

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

REGULAR MEETING OF DECEMBER 6, 2010
Being the first day of the December Term of the Board of Supervisors

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on December 6, 2010, 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, Tim Johnson, presided and called the meeting to order. The following members were present that day:

Present:

Supervisor Tim Johnson
Supervisor D. I. Smith
Supervisor Karl M. Banks
Supervisor Paul Griffin
Sheriff Toby Trowbridge
Chancery Clerk Arthur Johnston

Absent:

Supervisor John Bell Crosby

Also in attendance:

Interim County Administrator and Zoning Administrator Brad Sellers
Comptroller and Deputy Chancery Clerk Quandice Green
Board Attorney Eric Hamer
Board Secretary and Deputy Chancery Clerk Cynthia Parker
County Road Manager Lawrence Morris
County Fire Coordinator Mack Pigg
County Purchase Clerk Hardy Crunk
State Aid Engineer John Granberry
E911 and Emergency Management Director Butch Hammack
Election Commissioner Kakey Chaney
Election Commissioner Pat Truesdale

The 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 Mr. Robert Trigg led the members and the audience in the Pledge of Allegiance to the Flag of the United States of America.

In re: Approval of Minutes From November 2010 Term

WHEREAS, Chancery Clerk Arthur Johnston did present the Board with the Minutes of the previous meetings of the Board of Supervisors during the November 2010 term, said meetings having been conducted on November 1 and November 15, 2010,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to approve the Minutes as presented with certain amendments which were read in open session, and to authorize the President to sign said Minutes after said corrections have been made. The vote on the matter being as follows:

President's Initials: _____

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Supervisor John Bell Crosby	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	No
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by majority vote (3-1) of the Board and the Minutes for the November 2010 term of the Board of Supervisors of Madison County were and are hereby approved as amended.

SO ORDERED this the 6th day of December, 2010.

In re: Approval of Increase of Assessment of 2010 Personal Property Pursuant to Miss. Code Ann. § 27-35-147 et seq.

WHEREAS, on November 15, 2010, the Board determined that December 6, 2010 would be an appropriate date for a public hearing on the matter of increasing certain personal property assessment for 2010 on a certain parcel 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 notice thereof by regular mail to the affected property owner, and the Board does find that said notice was sufficient, and

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 a.m. did arise and the Board President did declare the public hearing on the proposed increase to be open, and

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

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin 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	Not Present and Not Voting
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 increase in the assessment of the parcel reflected in the petition was and is hereby approved and adopted.

SO ORDERED this the 6th day of December, 2010.

In re: Approval of Consent Agenda Items

WHEREAS, President Johnson did announce that he and County Administrator Brad Sellers had conferred in advance of the meeting and did recommend that Items (3) through (24) 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

President's Initials: _____
Date Signed: _____

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 County Engineer requested that Item (24) be removed from the Consent Agenda and addressed at the next scheduled meeting, and

Thereafter, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to take the following actions on the Consent Agenda:

3. **Acknowledge Order for State Tax Commission's Approval of 2010 Real and Personal Assessment Rolls.**
(A true and correct copy of said Order is attached hereto as Exhibit B, spread hereupon and incorporated herein by reference.)
4. **Approve Renewal of LexisNexis Prison Solution Letter Agreement.**
(A true and correct copy of said Agreement is attached hereto as Exhibit C, spread hereupon and incorporated herein by reference.)
5. **Acknowledge Personnel Appointment - Road Department.**
(A true and correct copy of a Personnel Appointment Form from Road Manager Lawrence Morris is attached hereto as Exhibit D, spread hereupon and incorporated herein by reference.)
6. **Authorize Purchase Clerk to Advertise for EECBG (Federal Stimulus) Energy Savings Grant Work at Jail.**
(A true and correct copy of that certain explanatory correspondence dated November 30, 2010 from Purchase Clerk Hardy Crunk requesting permission to advertise for the EECBG (Federal Stimulus) Energy Savings Grant for repairs on the roof at the jail is attached hereto as Exhibit E, spread hereupon and incorporated herein by reference.)
7. **Award Term Bids for Asphalt Products for Period of January 1, 2011 - September 30, 2011.**
(A true and correct copy of certain explanatory memorandum dated November 29, 2010 from Purchase Clerk Hardy Crunk, is attached hereto as Exhibit F, spread hereupon and incorporated herein by reference. The Board hereby awards term bids for asphalt products for the period of January 1, 2011 through September 30, 2011, as set forth therein.)
8. **Approve Monthly Credit Card Report October 10 - November 10, 2010 - General County.**
(A true and correct copy of that certain memorandum dated November 24, 2010 from County Purchase Clerk Hardy Crunk is attached hereto as Exhibit G, spread hereupon and incorporated herein by reference.)
9. **Acknowledge and Approve New Voting Location - Farmhaven Volunteer Fire Department.**
(A true and correct copy of that certain correspondence dated November 30, 2010 from Mr. Charlie Rice requesting that the Board acknowledge Farmhaven Volunteer Fire Department as the new voting precinct replacing Luther Branson Elementary may be found in the Miscellaneous Appendix to these Minutes.)
10. **Acknowledge Building & Grounds Department Monthly Report.**
(A true and correct copy of said Report is attached hereto as Exhibit H, spread hereupon and incorporated herein by reference.)

President's Initials: _____

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11. **Approve Location and Installation of Culvert Placements.**
(A true and correct copy of a spreadsheet containing dates and locations of the placement of culverts for protection of county right of way is attached hereto as Exhibit I, spread hereupon and incorporated herein by reference.)
12. **Acknowledge November 2010 Monthly Report - Road Department.**
(A true and correct copy of the November 2010 Monthly Road Department Report submitted by County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
13. **Acknowledge November 2010 Closed Call Analysis - Road Department.**
(A true and correct copy of the November 2010 Closed Call Analysis submitted by the County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
14. **Acknowledge December 2010 Service Call Schedule Report - Road Department.**
(A true and correct copy of the December 2010 Road Department Service Call Schedule submitted by County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
15. **Approve *En Masse* Petition for Decreases of Assessments of Real Property for the 2010 Tax Year.**
(A true and correct copy of said Petition along with a true and correct copy of its spreadsheet attachment are attached hereto as Collective Exhibit J, spread hereupon and incorporated herein by reference.)
16. **Approve Petition for Decrease of Assessment of Real Property for the 2010 Tax Year - Highland Colony Special Assessment.**
(A true and correct copy of that certain spreadsheet reflecting a decrease on G & B Investments, parcel no. 071A-12B-009/13.00 is attached hereto as Exhibit K, spread hereupon and incorporated herein by reference.)
17. **Approve Petition for Increase of Assessment of Real Property for the 2010 Tax Year - Highland Colony Special Assessment.**
(A true and correct copy that certain spreadsheet reflecting an increase on Hanover Investments, parcel no. 071A-12B-009/16.00 is attached hereto as Exhibit L, spread hereupon and incorporated herein by reference. A public hearing on said increase is hereby set for January 4, 2011.)
18. **Approve *Three Separate* Petitions for Increases of Assessments of Real Property for the 2010 Tax Year.**
(A true and correct copy of said Petitions and its spreadsheet attachment are attached hereto as Collective Exhibit M, spread hereupon and incorporated herein by reference. A public hearing on said increases is set for January 4, 2011.)
19. **Approve Amended Homestead Applications - 2010 Tax Year.**
(A true and correct copy of certain memorandum dated November 29, 2010 from Homestead Director Emily Anderson is attached hereto as Exhibit N, spread hereupon and incorporated herein by reference.)
20. **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 the same are attached hereto as Collective Exhibit O, spread hereupon, and incorporated herein by reference:
 - (1) Telepak - seeking to place fiber optic cable along Pocahontas Road.
 - (2) Telepak - seeking to place fiber optic cable along Mount Lepard Road.

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- (3) Telepak - seeking to place fiber optic cable along Pocahontas Road
- (4) Telepak - seeking to place fiber optic cable along Spring Road
- (5) Telepak - seeking to place fiber optic cable along Spring Road
- (6) Telepak - seeking to place fiber optic cable along Robinson Springs Road Ext
- (7) Telepak - seeking to place fiber optic cable along Devonshire Way
- (8) Telepak - seeking to place fiber optic cable along Robinson Springs Road
- (9) Telepak - seeking to place fiber optic cable along Robinson Springs Road
- (10) Telepak - seeking to place fiber optic cable along Lake Cavalier Drive
- (11) Telepak - seeking to place fiber optic cable along Coker Road

21. Approve Zoning Matter - Anthony Spears Petition for Special Exception for Surface Mining/4 Acres ± - Highway 43 North

(A true and correct copy of the petition of Anthony Spears seeking a special exception to conduct surface mining operation on four (4) acres, more or less, on property zoned A-1 Agricultural District on Highway 43 North may be found in the Miscellaneous Appendix to these Minutes. The Board does hereby approve said petition with stipulations that the petitioner maintain a clean roadway and reclaim adjoining property.)

22. Approve Zoning Matter - Madison Landscape Company, LLC Petition to Rezone C-1 to C-2 Commercial District.

(A true and correct copy of the petition of Madison Landscape Company, LLC seeking to rezone 1.45 acres from C-1 to C-2 Commercial District located at 338 Distribution Drive may be found in the Miscellaneous Appendix to these Minutes.)

23. Declare Certain Inventory Items as Surplus and Delete from Inventory.

(A true and correct copy of certain memorandum dated December 1, 2010 from Inventory Control Clerk Loretta Phillips is attached hereto as Exhibit P, spread hereupon and incorporated herein by reference. Moreover, individual deletion affidavits for each item authorized to be deleted may be found in the Miscellaneous Appendix to these Minutes.)

The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
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 each item was and is approved, adopted and authorized.

SO ORDERED this the 6th day of December, 2010.

***In re:* Approve Resolution Approving the Form of and Authorizing the Execution of an Interlocal Cooperation Agreement - Madison River Oaks Medical Center/Nissan Parkway Project**

WHEREAS, Mr. Ron Farris, Esq. appeared before the Board on behalf of the proponents of the Madison County Medical Center/Nissan Parkway TIF Project referred to herein below and presented that Resolution approving an interlocal cooperation agreement between Madison County and the City of Canton relating to the Madison River Oaks Medical Center/Nissan Parkway Project and authorizing the execution of the same, a true and correct copy of which is attached hereto as Exhibit Q, spread hereupon and incorporated herein by reference,

Following discussion and recognizing that the county's contribution is limited to fifty percent (50%) of the incremental increase in ad valorem taxes, both personal and real as set forth in the

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TIF Plan previously approved by this Board, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to adopt the Resolution. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
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 Resolution was and is hereby adopted.

SO ORDERED this the 6th day of December, 2010.

In re: Discussion of Solid Waste Authority

WHEREAS, Mr. Jim McNaughton of Environmental Business Services, LLC (“EBS”) appeared before the Board and presented that certain Resolution for the creation of a Solid Waste Management Authority, captioned “Resolution Madison County, Mississippi Solid Waste Management Authority” and requested the Board approve and adopt the same, a true and correct copy of which is attached hereto as Exhibit R, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. McNaughton reported that by forming a new Solid Waste Management authority, the authority could also oversee recycling services and decrease illegal dumping and littering, and

WHEREAS, Mr. McNaughton then recommended the Board appoint a three (3) member board to the Solid Waste Management Authority, and

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve and adopt the foregoing resolution. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
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 (3-1) of the Board and the aforementioned Resolution was and is hereby approved and adopted.

SO ORDERED this the 6th day of December, 2010.

Thereafter, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve and establish a three (3) member Board of Directors for the proposed Solid Waste Management Authority. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
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 by the unanimous vote of those present and a three member Board of Directors for the proposed Solid Waste Management Authority was and is hereby approved and established.

SO ORDERED this the 6th day of December, 2010.

In re: Discussion of Recycling Proposals

WHEREAS, County Purchase Clerk Hardy Crunk appeared before the Board and presented that certain explanatory memorandum dated December 1, 2010 outlining the proposals received, pursuant to the Board's recent Request for Proposals process, for recycling pickup and requested the Board accept the proposal submitted by Waste Management, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, Mr. Crunk reported that he and County Administrator Brad Sellers recommend that if the Board chooses to re-start curbside pickup of recyclables it limit pickup to those platted subdivisions in which more than 50% of the homes have requested recycling in writing and limit pickup to 3,000 homes,

Following discussion, Mr. Tim Johnson did offer and Mr. D. I. Smith did second a motion to accept the proposal of Waste Management and direct Mr. Sellers and Mr. Crunk to confirm that the county's budget allows for recycling and to present a final contract to the Board for same. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
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 proposal from Waste Management was and is hereby accepted and the County Administrator and the Purchase Clerk were and are hereby so directed.

SO ORDERED this the 6th day of December, 2010.

In re: Discussion of Walking/Bike Trail Along Yandell Road

WHEREAS, State Aid Engineer John Granberry appeared before the Board on behalf of County Engineer Rudy Warnock and presented a cost estimate for the inclusion of a walking/bike trail in the Yandell Road Reconstruction Project, and

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

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to include the walking/bike trail in the Yandell Road Reconstruction Project, with the cost thereof to be funded through grant funds. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	No

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the matter carried by a majority vote (3-1) of the Board and the County Engineer was and is directed to include said trail in the Yandell Road Reconstruction Project to be funded through grant funds.

SO ORDERED this the 6th day of December, 2010.

In re: Authorization of Burns Cooley & Dennis, Inc. to Perform Construction Testing on Calhoun Station Parkway Phase 3

WHEREAS, State Aid Engineer John Granberry appeared before the Board n behalf of County Engineer Rudy Warnock and requested the Board authorize Burns Cooley & Dennis, Inc. perform a geotechnical services on Calhoun Station Parkway Phase 3,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize Burns Cooley & Dennis to perform a geotechnical services on Calhoun Station Parkway Phase 3 pursuant to the terms of said firm’s General Service Contract with the County. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
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 Burns Cooley was and is so authorized.

SO ORDERED this the 6th day of December, 2010.

In re: Acknowledge Board Order and Letter of Acceptance for SAP-45(3)M - Ratliff Ferry Road Project

WHEREAS, State Aid Engineer John Granberry appeared before the Board and requested the Board adopt and enter that certain “Order of the Board of Supervisors of Madison County Accepting the Contract for State Aid Project No. SAP-45(3)M, a true and correct copy of which is attached hereto as Exhibit T, spread hereupon and incorporated herein by reference, and thereby releasing the contractor for SAP-45(3)M on the Ratliff Ferry Road Project from further maintenance responsibilities under the contract; and to acknowledge the letter of acceptance, a true and correct copy of which is attached hereto as Exhibit U, spread hereupon and incorporated herein by reference, giving notice of the same;

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to adopt and enter the aforesaid Order and acknowledge the letter of acceptance and authorize the Board President to execute same. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
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 said Order was and is hereby adopted and entered and the letter of acceptance was and is hereby acknowledged and the Board President was and is hereby authorized.

President’s Initials: _____

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SO ORDERED this the 6th day of December, 2010.

***In re: Authorization to Advertise for State Aid
Project No. SAP-45(5)M - Cox Ferry Road Project***

WHEREAS, State Aid Engineer John Granberry appeared before the Board and requested the Board authorize advertising for bids for the overlaying and maintenance of State Aid Project no. SAP-45(5)M being the Cox Ferry Road Project;

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize Purchase Clerk Hardy Crunk and State Aid Engineer John Granberry to advertise for bids for the overlaying and maintenance of State Aid Project no. SAP-45(5)M being the Cox Ferry Road Project . The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
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 Purchase Clerk and the State Aid Engineer were and are hereby authorized to advertise for said project.

SO ORDERED this the 6th day of December, 2010.

In re: Approval of Budget Amendments

WHEREAS, County Comptroller Quandice Green appeared before the Board and requested consideration of certain amendments to the current year budget of the county as set forth in that certain document entitled "Madison County Budget Amendments December 6, 2010," a true and correct copy of which is attached hereto as Exhibit V, 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:

Supervisor John Bell Crosby	Not Present and Not Voting
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 6th day of December, 2010.

In re: Approval of Claims Docket for December 6, 2010

WHEREAS, the Board reviewed the claims docket for December 6, 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

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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	773 to 1196	424	490,135.31
002	8 to 8	1	783.45
012	37 to 52	16	19,739.36
014	3 to 3	1	2,464.57
051	8 to 8	1	3,862.66
095	5 to 6	2	14,800.91
096	3 to 3	1	1,969.78
097	51 to 68	18	34,500.77
105	33 to 42	10	37,398.46
108	1 to 1	1	393.51
114	5 to 5	1	998.28
115	28 to 37	10	149,172.61
116	10 to 13	4	50,442.14
120	18 to 21	4	179.90
121	8 to 10	3	387.43
150	132 to 187	56	82,123.22
160	35 to 38	4	6,229.77
190	31 to 39	9	5,832.95
291	4 to 4	1	750.00
302	22 to 28	7	446,743.56
304	3 to 5	3	25,050.00
690	5 to 6	2	13,831.73
691	5 to 6	2	13,831.53
TOTAL ALL FUNDS		581	1,401,621.90

HELD CLAIMS

Fund	Claim No.	Payee	Amount
001	913	Hamer & Associates, P.A.	\$ 26,057.84
302	24	VCR I, LLC	\$ 59,291.67
302	25 (Sowell Road)	Burns Cooley Dennis Inc.	\$ 5,517.45
302	25 (Calhoun Phase II)	Burns Cooley Dennis Inc.	\$ 461.65
302	26 (Calhoun Phase II)	Warnock & Associates, LLC	\$ 992.28
302	26 (Calhoun Phase III)	Warnock & Associates, LLC	\$ 4,230.69
302	26 (Yandell Road)	Warnock & Associates, LLC	\$ 201,309.70
302	28	Warren Excavation, LLC	\$ 30,658.13

Thereafter, Mr. Paul Griffin did offer and Mr. Tim Johnson did second a motion to pay the held claims of Burns Cooley Dennis Inc. in the amounts of \$5,517.45 and \$461.65 as reflected herein above. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
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 unanimous vote of those present and said Held Claims were and are hereby approved, and the Chancery Clerk was and is instructed to issue a pay warrant accordingly.

SO ORDERED this the 6th day of December, 2010.

¹ Supervisor Banks recused himself from the meeting and departed the meeting room prior to the call of the question.

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Thereafter, Mr. Paul Griffin did offer and Mr. Tim Johnson did second a motion to pay the held claim of Warnock & Associates, LLC in the amount of \$992.28 as reflected herein above. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	No
Supervisor Karl M. Banks	Not Present and Not Voting
Supervisor Paul Griffin	Aye

the matter carried by majority vote (2-1) of those present and said Held Claim was and is hereby approved, and the Chancery Clerk was and is instructed to issue a pay warrant accordingly.

SO ORDERED this the 6th day of December, 2010.

Thereafter, Mr. Paul Griffin did offer and Mr. Tim Johnson did second a motion to pay the held claim of Warren Excavation, LLC in the amount of \$30,658.13 as reflected herein above. The vote on the matter being as follows:

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

the matter carried by unanimous vote of those present and said Held Claim was and is hereby approved, and the Chancery Clerk was and is instructed to issue a pay warrant accordingly.

SO ORDERED this the 6th day of December, 2010.

Thereafter, Mr. Paul Griffin did offer and Mr. Tim Johnson did second a motion to pay the held claim of VCR I, LLC in the amount of \$59,291.62 as reflected herein above. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	No
Supervisor Karl M. Banks	Not Present and Not Voting
Supervisor Paul Griffin	Aye

the matter carried by majority vote (2-1) of those present and said Held Claim was and is hereby approved, and the Chancery Clerk was and is instructed to issue a pay warrant accordingly.

SO ORDERED this the 6th day of December, 2010.

Thereafter, Mr. Paul Griffin did offer and Mr. Tim Johnson did second a motion to pay the held claims of Warnock & Associates, LLC in the amounts of \$4,230.69 and \$201,309.70 as reflected herein above. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	No
Supervisor Karl M. Banks	Not Present and Not Voting
Supervisor Paul Griffin	Aye

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Date Signed: _____

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the matter carried by majority vote (2-1) of those present and said Held Claims were and are hereby approved, and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 6th day of December, 2010.

Thereafter, Mr. Paul Griffin did offer and Mr. Tim Johnson did second a motion to pay the held claim of Hamer & Associates, P.A. in the amount of \$26,057.84 as reflected herein above. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	No
Supervisor Karl M. Banks	Aye ²
Supervisor Paul Griffin	Aye

the matter carried by majority vote (3-1) of those present and said Held Claim was and is hereby approved, and the Chancery Clerk was and is instructed to issue a pay warrant accordingly.

SO ORDERED this the 6th day of December, 2010.

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to approve the remainder of 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 W, spread hereupon, and incorporated herein by reference. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
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 Claims Docket was and is hereby approved, and the Chancery Clerk was and is instructed to issue and pay warrants accordingly.

SO ORDERED this the 6th day of December, 2010.

***In re: Request for Establishment of a Fire Grading
District for North Madison County***

WHEREAS, County Fire Coordinator Mack Pigg appeared before the Board and requested the Board adopt a resolution to establish a fire grading district for the outskirts of the City of Canton to be known as the North Madison County Fire Grading District, in accordance with Miss. Code Ann. § 19-5-215, and

WHEREAS, Mr. Pigg presented the Board with a “Statement of Necessity” and legal description of the proposed fire grading district, true and correct copies of which are attached

² Supervisor Banks returned prior to the call of the question.

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hereto as Collective Exhibit X, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Pigg also presented those certain "Petitions to Establish Fire Grading District," true and correct copies of which are attached hereto as Collective Exhibit Y, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to adopt said Resolution establishing a fire grading district for North Madison County and set a public hearing for January 4, 2011 to solicit public input concerning the public convenience and necessity for proposed fire grading district. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
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 Resolution was and is hereby adopted and approved and a public hearing was and is hereby set for January 4, 2011.

SO ORDERED this the 6th day of December, 2010.

In re: Request for Permission to Survey and Appraise the Valley View Fire Station

WHEREAS, County Fire Coordinator Mack Pigg appeared before the Board and requested the Board authorize Warnock & Associates perform a survey for the proposed Valley View Fire Station, and

WHEREAS, Mr. Pigg further requested the Board authorize Mr. Jim Turner of JLT Realty perform an appraisal of same,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to authorize Mr. Jim Turner of JLT Realty, Inc. to perform an appraisal of the property and authorize Warnock & Associates to survey the same. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
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 Mr. Turner and Mr. Warnock were and are hereby so authorized.

SO ORDERED this the 6th day of December, 2010.

In re: Payments in Lieu of Tax Obligation of Nissan North America, Inc. and Related Entities for 2010

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

President's Initials: _____
Date Signed: _____

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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 2010, 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 2010, which calculation is attached hereto as Collective Exhibit A to this Order (Exhibit Z to these Minutes), 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	\$1,342,625.37
Payment due based upon Nissan North America, Inc.’s personal property values	1,919,800.58
Payment due based upon Calsonic’s real property values	8,258.59
Payment due based upon Lextron/Visteon’s real property values	22,197.51
Total amount due = \$3,292,882.05 rounded to floor of	<u>\$3,650,000.00</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 \$3,650,000.00 and shall be made payable to “Madison County, Mississippi.”

President’s Initials: _____
Date Signed: _____

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 \$3,650,000.00, **\$2,094,005.00** is to be apportioned unto the Canton Public School District and **\$1,555,995.00** 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	=	\$3,650,000.00 x .5737=	<u>\$2,094,005.00</u>
Total due General County	=	\$3,650,000.00 x .4263=	<u>\$1,555,995.00</u>
Total due from Nissan	=		<u>\$3,650,000.00</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: \$8,258.59 as to the Calsonic parcel and \$22,197.51 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 **\$2,094,005.00** and shall pay unto the General Fund of Madison County, to be directed to the appropriate bond fund, the sum of **\$1,555,995.00**.

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to approve, adopt and enter the foregoing Order. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
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 6th day of December, 2010.

President's Initials: _____
Date Signed: _____

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***In re: Adoption of Resolution of Support for Key Constructors, LLC
Locating its Base Shop at Kearney Park in Flora, Mississippi
and Authorizing Certain Heavy Hauling Pertaining Thereto***

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

RESOLUTION

WHEREAS, Key Constructors LLC has decided to relocate its base shop operations at Kearney Park, in Flora, Mississippi, and

WHEREAS, Key Constructors will occupy the St. Charles building in Kearney Park and will potentially begin a limestone processing operation facility along the Pickens Lumber Company Rail Siding, and.

WHEREAS, the Madison County Board of Supervisors hereby finds that it will be necessary for trucks and heavy equipment to traverse Livingston-Vernon Road from the St. Charles building to U. S. Highway 49 as a necessary consequence of the aforesaid relocation, and

WHEREAS, the Board desires to foster a strong and lasting relationship with Key Constructors and its relocated facility,

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

1. Key Constructors, LLC and its agents and subcontractors be and they are hereby authorized to engage in heavy hauling over Livingston-Vernon Road to its intersection with U. S. Highway 49 commencing at its new facility in Kearney Park in Flora up to and including lawful weight limits as allowed by law on state highways.
2. The Board welcomes Key Constructors, LLC to its new location and hereby extends its best wishes for a successful business venture.
3. The Chancery Clerk be and he is hereby requested to provide a certified copy hereof to the appropriate representative of Key Constructors, LLC and to Road Manager Lawrence Morris.

The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
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 6th day of December, 2010.

In re: Approval of Quit Claim Deed to Parkway Development, Inc.

President's Initials: _____

Date Signed: _____

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WHEREAS, Board Attorney Eric Hamer appeared before the Board and requested the Board authorize the Board President execute a quit claim deed to Parkway Development, Inc. for certain property located along the Galleria Parkway located being 54.22 acres more or less in Section 6, T7N, R2E and Sections 28, 29, 31, and 32, T8N, R2E, and

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

WHEREAS, Mr. Hamer explained that the execution and recording of such deed was necessary in order to rectify an error in the legal description contained in a previous deed wherein the county received certain property that it did not own,

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to approve said quit claim deed and authorize the Board President to execute the same. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
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 Quit Claim Deed was and is hereby approved and the Board President was and is hereby authorized to execute the same.

SO ORDERED this the 6th day of December, 2010.

In re: Discussion of Dry Creek Road and Petrified Forest Road Projects

WHEREAS, Board Attorney Eric Hamer appeared before the Board and presented a Letter Agreement with ROW Consultants, Inc. for the acquisition of right of way and relocation work for the Dry Creek Road and Petrified Forest Road Projects, a true and correct copy of which is attached hereto as Exhibit AA, spread upon and incorporated herein by reference, for services related to, and

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve said Letter Agreement with ROW Consultants, Inc. for the acquisition of right of way and relocation work for the Dry Creek Road and Petrified Forest Road Projects and authorize the Board President to execute same. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
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 Letter Agreement was and is hereby approved and the Board President was and is hereby authorized.

SO ORDERED this the 6th day of December, 2010.

In re: Discussion of Martin Meadowlands - Calhoun Station Phase III

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to

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authorize Board Attorney Eric Hamer to prepare a temporary construction easement with the stipulation that Martin Meadowlands donate certain property for the construction of Calhoun Station Phase III. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
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 Board Attorney was and is so authorized.

SO ORDERED this the 6th day of December, 2010.

In re: Lease-Purchase Financing Patrol Cars for the Sheriff's Department

WHEREAS, County Purchase Clerk Hardy Crunk appeared before the Board and reported that the twenty-four (24) new patrol cars previously authorized to be purchased by the Board had arrived and requested the Board authorize the Board Attorney Eric Hamer to prepare the paperwork necessary for the lease-purchase financing thereof, as required by the lender.

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize the Board Attorney to prepare the necessary paperwork for financing of the Sheriff's Department vehicles. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
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 Board Attorney was and is so authorized.

SO ORDERED this the 6th day of December, 2010.

In re: Authorization to Take Used Sheriff's Office Vehicles to Auction

WHEREAS, County Purchase Clerk Hardy Crunk appeared before the Board and requested permission to take certain used Sheriff's Office vehicles to auction so as to generate funds sufficient to purchase a Chevrolet Tahoe for use by the Canine Unit,

Following discussion, Mr. Karl M. Bands did offer and Mr. D. I. Smith did second a motion to authorize the Purchase Clerk to take said vehicles to auction and use the proceeds as requested. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
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 Mr. Crunk was and is so authorized.

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SO ORDERED this the 6th day of December, 2010.

In re: Discussion of Sowell Road Extension Crossing

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to authorize Entergy to install a street light at the intersection of Church Road and Stribling Road at the expense of the county. The vote being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
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 Entergy was and is so authorized.

SO ORDERED this the 6th day of December, 2010.

In re: Authorization to Use Grant Money to Build Storm Shelters at Volunteer Fire Departments

WHEREAS, E911 Director Butch Hammack appeared before the Board and requested the Board acknowledge the acceptance of the county’s grant application by FEMA and authorize him to use grant funds to build storm shelters at the Southwest, Kearney Park, Farmhaven and Camden Volunteer Fire Departments,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to acknowledge said grant application acceptance and authorize Mr. Hammack to use the funds to build storm shelters at the aforementioned locations. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
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 grant was and is acknowledged and Mr. Hammack was and is so authorized.

SO ORDERED this the 6th day of December, 2010.

In re: Discussion of Conditions on Robinson Springs Road

WHEREAS, Mr. Billy Carpenter, a property owner on Robinson Road, came before the Board to express his concerns about safety, traffic, noise and pollution caused by dirt trucks on Robinson Springs Road, and

WHEREAS, Mr. Carpenter presented a written statement on behalf of the residents of Robinson Springs Road, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes,

WHEREAS, Sheriff Toby Trowbridge offered to coordinate with the Police Department of the City of Madison to determine the feasibility of providing a motorcycle patrol of the area to encourage truckers to comply with the law,

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Following discussion, Mr. D. I. Smith did offer and Mr. Karl M. Banks did second a motion to acknowledge the comments presented by Mr. Carpenter. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
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 comments of Mr. Carpenter were and are acknowledged.

SO ORDERED this the 6th day of December, 2010.

***In re: Acknowledgment of Receipt of Funds and
Authorization of the Board President to Execute Invoice***

WHEREAS, Sheriff Toby Trowbridge appeared before the Board and presented checks received from various agencies for housing of prisoners and other services as follows:

<u>Entity</u>	<u>Amount</u>
Evercom	\$15,092.48
City of Ridgeland	\$ 3,684.50
Valley Foods	\$ 2,485.62

WHEREAS, Sheriff Trowbridge also requested the Board authorize the Board President to execute an invoice to the Mississippi Department of Corrections in the amount of \$10,895.46.

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to acknowledge the receipt of said checks and authorize the Board President to execute said invoice. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
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 checks were and are acknowledged and the Board President was and is so authorized.

SO ORDERED this the 6th day of December, 2010.

In re: Entering into "Closed Session" to Determine Whether 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 matters pertaining to the acquisition of right of way and potential litigation,

Following discussion and pursuant to the terms of Miss. Code Ann. § 25-41-7, as amended, Mr. Paul Griffin 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 the acquisition of right of way and litigation, with the following persons deemed necessary for

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Board discussions, deliberations, and recording of such Executive Session, to wit: members of the Board, Chancery Clerk Arthur Johnston, Board Secretary and Deputy Chancery Clerk Cynthia Parker, Board Attorney Eric Hamer, County Purchase Clerk Hardy Crunk, County Comptroller and Deputy Chancery Clerk Quandice Green, Interim County Administrator Brad Sellers, ROW and litigants. The vote on the matter being as follows:

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

the matter carried by unanimous vote of those present and the Board took up the matter of entering into Executive Session.

SO ORDERED this the 6th day of December, 2010.

In re: Entering into Executive Session

WHEREAS, a discussion of the nature of matter requiring Executive Session was had and the Board Attorney Eric Hamer informed the Board that matters pertaining to the acquisition of right of way and potential litigation were properly the subject of the Executive Session,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to enter into Executive Session to discuss the acquisition of right of way and potential litigation as provided by law. The vote on the matter being as follows:

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

the matter carried by unanimous vote of those present and Board President Tim Johnson declared the Board of Supervisors to be in Executive Session for the consideration of such matters and the Board Attorney announced to the public the purpose for the Executive Session.

SO ORDERED this the 6th day of December, 2010.

In re: Acquisition of Right of Way for Dry Creek Bridge Project

WHEREAS, during the Executive Session, Mr. Woody Sample appeared before the Board and explained that the Board had previously established just compensation for, and had previously offered Mr. Thomas Stallings a sum certain for the acquisition by the county of .088 acres of right of way and .139 acres of temporary construction easement for the Dry Creek Bridge Project, and

WHEREAS, Mr. Sample reported that said offer was refused but that Mr. Stallings had indicated he would accept an offer if just compensation was increased slightly to another sum certain,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to increase just compensation by a sum certain unto Mr. Thomas Stallings for the acquisition of the above-described right of way and temporary construction easement and direct the issuance of a pay warrant in said amount upon acceptance. The reason for taking this action is to avoid costly

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litigation and to expedite acquisition of needed right of way. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
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 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 6th day of December, 2010.

In re: Approval of Settlement with Southern Tractor Properties, LLC and Payment of a Claim for Damages in the Amount of \$7,048.96

WHEREAS, during Executive Session, Board Attorney Eric Hamer appeared before the Board and presented a copy of a proposed Complaint prepared by counsel for Southern Tractor Properties, LLC relative to the non-payment by the county of certain invoices submitted by said firm in excess of purchase orders, and

WHEREAS, Mr. Hamer explained that in his judgment, a court would likely hold the county liable for these sums totaling \$7,048.96 on the basis of unjust enrichment and/or quantum meruit and therefore recommended the Board approve the payment of said sum unto said firm in settlement of the litigation which has been threatened, and

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

Following discussion, and upon the recommendation of counsel, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to (1) approve the payment of the sum of \$7,048.96 unto Southern Tractor Properties, LLC in compromise and settlement of its claims against the county as set forth in the proposed Complaint, (2) authorize and direct the Chancery Clerk to issue a pay warrant accordingly, and (3) authorize and direct Board Attorney Eric Hamer to prepare an acknowledgment and release for Southern Tractor to execute indicating (a) the firm's acceptance of the settlement approved herein and (b) its agreement to abide by state purchase laws and not perform services or make sales to the county in any respect in the future without first receiving a purchase order in the full amount of the cost of such service or sale. The vote on the matter being as follows:

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

the matter carried by a unanimous vote of those present and such payment was and is hereby approved, and the Chancery Clerk and the Board Attorney were and are hereby so authorized and directed.

SO ORDERED this the 6th day of December, 2010.

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Date Signed: _____

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In re: Approval of Settlement of the Case of Hood et al v. Madison County Human Resources Agency, Inc. et al Civil Action No. 3:09cv415 DPJ-JCS on the Docket of the United States District Court for the Southern District of Mississippi

WHEREAS, during Executive Session, Board Attorney Eric Hamer appeared before the Board and presented a certain “Mutual Release and Settlement Agreement” between and among the parties to the case of Hood et al v. Madison County Human Resources Agency, Inc. et al Civil Action No. 3:09cv415 DPJ-JCS on the Docket of the United States District Court for the Southern District of Mississippi, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, Mr. Hamer explained that the settlement, which had been approved and agreed to by all parties save Madison County, resulted from the State of Mississippi’s original claim against the former Madison County Human Resource Agency (MCHRA) and Madison County itself; however, the parties had been re-aligned so as to make Madison County a party plaintiff rather than a party defendant, and

WHEREAS, Mr. Hamer further explained that the settlement agreement called for the county to pay the sum of \$50,000.00 which, together with the payment of additional sums by other parties, would culminate in the county receiving clear title to the real property and the improvements thereon described in the aforesaid Mutual Release and Settlement Agreement, the same being the MCHRA transportation facility located on Highway 22 West in Canton, Mississippi which had been the subject of the lawsuit,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to approve and adopt said Mutual Release and Settlement Agreement, authorize and direct the Chancery Clerk to issue a pay warrant in the amount of \$50,000.00 payable as set forth therein, and further authorize and accept the transfer of title to said real property to Madison County. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
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 Mutual Release and Settlement Agreement was and is hereby approved and adopted, the Chancery Clerk was and is hereby authorized to issue a pay warrant in accordance therewith, and the transfer of title to said real property was and is hereby approved.

SO ORDERED this the 6th day of December, 2010.

In re: Establishment of Just Compensation – Moss Road Bridge Project

Thereafter, and also during Executive Session, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to increase just compensation to Mr. Jasper Banks in an amount certain for acquisition by the county of certain right of way for the Moss Road Reconstruction Project. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
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 by the unanimous vote of those present and just compensation was and is hereby increased and the Chancery Clerk was and is hereby authorized to issue a pay warrant in said amount unto Jasper Banks upon his acceptance thereof.

SO ORDERED this the 6th day of December, 2010.

In re: Adjournment of Executive Session

Following discussion, Mr. Paul Griffin did offer and Mr. D. I. Smith did second a motion to adjourn the Executive Session and direct the Chancery Clerk to announce to the public the action taken therein. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
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 Board Attorney did announce to the public the action taken therein.

SO ORDERED this the 6th day of December, 2010.

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor D. I. Smith and seconded by Supervisor Paul Griffin and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until December 20, 2010, for the purpose of consideration of a Claims Docket and any other business which may properly come before the Board.

Tim Johnson, President
Madison County Board of Supervisors

Date signed: _____

ATTEST:

Arthur Johnston, Chancery Clerk

President's Initials: _____
Date Signed: _____

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