

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

REGULAR MEETING OF JANUARY 28, 2008  
Recessed from regular meeting conducted on January 15, 2008

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on January 28, 2008, in the Law Library of the Madison County Circuit Courthouse in Canton, Mississippi, as follows, to-wit:

The President of the Board, Mr. 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  
Chancery Clerk Arthur Johnston  
Sheriff Toby Trowbridge  
Superintendent of Schools Mike Kent

Absent:

None

Also in attendance:

County Administrator Donnie Caughman  
County Comptroller Mark Houston  
County Zoning Administrator Brad Sellers  
Emergency Management Director Butch Hammack  
County Purchase Clerk Hardy Crunk  
Board Secretary Cynthia Parker  
Board Attorney Eric Hamer  
Assistant Comptroller and Deputy Chancery Clerk Quandice Green  
County Engineer Rudy Warnock  
County Road Manager Lawrence Morris  
Chief Deputy Tax Assessor Kent Hawkins

The President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. County Administrator Donnie Caughman opened the meeting with a prayer and Mr. Will Sligh led the members and the audience in the Pledge of Allegiance to the Flag of the United States of America.

***In re: Approval of Increase of Assessments of 2007 Real Property  
Pursuant to Miss. Code Ann. § 27-35-147 et seq.***

WHEREAS, on January 15, 2008, the Board determined that January 28, 2008 would be an appropriate date for a public hearing on the matter of increasing real and personal property assessments on certain individuals and businesses in the county and did set said date for said hearing to begin at the hour of 9:00 am, and

WHEREAS, the Chancery Clerk did prepare and serve the appropriate notices thereof by registered mail to the affected property owners, and the Board does find that said notices were sufficient, and

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

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

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WHEREAS, the petitions listing the property owner(s), the parcel numbers, and amount of the proposed assessment increase as to each is attached hereto as Collective Exhibit A, spread hereupon, and incorporated herein by reference, and

WHEREAS, the hour of 9:00 am did arise and the Board President did declare the public hearing on said proposed increases to be open and directed those citizens who appeared for said hearing to consult and confer with the Tax Assessor and his staff, and

WHEREAS, no one did appear to contest or protest said assessment increases,

Following discussion, Mr. Paul Griffin did offer and Mr. D. I. Smith did second a motion to close the public hearing and approve the assessment increases for those individuals and parcel numbers as set forth in the aforesaid petitions, with the exception of the proposed increase as to parcel # 072C-07C-033, the hearing for which shall be continued until February 18, 2008 at 9:00 am at the regular meeting place of the Board. The vote on the matter being as follows:

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

the matter carried unanimously and said assessment increases were and are hereby approved and adopted, less and except the proposed increase as to parcel # 072C-07C-033, the public hearing for which was and is hereby continued until February 18, 2008.

SO ORDERED this the 28<sup>th</sup> day of January, 2008.

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

WHEREAS, President Johnson did announce that he and County Administrator Donnie Caughman had conferred in advance of the meeting and did recommend that Items (2) through (12) on the Agenda appeared to be routine, non-controversial matters on which all Supervisors were likely to agree, and could be taken up as Consent Items, and

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

WHEREAS, the following items were taken up as "Consent Items," to-wit:

**2. Approval of Zoning Matter - Chestnut Developers LLC Petition for Variance in C-2 Commercial District/Highway 22 and 463**

The action of the Madison County Planning and Zoning Commission of January 10, 2008, granting the request of Chestnut Developers for a variance to the minimum front setback and a variance to the maximum height of structures in a C-2 Commercial District was and is hereby acknowledged and approved.

**3. Approval of Zoning Matter - Randolph Graves Petition for Variance to Side Setback A-1 District**

The action of the Madison County Planning and Zoning Commission of January 10, 2008, granting the request of Randolph Graves for a variance to the minimum side set back in an A-1 District on property owned by him, namely, Lot 11, Weeks End Subdivision, was and is hereby acknowledged and approved.

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

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

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**4. Approval of Zoning Matter - Site Plans/Middleton Homes and Construction Day Care Center**

The action of the Madison County Planning and Zoning Commission of January 10, 2008, granting the request of Middleton Homes and Construction seeking approval of a site plan for a day care center on Distribution Drive was and is hereby acknowledged and approved. The site plan thereof may be found in the Miscellaneous Appendix to these Minutes.

**5. Approval of 16th Section Lease Agreements - Madison County Schools**

WHEREAS, the Madison County School Board has approved the following 16th Section leases and forwarded them to the Board for review and approval, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes:

*(1) Standard 16<sup>th</sup> Section Lease Contracts:*

Lessees: Tim Renfroe and wife Beverly Renfroe  
 Description: Lot 26, Livingston Subdivision, Part I  
 Lease Term: 40 years

<u>Year</u>	<u>Annual Rent</u>
1 - 5	\$ 1,000.00
6 - 10	\$ 1,100.00
11 - 15	\$ 1,200.00
16 - 20	\$ 1,300.00
21 - 25	\$ 1,400.00
26 - 30	\$ 1,500.00
31 - 35	\$ 1,600.00
36 - 40	\$ 1,700.00

Lessees: Ronnie P. Alderman  
 Description: a parcel of land being a part of lots 4 and 5, of Block 24 of the Jones Addition to the Town of Flora  
 Lease Term: 40 years

<u>Year</u>	<u>Annual Rent</u>
1 - 5	\$ 270.00
6 - 10	\$ 297.00
11 - 15	\$ 324.00
16 - 20	\$ 351.00
21 - 25	\$ 378.00
26 - 30	\$ 405.00
31 - 35	\$ 432.00
36 - 40	\$ 459.00

*(2) Renegotiated 16<sup>th</sup> Section Other Property Lease Contracts:*

Lessees: Ernest W. Stewart  
 Description: Lot 7, St. Augustine Park Subdivision Part 1  
 Lease Term: 40 years

<u>Year</u>	<u>Annual Rent</u>
1	\$ 595.92 (pro rated)
2 - 5	\$ 628.00
6 - 10	\$ 690.00
11 - 15	\$ 753.60
16 - 20	\$ 816.40

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

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

21 - 25	\$ 879.20
26 - 30	\$ 942.00
31 - 35	\$1,004.80
36 - 40	\$1,067.60

Lessees: Fearn's Chapel Freewill Baptist Church  
Description: a parcel of land situated in the southeast 1/4 of the northwest 1/4 and the northeast 1/4 of the southwest 1/4 pf section 16, T8N, R1W, Flora, Madison County, Mississippi  
Lease Term: 40 years

<u>Year</u>	<u>Annual Rent</u>
1 - 10	\$ 400.00
11 - 20	\$ as adjusted pursuant to paragraph 3
21 - 30	\$ as adjusted pursuant to paragraph 3
31 - 40	\$ as adjusted pursuant to paragraph 3

The Board of Supervisors does desire to and does in fact hereby approved each of the above listed leases.

**6. Authority to Increase Assessment of Personal Property - Nissan North America 2007 Tax Year**

For purposes of calculating the payment in lieu of tax due from Nissan North America, Inc., and pursuant to that certain Agreement to Make Payments in Lieu of Ad Valorem Taxes” (hereinafter, “PILOT Agreement”) dated April 23, 2003 as approved by the Madison County Board of Supervisors on March 21, 2003, a true and correct copy of which may be found in the Miscellaneous Appendix to the Minutes of this Board of January 31, 2005, the assessment of 2007 Personal Property taxes on Parcel # 3413 in the name of Nissan North America, Inc. was and is hereby increased by \$4,887,921.00 to \$99,198,860.00 as set fort in that certain Notice to Increase the Assessment, a true and correct copy of which is attached hereto as Exhibit B, spread hereupon and incorporated herein by reference. Said Notice was executed and approved by representative of the taxpayer on January 17, 2008.

**7. Acknowledge Clerk of the Board Report**

The Clerk of the Board Report for the 2007-2008 fiscal year through the month of December 2007 as presented by Chancery Clerk Arthur Johnston and Comptroller Mark Houston was and is hereby approved, a true and correct copy of which is attached hereto as Exhibit C, spread hereupon and incorporated herein by reference.

**8. Acknowledge BlueCross/BlueShield Benefits, Administrative Services, Reinsurance & Assignment of Benefits Confirmation Reports**

That certain Service Commitment received from the Integrity Group of Starkville, Mississippi was and is hereby acknowledged and approved, and a true and correct copy thereof is attached hereto as Collective Exhibit D, spread hereupon and incorporated herein by reference.

**9. Authorization for Funding - Communication Radios for Kearney Park Volunteer Fire Department/Camden Volunteer Fire Department**

At the request of E911 Director Butch Hammack and County Fire Coordinator Mack Pigg and upon approval by the E-911 Board of Commissioners, the Chancery Clerk was and is hereby authorized to issue a pay warrant (a) unto the Kearney Park Fire Department in the amount of \$1,486.00 from county E-911 funds for the purchase by said Department of two mobile radios; and (b) unto the Camden Fire Department in the amount of \$3,806.00 for the purchase by said Department of two mobile radios and eight hand held radios.

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

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

## 10. Approval of Culvert Locations - Road Department

At the request of County Road Manager Lawrence Morris the Board does hereby approved the following work orders pertaining to the installation of culverts along public rights of way and not on private property at the following locations:

<u>Date</u>	<u>Work Order</u>	<u>Address</u>
1/10/08	6720	413 Kearney Park
1/11/08	6744	1909 Loring Road
1/14/08	6749	464 Tithelo Road
1/17/08	6766	132 Renfroe Road
1/18/08	6780	Highway 16 East

The Board hereby finds that the installation of each such culvert is needed on the roads listed to protect, preserve, and maintain the roads and the county rights of way thereon.

## 11. Approval of Utility Permits

The following permits allowing use and occupancy for the construction or adjustment of a utility within certain roads or highway rights of way was and is hereby approved, and which applications, are attached *en masse* hereto as Exhibit E, spread hereupon, and incorporated herein by reference:

- (1) AT&T - seeking to place approximately 3760' of 432 strand fiber optic cable along the south side of Weisenberger Road, across Parkway East and along the south side of Denim Way
- (2) Atmos Energy - seeking to install 1702 feet of six-inch steel natural gas high-pressure distribution main along the south side of the road; bore a 2 inch main to the north side of Yandell Road and tie in to existing 2 inch main; install five 3/4 inch service lines on north side of Yandell Road; and abandon the existing two inch steel natural gas main

## 12. Authorization to Delete Certain Junk Items from Inventory and Properly Dispose

Those items set forth in that certain undated memorandum from Inventory Control Clerk Loretta Phillips, a true and correct copy of which is attached hereto as Exhibit F, spread hereupon and incorporated herein by reference, were and are hereby declared surplus, of no value to the public and are authorized to be destroyed or otherwise disposed of as allowed by law.

Thereafter, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to approve, adopt, and authorize each of the above and foregoing matters, the same being numbered Items (2) through (12) herein above. The vote on the matter being as follows:

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

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

SO ORDERED this the 28<sup>th</sup> day of January, 2008.

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

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

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**In re: Request for Relief (Builder's Affidavit)**  
**Parcel No. 081F-13-283/00.00**

WHEREAS, Mr. Mark A. Courington did appear before the Board and requested the Board grant a tax relief on parcel no. **081F-13-283/00.00** due to his failure to file a builder's affidavit in advance of the 2007 land roll, and

WHEREAS, as a result of said failure, the Tax Assessor taxed said parcel for both land and improvement value, despite the property being unoccupied on January 1, 2007, and

WHEREAS, explanatory correspondence dated January 25, 2008, from Mr. Norman Cannady, Deputy Tax Assessor and a recalculation of the taxes is attached hereto as Exhibit G, spread hereupon and incorporated herein by reference,

Following discussion, Mr. D. I. Smith did offer and Mr. Tim Johnson did second a motion to reduce the assessment of parcel no. **081F-13-283/00.00** so as to remove the improvement value for 2007 as recommended by Mr. Norman Cannady of the Tax Assessor's office and direct the Tax Collector to issue a new 2007 tax bill in the amount of \$351.74 for said parcel. 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 tax relief was and is hereby approved and the Tax Collector was and is directed to prepare and send a revised tax bill accordingly.

SO ORDERED this the 28<sup>th</sup> day of January, 2008.

**In re: Request for Relief (Builder's Affidavit)**  
**Parcel No. 071B-03-064/01.00**

WHEREAS, Mr. Joe Jenkins has requested that the Board grant certain tax relief on parcel no. **071B-03-064/01.00** due to his failure to file a builder's affidavit in advance of the 2006 land roll, and

WHEREAS, as a result of said failure, the Tax Assessor taxed said parcel for both land and improvement value, despite the property being unoccupied on January 1, 2006, and

WHEREAS, explanatory correspondence dated January 10, 2008, from Mr. William Clay Stewart, Deputy Tax Assessor and a recalculation of the taxes is attached hereto as Exhibit H, spread hereupon and incorporated herein by reference, and

WHEREAS, the 2006 taxes on said parcel were not paid and were sold for such non-payment by the Tax Collector at the August, 2007 tax sale

Following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion (1) to reduce the assessment of parcel no. **071B-03-064/01.00** for 2006 *upon the redemption of the 2006 delinquency* so as to remove the improvement value for 2006 as recommended by Mr. William Clay Stewart of the Tax Assessor's office, and (2) to authorize the Tax Collector to issue a refund unto Mr. Jenkins in the total amount of \$4,537.51 which includes \$4,363.97 in raw tax representing the difference between the taxes computed without the aforesaid builder's affidavit (that is, with the improvement value) and the taxes computed thereafter (that is, without

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the improvement value) and **\$169.54** in interest prior to the date of sale. 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 tax relief was and is hereby approved and the Tax Collector was and is directed to issue a refund *upon redemption* of the 2006 taxes in the amount aforesaid and short her next settlement accordingly.

SO ORDERED this the 28<sup>th</sup> day of January, 2008.

### **Consideration and Award of Bids for the Construction of the Kearney Park Community Center**

WHEREAS, Mr. Kenneth Oubre with Dean and Dean Associates, Architects, did appear before the Board and presented the Board with a tabulation sheet together with his correspondence of January 17, 2008 regarding bid proposals for the construction of the Kearney Park Community Center, and

WHEREAS, said correspondence and tabulation sheets are attached hereto as Collective Exhibit I, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Oubre announced that the apparent low bidder, Strong River Construction, LLC withdrew its bid due to an error in calculation and recommended that the Board award the construction contract to Mayrant & Associates for a total contract price of \$346,300.00, and

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to (1) find and determine that the bid of Mayrant & Associates was and is the lowest and best bid received in response to the advertisement for same, and (2) award the contract for the construction of said Kearney Park Community Center unto said firm. 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 bid was and is hereby awarded.

SO ORDERED this the 28<sup>th</sup> day of January, 2008.

### ***In re: Consideration of Permit for Mobile Waste Tire Processor***

WHEREAS, Mr. Charles W. Shook with S & S Services did appear before the Board and requested that the Board permit him to operate a mobile waste tire processor in and around Madison County at various locations, the same being locations of his customers, typically tire repair and replacement retailers, and

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

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WHEREAS, Mr. Shook explained that the Mississippi Department of Environmental Quality was requesting such approval, and

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to find and determine that allowing Mr. Shook and his firm to operate a mobile waste tire processor in Madison County is beneficial to the taxpayers and the environment and will encourage and improve recycling effort and (2) to authorize and approve the operation of such mobile equipment in 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	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and Mr. Shook was and is allowed to operate a mobile waste tire facility in Madison County and he and his firm were and are hereby granted a permit to operate the same.

SO ORDERED this the 28<sup>th</sup> day of January, 2008.

***In re: Consideration of Preliminary Plat – Wind Dance Subdivision Phase III***

WHEREAS, County Zoning Administrator Brad Sellers did appear before the Board and present a proposed preliminary plat of Wind Dance Subdivision Phase III, which plat calls for a street slightly longer than county ordinances allow,

Following discussion, Mr. Tim Johnson did offer and Mr. D. I. Smith did second a motion to take the matter of the approval of said preliminary plat under advisement. 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 matter of the approval of said preliminary plat was and is hereby taken under advisement.

SO ORDERED this the 28<sup>th</sup> day of January, 2008.

***In re: Consideration of Preliminary Plat -  
Haddington Block Q @ Reunion***

WHEREAS, County Zoning Administrator Brad Sellers appeared before the Board and presented the preliminary plat of Haddington Block Q @ Reunion for the Board's consideration and review, and

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

WHEREAS, Mr. Sellers pointed out that the plat calls for a street slightly longer than county ordinances allow,

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

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Following discussion, Mr. D. I. Smith did offer and Mr. Paul Griffin did second a motion to approve the preliminary plat of said subdivision, 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 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 said preliminary plat was and is hereby approved.

SO ORDERED this the 28<sup>th</sup> day of January, 2008.

***In re: Consideration of Request by JH&H Architects to Use Section 1017 International Building Code in the Design of Fine Arts Building/St Joseph Catholic School***

WHEREAS, County Zoning Administrator Brad Sellers and presented a written request from Mr. Greg Durrell with JH&H Architects seeking the county's permission to utilize Section 1017.1 of the International Building Code in connection with the building of the new fine arts facility at St. Joseph Catholic School in order to conform to the requirements of the City of Madison,

Following discussion, Mr. D. I. Smith did offer and Mr. Karl M. Banks did second a motion to authorize and allow JH&H Architects to use Section 1017.1 of the International Building Code in connection with the building of the new fine arts facility at St. Joseph Catholic School in order to conform to the requirements of the City of Madison. 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 firm was and is hereby so authorized.

SO ORDERED this the 28<sup>th</sup> day of January, 2008.

***In re: Request to Have the Mississippi Department of Transportation Add a Protective Left Turn Lanes at the Intersections of (a) Highway 51 and Weisenberger Road and (b) Highway 463 and Bozeman Road***

Following discussion, and at the recommendation of County Engineer Rudy Warnock, Mr. John Bell Crosby did offer and Mr. D. I. Smith did second a motion to direct County Administrator Donnie Caughman to correspond with the Mississippi Department of Transportation and request that said agency install protective turn lanes at the intersections of Highway 51 and Weisenberger Road and Highway 463 and Bozeman Roads. The vote on the matter being as follows:

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

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

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

the matter carried unanimously and Mr. Caughman was and is so instructed and authorized.

SO ORDERED this the 28<sup>th</sup> day of January, 2008.

***In re: Approval of Claims Docket for January 28, 2008***

WHEREAS, the Board reviewed the claims docket for January 28, 2008; and

WHEREAS, the Chancery Clerk 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	1545 to 1683	129	352,788.74
012	74 to 86	13	2,984.48
013	9 to 11	3	68,767.23
051	4 to 4	1	7,222.47
096	5 to 5	1	2,700.00
097	114 to 130	17	37,179.16
113	4 to 5	2	3,593.00
114	10 to 10	1	80,235.00
115	7 to 9	3	75,069.15
116	9 to 10	2	210.82
120	23 to 26	4	2,285.37
121	11 to 12	2	276.28
137	7 to 7	1	77.02
150	251 to 291	41	78,808.10
160	52 to 54	3	1,354.31
190	63 to 67	5	795.35
291	3 to 3	1	2,000.00
302	45 to 49	5	74,665.13
305	11 to 11	1	3,689.50
401	21 to 24	4	36,214.89
TOTAL ALL FUNDS		239	830,916.00

Following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to said claims docket as presented. 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 J spread hereupon, and incorporated herein by reference. The vote on the matter being as follows:

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

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

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

the matter carried unanimously and said Claims Docket was and is hereby approved, and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 28<sup>th</sup> day of January, 2008.

***In re: Request for Budget Amendments***

WHEREAS, County Comptroller Mark Houston did appear 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 January 28, 2008,” a true and correct copy of which is attached hereto as Exhibit K, spread hereupon and incorporated herein by reference.

Following discussion, Mr. D. I. Smith did offer and Mr. Paul Griffin 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 by the unanimous vote of those present and said budget amendments were and are hereby approved and adopted.

SO ORDERED this the 28<sup>h</sup> day of January, 2008.

***In re: Approval of Letter of Engagement with Board Attorney and Establishment of Salary and Fees***

WHEREAS, on January 7, 2008, the Board appointed Eric Hamer as the attorney for the Madison County Board of Supervisors pursuant to Miss. Code Ann. § 19-3-47 as amended, and

WHEREAS, the Board does now desire to establish the salary of said attorney and establish the terms of engagement and set the fees and expenses associated with said attorney’s representation of the Board and Madison County in other matters, and

WHEREAS, Mr. Hamer did present to the Board a proposal, in the form of a letter of engagement, a true and correct copy of which is attached hereto as Exhibit L, spread hereupon and incorporated herein by reference, and

WHEREAS, in said letter of engagement, Mr. Hamer offers to accept a salary of \$42,000.00, which sum is less than the amount allowed by law, said sum to include preparing for and attending all meetings of the Board, both regular and specially called, and review and preparation (when needed) of the Minutes of the Board and any other matter directly relating to the functioning of the Board through its public meeting process, and

WHEREAS, Mr. Hamer proposes to charge a rate of \$195 per hour for legal work outside the context of the meetings themselves, as more fully detailed in the aforesaid letter of

**President’s Initials:** \_\_\_\_\_

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

engagement, which rate will allow the Board to draw on the services and expertise offered by the entirety of Mr. Hamer's firm,

Following discussion, Mr. Tim Johnson did offer and Mr. John Bell Crosby did second a motion to establish the salary of Board Attorney Eric Hamer at the annual sum of \$42,000.00 with compensation for other legal expenses authorized by the Board will be at the rate of \$195.00 per hour, to approve the letter of engagement as presented, and to authorize the Board President to execute the same on the Board's behalf. The vote on the matter being as follows:

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

the matter carried unanimously and the salary and fees of the Board Attorney were and are hereby established.

SO ORDERED this the 28<sup>th</sup> day of January, 2008.

***In re: Request to Withdraw Funds – Lake Lorman Utility District***

WHEREAS, County Administrator Donnie Caughman did appear before the Board and presented the written request of Mr. William D. Seagrove, President of the Lake Lorman Utility District seeking the disbursement of funds levied in prior years for the sole benefit of said district, such funds being presently held in the county general fund, and

WHEREAS, said District has requested the disbursement of \$63,072.77 as set forth in that certain letter from Mr. Seagrove, a true and correct copy of which is attached hereto as Exhibit M, spread hereupon and incorporated herein by reference,

Following discussion, Mr. D. I. Smith did offer and Mr. Karl M. Banks did second a motion to authorize and direct the Chancery Clerk to issue a pay warrant unto the Lake Lorman Utility District in the amount of \$63,072.77 as requested. The vote on the matter being as follows:

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

the matter carried unanimously and the Chancery Clerk was and is hereby so authorized and directed.

SO ORDERED this the 28<sup>th</sup> day of January, 2008.

***In re: Adoption of Resolution of Support for the Four-Laning of State Highway 16 East of Canton***

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to adopt the following Resolution, to-wit:

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

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

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**RESOLUTION**

WHEREAS, Madison County, Mississippi is one of the fastest growing counties in the State of Mississippi, and

WHEREAS, northeastern Madison County has experienced a portion of this growth and has developed traffic congestion on and along State Highway 16 east of Canton, and

WHEREAS, as a result of this growth and the increased traffic occasioned thereby and by the regular travel between Canton and points east of Canton to both the Nissan plant and its development corridor on Interstate 55 and the cities of Carthage and Philadelphia, Mississippi, there is a substantial need for the widening and four-laning of State Highway 16 east of Canton to the Leake County line, and

WHEREAS, State Highway 16 as it presently exists presents certain safety concerns in that it contains no shoulders despite its being frequently and well-traveled, and

WHEREAS, the Board of Supervisors of Madison County has recently determined that there is no longer a need for the expensive and expansive re-routing of State Highway 22 in and around Flora, Mississippi, which project was to be funded through the Mississippi Department of Transportation,

NOW THEREFORE BE IT RESOLVED BY THE MADISON COUNTY BOARD OF SUPERVISORS THAT:

1. The Mississippi Department of Transportation should immediately commence whatever environmental study it feels necessary with regard to the four-laning of State Highway 16 from the city limits of Canton, Mississippi eastward to the Leake County line.
2. The Mississippi Department of Transportation should immediately accelerate the aforesaid four-laning project to the earliest possible commencement date in light of this Board's prior determination that further pursuit of the alternate re-routing of State Highway 22 in Madison County is no longer needed or desired.
3. The Clerk of this Board forward this Resolution to the Mayor and Board of Alderman of the City of Canton with the request that they also adopt the same.
4. The Clerk of this Board also forward this Resolution (a) to representatives of the Mississippi Department of Transportation, including Central District Transportation Commissioner Dick Hall, Executive Director Butch Brown, and Chief Engineer Harry Lee James, (b) to the Chancery Clerks of Leake and Neshoba Counties and the Chief of the Choctaw Nation with the request that said Clerks and Chief bring this Resolution to the attention of their respective governing boards and give due consideration to adopting the same or similar Resolution with respect to the portions of State Highway 16 that traverse those respective counties.

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 by the unanimous vote of the Board and said Resolution was and is hereby adopted.

SO ORDERED this the 28<sup>th</sup> day of January, 2008.

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

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

*For Searching Reference Only: Page 13 of 20 (1/28/08)*

**In re: Request to Declare Certain 2006 Tax Sales Void – Texas Eastern Transmission Corporation**

WHEREAS, in April of 2006, the Tax Collector sold certain public utility assessments owed by Texas Eastern Transmission Corporation for the years 2000 and 2001 at the tax sale, and

WHEREAS, in advance thereof, Texas Eastern paid what it believed it owed in assessments for those years and challenged the balance by suing the State Tax Commission in the Circuit Court of Sharkey County, Mississippi, and

WHEREAS, in September of 2002, the Court ruled in favor of Texas Eastern as evidenced by those certain Final Judgments, copies of which are attached hereto as Collective Exhibit N, spread hereupon and incorporated herein by reference, and

WHEREAS, as a result of said judgments, the Tax Commission has indicated, via correspondence dated June 27, 2007, a copy of which is attached hereto as Exhibit O, spread hereupon and incorporated herein by reference, the amounts paid by the company for these years “should be considered full payment” of the assessments, and

WHEREAS, rather than being sold to an individual purchaser, said taxes were struck off to the state, so no refund is owed a purchaser, and

WHEREAS, the parcels struck off by the Tax Collector were and are as follows:

<u>Tax Year 2001</u>		<u>Tax Year 2000</u>	
Parcel # 120	\$ 8,757.26	Parcel # 098	\$ 9,131.83
Parcel # 121	\$ 2,253.91	Parcel # 099	\$ 2,292.64
Parcel # 122	\$ 1,038.95	Parcel # 100	\$12,538.60
Parcel # 123	\$ 5,350.92	Parcel # 101	\$ 2,494.94
Parcel # 124	\$33,956.01	Parcel # 102	\$12,995.32
Parcel # 125	\$11,801.45	Parcel # 103	\$ 902.22
Parcel # 126	\$ 2,356.08	Parcel # 104	\$ 5,656.29
Parcel # 127	\$12,228.99	Parcel # 105	\$36,086.00

Following discussion, and as recommended by Chancery Clerk Arthur Johnston, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to declare the tax sales of the aforesaid public utility assessment void and to direct the Chancery Clerk to remove them from the Certified List of Lands sold for taxes, the same having been struck to the state rather than sold to an individual purchaser. 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 April 2006 tax sale of the above referenced utility assessments were and are hereby declared void and of no force and effect in light of the judgments aforesaid and the opinion of the State Tax Commission.

SO ORDERED this the 28<sup>th</sup> day of January, 2008

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

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

**For Searching Reference Only: Page 14 of 20 (1/28/08)**

**In re: Payments in Lieu of Tax Obligation of Nissan North America, Inc. and Related Entities**

**ORDER PROVIDING FOR THE PAYMENT AND DISTRIBUTION OF  
PAYMENT IN LIEU OF TAXES TO BE RECEIVED  
FROM NISSAN NORTH AMERICA, INC. AND FOR RELATED PURPOSES**

WHEREAS, on November 8, 2000 Madison County, together with the State of Mississippi, the City of Canton, Mississippi, and numerous other governmental bodies entered into a certain Memorandum of Understanding (“MOU”) with Nissan North America, Inc., commonly known as the “Delta I” MOU, a true and correct copy of which may be found in the Miscellaneous Appendix to the Minutes of this Board of January 31, 2005, and

WHEREAS, heretofore Madison County entered into an “Agreement to Make Payments in Lieu of Ad Valorem Taxes” (hereinafter, “PILOT Agreement”) dated April 23, 2003, said PILOT Agreement having been approved by the Madison County Board of Supervisors on March 21, 2003, a true and correct copy of which may be found in the Miscellaneous Appendix to the Minutes of this Board of January 31, 2005, and

WHEREAS, the Board finds it necessary, pursuant to Miss. Code Ann. § 27-31-104, to (1) establish the amount due from Nissan North America, Inc. in satisfaction of its PILOT obligation for 2007, and (2) provide for the payment, distribution, and apportionment of such sums as shall be remitted from Nissan North America, Inc. and related entities in satisfaction thereof,

WHEREFORE, PREMISES CONSIDERED, and pursuant to the provisions of Miss. Code Ann. § 27-31-104, and upon the advice of counsel, the Board of Supervisors of Madison County, Mississippi does find and order as follows:

1. That, based on statutory authority set forth in Miss. Code Ann. § 27-31-104, Nissan North America, Inc. has been granted a ten-year exemption from ad valorem taxation pursuant to Section 1.3(d)(i) of the “Delta I” MOU.
2. That, in exchange for said exemption, Nissan North America, Inc. is obligated to make annual payments in lieu of taxes to Madison County, and that such payments in lieu of taxes are fee payments, not ad valorem taxes or taxes of any other nature.
3. That the Madison County Board of Supervisors has the authority, pursuant to Miss. Code Ann. § 27-31-104, to determine the amount of the payment in lieu of taxes owed by Nissan North America, Inc. and to apportion said amount between Madison County and the Canton Public School District as directed in said code section and pursuant to the “Delta I” MOU and the PILOT Agreement.
4. That the Tax Assessor of Madison County has prepared and submitted to the Madison County Board of Supervisors a calculation of the amount owed by Nissan North America, Inc. as its payment in lieu of taxes for 2007, which calculation is attached hereto as Collective Exhibit P, spread hereupon and incorporated herein by reference and which is summarized as follows, to-wit:

Payment due based upon Nissan North America, Inc.’s real property values . . . . .	\$1,016,069.54
Payment due based upon Nissan North America, Inc.’s personal property values . . . . .	2,192,414.58
Payment due based upon Calsonic’s real property values . . . . .	6,435.73
Payment due based upon Lextron/Visteon’s real property values . . . . .	17,298.03
<b>Total amount due . . . . .</b>	<b><u>\$3,232,217.88</u></b>

**President’s Initials:** \_\_\_\_\_

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

5. That the Board hereby adopts said calculation and, in accordance therewith, the amount to be paid by Nissan North America, Inc. pursuant to said code section and Section 3, paragraphs (a) and (b) of the PILOT Agreement is \$3,232,217.88. Of this sum, \$3,140,000.00 was tendered to Madison County on December 17, 2007 as reflected in the Minutes of said date. The remaining balance, \$92,217.88, shall be made payable to "Madison County, Mississippi" and tendered forthwith.
6. That the Chancery Clerk shall prepare invoices reflecting the above amounts and submit the same unto Nissan North America, Inc. who shall promptly deliver the aforesaid sum to the Madison County Board of Supervisors, 146 West Center Street, P.O. Box 608, Canton, Mississippi 39046, Attention Mr. Arthur Johnston, Chancery Clerk and County Treasurer.
7. That upon receipt of the balance due from Nissan, of the total PILOT payment of \$3,232,217.88, **\$1,583,786.76** is to be apportioned unto the Canton Public School District and **\$1,648,431.12** is to be apportioned unto the General Fund of Madison County to be applied to the appropriate bond fund, all applicable tax levies other than School District levies notwithstanding.
8. That the apportionment set forth in paragraph 7 is computed as follows:

Canton Public School mills	=	30.89	(30.89 ÷ 63.19 = .490)	
General County mills	=	<u>32.30</u>	(32.30 ÷ 63.19 = .510)	
Total Tax Levy for Project	=	63.19		
Total due Canton Public	=	\$3,232,217.88 x .490=		<b><u>\$1,583,786.76</u></b>
Total due General County	=	\$3,232,217.88 x .510=		<b><u>\$1,648,431.12</u></b>
<b>Total due from Nissan</b>	=			<b><u>\$3,232,217.88</u></b>

9. That certain real property described by parcel numbers 092G-35-001/04.00 and 092G-35-001/05.00 which are assessed separately to Calsonic and Lextron/Visteon were originally and remain included within the scope of the exemption granted unto Nissan North America, Inc. and are likewise subject to the PILOT Agreement.
10. That in exchange for said exemption, Nissan North America, Inc., on behalf of Calsonic and Lextron/Visteon, is obligated to make payments in lieu of tax as to said parcels in the following amounts respectively: \$6,435.73 as to the Calsonic parcel and \$17,298.03 as to the Lextron/Visteon parcel, which payments are included within the total payment due from Nissan North America, Inc. as set forth in paragraphs 4, 5, 7 and 8, above.
11. That, therefore, upon receipt of the entirety of said funds from Nissan North America, Inc., the County Treasurer shall pay unto the Canton Public School District the sum of **\$1,583,786.76** and shall pay unto the General Fund of Madison County, to be directed to the appropriate bond fund, the sum of **\$1,648,431.12**.

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve, adopt and enter the foregoing Order. 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 by the unanimous vote of those present and the above and foregoing Order was and is hereby approved, adopted and entered.

SO ORDERED this the 28<sup>th</sup> day of January, 2008.

***In re: Acknowledge Receipt of Funds for Housing Prisoners***

WHEREAS, Sheriff Toby Trowbridge did appear before the Board and presented checks related to the feeding and housing of prisoners as follows:

<u>Entity</u>	<u>Amount</u>
US Marshal Service	\$ 108,437.64
US Marshal Service	\$ 99,040.00
MDOC	\$ 17,340.00
MDOC	\$ 37,640.00
Valley Food Service	\$ 3,213.11

WHEREAS, the Sheriff also presented the following checks representing overtime grant reimbursement funds:

Dept of Finance & Admin	\$ 4,636.53
Dept of Finance & Admin	\$ 4,280.77
Dept of Finance & Admin	\$ 3,668.75
Dept of Finance & Admin	\$ 12,067.19

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

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to acknowledge receipt of said checks and acknowledge and accept the donation aforesaid.

SO ORDERED this the 28<sup>th</sup> day of January, 2008.

***In re: Adoption of Policy Concerning Neighborhood Watch***

WHEREAS, Sheriff Toby Trowbridge appeared before the Board and presented a proposed Neighborhood Watch Signage Policy which will allow the county to erect such signage as recommended by the Sheriff, and

WHEREAS, a true and correct copy of said policy is attached hereto as Exhibit R, 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 adopt and approve the aforesaid policy. 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 policy was and is hereby adopted and approved.

SO ORDERED this the 28<sup>th</sup> day of January, 2008.

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

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

***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 certain litigation matters and,

Following discussion and pursuant to the terms of Miss. Code Ann. § 25-41-7, as amended, Mr. Karl M. Banks did offer and Mr. D. I. Smith 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 certain litigation matters, 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, Board Attorney Eric Hamer, County Administrator Donnie Caughman, County Comptroller Mark Houston, Board Secretary Cynthia Parker, 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 28<sup>th</sup> day of January, 2008.

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

WHEREAS, a discussion of the nature of the matters requiring Executive Session was had and Board Attorney Eric Hamer informed the Board that a potential for litigation existed with regard to various and sundry matters, and

WHEREAS, the Board Attorney advised the Board that, consequently, discussion thereof was properly the subject of executive session,

Following discussion, Mr. Paul Griffin did offer and Mr. D. I. Smith did second a motion to enter into Executive Session to discuss potential litigation. 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 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 28<sup>th</sup> day of January, 2008.

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<sup>1</sup>Prior to the call of the question, Mr. Banks briefly excused himself from the meeting and returned immediately thereafter.

**President’s Initials:** \_\_\_\_\_

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

Thereafter, and following additional discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to allow the Board Attorney to make a request of the county's insurance carrier for employment law purposes that the firm of Danks, Miller Hamer & Cory be allowed to represent the county in connection with a potential lawsuit which might be brought by former Road Manager Prentiss Guyton. 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 firm was and is hereby so authorized.

SO ORDERED this the 28<sup>th</sup> day of January, 2008.

In addition, Mr. Hamer requested that the Board consider increasing its offer to the Andy family for the acquisition of their property along Gluckstadt Road. Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to increase the county's offer for the acquisition of the aforementioned property owned by the Andy family from the previously authorized \$21,000.00 to another sum certain. The vote on the matter being as follows:

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

the matter carried unanimously and the Board Attorney was and is hereby so authorized.

SO ORDERED this the 28<sup>th</sup> day of January, 2008.

Thereafter, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to adjourn the Executive Session and 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 Board President declared Executive Session declared adjourned, and the Chancery Clerk did announce to the public the action taken therein.

SO ORDERED this the 28<sup>th</sup> day of January, 2008.

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

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

*For Searching Reference Only: Page 19 of 20 (1/28/08)*

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor Paul Griffin and seconded by Supervisor Karl M. Banks and approved by the unanimous vote of those present, the January, 2008 term of the Madison County 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:** \_\_\_\_\_