

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

REGULAR MEETING OF DECEMBER 18, 2009
Recessed from regular meeting conducted on December 7, 2009

BE IT REMEMBERED that the regular Meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on December 18, 2009, in the Board Room on the first floor of the Chancery/Administrative Building, 125 West North Street, Canton, Mississippi, as follows, to-wit:

The President of the Board, Mr. Paul Griffin, 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

Absent:

Also in attendance:

County Comptroller and Deputy Chancery Clerk Mark Houston
Board Attorney Eric Hamer
Board Secretary and Deputy Chancery Clerk Cynthia Parker
Assistant Comptroller and Deputy Chancery Clerk Quandice Green
Purchase Clerk Hardy Crunk
Planning & Zoning Administrator Brad Sellers
Building and Grounds Director Barry Parker
County Engineer Rudy Warnock
Road Manager Lawrence Morris
E911 Director Butch Hammack

The Board President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Chancery Clerk Arthur Johnston opened the meeting with a prayer and E911 Director Butch Hammack 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 Assessment of 2009 Real Property
Pursuant to Miss. Code Ann. § 27-35-147 et seq.***

WHEREAS, on December 7, 2009, the Board determined that December 18, 2009 would be an appropriate date for a public hearing on the matter of increasing certain real property assessments for 2009 on certain parcels in the county and did set said date for said hearing to begin at the hour of 9:00 am, and

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

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WHEREAS, the petition listing the property owner, the parcel number, and amount of the proposed assessment increase is attached hereto as 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 increase to be open, and

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

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to close the public hearing and approve the assessment increase for the individual and parcel number as set forth in the aforesaid petition. 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 assessment of the parcels reflected thereon were and are hereby approved and adopted.

SO ORDERED this the 18th day of December, 2009.

In re: Approval of Consent Agenda Items

WHEREAS, the Board President announced that he and County Comptroller Mark Houston had conferred in advance of the meeting as to certain matters denominated "Consent Items" which bear Item numbers (2) through (8) 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, Comptroller Mark Houston requested that items (3) and (11) be removed from the Consent Agenda and addressed at a later date,

Therefore, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to take the following actions on the Consent Agenda:

- 2. Approve Notices to Renew Residential Lease Contract and Amendment to 16th Section Commercial Lease Contract.**
(True and correct copies of those certain Notices to Renew Residential Lease Contracts being Dominic and Kristen Thigpen, Kevin Chandler and Jennifer Phillips, Jason Richard and Linda Beth Hosey, and the Amendment to 16th Section Commercial Lease unto J. Steve Nail Lease may be found in the Miscellaneous Appendix to these Minutes.)
- 4. Add Quandice Green to Bid Opening Committee.**
(A true and correct copy of that certain memorandum dated December 9, 2009, from Purchase Clerk Hardy Crunk requesting the Board authorize Quandice Green replace Mark Houston on the bid opening committee.)
- 5. Award Bid Term Bids for Asphalt Products.**
As recommended by County Purchase Clerk Hardy Crunk in that certain explanatory memorandum dated December 9, 2009 from County Purchase Clerk Hardy Crunk, a true and correct copy of which is attached hereto as Exhibit B, spread hereupon and

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incorporated herein by reference. The Board hereby awards term bids for asphalt products for the period of January 1, 2010 through June 30, 2010, as set forth therein.

6. **Approve Service Contract with W. S. "Red" Hancock for Asphalt Lay Down and Hauling for the Period January 1, 2010 - December 31, 2010.**
(A true and correct copy of that certain explanatory memorandum dated December 9, 2009, from Purchase Clerk Hardy Crunk requesting the Board authorize the Board President execute a service contract with Hancock Bank for asphalt lay down and hauling for the period January 1, 2010 - December 31, 2010, is attached hereto as Exhibit C, spread hereupon and incorporated herein by reference.)
7. **Acknowledge Clerk of the Board Report.**
(A true and correct copy of said Report is attached hereto as Exhibit D, spread hereupon and incorporated herein by reference.)
9. **Correct, *Nunc Pro Tunc* Minutes of September 8, 2009.**
(A true and correct copy of that certain explanatory memorandum dated December 18, 2009 from Chancery Clerk Arthur Johnston is attached hereto as Exhibit E, spread hereupon and incorporated herein by reference.)
10. **Acknowledge General County Credit Card Report November 7 - December 8, 2009.**
(A true and correct copy of that certain memorandum dated December 15, 2009 from County Purchase Clerk Hardy Crunk is attached hereto as Exhibit F, spread hereupon and incorporated herein by reference.)
11. **Authorize Chancery Clerk to Void/Reverse Redemption of 2007 Taxes - Hugh Corcoran, Purchaser.**
(A true and correct copy of that certain explanatory memorandum dated December 18, 2009 from Chancery Clerk Arthur Johnston requesting permission to void/reverse redemption of 2007 taxes on parcel nos. 105H-34-031/01.00; 0831-29-002/02.00; and 094E-22-001/01.00.)

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 each item was and is hereby approved, adopted and authorized.

SO ORDERED this the 18th day of December, 2009.

In re: Request to Conduct a Seismic Survey

WHEREAS, Mr. Lloyd Spivey on behalf of Densbury Onshore appeared before the Board and requested permission to conduct a seismic survey in a portion of south Madison County, and

WHEREAS, a true and correct copy of two (2) maps identifying the area are attached hereto as Exhibit G, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Tim Johnson did offer and Mr. John Bell Crosby did second a motion to authorize the seismic survey in that certain part of south Madison County as depicted on Exhibit G and approve the issuance of a permit for survey. The vote on the matter being as

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follows:

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

the matter carried unanimously and said request was and is hereby approved.

SO ORDERED this the 18th day of December, 2009.

In re: Request to Replace Cash with Road Bond; Authorize Return of Funds, and Expand Surface Mining Exemption - Sides Properties, LLC

WHEREAS, Mr. Bobby Little of Eutaw Construction appeared before the Board and requested permission to replace the check that was presented from Sides Properties, LLC in the amount of \$83,853.00 and subsequently deposited in the county treasury by order of the Board with a road bond for the surface mining being conducted on certain property situated in Section 10, T7N, R1E, and

WHEREAS, Board Attorney recommended the Board accept the bond on the condition that it include an automatic renewal provision, subject to the conditions and limitations previously established by the Board,

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to accept the road bond and authorize the return of funds in the amount of \$83,853.00 to Sides Properties, LLC upon submission of a revised bond containing an automatic renewal provision, subject to the conditions and limitations previously established by the Board, and direct the Chancery Clerk to issue a pay warrant to Sides Properties in said amount and maintain said bond until released. 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 road bond was and is hereby accepted and the Chancery Clerk was and is hereby authorized and directed.

SO ORDERED this the 18th day of December, 2009.

Thereafter, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to extend the current site of operation of surface mining for one year and direct County Engineer Rudy Warnock to regularly inspect roads associated therewith for damage. The vote on the matter being as follows:

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

the matter carried by a majority vote (3-2) and said permit was and is hereby extended and Mr.

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Warnock was and is hereby so directed.

SO ORDERED this the 18th day of December, 2009.

***In re: Request to Set Date and Advertise for Public Hearing -
Petition for Special Exception - NCL Waste, LLC***

WHEREAS, Zoning Administrator Brad Sellers appeared before the Board and requested permission to set February 1, 2010 as the date for a public hearing to consider the petition of NCL Waste, LLC, pursuant to the Zoning Ordinance of Madison County, Mississippi, to amend the Zoning Maps adopted pursuant thereto, and to amend the adopted Land Use and Transportation Plan, for a special exception to construct and operate municipal solid waste landfill at 2858 North County Line Road, and

WHEREAS, Mr. Sellers also requested the Board set February 1, 2010 as the date for a public hearing to consider the petition of NCL Waste, LLC, pursuant to the Zoning Ordinance of Madison County, Mississippi, to amend the Zoning Maps adopted pursuant thereto, and to amend the adopted Land Use and Transportation Plan, for a special exception to construct and operate municipal solid waste landfill at 2858 North County Line Road, to-wit:

Following discussion, Mr. John Bell Crosby did offer and Mr. Tim Johnson did second a motion to set the public hearing date for the aforementioned petitions to February 1, 2010 and authorize the advertising of same. The vote on the matter being as follows:

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

the matter carried unanimously and said public hearings were and are hereby set and Mr. Sellers was and is hereby authorized to advertise.

SO ORDERED this the 18th day of December, 2009.

In re: Approval of Extension on Mining Permit

WHEREAS, Zoning Administrator Brad Sellers appeared before the Board and requested permission to extend a mining permit located on Highway 22 between Canton and Flora for three years to Mr. Mark Jordan of Good Earth Development, Inc.,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to extend said permit for operation of mining for three years from the date hereof, said operation occurring on Highway 22 between Canton and Flora. 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 extended.

SO ORDERED this the 18th day of December, 2009.

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**In re: Authorize the Release of Bond for
Bradshaw Ridge Subdivision**

WHEREAS, County Engineer Rudy Warnock appeared before the Board and requested permission to release the bonds for Bradshaw Ridge Subdivision,

Following discussion, Mr. Tim Johnson did offer and Mr. John Bell Crosby did second a motion to authorize Mr. Warnock to submit a letter to Travelers Surety to release the bonds associated with Bradshaw Ridge. 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 authorized.

SO ORDERED this the 18th day of December, 2009.

**In re: Approval of Change Order No. Seven
Gluckstadt Road Reconstruction Project**

WHEREAS, County Engineer Rudy Warnock appeared before the Board and requested the Board approve Changer Order No. Seven submitted by Southern Rock, LLC for the Gluckstadt Road Reconstruction Project, and

WHEREAS, Mr. Warnock reported that said change order reflected the need for road name traffic signs mounted on traffic signal mast arms at a cost of \$4,105.50, as detailed on that certain document submitted by Southern Rock, LLC, 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. Tim Johnson did second a motion to approve Changer Order No. Seven as submitted by Southern Rock, LLC for the Gluckstadt Road Reconstruction Project at a cost of \$4,105.50 and authorize the Board President to execute same. The vote on the matter being as follows:

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

the matter carried unanimously and said change order was and is hereby approved and the Board President was and is hereby so authorized.

SO ORDERED this the 18th day of December, 2009.

**In re: Authorization to Give Concurrence of
Low Bidder for ARRA Project**

WHEREAS, County Engineer Rudy Warnock appeared before the Board and requested the Board authorize the Board President to give concurrence with the County Engineer's recommendation of the low bidder for the ARRA Project on North Old Canton Road and

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authorize the Board President to execute any documents pertaining thereto, and submit to Mississippi Department of Transportation for approval,

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to (1) authorize the Board President to give concurrence with the County Engineer's recommendation of the low bidder, (2) authorize the Board President to execute any documents pertaining thereto, and (3) submit to Mississippi Department of Transportation for approval for the ARRA Project on North Old Canton Road. The vote on the matter being as follows:

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

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

SO ORDERED this the 18th day of December, 2009.

***In re: Approval of Utility Agreement - Entergy Mississippi, Inc.
West Sowell Road Project***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented that certain "Utility Agreement" between the county and Entergy Mississippi, Inc., a true and correct copy of which is attached hereto as Exhibit I, spread hereupon and incorporated herein by reference, and requested the Board's approval thereof, and

WHEREAS, Mr. Warnock explained that the relocation of Entergy distribution facilities associated with this project would cost \$8,269.99,

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to adopt and approve said 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	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said "Utility Agreement" was and is hereby approved and the Board President was and is hereby so authorized.

SO ORDERED this the 18th day of December, 2009.

In re: Approval of Claims Docket for December 18, 2009

WHEREAS, the Board reviewed the claims docket for December 18, 2009; and

WHEREAS, the County 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

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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	869 to 966	98	246,960.05
012	55 to 59	5	853.43
097	80 to 90	11	3,159.56
105	59 to 65	7	21,353.73
113	5 to 5	1	1,095.00
115	31 to 33	3	246.14
116	13 to 14	2	223.20
120	22 to 23	2	257.54
121	14 to 15	2	163.30
150	221 to 256	36	55,917.90
160	24 to 27	4	6,185.08
190	57 to 63	7	4,820.01
302	12 to 15	4	883,931.86
401	8 to 8	1	10,697.43
TOTAL ALL FUNDS		183	1,235,864.23

HELD CLAIMS

Fund	Claim Nos.	Payee	Amount
302	13	Warnock & Associates, LLC	\$ 10,966.08
302	14	AT&T	\$ 526,579.54

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks 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 J, 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 and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 18th day of December, 2009.

Thereafter, Mr. Tim Johnson did offer and Mr. Karl M.. Banks did second a motion to approve the aforementioned held claim unto Warnock & Associates, LLC being claim no.13 in the amount of \$10,966.08. The vote on the matter being as follows:

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

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

SO ORDERED this the 18th day of December, 2009.

Thereafter, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to approve the aforementioned held claim unto AT&T being claim no.13 in the amount of \$526,579.54. 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 Held Claim was and is hereby approved and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 18th day of December, 2009.

In re: Approval of Addendum No. 1 to Memorandum of Understanding - Mississippi Major Economic Impact Authority

WHEREAS, Board Attorney Eric Hamer appeared before the Board and presented Addendum No. 1 to the Memorandum of Understanding (MOU) between Madison County and Mississippi Major Economic Impact Authority (MMEIA), and requested the Board approve same and authorize the Board President execute said addendum, a true and correct copy of which is attached hereto as Exhibit K, spread hereupon, and incorporated herein by reference, and

WHEREAS, Mr. Hamer reported the purpose for the Addendum No. 1 to the MOU was to clarify that MMEIA agrees to subordinate to Madison County such surface rights, or air rights, as the case maybe, in and to the property interest related to that portion of the water line associated with the construction of the Reunion Interchange Project,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to approve the Addendum No. 1 to the Memorandum of Understanding with Mississippi Major Economic Impact Authority and authorize the Board President to execute same. The vote on the matter being as follows:

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

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the matter carried unanimously and said Addendum No. 1 to the Memorandum of Understanding was and is hereby approved and the Board President was and is hereby authorized.

SO ORDERED this the 18th day of December, 2009.

In re: Payments in Lieu of Tax Obligation of Nissan North America, Inc. and Related Entities for 2009

**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 2009, 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 2009, which calculation is attached hereto as Collective Exhibit A to this Resolution (Exhibit L to these Minutes), spread hereupon and incorporated herein by reference and which is summarized as follows, to-wit:

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Payment due based upon Nissan North America, Inc.'s real property values	\$1,321,837.34
Payment due based upon Nissan North America, Inc.'s personal property values	2,417,083.21
Payment due based upon Calsonic's real property values	8,342.01
Payment due based upon Lextron/Visteon's real property values	22,421.73
Total amount due	<u>\$3,769,684.29</u>

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 \$3,769,684.29 and shall be made payable to "Madison County, Mississippi."
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 \$3,769,684.29, **\$2,162,667.88** is to be apportioned unto the Canton Public School District and **\$1,607,016.41** 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	=	47.94	(47.94 ÷ 83.57 = 57.37)
General County mills	=	<u>35.63</u>	(35.63 ÷ 83.57 = 42.63)
Total Tax Levy for Project	=	83.57	
Total due Canton Public	=	\$3,769,684.29x .5737=	<u>\$2,162,667.88</u>
Total due General County	=	\$3,769,684.29x .4263=	<u>\$1,607,016.41</u>
Total due from Nissan	=		<u>\$3,769,684.29</u>

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: \$8,342.01 as to the Calsonic parcel and \$22,421.73 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 **\$2,162,667.88** and shall pay unto the General Fund of Madison County, to be directed to the appropriate bond fund, the sum of **\$1,607,016.41**

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a

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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

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 18th day of December, 2009.

In re: Consideration of Certain Claims for Repair of Vehicles

WHEREAS, Emergency Management/E911 Director Butch Hammack appeared before the Board and presented a claim for damage from Ms. Christine Blackmon for damages received to a vehicle owned by her from a tractor being operated by the road department while traveling along Coker Road, and recommended approval of same, and

WHEREAS, a true and correct copy of that certain quote from Clinton Body Shop in the amount of \$379.51, is attached hereto as Exhibit M, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to approve the claim for damages unto Ms. Blackmon in the amount of \$379.51. The vote on the matter being as follows:

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

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

SO ORDERED this the 18th day of December, 2009.

Thereafter, Mr. Hammack presented another claim for damage from Mr. Doug Lauderdale for damages received to a vehicle owned by him while traveling on Bozeman Road, and

WHEREAS, true and correct copies of those certain quotes from Car Care Clinic and HH Auto Wheel & Trim totaling \$336.13, are attached hereto as Collective Exhibit N, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to approve the claims for damages unto Mr. Lauderdale in the amount of \$336.13. The vote on the matter being as follows:

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

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the matter carried by a majority vote (4-1) and said claim was and is hereby approved and the Chancery Clerk was and is hereby authorized to issue a pay warrant accordingly.

SO ORDERED this the 18th day of December, 2009.

In re: Appointment of Tax Increment Financing Task Force

Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to (1) appoint Supervisor Karl M. Banks and Tax Assessor Gerald Barber, as Co-Chairmen, and (2) appoint Supervisor Tim Johnson, Tax Collector Kay Pace, Chancery Clerk Arthur Johnston, Administrator Mark Houston, Board Attorney Eric Hamer, and Mr. Steve Pittman to a Task Force to consider matters related to Tax Increment Financing (TIF) projects and other special development projects and the effect it may have on the county and (3) appoint Ms. Sue Anglin as Administrative Support. 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 aforementioned Task Force was and is hereby appointed.

SO ORDERED this the 18th day of December, 2009.

In re: Establishment of Just Compensation on Stribling Road Improvements Right of Way Project - Bouldin Estate Property

WHEREAS, County Comptroller Mark Houston on behalf of Right of Way Agent Woody Sample appeared before the Board and requested the Board establish just compensation in the amount of \$1,100.00 for the acquisition of a permanent drainage easement on property owned by the Bouldin Estate in connection with the Stribling Road Improvement Project, and

WHEREAS, Mr. Houston reported to the Board that just compensation had previously been established in the amount of \$810.00 but the Bouldin family had made a counter offer of \$1,100.00,

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to increase the just compensation to \$1,100.00 for a permanent drainage easement for the Stribling Road Improvement Project. The vote on the matter being as follows:

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

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

SO ORDERED this the 18th day of December, 2009.

President's Initials: _____

Date Signed: _____

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**In re: Re-Consideration of Certain Claims for Repair of Vehicles -
Doug Lauderdale**

Following discussion, Mr. Tim Johnson did offer and Mr. John Bell Crosby did second a motion to reconsider the matter of the approval of certain claims for repair of vehicles which were previously approved in an earlier motion of this meeting. 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 matter was and is hereby reconsidered.

SO ORDERED this the 18th day of December, 2009.

Thereafter, Mr. Tim Johnson did offer and Mr. John Bell Crosby did second a motion to approve the claims for damages unto Mr. Doug Lauderdale in the amount of \$336.13. The vote on the matter being as follows:

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

the matter carried unanimously and said claim unto Mr. Lauderdale was and is hereby approved .

SO ORDERED this the 18th day of December, 2009.

**In re: Acknowledge Receipt of Funds for
Housing Prisoners and Other Services**

WHEREAS, Sheriff Toby Trowbridge appeared before the Board and presented checks as follows:

<u>Entity</u>	<u>Amount</u>
City of Flowood	\$ 1,229.22
Town of Flora	\$ 657.48

Thereafter, Sheriff Trowbridge requested the Board approve an agreement with the Department of Insurance for the arson investigator and authorize the Board President to execute same,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to (1) acknowledge receipt of said checks, (2) approve an agreement with the Department of Insurance for the arson investigator and (3) authorize the Board President to execute same. The vote on the matter being as follows:

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

President's Initials: _____

Date Signed: _____

the matter carried unanimously and said checks were and are hereby acknowledged, agreement with the Department of Insurance was and is hereby approved and the Board President was and is hereby authorized.

SO ORDERED this the 18th day of December, 2009.

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor Tim Johnson and seconded by Supervisor John Bell Crosby and approved by the unanimous vote of those present, the December, 2009 term of the Madison County Board of Supervisors was adjourned.

Paul Griffin, President
Madison County Board of Supervisors

Date signed: _____

ATTEST:

Arthur Johnston, Chancery Clerk

President's Initials: _____

Date Signed: _____

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