

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

REGULAR MEETING OF OCTOBER 18, 2010
Recessed from regular meeting conducted on October 4, 2010

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on October 18, 2010, in the Board Room on the first floor of the Madison County Office Complex, 125 West North Street, Canton, Mississippi, as follows, to-wit:

The President of the Board, Tim Johnson, presided and called the meeting to order. The following members were present that day:

Present:

Supervisor John Bell Crosby
Supervisor Tim Johnson
Supervisor D. I. Smith
Supervisor Karl M. Banks
Supervisor Paul Griffin
Sheriff Toby Trowbridge
Chancery Clerk Arthur Johnston
Circuit Clerk Lee Westbrook
Tax Collector Kay Pace

Absent:

Also in attendance:

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

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 Supervisor Paul Griffin led the members and the audience in the Pledge of Allegiance to the Flag of the United States of America.

In re: Approval of Consent Agenda Items

WHEREAS, the Board President announced that he and Interim County Administrator Brad Sellers had conferred in advance of the meeting as to certain matters denominated "Consent Items" which bear Item numbers (1) through (7) 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, Chancery Clerk Arthur Johnston requested that an additional item be added to the Consent Agenda as Item (8) Acknowledge Madison County School District School Bus Turnaround, and

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 1 of 19 (10/18/10)

WHEREAS, Mr. Sellers requested that an additional item be added to the Consent Agenda as Item (9) Acknowledge Madison County Nursing Home Budget for FYE 9/30/11,

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

1. **Acknowledge Correspondence for Board Attorney to Windham & Lacey, LLP.**
(A true and correct copy of that certain correspondence dated October 10, 2010 from Board Attorney Eric Hamer, is attached hereto as Exhibit A, spread hereupon and incorporated herein by reference.)
2. **Acknowledge Reunion Public Improvement District FY 2010-2011 Budget.**
(A true and correct copy of that certain memorandum dated September 29, 2010 from Leslie Scott, Esq. of Butler, Snow, O'Mara, Stevens & Cannada, PLLC, and its attachments are attached hereto as Collective Exhibit B, spread hereupon and incorporated herein by reference.)
3. **Approve Contract with Election Systems Software Support Agreement and Authorize Board President to Execute Same.**
(A true and correct copy of that certain explanatory memorandum dated October 7, 2010 from Purchase Clerk Hardy Crunk along with the Election Systems Software Support Agreement are attached hereto as Collective Exhibit C, spread hereupon and incorporated herein by reference.)
4. **Approve Notices to Renew Residential Lease Contracts on 16th Section Property.**
(True and correct copies of those certain Notices to Renew Residential Lease Contracts to C. R. Montgomery on Lot 49, Livingston Subdivision, Part 1; and Alan Hoops and wife, Jana Hoops on Lot 107, Sherbourne Subdivision, Part 4, may be found in the Miscellaneous Appendix to these Minutes.)
5. **Acknowledge Clerk of the Board Report and Final Amended Budget.**
(A true and correct copy of said Report and Final Amended Budget are attached hereto as Collective Exhibit D, spread hereupon and incorporated herein by reference.)
6. **Approve Pay Estimate/Final Estimate to APAC - North Old Canton Road Overlay Project (ARRA).**
(A true and correct copy of that certain memorandum dated October 11, 2010 from Comptroller Quandice Green along with the Pay Estimate/Final Estimate are attached hereto as Collective Exhibit E, spread hereupon and incorporated herein by reference.)
7. **Approve 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 were and are hereby approved, and the applications for which are attached *en masse* hereto as Collective Exhibit F, spread hereupon, and incorporated herein by reference:
 - (1) Madison County Wastewater Authority - seeking to install a 12" sewer forcemain in 120 linear feet of 24" steel casing, bores and jacked across Endris Road.
 - (2) Madison County Wastewater Authority - seeking to install a 12" sewer forcemain in 106 linear feet of 24" steel casing, bores and jacked across N. Old Canton Road.
 - (3) Madison County Wastewater Authority - seeking to install a 12" sewer forcemain n in 56 linear feet of 24" steel casing, bores and jacked across East Sowell Road.
8. **Approve Madison County School District School Bus Turnaround and Repairs for 124 Branson Lane.**
(A true and correct copy of that certain memorandum dated October 13, 2010 from Madison County School District for school bus turnaround and repairs is attached hereto as Exhibit G, spread hereupon and incorporated herein by reference.)

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 2 of 19 (10/18/10)

9. **Acknowledge Madison County Nursing Home Budget FYE September 30, 2011.**
(A true and correct copy of said budget is attached hereto as Exhibit H, 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	Not Present and Not Voting
Supervisor Paul Griffin	Aye

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

SO ORDERED this the 18th day of October, 2010.

In re: Request to Place Mobile Home

WHEREAS, during a period of citizens concerns, Ms. Donna Trimm appeared before the Board and requested permission to replace a mobile home on her property located at East Sowell Road as the current mobile home she resides in is deteriorated,

Following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to authorize the placement of a mobile home on the subject property with a three (3) year limitation. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and Ms. Trim was and is hereby authorized to place a mobile home on her property with a three (3) year limitation.

SO ORDERED this the 18th day of October, 2010.

In re: Request to Extend Mining Operations on Davis Crossing Road

WHEREAS, Zoning Administrator Brad Sellers appeared before the Board and requested the Board grant an extension to Mr. James Foy for his mining permit on four (4) acres in an A1 Agricultural District on Davis Crossing Road, and

WHEREAS, Mr. Foy reported that he felt that an additional twelve (12) months would be sufficient,

Following discussion, Mr. Paul Griffin offered and Mr. John Bell Crosby did second a motion to extend the mining permit to Mr. Foy for one year from the date hereof, said operation occurring on Davis Crossing 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	Not Present and Not Voting
Supervisor Paul Griffin	Aye

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 3 of 19 (10/18/10)

the matter carried by the unanimous vote of those present and said permit was and is hereby extended.

SO ORDERED this the 18th day of October, 2010.

***In re: Consideration of Establishing Just Compensation -
Dry Creek Road Bridge Project***

WHEREAS, Right of Way Agent Bobby Horton of Sample & Associates appeared before the Board and requested the Board establish just compensation for the acquisition of certain right of way in connection with the Dry Creek Road Bridge Project, and

WHEREAS, the Board does desire to establish just compensation as to Thomas L. Stallings in the amount of \$3,118.11 being Parcel 2 and Maret Maxwell in the amount of \$280.19 being Parcel 3 related to the Dry Creek Road Bridge Project, and

Following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to establish just compensation on the aforementioned parcels as set forth above and authorize the Chancery Clerk to issue pay warrants accordingly. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and just compensation was and is hereby established and the Chancery Clerk was and is hereby authorized to issue pay warrants accordingly.

SO ORDERED this the 18th day of October, 2010.

***In re: Request to Construct Exterior Building -
Jimmie West***

WHEREAS, Zoning Administrator Brad Sellers appeared before the Board and presented a request from Mr. Jimmie West seeking permission to construct an accessory building in an R-1 Residential District for personal use on his property located on Middle Road, and

WHEREAS, a true and correct copy of Mr. West's written request may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to approve the request of Mr. West to construct an accessory building on his property. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and Mr. West was and is hereby authorized.

SO ORDERED this the 18th day of October, 2010.

President's Initials: _____
Date Signed: _____

For Searching Reference Only: Page 4 of 19 (10/18/10)

***In re: Request for Variance in C-1 Commercial District
Ken Sikes***

WHEREAS, Zoning Administrator Brad Sellers appeared before the Board and presented a request from Mr. Ken Sikes for a landscape variance in a C-1 Commercial District on Lexington Drive for a commercial strip mall, and

WHEREAS, Mr. Ken Sikes appeared before the Board and requested permission to reduce the required fifteen (15) foot landscape setback to six (6) feet,

Following discussion, Mr. D. I. Smith did offer and Mr. John Bell Crosby did second a motion to grant a variance as requested by Mr. Sikes so as to allow for a six (6) foot landscape setback for a commercial strip mall on Lexington Drive. 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 ¹
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and the requested variance was and is hereby granted.

SO ORDERED this the 18th day of October, 2010.

***In re: Request for Extension for Mobile Home -
Ms. Goldie Purvis***

WHEREAS, Zoning Administrator Brad Sellers appeared before the Board and requested the Board grant an extension to Ms. Goldie Purvis to allow her mobile home to remain on her property located on Cox Ferry Road begin in an R-1 Residential District, and

WHEREAS, Mr. Sellers advised the Board they have previously granted her a three (3) year limitation for said mobile home,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to grant the request, subject to a renewed three (3) year limitation. The vote on the matter being as follows:

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

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

SO ORDERED this the 18th day of October, 2010.

¹Mr. Banks arrived after the call of the question.

President's Initials: _____
Date Signed: _____

***In re: Consideration of Zoning Violation -
Catherine L. Neill***

WHEREAS, Zoning Administrator Brad Sellers appeared before the Board and advised the Board of what he deemed to be a zoning violation on certain property bearing parcel no. 072-01C-054/04.00 and assessed in the name of Catherine L. Neill for violation of certain provisions of the Madison County Zoning Ordinance and requested clean up and/or other legal action to rectify the same, and

WHEREAS, Mr. Sellers did give written notice, by certified mail, of the continued violations, and

Following discussion, Mr. John Bell Crosby did offer and Mr. Paul Griffin did second a motion to **(1)** find, adjudicate and determine that said property was and is in such a state of uncleanness as to be a menace to the public health and safety of the community, **(2)** direct that the County Road Department proceed to have the land cleaned by cutting weeds and excessive growth, removing rubbish, dilapidated buildings and other debris, and **(3)** upon completion of such cleaning, assess the actual cost of cleaning the said lot to the owner thereof, the same constituting a lien against said property to be enrolled in the office of the circuit clerk of the county as other judgments are enrolled, and the tax collector of the county shall, if such sums are not tendered, proceed to sell said land to satisfy said lien as now provided by law for the sale of lands for delinquent taxes, all in accordance with Miss. Code Ann. § 19-5-105. 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 property was and is hereby declared in violation of the zoning ordinances of Madison County and the Zoning Administrator and Road Manager were and are hereby directed to take necessary action to bring said property within compliance and to charge the expenses associated therewith to the responsible taxpayer via the tax roll accordingly, to assess unto said taxpayer all fines and other penalties provided for in said ordinance and to take all necessary steps to enforce said ordinance including, if necessary, the institution of legal proceedings.

SO ORDERED this the 18th day of October, 2010.

In re: Discussion of Saddle Creek Estates Subdivision Drainage Issues

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented that certain explanatory correspondence dated October 5, 2010 outlining the results from a field inspection performed by his staff related to certain drainage issues in the Saddle Creek Estates Subdivision, a true and correct copy of which is attached hereto as Exhibit I, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Warnock reported that currently there is no evidence of the public streets or rights of way flooding on Saddle Creek Cove caused flooding on Lot 4 of said subdivision,

Following discussion, Mr. John Bell Crosby did offer and Mr. Karl M. Banks did second a motion to acknowledged receipt of that certain correspondence presented as Exhibit I. The vote on the matter being as follows:

President's Initials: _____
Date Signed: _____

For Searching Reference Only: Page 6 of 19 (10/18/10)

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 correspondence was and is hereby acknowledged.

SO ORDERED this the 18th day of October, 2010.

In re: Discussion of Germantown Subdivision Entrance

WHEREAS, County Engineer Rudy Warnock appeared before the Board and reported that, despite his previous understanding to the contrary, it had been determined that the fence at the entrance to the Germantown Subdivision had been damaged as the result of work performed on the Gluckstadt Road Reconstruction Project, and

WHEREAS, Mr. Warnock advised the Board that it was the County’s responsibility to replace the fence, and

WHEREAS, Mr. Warnock requested the Board authorize the Purchase Clerk to issue a purchase order in an amount not to exceed \$2,500.00 to replace said fence,

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to authorize Purchase Clerk Hardy Crunk to issue a purchase order in an amount not to exceed \$2,500.00 for repairs to the fence at the entrance of Germantown Subdivision. The vote on the matter being as follows:

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

the matter carried unanimously and the Purchase Clerk was and is hereby authorized.

SO ORDERED this the 18th day of October, 2010.

In re: Authorization to Issue Payment to Southern Rock, LLC

WHEREAS, County Engineer Rudy Warnock appeared before the Board and requested the Board approve the payment to the Arrington Homeowners Association from funds previously retained for landscaping pertaining to the Gluckstadt Road Reconstruction Project in accordance with that certain correspondence from Southern Rock, LLC dated September 29, 2010, which may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, at the October 4, 2010 meeting of the Board, the Board did withhold the payment of \$2,952.27 from the balance of final payment at the request of Southern Rock, LLC and now desires to issue said payment to Arrington Homeowners Association for landscaping improvements resulting from damage caused in the course of the Gluckstadt Road Reconstruction Project and in order to restore the entrance to its original condition,

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to authorize the payment of \$2,952.27 to Arrington Homeowners Association as referenced above. 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 the Chancery Clerk was and is hereby authorized to issue pay warrant accordingly.

SO ORDERED this the 18th day of October, 2010.

In re: Discussion of Park Place Boulevard Right of Way

WHEREAS, County Engineer Rudy Warnock appeared before the Board and requested permission to perform a survey to determine if the county is within its right-of-way on Park Place Boulevard,

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to authorized County Engineer Rudy Warnock to perform a survey to determine if the county is within its right-of-way on Park Place Boulevard. The vote on the matter being as follows:

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

the matter carried unanimously and the County Engineer was and is hereby authorized.

SO ORDERED this the 18th day of October, 2010.

In re: Approval of Final Plat of Park View Subdivision, Part 4

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented the final plat of Park View Subdivision, Part 4 and requested the Board to approve same, indicating and representing that the same met with all appropriate and applicable county requirements, and

WHEREAS, Mr. Warnock did also present a Letter of Credit and advised the Board that the streets listed on said plat are to be accepted as a public roads, and added to the County Road Register to the extent such streets are depicted on said plat, to-wit:

Dogwood Drive
Willow Street

Following discussion of this matter, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to **(1)** approve said final plat, (a) subject to the requirement that approval of the Madison County Board of Supervisors would be required on any changes to said plat and/or the accompanying covenants until such time as a majority of votes necessary to change the covenants are controlled by residents of the subdivision, (b) subject to zoning ordinances that the Board finds will be applicable upon adoption thereof in the future, and **(2)** accept the above listed roads as public roads, and **(3)** direct the Clerk to accept and retain the aforesaid Letter of Credit. 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 the final plat of Park View Subdivision, Part 4 was and is hereby approved; said roads were and are accepted as public streets; and the Chancery Clerk was and is hereby authorized.

SO ORDERED this the 18th day of October, 2010.

In re: Approval of Final Plat of Ashbrooke, Part 4 A-1

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented the final plat of Ashbrooke, Part 4 A-1 and requested the Board to approve same, indicating and representing that the same met with all appropriate and applicable county requirements, and

WHEREAS, Mr. Warnock did also present a Letter of Credit and advised the Board that the streets listed on said plat is to be accepted as a public road, and added to the County Road Register to the extent such streets are depicted on said plat, to-wit:

Memory Lane
Belle Cove

Following discussion of this matter, Mr. D. I. Smith did offer and Mr. John Bell Crosby did second a motion to **(1)** approve said final plat, (a) subject to the requirement that approval of the Madison County Board of Supervisors would be required on any changes to said plat and/or the accompanying covenants until such time as a majority of votes necessary to change the covenants are controlled by residents of the subdivision, (b) subject to zoning ordinances that the Board finds will be applicable upon adoption thereof in the future, and **(2)** accept the above listed roads as public roads, and **(3)** direct the Clerk to accept and retain the aforesaid Letter of Credit. The vote on the matter being as follows:

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

the matter carried unanimously and the final plat of Ashbrooke, Part 4 A-1 was and is hereby approved; said roads were and are accepted as public streets; and the Chancery Clerk was and is hereby authorized.

SO ORDERED this the 18th day of October, 2010.

In re: Approval of Utility Permits - East Madison Water Association, Inc.

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented twenty (20) utility permits from East Madison Water Association, Inc., and requested the Board approve same for allowing use and occupancy for the construction or adjustment of a utility within certain roads or highway rights of way, and

President's Initials: _____
Date Signed: _____

WHEREAS, true and correct copies of the applications are attached *en masse* hereto as Collective Exhibit J, spread hereupon, and incorporated herein by reference, and

WHEREAS, Mr. Warnock requested the Board authorize GIS Director Kay Little to convert said plans into digital format,

Following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to (1) waive the requirement of the submission of permit applications in digital format as to East Madison Water Association, Inc. (2) approve the aforementioned utility permits from East Madison Water Association, Inc. in "hard copy" form, (3) authorize Kay Little to convert said plans into digital format, and (4) 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 permits were and are hereby approved; Ms. Little was and is hereby authorized; and the Board President was and is hereby authorized.

SO ORDERED this the 18th day of October, 2010.

In re: Discussion of Twin Harbor Drainage Project

WHEREAS, County Engineer Rudy Warnock appeared before the Board and reported that additional right of way was needed in order to complete the Twin Harbor Drainage Project, and

WHEREAS, Mr. Warnock reported that an error had occurred when the survey had been performed for said project, and

WHEREAS, Mr. Warnock also reported that in order to complete the Twin Harbor Drainage Project additional right of way is required from Pearl River Valley Water Supply District, the Lauderdale family and the Shaw family,

Following discussion, Mr. John Bell Crosby did offer and Mr. Paul Griffin did second a motion to (1) authorize Woody Sample of Sample & Associates to acquire necessary right of way from the aforementioned property owners, (2) authorize Jim Turner of JLT Realty, Inc. to perform appraisals on the aforementioned property, and (3) authorize Board Attorney Eric Hamer to prepare the necessary conveyance documents required for right of way acquisition. The vote on the matter being as follows:

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

the matter carried unanimously and Mr. Sample, Mr. Turner, and Mr. Hamer were and are hereby authorized.

SO ORDERED this the 18th day of October, 2010.

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 10 of 19 (10/18/10)

In re: Resolution Approving Interlocal Agreement Between Madison County and the City of Madison Concerning the Implementation of the Tax Increment Financing Plan - Madison Station Shopping Center/CVS

RESOLUTION OF THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI ADOPTING, APPROVING AND AUTHORIZING THE EXECUTION OF THE INTERLOCAL COOPERATION AGREEMENT WITH THE CITY OF MADISON, MISSISSIPPI IN SUPPORT OF THE MADISON STATION REDEVELOPMENT PROJECT.

WHEREAS, the Board of Supervisors of Madison County, Mississippi (the "Board" of the "County"), acting for and on behalf of the County, hereby finds, determines and adjudicates as follows:

1. Pursuant to the Mississippi Tax Increment Financing Act, Title 21, Chapter 45, Mississippi Code of 1972, as amended (the "TIF Act"), the County is authorized to undertake and carry out redevelopment projects, as defined therein, utilizing tax increment financing ("TIF") and also to carry out such projects jointly with other local governmental units pursuant to the Interlocal Cooperation Act, Title 17, Chapter 13, Mississippi Code of 1972, as amended (the "Interlocal Act").
2. The Board has previously conducted hearings on and approved and adopted the Tax Increment Financing Redevelopment Plan (the "Redevelopment Plan") for the County. The Board has also previously adopted the "The Tax Increment Financing Plan, Madison Station Redevelopment Project, Madison County, Mississippi, July 2008, as amended November 2009" (the "TIF Plan") and has already established the Madison Station Redevelopment Project TIF District (the "TIF District") as described herein to provide financial support by way of TIF for the Madison Station Redevelopment Project (the "Project") as also described herein.
3. Mississippi CVS Pharmacy, LLC (the "Developer") is proposing to develop the Project in the City and County and in the TIF District. The Project will be located upon approximately 6.17 acres located at the northeast corner of the intersection of Highway 51 and Main Street and will consist of the redevelopment of the Madison Station Shopping Center including the construction of a CVS pharmacy store. The County intends to enter into an Interlocal Cooperation Agreement (the "Agreement") with the City of Madison, Mississippi (the "City") pursuant to the Interlocal Act to support the Project and to allow TIF bond proceeds to be used to pay for the cost of infrastructure improvements to support the Project, including but not limited to, installation and/or relocation of utilities such as water, sanitary sewer, burying and relocation of electrical lines, construction of drainage improvements, construction of roadways with curb and gutter, concrete walks, sidewalks, lighting, site demolition and grading, installation of signage, landscaping of rights-of way, irrigation, related engineering fees, attorney's fees, TIF Plan preparation fees, capitalized interest, and other related soft costs (the "Infrastructure Improvements"). These costs will equal or exceed the sum of Five Hundred Fifty Thousand Dollars (\$550,000). The Developer is requesting the assistance of the City and the County in providing the funding for the Infrastructure Improvements by the utilization of TIF.
4. The Project appears to be a project of major economic significance within the City and the County and to qualify as a project eligible for TIF under the Redevelopment Plan; and the participation on the County is necessary and would be in the public interest and would benefit the economic and financial well-being and the public health, safety and welfare of the County.
5. The Developer intends to acquire and construct all or a portion of the Infrastructure Improvements at its expense to facilitate the development of the Project, based on the anticipation that TIF moneys will be available in the future. The County wishes to provide for reimbursement to the Developer for this expense in whole or part, up to the amount of moneys available from the proceeds of TIF bonds of the City in the principal amount not to exceed Five Hundred Fifty Thousand Dollars (\$550,000) at the time or times TIF bonds are issued in the future. These bonds will be secured solely by a pledge by the County of a portion, not to exceed

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 11 of 19 (10/18/10)

seventy percent (70%), of the increase in ad valorem taxes on real property generated within the TIF District and a pledge by the City of the increase in ad valorem real and personal property tax and sales tax rebates from the CVS portion of the TIF District. The funds derived from the sale of the bonds will be used to acquire and construct or reimburse the costs of acquisition and construction of the Infrastructure Improvements by the Developer. These bonds shall never constitute an indebtedness of the County within the meaning of any state constitutional provision or statutory limitation and shall never constitute or give rise to a pecuniary liability of the County, other than from the sources set forth herein, or a charge against its general credit or taxing powers.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

SECTION 1. The Project is one of major economic significance, and the participation of the County is necessary and in the public interest and would benefit the public health, safety and welfare of the County and its citizens.

SECTION 2. The Board hereby approves and adopts the Agreement in substantially the form attached hereto as Exhibit A with such amendments, corrections, additions and deletions as may be agreed upon and approved by its duly authorized officers.

SECTION 3. The Board hereby authorizes the President and Clerk of the Board to execute and deliver the Agreement for and on behalf of the County with such changes, insertions and omissions as may be approved by such officers, said execution and delivery being conclusive evidence of such approval.

Exhibit "A"
Interlocal Cooperation Agreement
(Exhibit A to the Resolution is attached hereto as Exhibit K to these Minutes.)

Following the reading of the foregoing resolution, Supervisor John Bell Crosby moved that it be adopted, and Supervisor Tim Johnson seconded the motion for its adoption. The matter was then put to a roll call vote, and the result was as follows:

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

the matter carried unanimously and said agreement was and is hereby adopted and approved and the Board President was and is hereby so authorized.

SO ORDERED this the 18th day of October, 2010.

In re: Approval of Budget Amendments

WHEREAS, County Comptroller Quandice Green appeared before the Board and requested the Board's consideration of certain amendments to the current year budget of the county as set forth in that certain document entitled "Madison County Budget Amendments October 18, 2010," a true and correct copy of which is attached hereto as Exhibit M, spread hereupon and incorporated herein by reference,

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

President's Initials: _____
Date Signed: _____

For Searching Reference Only: Page 12 of 19 (10/18/10)

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 18th day of October, 2010.

In re: Approval of Claims Docket for October 18, 2010

WHEREAS, the Board reviewed the claims docket for October 18, 2010; and

WHEREAS, the Comptroller did assure the Board of Supervisors that all claims had been properly documented and where necessary, purchase orders were obtained in advance as required by law; and

WHEREAS, the following is a summary of all claims and funds from which said claims are to be paid:

Fund	Claim Nos.	No. of Claims	Amount
001	134 to 230	97	268,657.50
012	13 to 19	7	1,157.20
051	2 to 3	2	36,682.65
097	20 to 26	7	4,139.31
105	12 to 16	5	13,530.98
113	1 to 1	1	1,461.00
115	8 to 13	6	1,834.93
116	3 to 5	3	496.51
119	2 to 2	1	200.00
120	5 to 8	4	491.77
137	1 to 1	1	125,000.00
121	3 to 4	2	425.57
150	20 to 66	47	50,494.90
160	12 to 21	10	28,714.33
170	3 to 3	1	750.00
190	14 to 15	2	202.50
291	1 to 1	1	2,500.00
302	8 to 9	2	10,180.11
401	2 to 2	1	11,283.06
TOTAL ALL FUNDS		200	558,202.32

Thereafter and following discussion, Mr. D. I. Smith did offer and Mr. Paul Griffin did second a motion to approve the 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 N, spread hereupon, and incorporated herein by reference. The vote on the matter being as follows:

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

President's Initials: _____
Date Signed: _____

the matter carried by a majority vote (4-1) of Board and said Claims Docket was and is hereby approved, and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 18th day of October, 2010.

***In re: Acknowledge Receipt of Funds -
Country RX Card, LLC***

WHEREAS, County Comptroller Quandice Green appeared before the Board and requested the Board acknowledged receipt of check in the amount of \$82.00 from Country RX Card, LLC as a royalty check related to the prescription card program,

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to acknowledged receipt of said check. 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 check was and is hereby acknowledged.

SO ORDERED this the 18th day of October, 2010.

***In re: Consideration of Scott C. Woods & Associates
Proposal for Energy Efficiency and Conservation Block Grant -
Madison County Detention Center***

WHEREAS, County Administrator Brad Sellers appeared before the Board and presented a proposal from Scott C. Woods of Scott C. Woods & Associates for repairs to the HVAC equipment and roof replacement, a true and correct copy of which is attached hereto as Exhibit O, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Sellers recommended the Board approve said proposal in the amount of \$11,200.00 and authorize the Board President to execute same, and

WHEREAS, Mr. Sellers reported that said fee would include contract drawings and specifications for lighting retro-fit, HVAC equipment and roof replacement, additional drawings to replace the smoke evacuation system, and construction administration,

Following discussion, Mr. D. I. Smith did offer and Mr. John Bell Crosby did second a motion to (1) approve the fee proposal as presented from Scott C. Woods, (2) authorize Mr. Woods to proceed in accordance with his proposal, 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

the matter carried unanimously and said fee was and is hereby approved, Mr. Woods was and is hereby so authorized and the Board President was and is hereby so authorized.

SO ORDERED this the 18th day of October, 2010.

President's Initials: _____
Date Signed: _____

For Searching Reference Only: Page 14 of 19 (10/18/10)

In re: Report on Fire on Honeysucker Road

WHEREAS, County Fire Coordinator Mack Pigg appeared before the Board and requested the Board present Certificates of Appreciation unto various agencies that assisted in the fire emergency that was occurred on October 5, 2010 on Honeysucker Road, and

WHEREAS, Mr. Pigg reported the followings agencies that assisted with said fire emergency:

- Farmhaven Volunteer Fire Department
- Camden Volunteer Fire Department
- West Madison County Volunteer Fire Department
- South Madison County Volunteer Fire Department
- Southwest Madison County Volunteer Fire Department
- City of Madison Fire Department
- City of Canton Fire Department
- Holmes Community College
- Mississippi Emergency Management Agency
- Madison County Sheriff's Department
- American Medical Response
- Leake County Fire Services
- Mississippi Highway Patrol

Following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to express the appreciation of the Board and the citizens of Madison County and approve the issuance of Certificates of Appreciation to the aforementioned agencies. 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 Certificates were and are hereby authorized and approved.

SO ORDERED this the 18th day of October, 2010.

In re: Authorization of Appraisal and Survey - Proposed Valley View Fire Station

WHEREAS, County Fire Coordinator Mack Pigg appeared before the Board and presented that certain memorandum dated September 29, 2010 from John Granberry of Warnock and Associates depicting three (3) different site locations for the proposed Valley View Fire Station on Stump Bridge Road, and

WHEREAS, Mr. Pigg did recommend the Board approve "site 2" being the Cline property as the best location for the proposed fire station, and

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to (1) authorize County Engineer Rudy Warnock to perform a survey and prepare construction drawings for grading purposes and (2) authorize Jim Turner of JLT Realty, Inc. to perform an appraisal on the aforementioned property for the purpose Valley View Fire Station. 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. Warnock and Mr. Turner were and are hereby authorized.

SO ORDERED this the 18th day of October, 2010.

***In re: Approval of Contract/Agreement -
FMS Software***

WHEREAS, Board Attorney Eric Hamer appeared before the Board and presented two documents entitled "Service Contract," and "Software License Agreement," between Madison County and FM Software, a/ka/ FMS and requested the Board approve same, and

WHEREAS, true and correct copies of which are attached hereto as Exhibits P and Q, respectfully, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Hamer reported that the aforementioned contract and agreement was for software support for the Tax Collector office, and

WHEREAS, Mr. Hamer did also report that the contract would remain in force until September 30, 2011 and would be automatically renewed on October 1, 2011, and each year thereafter, subject to approval of the Board, and otherwise reviewed the terms thereof with the Board,

Following discussion, Mr. Paul Griffin did offer and Mr. D. I. Smith did second a motion to approve the two documents as referenced in Exhibits P and Q hereto, 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 contract and agreement were and are hereby approved and the Board President was and is hereby authorized.

SO ORDERED this the 18th day of October, 2010.

***In re: Discussion of Lobbyist for Purposes of
State Legislative Lobbying***

Following discussion, and at the recommendation of Board Attorney Eric Hamer, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to retain the services of Steve Seale on a monthly basis at a fee of \$2,500.00 per month for the next six (6) months to provide state legislative lobbying services to Madison County. The vote on the matter being as follows:

President's Initials: _____
Date Signed: _____

For Searching Reference Only: Page 16 of 19 (10/18/10)

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

the matter carried by a majority vote (4-1) of the Board and Mr. Seale was and is hereby retained for a period of six (6) months.

SO ORDERED this the 18th day of October, 2010.

In re: Consideration of Establishing Just Compensation

WHEREAS, Mr. Jim Turner of JLT Realty, Inc. appeared before the Board and presented a cost estimate for damages incurred as to fencing and existing trees on property owned by Mr. Clyde Lott while staking right of way in connection with the Moss Road Reconstruction Project, a true and correct copy of which is attached hereto as Exhibit R, spread hereupon and incorporated herein as reference,

WHEREAS, the Board does desire to establish just compensation unto Mr. Clyde Lott for damages to his property,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to establish just compensation to Mr. Lott for said damages as detailed on Exhibit R and authorize the Chancery Clerk to issue a pay warrant in the amount set forth thereon. 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 a pay warrant accordingly.

SO ORDERED this the 18th day of October, 2010.

In re: Establishment of Just Compensation - Willie Cline

WHEREAS, Mr. Jim Turner of JLT Realty, Inc. appeared before the Board and represented that Mr. Willie Cline has requested additional compensation for legal fees he incurred in the amount of \$105.00, and

WHEREAS, Mr. Turner reported that in addition to the previous just compensation set at \$190.00, Mr. Cline had additional legal fees he requested he be compensated for,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to authorize just compensation be established to Mr. Willie Cline in the amount of \$105.00. 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 just compensation was and is hereby established and the Chancery Clerk was and is hereby authorized to issue a pay warrant accordingly.

SO ORDERED this the 18th day of October, 2010.

In re: Authorization of Reimbursement to JLT Realty, Inc.

WHEREAS, Mr. Jim Turner of JLT Realty, Inc. appeared before the Board and requested the Board reimburse his company for processing fees in the amount of \$250.00 to Bank of America to obtain a partial release, and

WHEREAS, Mr. Turner also presented an invoice in the amount of \$400.00 to Lenoir & Associates, LLC representing the appraisal fee to acquire the partial release from Bank of America, all of which is for the benefit of the Moss Road Reconstruction Project, and

WHEREAS, a true and correct copy of that certain explanatory memorandum dated October 18, 2010 from JLT Realty, Inc. along with the invoice from Lenoir & Associates, LLC are attached hereto as Collective Exhibit S, spread hereupon and incorporated herein as reference,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve the reimbursement to JLT Realty, Inc. in the amount of \$250.00 and to authorize the payment of \$400.00 to Lenoir & Associates, LLC for the appraisal fee all of which are in association with the Moss Road Reconstruction Project. The vote on the matter being as follows:

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

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

SO ORDERED this the 18th day of October, 2010.

President's Initials: _____
Date Signed: _____

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor John Bell Crosby and seconded by Supervisor Karl M. Banks and approved by the unanimous vote of those present, and the October, 2010 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: _____

For Searching Reference Only: Page 19 of 19 (10/18/10)