

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

REGULAR MEETING OF JANUARY 4, 2011
Being the first day of the January 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 January 4, 2011, 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

Absent:

None

Also in attendance:

Interim County Administrator and County 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
Chad Plumb on behalf of County Engineer Rudy Warnock
E911 Director Butch Hammack
County Purchase Clerk Hardy Crunk
County Fire Coordinator Mack Pigg
Deputy Tax Assessor Kent Hawkins
Constable Bill Weisenberger

The Board President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Supervisor Paul Griffin opened the meeting with a prayer and Supervisor Karl M. Banks 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 December 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 December 2010 term, said meetings having been conducted on December 6 and December 20, 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: _____

Date Signed: _____

For Searching Reference Only: Page 1 of 19 (1/04/11)

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 Minutes for the December 2010 term of the Board of Supervisors of Madison County were and are hereby approved as amended.

SO ORDERED this the 4th day of January, 2011.

***In re: Election of Officers of the
Madison County Board of Supervisors***

WHEREAS, on January 7, 2008, at the organizational meeting of the Madison County Board of Supervisors, the Board determined that the presidency of the Board would rotate from year to year within the four (4) year term, and

WHEREAS, a new calendar year has now begun, and the Board does desire to conduct an election of officers anew in accordance with said determination, and

WHEREAS, Board President Tim Johnson did announce his resignation as Board President effective immediately,

Thereafter, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to elect Mr. Tim Johnson as President of the Madison County Board of Supervisors for the current year and Mr. John Bell Crosby as Vice President of the Madison County Board of Supervisors for the current year. 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. Tim Johnson was and is hereby elected and declared President and Mr. John Bell Crosby was and is hereby elected and declared Vice President.

SO ORDERED this the 4th day of January, 2011.

***In re: Public Hearing Regarding the
Abandonment of a Portion of Weisenberger Road***

WHEREAS, pursuant to Miss Code Ann. § 65-7-121, the Board of Supervisors previously advertised a notice for a public hearing concerning the abandonment of a section of Weisenberger Road containing 0.30 acres (13,270.57 square feet), more or less, being situated in the E1/2 of the W1/2 of the NE1/4 of Section 28, T8N, R2E, the same having been published as required by law for at least two times, not less than two weeks prior to the date of said hearing, the same being January 4, 2011 at 9:00 a.m., and

WHEREAS, a true and correct copy of the proof of publication of said notice is attached hereto as Exhibit A, spread hereupon and incorporated herein by reference, and

WHEREAS, the date and hour for said public hearing did arrive and the Board of Supervisors declared the public hearing open for comment and testimony concerning the abandonment of said roadway, and

President's Initials: _____
Date Signed: _____

WHEREAS, no one appeared and objected to the abandonment of said section of road and the Board of Supervisors did specifically make the following finding:

(1) that the public interest and convenience does not require the section of roadway to remain open to the public and that it is in the public interest and convenience to close and vacate and abandon this section of the roadway as described below pursuant to Miss. Code Ann. § 65-7-121(1)(d)

Following discussion of this matter, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to (1) close the public hearing, (2) incorporate the previously stated findings by the Board of Supervisors into the minutes hereof and (3) abandon a section of the county road system consisting of the following described property, to-wit:

A parcel of land containing 0.30 acres (13,270.57 square feet), more or less, being situated in the Eastern ½ of the Western ½ of the Northeast ¼ of Section 28, Township 8 North, Range 2 East, Madison County, Mississippi, and being more particularly described by metes and bounds as follows:

Commence at a found Iron Pin marking the Southeast Corner of the Turnhawk Properties, LLC. property as described in Book 1818 at Page 332 of the Madison County Land Records (reference to said legal description being made as part of this description), said Pin being on the current Northern Right of Way line of Weisenberger Road, thence run along said Right of Way 86.34 feet along the arc of a 681.20 foot radius curve to the left, said arc having a 86.28 foot chord bearing N59 degrees 56' 02" W to the Point of Beginning for the parcel described; from said Point of Beginning, leave said Right of Way and run 106.36 feet along the arc of a 898.83 foot radius curve to the left, said arc having a 106.30 foot chord bearing N79 degrees 37' 58" W; thence N43 degrees 57' 02" W for a distance of 184.92 feet; thence N 00 degrees 07' 29" E for a distance of 112.47 feet to the current Northern Right of Way Line of Weisenberger Road; thence run along said Right of Way 356.50 feet along the arc of a 681.20 foot radius curve to the left, said arc having a 352.44 foot chord bearing S41 degrees 18' 38" E to the Point of Beginning.

Said motion did further require the Road Manager of Madison County to post clearly visible signs at the intersection of the abandoned roadway with the county road system indicating that the abandoned section is no longer part of the county road system and is not maintained by Madison County. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and said findings were and are hereby made, said road was and is hereby abandoned, and the Road Manager was and is hereby directed accordingly.

SO ORDERED this the 4th day of January, 2011.

In re: The Creation of the North Madison County Fire Grading District

There came on for consideration by the Board the matter of the creation of the North Madison County Fire Grading District pursuant to Miss. Code Ann. § 19-5-217, whereupon Supervisor Griffin offered the following Resolution and moved its adoption, to wit:

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 3 of 19 (1/04/11)

RESOLUTION OF THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI, CREATING THE NORTH MADISON COUNTY FIRE GRADING DISTRICT WITHIN THE CITY OF CANTON FIRE PROTECTION DISTRICT

WHEREAS, a petition was filed with the Board of Supervisors of Madison County for the incorporation of a proposed fire grading district to be known as the "North Madison County Fire Grading District" in Madison County, Mississippi, for the purpose of providing fire protection in the rural area within the proposed boundaries of such district; and,

WHEREAS, the petition to create was signed by not less than twenty-five owners of real property residing within the boundaries of the proposed district and included (1) a statement of the necessity for the service or services to be supplied by the proposed district, (2) the proposed corporate name for the district, and (3) the proposed boundaries of the district, all in accordance with statute and,

WHEREAS, such petition was signed in person by the petitioners, with their respective residence addresses, and was accompanied by a sworn statement of the persons or persons circulating the petition, who stated under oath that he or they witnessed the signature of each petitioner, that each signature is the signature of the person it purports to be and that to the best of his or their knowledge, each petitioner was, at the time of signing, an owner of real property within and a resident of the proposed district; and,

WHEREAS, in its meeting of December 6, 2010, the Board of Supervisors, upon the filing of the petition did set Tuesday, January 4, 2011, at 9:00 o'clock A. M., in the Board of Supervisors Room in the Chancery/Administrative Building at Canton, Mississippi, as the time, date and place for a public hearing upon the question of the public convenience and necessity of the creation of said district; and,

WHEREAS, a public notice signed by the Clerk of the time, date and place of the public hearing was published in the *Madison County Herald*, a newspaper within the meaning of the statute, having a general circulation within such proposed district once a week for at least three consecutive weeks prior to the date of the hearing, and the first of such publications was made not less than twenty one days prior to the date of such hearing and the last such publication was made not more than fourteen days prior to the date of such hearing, and such notice contained the date of such hearing, the place at which it shall be held, and the purpose of the hearing,

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI, as follows:

1. That there is hereby created within Madison County, Mississippi a fire grading district for the purpose of providing, conducting and operating a fire protection services within the territorial limits of said district as set forth in that certain legal description, a true and correct copy of which is attached hereto as Exhibit A, spread hereupon and incorporated herein by reference.
2. That the North Madison County Fire Grading District shall be a valid body politic and corporate of the State of Mississippi under its corporate name of the "North Madison County Fire Grading District." The powers of such district shall be vested in and exercised by the Madison County Board of Supervisors.
3. That the above described property is not within the corporate boundaries of any existing municipality.
4. If any provision of this Resolution shall be held to be invalid by any court of competent jurisdiction, the remainder of this Resolution shall not be affected thereby .

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 4 of 19 (1/04/11)

The motion for the adoption of the resolution was seconded by Supervisor Karl M. Banks and after discussion, the resolution was read and considered section by section and as a whole, and a vote was taken thereon, section by section, and as a whole, with the following results:

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 motion having therefore received the affirmative vote of the majority of the members present, the President of the Board of Supervisors of Madison County, Mississippi, declared the Motion carried and Resolution adopted this the 4th day of January, 2011.

SO ORDERED this the 4th day of January, 2011.

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

WHEREAS, on December 6, 2010, the Board determined that January 4, 2011 would be an appropriate date for a public hearing on the matter of increasing certain real property assessment for 2010 on a certain parcels in the county and did set said date for said hearing to begin at the hour of 9:00 am, and

WHEREAS, the Chancery Clerk did prepare and serve the appropriate 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 Collective Exhibit C, 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. John Bell Crosby did second a motion to close the public hearing and approve the assessment increases for the individuals and parcel numbers as set forth in the aforesaid petitions. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and the increases in the assessment of the parcel reflected in the petitions were and are hereby approved and adopted.

SO ORDERED this the 4th day of January, 2011.

President's Initials: _____
Date Signed: _____

For Searching Reference Only: Page 5 of 19 (1/04/11)

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 (6) through (20) 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, the Board President requested an additional item be added to the consent agenda, denominated Item (21) below, being Approval of Board Attorney Eric Hamer's 2011 Contract, as set forth below, and

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

- 6. Approve *En Masse* Petitions for Increases of Assessments of Personal Property for the 2010 Tax Year.**
(A true and correct copy of said Petitions and its spreadsheet attachment are attached hereto as Collective Exhibit D, spread hereupon and incorporated herein by reference. A public hearing on said increases is set for January 18, 2011.)
- 7. Approve Petition for Decreases of Assessments of Personal 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 E, spread hereupon and incorporated herein by reference.)
- 8. Approve of Petition to Decrease Assessment of Real Property for the 2010 Tax Year.**
(A true and correct copy of said Petition and its spreadsheet attachment are attached hereto as Collective Exhibit F, spread hereupon and incorporated herein by reference.)
- 9. Approve Removal of Certain Parcels from Parkway South Public Improvement District Special Assessment Roll for 2010 Tax Roll.**
(A true and correct copy of an explanatory memorandum dated December 16, 2010, from Parkway South Public Improvement District supplying the basis for removal of certain parcels being S. L. Seth, parcel nos. 072C-06C-003/00.00, 072C-07A-009/02.08, 072C-07A-009/02.09, 072C-07A-009/02.10; Main Street Crossing, parcel no. 072C-07A-009/02.04; and 1896 Main Street, LLC, parcel no. 072C-07A-009/02.05 and which the Board does hereby approve and affirms is attached hereto as Collective Exhibit G, spread hereupon and incorporated herein by reference.)
- 10. Approve Amended Homestead Applications - 2010 Tax Year.**
(A true and correct copy of certain memorandum dated December 21, 2010 from Homestead Director Emily Anderson is attached hereto as Exhibit H, spread hereupon and incorporated herein by reference.)
- 11. Acknowledge Manufactured Homes Insolvency List 2010 and Personal Property Insolvencies List 2010.**
(That certain memorandum dated October 28, 2010 from Tax Collector Kay Pace listing manufactured housing and personal property tax insolvencies for tax year 2010 was and is hereby accepted, and a true and correct copy thereof is attached hereto as Exhibit I, spread hereupon and incorporated herein by reference.)

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 6 of 19 (1/04/11)

12. **Acknowledge Building & Grounds Department Monthly Report.**
(A true and correct copy of said Report is attached hereto as Exhibit J, spread hereupon and incorporated herein by reference.)
13. **Acknowledge Public and Private Roads to the County Road Registry.**
(A true and correct copy of two certain memoranda from Bessie Minor of the E-911 Office listing River Oaks Drive as a public road; and Lakeshire Trail and Lakeshire Landing are hereby designated as private roads and are to be added to the County Road Registry reflecting such designation are attached hereto as Collective Exhibit K, spread hereupon and incorporated herein by reference.)
14. **Authorize Payment of Certain Fees and Expenses for 2011 Chancery Clerk Arthur Johnston, to-wit:**

**ORDER FOR PAYMENT OF CERTAIN FEES AND EXPENSES
OF THE CHANCERY CLERK'S OFFICE**

WHEREAS, Chancery Clerk Arthur Johnston did appear before the Board and requested the Board authorize and approve the payment of the following fees and expenses, and

WHEREAS, the Clerk did represent that all such fees and expenses were proper and allowed by statute and were payable by the county as provided by law,

IT IS THEREFORE ORDERED by the Board of Supervisors of Madison County, Mississippi, that the following fees and expenses as provided by statute relating to the services performed by the Chancery Clerk of this county be and the same are hereby approved and shall be allowed unto Arthur Johnston, Chancery Clerk, for compensation of said services rendered to the people, said fees and expenses shall be payable in monthly installments except where otherwise noted below.

IT IS FURTHER ORDERED that said Clerk is hereby employed to (a) process the homestead applications, (b) serve as the county's Passport Acceptance Agent, (c) restore certain records of the county in his charge, and is directed to carry out other necessary services as outlined in the statutes listed below:

- (1) § 25-7-9(1)(f) – Attendance on the Board of Supervisors: Clerk and one deputy, each \$20.00;
- (2) § 25-7-9(1)(g) *as amended in 2004* – Semi-annual allowance as Clerk of the Board of Supervisors: \$3,000.00 payable in one half in July and one half in January;
- (3) § 27-105-343 *as amended in 2004* – For services as County Treasurer: the sum of \$2,500 per annum, payable in equal monthly installments;
- (4) § 25-3-19 – For services as County Auditor: an annual sum of \$5,300.00, payable in equal monthly installments;
- (5) § 25-7-9(1) – For recording fees due the Chancery Clerk for recording instruments relating to county-owned real estate, and oaths and bonds of public officials, both elected and appointed – standard recording fees payable after-the-fact;
- (6) § 25-7-9(1)(h) – *as amended in 2005* - Attendance on the Chancery Court as approved by the Chancellor: For each day, first Chancellor sitting: \$50.00 per day each for himself and two deputies;

President's Initials: _____
Date Signed: _____

For Searching Reference Only: Page 7 of 19 (1/04/11)

- (7) § 25-7-9(1)(h) – *as amended in 2005* - Attendance on the Chancery Court as approved by the Chancellor: For each day, second Chancellor sitting: \$50.00 per day, Clerk only;
- (8) § 25-7-9(1)(I) – *as amended in 2005* - Clerk and two deputies, allowance of five (5) extra days for the Clerk and two deputies for attendance upon the Court to get up records: \$50.00 per day each for himself and two deputies per term of court;
- (9) § 41-21-79, *et al* – For administrative services performed in connection with commitment proceedings (both alcohol/drug and mental) such as consultations with family or friends, scheduling physicians, providing insurance information to hospitals, and making arrangements for pre-screenings and follow-ups: \$60.00 per commitment, as ordered by the Court;
- (10) § 41-21-79, *et al* and M.R.C.P. 3 © and (d) – For pauper’s oaths both in general and in connection with commitment proceedings for paupers: \$108.00 per case as ordered by the Court;
- (11) § 25-7-9(1)(j) – For public services not otherwise specifically provided for, contingent upon the approval of the Court, an annual sum not to exceed \$5,000.00 payable \$416.67 per month;
- (12) § 25-3-21 – For copying tax rolls, a statutory fee of \$.03 per assessment, per copy of each real roll and \$.015 per assessment, per copy of each personal roll for the current year;
- (13) § 27-33-37(m) – To employ the Clerk to collect and assemble data and information and to perform the services required of the Board by § 27-33-37(e) and to make investigations required of the Board in connection with administering the Homestead Exemption Law as directed by the board as follows: for the first 2,000 applications, \$1.00 per application; for the next 2,000 applications, \$.75 each, for the next 2,000 applications, \$.50 each, for the next 2,000 applications, \$.35 each, all over the above number, \$.25 each;
- (14) § 19-15-1 – For the restoration and preservation of county records in accordance with the contract approved by said Board on January 5, 2008, payable, and as corrected, *nunc pro tunc* on May 3, 2010, payable \$500.00 per month through December 2012 and \$1,500 per month in June, July and August of each year;
- (15) Such fees as are allowed and required by federal law in connection with the processing of U. S. Passport Applications including a fee of up to \$10.00 for each passport photograph taken using office equipment.
- (16) § 35-3-13 – For each certificate of military discharge recorded in the office: \$1.00. No charge, however, shall be made to the veteran for either the original recording or the making of copies.

IT IS FURTHER ORDERED that, to the extent necessary, the Board President is authorized to enter into contracts with the Clerk to carry out the above and foregoing items.

SO ORDERED on this the 4th day of January, 2011.

President’s Initials: _____
Date Signed: _____

For Searching Reference Only: Page 8 of 19 (1/04/11)

15. **Approve Scott C. Woods & Associates Fee Proposal.**
(A true and correct copy of that certain memorandum dated December 23, 2010 from Mr. Scott C. Woods of Scott C. Woods & Associates detailing the fee proposal as grant administrator for the Energy Efficiency and Conservation Block Grant at the Madison County Detention Center is attached hereto as Exhibit L, spread hereupon and incorporated herein by reference and the Board President was and is hereby authorized to execute same.)
16. **Acknowledge December 2010 Monthly Report - Road Department.**
(A true and correct copy of the December 2010 Monthly Road Department Report submitted by County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
17. **Acknowledge December 2010 Closed Call Analysis - Road Department.**
(A true and correct copy of the December 2010 Closed Call Analysis submitted by the County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
18. **Acknowledge January 2011 Service Call Schedule Report - Road Department.**
(A true and correct copy of the January 2011 Road Department Service Call Schedule submitted by County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
19. **Acknowledge December 2010 Solid Waste Report.**
(A true and correct copy of the December 2010 Solid Waste Report submitted by the County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
20. **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 M, spread hereupon and incorporated herein by reference.)
21. **Approve Board Attorney Eric Hamer's 2011 Professional Services Contract.**
(A true and correct copy of Board Attorney Eric Hamer's 2011 Professional Services Contract for a term of January 1, 2011 through December 31, 2011, is attached hereto as Exhibit N, spread hereupon and incorporate herein by reference.)

The vote on the matter being as follows:

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

the matter carried unanimously, and each item was and is hereby approved, adopted and authorized as described herein above.

SO ORDERED this the 4th day of January, 2011.

President's Initials: _____
Date Signed: _____

For Searching Reference Only: Page 9 of 19 (1/04/11)

In re: Acceptance and Award of Lowest and Best Bid for Farmhaven Fire Protection District Fire Station No. 2

WHEREAS, County Administrator Brad Sellers appeared before the Board and presented that certain memorandum dated January 4, 2011, outlining the recommendation of Mr. Joseph Orr, architect, to accept and award the low bid of Gulf South Construction Inc. for the construction of the new Farmhaven Fire Protection District Fire Station No. 2, a true and correct copy of which is attached hereto as Exhibit O, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Sellers and Mr. Orr are in agreement and recommended the Board reject the bid of Management Services Resource as the lowest bidder as Mr. Terry Bouldin had confirmed that he had erroneously submitted a wrong bid and could not honor said bid as submitted, and

WHEREAS, Mr. Sellers further reported that he and Mr. Orr had determined that Gulf South Construction Inc. had submitted the lowest and best bid due to said bid was within one percent of the lowest bid submitted and the term of construction days was sixty days less,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to accept and award the lowest and best bid of Gulf South Construction Inc. in the amount of \$565,100.00 for the construction of the new Farmhaven Fire Protection District Fire Station No. 2. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Not Present and Not Voting ¹
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by a majority vote of those present and the lowest and best bid of Gulf South Construction Inc. was and is hereby accepted and awarded.

SO ORDERED this 4th day of January, 2011.

In re: Acceptance of Certificate of Substantial Completion - South Madison County Fire Protection District, Adam Weisenberger Fire Station No. 2

WHEREAS, Mr. Joseph Orr of Joseph Orr Architecture appeared before the Board and presented that certain document titled "Certificate of Substantial Completion" for the South Madison County Fire Protection District, Adam Weisenberger Fire Station No. 2 and requested the Board acknowledge same and authorize the Board President to execute said document, and

WHEREAS, a true and correct copy of which is attached hereto as Exhibit P, spread hereupon and incorporated herein by reference, and

WHEREAS, the Board does desire to accept said Certificate of Substantial Completion and to set Tuesday, January 18, 2011 as a ribbon cutting ceremony for the dedication of the South Madison County Fire Protection District, Adam Weisenberger Fire Station No. 2,

¹Mr. Johnson briefly excused himself from the meeting and returned shortly after the vote was taken.

President's Initials: _____
Date Signed: _____

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to acknowledge and accept the Certificate of Substantial Completion and to set Tuesday, January 18, 2011 as a ribbon cutting ceremony for the dedication of the South Madison County Fire Protection District, Adam Weisenberger Fire Station No. 2. The vote on the matter being as follows:

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

the matter carried by a majority vote of those present and the Certificate of Substantial Completion was and is hereby acknowledged and accepted; the Board President was and is hereby authorized; and ribbon cutting for South Madison County Fire Protection District, Adam Weisenberger Fire Station No. 2 was and is hereby set.

SO ORDERED this 4th day of January, 2011.

In re: Approval of Final Plats of Grayhawk Subdivision, Part One -A and Wellington Subdivision, Part One-D

WHEREAS, Mr. Chad Plumb on behalf of County Engineer Rudy Warnock appeared before the Board and presented the final plat of Grayhawk Subdivision, Part One -A and Wellington Subdivision, Part One-D and requested the Board to approve same, indicating and representing that the same met with all appropriate and applicable county requirements, and

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

Hawk's Nest Cove
Grayhawk Drive

and,

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

Lakeway Drive
Palin Drive

Following discussion of this matter, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to **(1)** approve said final plats, (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 Letters of Credit. The vote on the matter being as follows:

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 11 of 19 (1/04/11)

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 plats of Grayhawk Subdivision, Part One -A and Wellington Subdivision, Part One-D were and are hereby approved and said roads were and are accepted as a public streets.

SO ORDERED this the 4th day of January, 2011.

In re: Discussion of Johnson Hill Road Erosion Repair

WHEREAS, Mr. Chad Plumb on behalf of County Engineer Rudy Warnock appeared before the Board and presented a cost estimate for erosion repairs to Johnson Hill Road, a true and correct copy of which is attached hereto as Exhibit Q, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Plumb did report to the Board that it was the County Engineer’s recommendation to construct a 4' paved ditch using term bid prices and that all other work would be performed using county forces,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize the Road Manager and term bid contractor to perform said work as per the cost estimate that is referenced in Exhibit Q, and authorize the use of term bid pricing and the use of county forces for all other work. 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 4th day of January, 2011.

In re: Approval of Final Plat of Blackberry Creek Subdivision

WHEREAS, County Administrator Brad Sellers appeared before the Board and presented the final plat of Blackberry Creek Subdivision and requested the Board to approve same, indicating and representing that the same met with all appropriate and applicable county requirements, and

WHEREAS, Mr. Sellers pointed out that the streets listed on said plat were private and would not be accepted as public streets,

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to approve said final plat, (a) subject to final review of County Engineer Rudy Warnock, (b) subject to the requirement that approval of the Madison County Board of Supervisors would be required on any changes to said plat and/or the accompanying covenants until such time as a majority of votes necessary to change the covenants are controlled by residents of the subdivision, and © subject to zoning ordinances that the Board finds will be applicable upon adoption thereof in the future. The vote on the matter being as follows:

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 Blackberry Creek Subdivision was and is hereby approved with the aforesaid provisos, all roads depicted thereon to remain private.

SO ORDERED this the 4th day of January, 2011.

In re: Approval of Budget Amendments

WHEREAS, County Administrator 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 January 4, 2011,” a true and correct copy of which is attached hereto as Exhibit R, spread hereupon and incorporated herein by reference,

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

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

the matter carried unanimously said budget amendments were and are hereby approved and adopted.

SO ORDERED this the 4th day of January, 2011.

In re: Approval of Claims Docket for January 4, 2011

WHEREAS, the Board reviewed the claims docket for January 4, 2011; 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	1327 to 1422	96	348,085.55
012	57 to 64	8	11,241.18
014	4 to 4	1	2,464.57
051	11 to 11	1	3,222.93
095	7 to 8	2	64,710.99
096	4 to 4	1	1,623.13
097	83 to 91	9	13,338.95
105	51 to 58	8	32,121.93
108	3 to 3	1	1,084.71
114	6 to 6	1	998.28
115	45 to 50	6	2,561.80

President’s Initials: _____
Date Signed: _____

116	16 to 16	1	182.99
120	25 to 25	1	38.17
121	13 to 13	1	81.52
137	2 to 2	1	125,000.00
150	222 to 264	43	88,827.19
160	43 to 43	1	5,502.60
190	47 to 54	8	5,680.77
302	47 to 50	4	383,552.51
304	7 to 7	1	1,505.00
401	6 to 9	2	10,027.95
690	7 to 8	2	60,450.52
691	7 to 8	2	61,229.47
TOTAL ALL FUNDS		201	1,223,532.71

HELD CLAIMS

Fund	Claim No.	Payee	Amount
001	1417	Hamer & Associates	\$ 20,008.07
302	49	Warnock & Associates, LLC	\$ 169,950.00
302	47	VCR I LLC	\$ 59,291.67

Thereafter and following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to approve the claims docket as presented, less and except the above noted held claims. Said motion directed that invoice numbers should be attached to each claim on the claims docket and further directed the Chancery Clerk to publish the Summary of Claims as required by law and to authorize the Board President to sign and approve the Claims Docket, a copy of which may be found in the Miscellaneous Appendix to these Minutes together with a separate Resolution approving payment of said claims, which Resolution is attached hereto as Exhibit S, spread hereupon, and incorporated herein by reference. The vote on the matter being as follows:

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

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

SO ORDERED this the 4th day of January, 2011.

Thereafter and following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to pay the held claim of VCR I, LLC in the amount of \$59,291.67. The vote on the matter being as follows:

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

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

SO ORDERED this the 4th day of January, 2011.

²Mr. Banks briefly excused himself from the meeting and returned shortly after the vote was taken.

President's Initials: _____
Date Signed: _____

Thereafter and following discussion, Mr. John Bell Crosby did offer and Mr. Paul Griffin did second a motion to pay the held claim of Warnock & Associates in the amount of \$169,950.00. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
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 a majority vote (3-1) of the Board and said Held Claim was and is hereby approved, and the Chancery Clerk was and is instructed to issue pay warrant accordingly.

SO ORDERED this the 4th day of January, 2011.

Thereafter and following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to pay the held claim of Hamer & Associates in the amount of \$20,008.07. The vote on the matter being as follows:

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 said Held Claim was and is hereby approved, and the Chancery Clerk was and is instructed to issue pay warrant accordingly.

SO ORDERED this the 4th day of January, 2011.

In re: Discussion of Weather Sirens in the County

Following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to direct E911/Emergency Director Butch Hammack to investigate the possibility of installing weather sirens in and around the entire county and determine the cost and funding of same. The vote on the matter being as follows:

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

the matter carried unanimously and the E911/Emergency Director was and is hereby directed.

SO ORDERED this the 4th day of January, 2011.

In re: Approval of Claim of Margie Townsend

WHEREAS, E911 Director Butch Hammack appeared before the Board and requested the Board approve payment of claim for damages to Ms. Margie Townsend for damages sustained to a vehicle owned by her while traveling along county roads, and recommended approval of same, and

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 15 of 19 (1/04/11)

WHEREAS, Mr. Hammack reported that damage was due to a ladder falling off the back of a county vehicle and striking Ms. Townsend's vehicle,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve the claim for damages submitted by Ms. Margie Townsend in the amount of \$188.32. The vote on the matter being as follows:

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

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

SO ORDERED this the 4th day of January, 2011.

In re: Acknowledge Receipt of Funds; Acknowledge Certificate of Liability; and Authorize Board President 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>
Securus	\$ 12,312.67
City of Madison	\$ 2,144.21
City of Ridgeland	\$ 2,736.98
State of MS	\$ 16,160.00

Thereafter, Sheriff Trowbridge requested the Board authorize the Board President to execute an invoice in the amount of \$7,600.48 unto MDOC for housing of prisoners, and

WHEREAS, Sheriff Trowbridge did further request the Board acknowledge receipt of the certificate of liability insurance with Southern Health Partners, Inc. for medical aid to the inmates at the jail,

Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to acknowledge receipt of said checks; authorize the Board President to execute said invoice; and acknowledge the certificate of liability insurance with Southern Health Partners, Inc. 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 checks were and are hereby acknowledged; the Board President was and is hereby authorized; and said certificate of liability of insurance was and is hereby acknowledged.

SO ORDERED this the 4th day of January, 2011.

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 16 of 19 (1/04/11)

In re: Entering into “Closed Session” to Determine Whether or not the Board Should Declare an Executive Session

WHEREAS, the Board of Supervisors, after beginning the meeting in open session, determined that it was necessary to enter into closed session for a brief discussion to ascertain whether an Executive Session was needed as to discuss potential litigation and right of way acquisition,

Following discussion and pursuant to the terms of Miss. Code Ann. § 25-41-7, as amended, Mr. Paul Griffin did offer and Mr. Karl M. Banks 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 personnel matters, with the following persons deemed necessary for Board discussions, deliberations, and recording of such Executive Session, to wit: members of the Board, Board Secretary and Deputy Chancery Clerk Cynthia Parker, Board Attorney Eric Hamer, County Administrator Brad Sellers, County Comptroller and Deputy Chancery Clerk Quandice Green, County Fire Coordinator Mack Pigg, and Sheriff Toby Trowbridge. The vote on the matter being as follows:

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

the matter carried unanimously and the Board took up the matter of entering into Executive Session.

SO ORDERED this the 4th day of January, 2011.

In re: Entering into Executive Session

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

Following discussion, Mr. D. I. Smith did offer and Mr. Karl M. Banks did second a motion to enter into Executive Session to discuss potential litigation matters. 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	Not Present and Not Voting

the matter carried unanimously and President Johnson declared the Board of Supervisors to be in Executive Session for the consideration of such matters and the Chancery Clerk announced to the public the purpose for the Executive Session.

SO ORDERED this the 4th day of January, 2011.

During Executive Session, Mr. Hamer reported that Mr. Kenneth Brown was unwilling to accept the appraised value of the 2.46 acres needed to construct the proposed Valley View Fire District on Stump Bridge Road, and

WHEREAS, Mr. Hamer did inform the Board that in his estimation the amount Mr. Brown was requesting was fair due to the following factors:

President’s Initials: _____

Date Signed: _____

For Searching Reference Only: Page 17 of 19 (1/04/11)

- (1) perfect location for the proposed fire district
- (2) property across the road sold for \$10,000 an acre
- (3) time is of the essence as Mr. Brown is due to be deployed soon
- (4) all dirt is on site and will be required to be hauled in

Following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to (1) direct the Board Attorney to prepare the necessary paperwork to acquire said 2.46 acres and (2) authorize the Chancery Clerk to issue a pay warrant in an amount certain. The vote on the matter being as follows:

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

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

SO ORDERED this the 4th day of January, 2011.

Thereafter and following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize County Engineer Rudy Warnock and Board Attorney Eric Hamer to negotiate a fair and reasonable settlement with Neel Schaffer with regards to the Virillia 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 County Engineer and the Board Attorney were and are hereby authorized.

SO ORDERED this the 4th day of January, 2011.

Thereafter, Mr. D. I. Smith did offer and Mr. John Bell Crosby did second a motion to adjourn the Executive Session and announce to the public the action taken therein. The vote on the matter being as follows:

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

the matter carried unanimously and the President declared Executive Session declared adjourned, and the Board Attorney did announce to the public the action taken therein.

SO ORDERED this the 4th day of January, 2011.

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 Karl M. Banks and seconded by Supervisor John Bell Crosby and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Tuesday, January 18, 2011 at 9:00 am 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: _____

For Searching Reference Only: Page 19 of 19 (01/04/11)