay the held claims of Burns Cooley Dennis, Inc. in the amount of \$1,396.25 and Warnock & Assoc., Inc., in the amount of \$96,000.00, respectively, 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	Abstain
Supervisor Paul Griffin	Aye

the matter carried by a majority vote (3-1-1) of the Board and said Held Claims were and are hereby approved, and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 15<sup>th</sup> day of November, 2010.

***In re: Approval of AT&T Resolution Changing Tax Assessment -***

WHEREAS, Board Attorney Eric Hamer appeared before the Board and presented that certain Resolution to change and correct the personal property tax assessment of AT&T Mobility, LLC for tax year 2010, a true and correct copy of which is attached hereto as Exhibit L, spread hereupon and incorporated herein by reference, and

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WHEREAS, Mr. Hamer reported that due to the efforts of Tax Assessor Gerald Barber and his staff, the two entities were able to reach a mutual agreement, and

WHEREAS, Mr. Hamer stated that the county had been in litigation with AT&T for ad valorem taxes for prior years of 2008 and 2009, and that the same had now been settled as acknowledged by the Board in its meeting of November 1, 2010, and

WHEREAS, Mr. Hamer also informed the Board that AT&T and Madison County had entered an Agreed Final Judgment regarding said matter, the same bearing Cause No. 2008-0138 on the docket of the Circuit Court of Madison County, Mississippi, and

WHEREAS, a true and correct copy of signed affidavits regarding the increases are attached hereto as Exhibit M, and

WHEREAS, said Agreed Final Judgment may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to acknowledge the Agreed Final Judgment and to adopt the aforementioned "Resolution of the Board of Supervisors of Madison County, Mississippi Changing Tax Assessment," and to 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 the Agreed Final Judgment was and is hereby acknowledged, the Resolution was and is approved and adopted, and the Board President was and is hereby authorized.

SO ORDERED this the 15<sup>th</sup> day of November, 2010.

***In re: Approval of State Lobbying Contract with Stevens Seale, Esq. and the Law Firm of Wise Carter Child & Caraway, PA***

WHEREAS, Board Attorney Eric Hamer appeared before the Board and presented a letter of agreement with Stevens Seale, Esq. of Wise Carter Child & Caraway, PA, and

WHEREAS, Mr. Hamer reported that the Board had previously approved the retention of Mr. Seale to provide state legislative lobbying services and counsel to Madison County, and that it was now necessary to approve a contract memorializing the scope of work and other details, and

WHEREAS, a true and correct copy of such contract, styled "Letter of Agreement," is attached hereto as Exhibit N, spread hereupon, and incorporated herein by reference,

Following discussion, Mr. John Bell Crosby did offer and Mr. Paul Griffin did second a motion to approve said "Letter of Agreement" 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	No
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

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the matter carried by a majority vote (4-1) of the Board and said Letter of Agreement was and is hereby approved and the Board President was and is hereby authorized.

SO ORDERED this the 15<sup>th</sup> day of November, 2010.

***In re: Approval of St. Joseph Catholic Church Agreement  
Calhoun Station Parkway, Phase 2***

WHEREAS, Board Attorney Eric Hamer appeared before the Board and presented an agreement between St. Joseph Catholic Church and Madison County for a temporary easement and right of way for the construction of Calhoun Station Parkway, Phase 2 and recommended approval of same, and

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

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve the aforementioned agreement for the benefit of the construction of Calhoun Station Parkway, Phase 2 and to 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 said agreement was and is hereby approved and the Board President was and is hereby so authorized.

SO ORDERED this the 15<sup>th</sup> day of November, 2010.

***In re: Acknowledgment of Correspondence from the  
Mississippi Ethics Commission***

WHEREAS, Supervisor Karl M. Banks presented that certain correspondence dated November 5, 2010 from the Mississippi Ethics Commission stating the commission members determined probable cause did not exist against him related to that certain property owned by Miller Banks Land, LLC along the Calhoun Station Parkway and requested the Board acknowledge same,

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to acknowledge receipt of that certain correspondence from the Mississippi Ethics Commission , a true and correct copy of which is attached hereto as Exhibit P, spread hereupon and incorporated herein by reference, stating no probable cause existed against Mr. Banks in regard to the Calhoun Station Parkway 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

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

SO ORDERED this the 15<sup>th</sup> day of November, 2010.

***In re: Authorization for Out of State Travel to CN Railroad Headquarters***

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to authorize and approve in advance, all reasonable and necessary travel expense to CN Railroad Headquarters in Illinois for Supervisor Tim Johnson, County Engineer Rudy Warnock and Board Attorney Eric Hamer to discuss lighting at the intersection of Sowell Road so that said road may be opened. 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 travel expenses were and are hereby approved and authorized.

SO ORDERED this the 15<sup>th</sup> day of November, 2010.

***In re: Exclusion of Certain Supervisor(s) From Certain Executive Session Matters Involving Litigation***

Following discussion, Mr. Tim Johnson did offer and Mr. Paul Griffin did second a motion to authorize Board Attorney Eric Hamer to correspond with the Attorney General's Office to determine whether a Supervisor can be excluded from Executive Session discussions involving certain litigation matters when that Supervisor has previously disclosed privileged and confidential information to the opposing side. The vote on the matter being as follows:

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

the matter carried by a majority vote (4-1) of the Board and the Board Attorney was and is hereby so authorized.

SO ORDERED this the 15<sup>th</sup> day of November, 2010.

***In re: Discussion of Dobson Street Bridge Project***

WHEREAS, Honorable William Truly, Jr., Mayor of City of Canton appeared before the Board and requested the Board provide financial assistance to the City of Canton pertaining to the Dobson Street Bridge Project, and

WHEREAS, Mayor Truly reported that the City has certain responsibilities regarding 125 feet of right of way and paving for said project, and

WHEREAS, Mayor Truly is requesting the Board authorize payment of invoices on behalf of the City of Canton in the amount of \$25,000.00, and

WHEREAS, Mayor Truly informed the Board that the City would be responsible for \$20,000.00 to acquire said right of way,

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Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to pay the City of Canton's invoices in an amount not to exceed \$25,000.00. The vote on the matter being as follows:

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

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

SO ORDERED this the 15<sup>th</sup> day of November, 2010.

***In re: Authorization to Advertise for Purchase of New Bulldozer***

WHEREAS, Purchase Clerk Hardy Crunk and Road Manager Lawrence Morris appeared before the Board and reported that the county's Komatsu bulldozer, being the same bulldozer that was previously damaged in a fire and repaired at the insurance company's expense, is again malfunctioning and in need of \$27,254.86 in repairs, and

WHEREAS, Mr. Crunk informed the Board that the county has a buyback of \$50,000.00 on the bulldozer from the original vendor, Lyle Machinery, that is valid until February 2012 so long as the bulldozer is in contractually-acceptable condition, and

WHEREAS, both Mr. Crunk and Mr. Morris opined that they do not think it is in the county's best interest to spend \$27,254.86 to repair the bulldozer, and

WHEREAS, Mr. Crunk stated that he has requested of Lyle that the company at this time honor the buy-back of the bulldozer in its present condition; however, he has not as of yet received an answer from Lyle, and

WHEREAS, Mr. Crunk and Mr. Morris went on to say that if Lyle will not honor the buy-back of the bulldozer in its present condition that the county consider taking bids for a new bulldozer with trade-in of the current bulldozer in its present condition

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion (1) to authorize and direct the Purchase Clerk to advertise for the purchase of a new bulldozer, both with and without trade-in of the current Komatsu dozer, and (2) to accept the \$50,000 buy-back from Lyle if the company will at this time honor the buy-back of the bulldozer in its present condition. 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 buy-back is accepted and approved and Mr. Crunk was and is so authorized.

SO ORDERED this the 15<sup>th</sup> day of November, 2010.

***In re: Acknowledgment of Receipt of Funds***

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

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

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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>
City of Canton	\$ 4,212.00
Yazoo County	\$ 275.00
City of Madison	\$ 2,253.91
City of Madison	\$ 1,935.39
Town of Flora	\$ 472.24

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 15<sup>th</sup> 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 as to the acquisition of certain right of way, and

Following discussion and pursuant to the terms of Miss. Code Ann. § 25-41-7, as amended, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to make a closed determination upon the issue of whether or not to declare an Executive Session for the purpose of discussing acquisition of certain right of way, with the following persons deemed necessary for Board discussions, deliberations, and recording of such Executive Session, to wit: members of the Board, Board Secretary and Deputy Chancery Clerk Cynthia Parker, Board Attorney Eric Hamer, Interim County Administrator Brad Sellers, County Comptroller and Deputy Chancery Clerk Quandice Green, Right of Way Agent Bobby Horton, County Engineer Rudy Warnock, County Appraiser Jim Turner, and Sheriff Toby Trowbridge. 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 15<sup>th</sup> day of November, 2010.

***In re: Entering into Executive Session***

WHEREAS, a discussion of the nature of the matters requiring Executive Session was

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had and the Board Attorney informed the Board that matters pertaining to right of way acquisition were properly the subject of executive session,

Following a discussion, Mr. John Bell Crosby did offer and Mr. Paul Griffin did second a motion to enter into Executive Session to discuss the acquisition of right of way as provided by law. 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 Board President Tim Johnson declared the Board of Supervisors to be in Executive Session for the consideration of such matters and the Board Attorney announced to the public the purpose for the Executive Session.

SO ORDERED this the 15<sup>th</sup> day of November, 2010.

During Executive Session, Mr. Bobby Horton appeared before the Board and presented a counter-offer received from Mr. Marc Lauderdale, who is the owner of Parcel 3 in connection with the county's efforts at the acquisition of permanent right of way for the Twin Harbors Drainage Project, and

WHEREAS, the Board has previously established just compensation for the property at \$974.61; however, said counter-offer is in the amount of \$2,100.00, and

WHEREAS, Mr. Warnock reported his firm would perform the staking of right of way at no cost to the county,

Thereafter, and following discussion, Mr. John Bell Crosby did offer and Mr. Paul Griffin did second a motion to (1) accept said counter-offer, (2) establish just compensation in the amount of \$2,100.00 as to Parcel 3 owned by Mr. Marc Lauderdale as right of way for the Twin Harbors Drainage Project, (3) authorize Mr. Horton to extend an offer to Mr. Lauderdale in said amount, and (4) direct the Chancery clerk to issue a pay warrant in said amount. The vote on the matter being as follows:

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

the matter carried by unanimous vote of those present and said counter offer was and is hereby accepted, just compensation established, and Mr. Horton and the Chancery Clerk were and are hereby so authorized and directed and said staking of right of way from Warnock & Associates was and is hereby acknowledged.

SO ORDERED this the 15<sup>th</sup> day of November, 2010.

Thereafter, Mr. Jim Turner appeared before the Board and presented documentation with regard to Mr. Clyde Lott's offer for just compensation for the Moss Road Reconstruction Project, and

WHEREAS, Mr. Turner reported that Mr. Lott was requesting additional compensation for loss of Oak and Bradford Pear trees that allowed for shading and fencing for his show cattle, and

WHEREAS, Mr. Lott did also appear before the Board and reported that the county was

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removing twelve (12) trees existing on his property as well as fencing and he was only requesting the replacement of five (5) trees and further explained that the show cattle are not used to the heat and require shading in an effort to cool off,

Following discussion, and in an effort to move the project forward, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to authorize and direct Mr. Turner to offer Mr. Lott additional compensation in an amount of \$1,500.00 and should Mr. Lott not agree to additional compensation Board Attorney Eric Hamer to begin condemnation proceedings against said property by means of the "quick take" statute, The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and Mr. Turner and Mr. Hamer were and are so authorized and directed.

SO ORDERED this the 15<sup>th</sup> day of November, 2010.

***In re: Adjournment of Executive Session***

Following discussion, Mr. Paul Griffin did offer and Mr. D. I. Smith did second a motion to adjourn the Executive Session and direct the Board Attorney 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 Board Attorney did announce to the public the action taken therein.

SO ORDERED this the 15<sup>th</sup> 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 Paul Griffin and seconded by Supervisor John Bell Crosby and approved by the unanimous vote of those present, the November term of the Board of Supervisors was adjourned.

\_\_\_\_\_  
Tim Johnson, President  
Madison County Board of Supervisors

Date signed: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Arthur Johnston, Chancery Clerk

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

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

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