

State of Mississippi
County of Warren

At a regular meeting of the Board of Supervisors of said County, held according to law, at the Courthouse in the City of Vicksburg on Monday, November 3, 2008, being the time and place for the holding of the regular term of said Board, with proper Notice having been posted (Ex. 1), and the Agenda for the meeting being attached (Ex. 2), the following were present:

Honorable Richard George, President (5th District)
Charles Selmon, Vice President (3rd District)
David L. McDonald (1st District)
William Banks (2nd District)
William Lauderdale (4th District)
Martin Pace, Sheriff, and Deputy
Dot McGee, Chancery Clerk, and Deputy

The President of the Board, Richard George, called the meeting to order at 9:00 a.m., and Supervisor Selmon offered the invocation.

October Minutes Approved

The October minutes were presented for approval. Motion was made by Supervisor Banks, seconded by Supervisor McDonald and carried unanimously, to approve and authorize the President to sign the minutes as presented.

Richard Winans, Road Manager

October 2008 Work Order Report Accepted

Mr. Winans presented the October 2008 Work Order for information. Motion was made by Supervisor Banks, seconded by Supervisor McDonald and carried unanimously, to accept the report for information.

Personnel Matters

Mr. Winans recommended that Charles Ronnie Weeks be placed on the Road Department payroll as an inventory clerk, effective October 29, 2008. Mr. Weeks has successfully completed his ninety-day probation period with Staffing Solutions. Motion was made by Supervisor McDonald, seconded by Supervisor Lauderdale and carried unanimously, to approve this recommendation.

Mr. Winans recommended that Jeremy Shiers be removed from the Road Department payroll, as he quit without notice, effective November 3, 2008. Motion was made by Supervisor Lauderdale, seconded by Supervisor McDonald and carried unanimously, to approve this recommendation.

Mr. Winans recommended that Warren Nevels be removed from the Road Department payroll, as he quit without notice, effective November 3, 2008. Motion was made by Supervisor Banks, seconded by Supervisor McDonald and carried unanimously, to approve Mr. this recommendation.

Change in Kings Point Ferry Hours

Mr. Winans stated that at this time the Kings Point Ferry has only two pilots on duty. Mr. Winans recommended that the hours of Kings Point Ferry be changed to reflect twelve hour days until another pilot can be employed. He also requested authorization to advertise for the position of Master Pilot. Motion was made by Supervisor Banks, seconded by Supervisor McDonald and carried unanimously, to approve changing the Kings Point Ferry hours to twelve hours a day (4:30 a.m. to 4:30 p.m.), and the Board Attorney is directed to send a letter to all necessary parties regarding the change, and authority to advertise for a Master Pilot is granted.

Temporary Easements Approved

Mr. Winans presented a list of temporary dumping easements and recommended approval. Motion was made by Supervisor Lauderdale, seconded by Supervisor McDonald and carried unanimously, to accept the recommendation of the Road Manager to approve the temporary easements contained in Exhibit 3.

Driveway Permits Approved

Mr. Winans presented a list of driveway permits and recommended approval. Motion was made by Supervisor McDonald, seconded by Supervisor Banks and carried unanimously, to accept the recommendation of the Road Manager to approve the driveway permits contained in Exhibit 4.

Kelly Worthy, Fire Coordinator

Approve Eagle Lake Volunteer Fire Department's Acceptance of Bid For Fire Service Vacuum Tanker Truck and Allow Application for RFTAAP Funds

Mr. Kelly presented a request from Eagle Lake Volunteer Fire Department to approve their decision to accept the bid from Southern Fire Equipment, LLC for the purchase of a fire service vacuum tanker truck for Eagle Lake Volunteer Fire Department and to proceed with application for RFTAAP funds from the State of Mississippi. Motion was made by Supervisor Lauderdale, seconded by Supervisor McDonald and carried unanimously, to approve the aforesaid request.

Dexter Jones, Inventory Control Clerk

Vehicles Declared Surplus and Authorize Sold at Auction

Mr. Jones requested that the Board declare the following Sheriff's Department patrol cars surplus and authorize their sale at auction:

<u>Asset#</u>	<u>Make</u>	<u>Serial#</u>
8137	2003 Ford Crown Victoria	2FAFP7W33X208130
8140	2003 Ford Crown Victoria	1FAFP71W03X208134

Motion was made by Supervisor Banks, seconded by Supervisor McDonald and carried unanimously, to approve the aforesaid request. (Ex. 5).

List of Unmarked Patrol Cars Approved

Mr. Jones presented for approval, pursuant to Section 19-25-15, Miss. Code of 1972, a list of unmarked patrol cars. Motion was made by Supervisor Banks, seconded by Supervisor McDonald and carried unanimously, to approve the list attached as Exhibit 6.

Wayne Mansfield, Warren County Port Commission

Kinder Morgan Contract Change

Mr. Mansfield stated that in June the Board had accepted the recommendation of the Port Commission to approve a verbal agreement between the Port Commission and Kinder Morgan. At that time, the Port Commission was renegotiating the contract with Kinder Morgan, which currently expires in December 2009. Kinder Morgan has the potential to secure a large customer and has requested a change in the terms of the contract which the Board of Supervisors verbally agreed to in June. Kinder Morgan has requested to change the terms of the proposed contract, which provide for five (5) two-year options, to three (3) five-year options. At the last Port Commission meeting, the Port Commission gave verbal approval of this change. This contract has enormous potential for the Port Commission because it guarantees tonnage coming through the Port and increases potential revenues by approximately \$100,000.00 a year. Motion was made by Supervisor Lauderdale, seconded by Supervisor McDonald and carried unanimously, to accept the recommendation of the Warren County Port Commission to approve the change in the contract with Kinder Morgan from five two-year options to three five-year options.

John Smith, County Administrator

Tax Anticipation Note, Series 2008
In the Maximum Principal Amount of
\$3,300,000 to Raise Money for the
Purpose of Defraying Expenses of the County

Mr. Smith stated that it has become necessary for the County to borrow \$3,300,000, and to issue a Tax Anticipation Note, Series 2008 in the maximum principal amount of \$3,300,000, to raise money for the purpose of defraying expenses of the county. The funds will be used to meet cash flow needs of the bond interest fund, general fund and road and bridge fund until tax collections are received in March 2009. Mr. Smith requested that the Board adopt the following resolution: "Resolution Declaring Intention of the Board of Supervisors of Warren County, Mississippi (The "County"), to Issue a Tax Anticipation Note, Series 2008 in the Maximum Principal Amount of Three Million Three Hundred Thousand Dollars (\$3,300,000) to Raise Money for the Purpose of Defraying Expenses of the County; and Directing Publication of Notice of Note Sale - \$3,300,00," and authorize advertisement of "Notice of Intention of the Board of Supervisors of Warren County,

Mississippi to Issue a \$3,300,000 Tax Anticipation Note, Series 2008 of Warren County, Mississippi and for Bids for the Purchase of said Note." Motion was made by Supervisor McDonald, seconded by Supervisor Banks and carried unanimously, to adopt the aforesaid resolution and to authorize publication of the Notice of Intention and setting 9:00 a.m., November 26, 2008, for the date and time for the receipt of sealed bids for the purchase of said Note and the deadline for receipt of protest by qualified electors against the issuance of said Note. (Ex. 7).

Mr. Smith requested that the Board adopt a Resolution authorizing the employment of professionals in connection with the issuance of a Tax Anticipation Note. Motion was made by Supervisors Banks, seconded by Supervisor McDonald and carried unanimously, to adopt the resolution attached as Exhibit 8 to employ Butler, Snow, O'Mara, Stevens & Cannada, PLLC as Note Counsel; Government Consultants, Inc. as Financial Advisor; and Paul Winfield, Esq. as Counsel to the County in connection with the sale and issuance of the Note.

Payment of Invoices Approved

Mr. Smith presented the following invoices of John E. McKee, Jr., P.E., County Engineer, for approval: Invoice No. 33 in the amount of \$43,921.38 for 2008 miscellaneous engineering and surveying services; Invoice No. 1221-S91 in the amount of \$19,657.13 for State Aid and LSBP projects; and Invoice No. 1221-C88 in the amount of \$21,310.50 for county funded projects. Motion was made by Supervisor Lauderdale, seconded by Supervisor McDonald and carried unanimously, to approve payment of the aforesaid invoices.

Mr. Smith presented the invoice of Paul Winfield, Board Attorney, in the amount of \$6,212.50 for legal services for the month of October for approval. Motion was made by Supervisor Banks, seconded by Supervisor McDonald and carried unanimously, to approve payment of the aforesaid invoice.

Revised Schedules to Frequency Reconfiguration Agreement with Nextel Approved

Mr. Smith presented the revised schedules to the Frequency Reconfiguration Agreement with Nextel for approval; the City of Vicksburg has executed the revised schedule. Motion was made by Supervisor Banks, seconded by Supervisor Lauderdale and carried unanimously, to approve the aforesaid revised schedules. This document is confidential pursuant to Section 25-61-9 (Financial Information and Trade Secrets) and is not included in these minutes and is not subject to the Open Records Act.

Revised Agreement With Motorola For 800 MHz Rebanding Project Approved

Mr. Smith requested that the Board authorize the President to sign the revised Agreement with Motorola, which is in connection with the 800 MHz Rebanding Project, subject to review by the Board Attorney. Motion was made by Supervisor Banks, seconded by Supervisor Lauderdale and carried unanimously, to authorize the President to sign the

revised Agreement with Motorola. This document is confidential pursuant to Section 25-61-9 (Financial Information and Trade Secrets) and is not included in these minutes and is not subject to the Open Records Act.

Appointment of Special Youth Court Judges, Pursuant to Section 43-21-113, et seq., MCA

Mr. Smith presented an Order Appointing Special Youth Court Judge and Order for Appointment of Alternate Special Youth Court Judge for information. Motion was made by Supervisor Banks, seconded by Supervisor McDonald and carried unanimously, to accept for information Orders signed by County/Youth Court Judge John S. Price, Jr., appointing Marcie T. Southerland as Special Youth Court Judge and James "Buck" Penley as Alternate Special Youth Court Judge, pursuant to Section 43-21-113, et seq., of M.C.A., effective October 31, 2008 and continuing until further Order of the Court.

Application and Certificate of Payment of Mayrant & Associates Renovations to 1401 Clay Street for Vicksburg-Warren Emergency Communications Center

Mr. Smith presented Application and Certificate for Payment of Mayrant & Associates, LLC for payment in the amount of \$20,677.22 for renovations to the Vicksburg Warren Emergency Communication Center, 1401 Clay Street. Motion was made by Supervisor Banks, seconded by Supervisor McDonald and carried unanimously, to approve payment in the amount of \$20,677.22 to Mayrant & Associates, LLC.

Interfunds Loans Approved

Mr. Smith requested that the Board approve the following interfund loans: Interfund loan from General Fund to Drug Court/Circuit Court Fund in the amount of \$21,191.03; interfund loan from General Fund to Law Library Fund in the amount of \$1,266.93; and interfund loan from Bridge & Culvert Fund to Road Fund in the amount of \$406,737.86. Motion was made by Supervisor Lauderdale, seconded by Supervisor McDonald and carried unanimously, to approve the aforesaid loans.

Dot McGee, Chancery Clerk

Monthly County Reports Accepted For Information

Ms. McGee presented the General Ledger Cash Balances for FY 2008 - 2009, balance through October, and Cash Receipts Journal for 10/01/2008 through 12/31/2008 for FY 10/2008 - 9/2009 for information. Motion was made by Lauderdale, seconded by Supervisor McDonald and carried unanimously, to accept these reports for information.

October Claims Docket Approved

Ms. McGee presented the Docket of Claims for October 2008 for approval. Motion was made by Supervisor Banks,

seconded by Supervisor McDonald and carried, to approve the Docket of Claims for October. Supervisors Banks, Lauderdale, McDonald and George voted "Yea" and Supervisor Selmon abstained from voting on claims paid to River Region Medical Center and voted to pay all other claims. (Ex. 9).

Justice Court Settlements Approved

Ms. McGee presented the Justice Court Clearing, Civil and Criminal/Traffic account settlements for 09/21/2008 to 10/21/2008 for approval. Motion was made by Supervisor Lauderdale, seconded by Supervisor McDonald and carried unanimously, to approve these settlements.

Parks and Recreation Commission,
Port Commission and E-911 Commission
Minutes Accepted

Ms. McGee presented the Parks and Recreation Commission minutes for September 16, 2008; Port Commission minutes for September 15, 2008; and E-911 Commission minutes for September 24, 2008 and October 1, 2008 for information. Motion was made by Supervisor Banks, seconded by Supervisor Lauderdale and carried unanimously, to accept the aforesaid minutes for information.

Active Inmate Reimbursement Voucher
for September 2008

Ms. McGee requested that the President be authorized to sign the Active Inmate Reimbursement Voucher for the month of September 2008 in the amount of \$8,854.71. Motion was made by Supervisor Banks, seconded by Supervisor Lauderdale and carried unanimously, to authorize the President to sign the Active Inmate Reimbursement Voucher for September 2008.

Report of Distribution of Tax Collector's
Funds as of September 30, 2008 Approved

Ms. McGee presented the Tax Collector's report of distribution of funds as of September 30, 2008 for approval. Motion was made by Supervisor Banks, seconded by Supervisor Lauderdale and carried unanimously, to approve the aforesaid report.

Authorization to sign Audit
Exit Letter

Ms. McGee presented the audit exit letter and requested that the Board authorize the President, County Administrator and Chancery Clerk to sign same. Motion was made by Supervisor McDonald, seconded by Supervisor Banks and carried unanimously, to approve the aforesaid request.

Supplemental Docket of Claims Approved

The Supplemental Docket of Claims paid 11/03/2008 for October bills was presented for approval. Motion was made by Supervisor McDonald, seconded by Supervisor Lauderdale and carried, to approve the Supplemental Docket of Claims. Supervisors Banks, Lauderdale, McDonald and George voted "Yea" and Supervisor Selmon abstained from voting on claims

paid to River Region Medical Center and voted to pay all other claims. (Ex. 10).

Executive Session

Motion was made by Supervisor McDonald, seconded by Supervisor Banks and carried unanimously, to consider going into Executive Session to discuss possible litigation and update on Inn of Vicksburg litigation.

Motion was made by Supervisor McDonald, seconded by Supervisor Banks and carried unanimously, to go into Executive Session for the aforesaid reason.

Motion was made by Supervisor McDonald, seconded by Supervisor Selmon and carried unanimously, to come out of Executive Session.

No action was taken.

Public Hearing on Proposed Amendments to Flood Damage Prevention Ordinance

The President called the public hearing to order at 10:00 a.m. Proof of publication of notice of the hearing is attached as Exhibit 11 and a list of persons present at the hearing is attached as Exhibit 12. The President turned the meeting over to Gwen Coleman, Director of EMA. Ms. Coleman stated that the purpose of the hearing is to receive citizen input pertaining to proposed amendments to the Flood Plain Damage Ordinance. The meeting was opened for comments. There being no comments, either written or oral, motion was made by Supervisor McDonald, seconded by Supervisor Lauderdale and carried unanimously, to close the hearing.

Motion was made by Supervisor Banks, seconded by Supervisor McDonald and carried unanimously, to adopt the Floodplain Management Ordinance, effective immediately.

Recess

Motion was made by Supervisor Lauderdale, seconded by Supervisor McDonald and carried unanimously, to recess until Monday, November 17, 2008, at 9:00 a.m.

Richard George, President