

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

REGULAR MEETING OF JANUARY 18, 2011
Recessed from regular meeting conducted on January 4, 2011

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on January 18, 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
Chancery Clerk Arthur Johnston
Sheriff Toby Trowbridge

Absent:

Also in attendance:

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

The Board President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Rev. Keith Rouser opened the meeting with a prayer and Supervisor John Bell Crosby led the members and the audience in the Pledge of Allegiance to the Flag of the United States of America.

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

WHEREAS, on January 4, 2011, the Board determined that January 18, 2011 would be an appropriate date for a public hearing on the matter of increasing certain personal property assessments for 2010 on certain parcels in the county and did set said date for said hearing to begin at the hour of 9:00 am, and

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

WHEREAS, the petitions listing the property owners, the parcel numbers, and amount s of the proposed assessment increases are attached hereto as Collective Exhibit A, spread hereupon, and incorporated herein by reference, and

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WHEREAS, the hour of 9:00 am did arise and the Board President did declare the public hearing on said proposed increases to be open, and

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

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith 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 unanimously and the assessments of the parcels reflected thereon were and are hereby approved and adopted.

SO ORDERED this the 18th day of January, 2011.

In re: Approval of Consent Agenda Items

WHEREAS, the Board President announced that he and County Administrator Brad Sellers had conferred in advance of the meeting as to certain matters denominated "Consent Items" which bear Item numbers (2) through (14) 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 (15) below, being Approval of Southern Telecommunications Co., LLC Service Agreement, as set forth below, and

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

2. **Approve Renewal of Residential Lease Contract on 16th Section Property.**
(True and correct copies of those certain Notices to Renew Residential Lease Contracts to William L. Duncan, Jr. on Lot 8, Woodbury Park Subdivision and Mikel Shannon McMillan and wife, Wendy L. McMillan on Lot 46, Livingston Subdivision may be found in the Miscellaneous Appendix to these Minutes.)
3. **Acknowledge Parkway East Public Improvement District Invoices.**
(A true and correct copy of those certain Parkway East Public Improvement District Invoice nos. 386 through 389 may be found in the Miscellaneous Appendix to these Minutes.)
4. **Acknowledge Appointment to West Madison Utility District Board.**
(A true and correct copy of that certain correspondence dated October 22, 2010 from Mr. Nathaniel Johnson appointing Mr. Eric Battle to West Madison Utility District Board may be found in the Miscellaneous Appendix to these Minutes.)
5. **Acknowledge Appointment to Lake Lorman Utility District Board.**
(A true and correct copy of that certain email correspondence dated January 11, 2011 from Ms. Linda McCraw re-appointing Mr. Don Seagrove to Lake Lorman Utility District Board may be found in the Miscellaneous Appendix to these Minutes.)

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6. **Declare Certain Inventory Items as Surplus and Delete from Inventory.**
(A true and correct copy of that certain memorandum dated January 12, 2011 from Inventory Control Clerk Loretta Phillips listing the items to be deleted is attached hereto as Exhibit B, spread hereupon and incorporated herein by reference.)
7. **Acknowledge Issues for the 2011 Legislative Session.**
(A true and correct copy of that certain memorandum dated January 3, 2011 from Lobbyist Stevens Seale is attached hereto as Exhibit C, spread hereupon and incorporated herein by reference.)
8. **Acknowledge Clerk of the Board Report.**
(A true and correct copy of said Report is attached hereto as Exhibit D , spread hereupon and incorporated herein by reference.)
9. **Approve Request to Apply for Mississippi Department of Transportation Grant for Camden Park Improvements.**
(A true and correct copy of that certain cost estimate for improvements to Camden Park is attached hereto as Exhibit E , spread hereupon and incorporated herein by reference.)
10. **Approve Request to Revise Memorandum of Understanding with the City of Canton for the Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) CFDA#:16.804.**
(A true and correct copy of that certain Memorandum of Understanding (MOU) with the City of Canton for the Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) CFDA#:16.804 allowing the City of Canton to purchase police cruisers is attached hereto as Exhibit F, spread hereupon and incorporated herein by reference. The Board President was and is hereby authorized to execute said MOU.)
11. **Approve Monthly Credit Card Report November 10 - December 10, 2010 - Sheriff's Department.**
(A true and correct copy of that certain memorandum dated January 4, 2011 from County Purchase Clerk Hardy Crunk is attached hereto as Exhibit G, spread hereupon and incorporated herein by reference.)
12. **Approve Payment of Mississippi Department of Transportation Overweight Ticket for Road Department Dump Truck.**
(A true and correct copy of that certain explanatory memorandum dated January 12, 2011 from County Purchase Clerk Hardy Crunk requesting approval to pay overweight citation to MDOT in the amount of \$49.80 is attached hereto as Exhibit H, spread hereupon and incorporated herein by reference.)
13. **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 I, spread hereupon, and incorporated herein by reference:
 - (1) Bellsouth dba AT&T - seeking to place fiber and copper cable across Virilia Rd.
 - (2) Entergy - seeking to install a single phase overhead primary line across Bellevue Dr.
 - (3) AT&T - seeking to place approximately 420' of bsw with road bore on Stump Bridge Rd.
 - (4) AT&T - seeking to place approximately 350' of bsw with road bore on Permenter Rd.
 - (5) Bear Creek Water Assoc. - seeking to bore steel casing to accommodate sewer force main on Church Road

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14. Approve Monthly Credit Card Report November 10 - December 10, 2010 - General County.

(A true and correct copy of that certain memorandum dated January 4, 2011 from County Purchase Clerk Hardy Crunk is attached hereto as Exhibit J, spread hereupon and incorporated herein by reference.)

15. Approve Southern Telecommunications Co., LLC Service Agreement.

(A true and correct copy of that explanatory memorandum dated January 18, 2011 from Comptroller Quandice Green along with the Southern Telecommunications Co., LLC Service Agreement is attached hereto as Exhibit K, spread hereupon and incorporated herein by reference. The Board President was and is hereby authorized to execute said agreement.)

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 18th day of January, 2011.

In re: Authorization to Purchase Tractors and Mowers on State Contract

WHEREAS, Purchase Clerk Hardy Crunk appeared before the Board and reported that he County Administrator Brad Sellers, Road Manager Lawrence Morris and Assistant Road Manager Cornelius Bacon were in agreement to explore the possibility of selling the current fleet of seven year old tractors and mowers and purchase new ones on state contract, and

WHEREAS, Mr. Crunk's explanatory memorandum dated January 13, 2011, together with his written recommendation is attached hereto as Exhibit L, spread hereupon and incorporated herein by reference,

WHEREAS, Mr. Crunk recommended that the Board authorize the purchase on state contract of two Diamond rotary head mowers from Deviney Equipment at a total cost of \$73,954.00; authorize the purchase on state contract of eight bushhog batwing mowers from Deviney Equipment at a total cost of \$113,092.80; and authorize the purchase on state contract of ten New Holland tractors from Deviney Equipment at a total cost of \$348,167.30, and

WHEREAS, Mr. Crunk further recommended the mowers be paid for outright; the tractors financed over a period of three years; and the balance of the sale of proceeds be set aside to make approximately the first 12 payments on the tractors,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to (1) authorize the purchase on state contract of two Diamond rotary head mowers from Deviney Equipment at a total cost of \$73,954.00; (2) authorize the purchase on state contract of eight bushhog batwing mowers from Deviney Equipment at a total cost of \$113,092.80; and (3) authorize the purchase on state contract of ten New Holland tractors from Deviney Equipment at a total cost of \$348,167.30. The vote on the matter being as follows:

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

the matter carried unanimously and the Purchase Clerk was and is hereby authorized to purchase the aforementioned tractors and mowers on state contract from Deviney Equipment as set forth above.

SO ORDERED this the 18th day of February, 2011.

In re: Discussion of Highway 16 Relocation Project

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented that certain conceptual map showing the layout of a proposed new road connecting Highways 43 and Highway 16 so as to ease traffic congestion from Finney Road associated with a new school constructed by the Canton Public School District, and

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

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to direct County Engineer Rudy Warnock to consult with representatives of the Canton Public School Direct and its Board of Trustees to develop an acceptable route for a new road from Finney Road to Highway 16 and prepare a further conceptual design for submission to Central Mississippi Planning Development District. 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 the County Engineer was and is hereby directed.

SO ORDERED this the 18th day of January, 2011.

In re: Approval of Final Plat of Still House Creek Subdivision, Phase 5

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented the final plat of Still House Creek Subdivision, Phase 5 and requested the Board to approve same, indicating and representing that the same met with all appropriate and applicable county requirements, and

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

Stillhouse Creek Drive

Following discussion of this matter, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to **(1)** approve said final plat, (a) subject to the requirement that approval of the Madison County Board of Supervisors would be required on any changes to said plat and/or the accompanying covenants until such time as a majority of votes necessary to change the covenants

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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 road as a public road, and **(3)** direct the Clerk to accept and retain the aforesaid Letter of Credit. The vote on the matter being as follows:

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

the matter carried unanimously and the final plat of Still House Creek Subdivision, Phase 5 was and is hereby approved and said roads were and are accepted as a public streets.

SO ORDERED this the 18th day of January, 2011.

***In re: Approval of Change Order -
Twin Harbor Drainage Project***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and requested the Board approve that certain Change Order No. 1 dated January 18, 2011 submitted by Southern Rock, LLC associated with the Twin Harbor Drainage Project, and

WHEREAS, Mr. Warnock reported that said change order reflected construction of concrete junction box with inlet and borrow material needed to backfill around the inlet at a cost of \$2,506.00, as detailed on that certain document submitted by Southern Rock, LLC, a true and correct copy of which is attached hereto as Exhibit M, spread hereupon and incorporated herein by reference,

Following discussion, Mr. John Bell Crosby did offer and Mr. Karl M. Banks did second a motion to approve said change order as submitted by Southern Rock, LLC for the Twin Harbor Drainage Project at a cost of \$2,506.00 and authorize the Board President to execute same. The vote on the matter being as follows:

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

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

SO ORDERED this the 18th day of January, 2011.

In re: Approval of Budget Amendments

WHEREAS, County Comptroller Quandice Green appeared before the Board and requested the Board's consideration of certain amendments to the current year budget of the county as set forth in that certain document entitled "Madison County Budget Amendments January 18, 2011," a true and correct copy of which is attached hereto as Exhibit N, spread hereupon and incorporated herein by reference,

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

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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 budget amendments were and are hereby approved and adopted.

SO ORDERED this the 18th day of January, 2011.

In re: Rejection of Previously Held Claim and Authorize Payment of Invoice of Spence Flatgard

WHEREAS, County Comptroller Quandice Green appeared before the Board and requested the Board authorize payment of that certain invoice from Spence Flatgard Legal Counsel, PLLC in the amount of \$822.50 and further requested the Board reject the held claim of December 20, 2010, Spence Flatgard Legal Counsel, claim no. 1291 in the amount of \$1,056.20, and

WHEREAS, said claim in the amount of \$822.50 is attached hereto as Exhibit O, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to (1) approve the aforementioned claim in the amount of \$822.50 and referenced as Exhibit O, and (2) reject the held claim of December 20, 2010, Spence Flatgard Legal Counsel, claim no.1291 in the amount of \$1,056.20. 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 prior claim is rejected and the Chancery Clerk was and is hereby directed to issue a pay warrant in the amount of the new claim accordingly.

SO ORDERED this the 18th day of January, 2011.

In re: Approval of Claims Docket for January 18, 2011

WHEREAS, the Board reviewed the claims docket for January 18, 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:

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Fund	Claim Nos.	No. of Claims	Amount
001	1428 to 1541	114	259,914.30
012	65 to 71	7	9,773.20
029	1 to 1	1	8,400.00
051	12 to 12	1	12,130.45
097	93 to 104	12	23,692.68
105	61 to 69	9	19,999.98
114	7 to 8	2	20,000.00
115	51 to 55	5	1,096.85
116	17 to 20	4	683.24
120	26 to 30	5	413.11
121	14 to 15	2	140.91
150	266 to 308	43	239,183.76
160	45 to 47	3	17,170.77
190	55 to 57	3	3,248.10
291	6 to 6	1	2,000.00
302	51 to 54	4	155,338.56
401	10 to 10	1	11,354.77
402	1 to 1	1	1,306.00
TOTAL ALL FUNDS		218	785,846.68

HELD CLAIMS

Fund	Claim No.	Payee	Amount
302	51	Burns Cooley Dennis	\$ 1,587.75
302	52	Canadian National	\$ 1,400.00
302	53	Warnock & Associates	\$ 19,264.13
302	53	Warnock & Associates	\$ 28,800.00
302	53	Warnock & Associates	\$ 28,800.00
302	53	Warnock & Associates	\$ 19,259.30

Thereafter and following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to approve the above noted held claims, less and except the held claim of Warnock & Associates in the amount of \$19,259.30. 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 ¹
Supervisor Paul Griffin	Aye

the matter carried by a majority vote (3-1) 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 18th day of January, 2011.

Thereafter, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to pay the held claim of Warnock & Associates in the amount of \$19,259.30 The vote on the matter being as follows:

¹Prior to this matter being called up for consideration, Mr. Banks excused himself from the meeting, departed the meeting room and did not participate in its discussion or deliberation whatsoever.

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Supervisor John Bell Crosby	No
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	No
Supervisor Karl M. Banks	Aye ²
Supervisor Paul Griffin	Aye

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

SO ORDERED this the 18th day of January, 2011.

Thereafter and following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to approve the remainder of the claims docket as presented and to add the claim of \$1,500.00 for to the U. S. Postal Service for the Madison County Department of Human Services. 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 P, 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 18th day of January, 2011.

In re: Adoption of Resolution of Support for the Introduction and Passage of Legislation Allowing the County Tax Collector to Conduct a Supplemental Sale of Public Improvement District Special Assessments That Have Been Previously Struck off to the State and (b) to Withhold From Any Future Sales Those That do not Receive a Bid

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

RESOLUTION

WHEREAS, the Madison County Board of Supervisors desires the passage of legislation amending the Public Improvement District (“PID”) law to provide such Districts with additional flexibility to recover delinquent assessments, and

WHEREAS, in particular, such legislation should provide (a) that Special Assessments for – and any ad valorem taxes associated with – parcels lying within a PID District which have been previously struck off to the state at a tax sale may, upon the approval of the Secretary of State and the governing body of the county or city in which said district may lie, be sold at a supplemental sale; (b) that where a tract of land which was previously struck off to the state is subsequently subdivided by the owner prior to maturity in the state, the supplemental sale may be

²Mr. Banks returned to the meeting prior to the call of the question on this matter.

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made and the delinquent assessment, the ad valorem taxes, and all penalties, fees, and interest associated therewith shall be prorated by the Chancery Clerk in accordance with Miss. Code Ann. § 27-45-7 accordingly, with the tracts then being offered for sale in parts according to such subdivision and pro-ration; and (c) that, in the future, the Tax Collector, with the consent of the governing body of the county or city in which said district may lie, could, rather than strike the Special Assessment to the state where there is no buyer at the sale, strike the same off to the county which would more easily allow for a supplemental sale, and

WHEREAS, such legislation was suggested by the Attorney General in his OPINION TO KAY PACE, 2010 WL 942878, Op. No. 2010-0036 (February 12, 2010), and

WHEREAS, the adoption of such legislation into law would provide a means by which the Parkway East Public Improvement District in Madison County could recover certain lost revenue needed for bond payments and avoid a shortfall in bond funds, and

WHEREAS, the adoption of such legislation into law would increase and enhance the economic viability of the Parkway East Public Improvement District and the lands lying and being situated within the geographical boundaries thereof, and

WHEREAS, the Board finds, determines and declares a public need for said legislation for the reasons set forth herein above,

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

1. The Mississippi House of Representatives and the Mississippi Senate should adopt appropriate legislation providing:
 - (a) that Special Assessments for – and any ad valorem taxes associated with – parcels lying within a PID District which have been previously struck off to the state at a tax sale may, upon the approval of the Secretary of State and the governing body of the county or city in which said district may lie, be sold at a supplemental sale;
 - (b) that where a tract of land which was previously struck off to the state is subsequently subdivided by the owner prior to maturity in the state, the supplemental sale may be made and the delinquent assessment, the ad valorem taxes, and all penalties, fees, and interest associated therewith shall be prorated by the Chancery Clerk in accordance with Miss. Code Ann. § 27-45-7 accordingly, with the tracts then being offered for sale in parts according to such subdivision and pro-ration; and
 - (c) that, in the future, the Tax Collector, with the consent of the governing body of the county or city in which said district may lie, could, rather than strike the Special Assessment to the state where there is no buyer at the sale, strike the same off to the county which would more easily allow for a supplemental sale,
2. The Governor should sign such legislation into law, and
3. The county's lobbyist, Steve Seale, shall forward this Resolution to the members of the Madison County legislative delegation and the chairmen of the appropriate committees of the Mississippi House of Representatives and the Mississippi Senate.

President's Initials: _____

Date Signed: _____

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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 Resolution was and is hereby adopted.

SO ORDERED this the 18th day of January, 2011.

***In re: Authorize Board President to Execute
County's Continuing Disclosure Information Statement***

WHEREAS, Chancery Clerk Arthur Johnston appeared before the Board and presented the County's Continuing Disclosure Information Statement for bond purposes, a true and correct copy of which is attached hereto as Exhibit Q, spread hereupon and incorporated herein by reference, and

WHEREAS, the Board has previously authorized and directed the law firm of Butler Snow O'Mara Stevens & Cannada to prepare and submit the County's Continuing Disclosure Information Statement in connection with bonds issued by the county, and

Following discussion, Mr. John Bell Crosby did offer and Mr. Karl M. Banks did second a motion to approve – and authorize the Board President to execute – the aforementioned Continuing Disclosure Information Statement with Butler Snow O'Mara Stevens & Cannada. The vote on the matter being as follows:

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

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

SO ORDERED this the 18th day of January, 2011.

***In re: Approval of Resolution Authorizing the Form of and
Execution of the Development and Reimbursement Agreement
By and Between Madison County, Mississippi and Livingston
Township, LLC and For Related Purposes***

**RESOLUTION AUTHORIZING THE FORM OF AND EXECUTION OF THE
DEVELOPMENT AND REIMBURSEMENT AGREEMENT BY AND BETWEEN
MADISON COUNTY, MISSISSIPPI AND LIVINGSTON TOWNSHIP, LLC, A
MISSISSIPPI LIMITED LIABILITY COMPANY; AND FOR RELATED PURPOSES.**

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

1. The County and the Developer desire to enter into that certain development and reimbursement agreement in substantially the same form attached hereto as EXHIBIT A (the "Development Agreement"), dated as of this date.

President's Initials: _____

Date Signed: _____

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2. The County and the Developer are entering into the Development Agreement pursuant to Sections 21 45 1 et seq. of the Mississippi Code of 1972, as amended (the "TIF Act").

3. On January 19, 2010, pursuant to the authority of the TIF Act the County approved and adopted the Tax Increment Financing Plan, Livingston Township Project, Madison County, Mississippi 1997 (the "TIF Plan") which provides for the issuance of not to exceed the principal amount of Two Million One Hundred Fifty Thousand Dollars (\$2,150,000) tax increment financing bonds of the County (the "Bonds") to fund certain infrastructure improvements described in the TIF Plan.

4. As authorized in the TIF Plan, the County and the Developer may contract to undertake the development and construction of necessary infrastructure improvements in order to provide needed municipal services and infrastructure to the Tax Increment Financing District Property described in the TIF Plan to encourage and foster development and redevelopment within the Tax Increment Financing District including the installation and construction of certain infrastructure improvements and related development, all as more fully described in the TIF Plan.

5. It is necessary to approve the form of the Development Agreement and the execution thereof.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE COUNTY, AS FOLLOWS:

SECTION 1. That the Development Agreement is hereby approved in the form attached hereto as EXHIBIT A, and that the President of the Governing Body and Chancery Clerk of the County are hereby authorized to execute the Development Agreement in substantially the same form, for and on behalf of the County.

SECTION 2. All orders, resolutions or proceedings of this Governing Body in conflict with the provisions of this resolution shall be and are repealed, rescinded and set aside, but only to the extent of such conflict.

SECTION 3. For cause, this resolution shall become effective immediately upon the adoption thereof.

Following the reading of the foregoing Resolution, Supervisor Karl M. Banks made the motion and Supervisor Paul Griffin seconded the motion for its adoption. The President put the question to a roll call vote, and the result was as follows:

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

The motion having received the affirmative vote of a majority (3-2) of the members present, the President declared the motion carried and the resolution adopted.

SO ORDERED this the 18th day of January, 2011.

EXHIBIT A
DEVELOPMENT AND REIMBURSEMENT AGREEMENT
(Exhibit A to the Resolution is attached hereto as Exhibit R to these Minutes.)

President's Initials: _____
Date Signed: _____

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***In re: Acknowledge Correspondence from
Central Mississippi Planning and Development District***

WHEREAS, Board Attorney Eric Hamer appeared before the Board and presented that certain correspondence dated January 6, 2011 from Mr. Bruce Reynolds of Central Mississippi Planning and Development District (CMPDD) pertaining to the possible redistricting of the county and requested the Board acknowledge same, a true and correct copy of which is attached hereto as Exhibit S, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Hamer reported to the Board that CMPDD would analyze the data received from the 2010 U. S. Census and would further determine what course of action would be required, if any, and present said information to the Board at a later date,

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to acknowledge receipt of said correspondence referenced as Exhibit S, and approve action set forth 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 said correspondence from CMPDD was and is hereby so acknowledged and action therein was and is hereby approved.

SO ORDERED this the 18th day of January, 2011.

***In re: Resolution Authorizing the Conveyance of
Surplus Property - Portion of Weisenberger Road***

WHEREAS, at its January 4, 2011 meeting, the Board of Supervisors abandoned a certain road as described in Exhibit "A" hereto;

WHEREAS, said tract of property is of minimal or no value to the taxpayers of Madison County and establishing the value of such property is likely to cost more than the actual value of such property;

WHEREAS, Mississippi Code Annotated § 19-7-3(3) provides for the manner in which abandoned property may be disposed of by a county and the Madison County Board of Supervisors hereby acknowledges and follows said statute, and finds, determines and resolves the following:

IT IS RESOLVED and found and determined by this Board (a) that the property described in Exhibit "A" hereto is no longer needed for county or related purposes and is not to be used in the operation of the county; (b) that the conveyance of the property in the manner otherwise provided by law is not necessary or desirable for the financial welfare of the county because the cost of doing so would likely be higher than the value of the property; and, (c) that the use of the county property for the purpose for which it is to be conveyed will promote and foster the development and improvement of the community in which it is located and the economic or industrial welfare thereof.

Furthermore, the President of the Board of Supervisors and the Board Attorney are hereby authorized and empowered to prepare and execute any documents necessary to convey or otherwise dispose of the property to the adjoining landowner(s) for the purposes described herein.

President's Initials: _____

Date Signed: _____

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Following the reading of the foregoing Resolution, Supervisor John Bell Crosby moved for the adoption of this Resolution, which was seconded by Supervisor Paul Griffin. The President put the question to a roll call vote, and the result was as follows:

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

The motion having received the affirmative vote of a majority of the members present, the President declared the motion carried and the Resolution adopted.

SO ORDERED this the 18th day of January, 2011.

EXHIBIT A
Legal Description

(Exhibit A to the Resolution is attached hereto as Exhibit T to these Minutes.)

***In re: Consideration of Addendum No. One (1)
for Energy Efficiency and Conservation Block Grant -
Madison County Detention Center***

WHEREAS, County Administrator Brad Sellers appeared before the Board and Addendum No. One (1) from Scott C. Woods & Associates for repairs to the Madison County Detention Center by means of an Energy Efficiency and Conservation Block Grant, and

WHEREAS, a true and correct copy of Addendum No. One (1) may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. D. I. Smith did offer and Mr. Karl M. Banks did second a motion to acknowledge and approve the aforementioned Addendum No. One (1) from Scott C. Woods & Associates for repairs to the Madison County Detention Center. 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 Addendum No. One was and is hereby acknowledged and approved was and is hereby so authorized.

SO ORDERED this the 18th day of January, 2011.

In re: Acknowledge New Hire at Tax Collector's Office

Following discussion, Mr. John Bell Crosby did offer and Mr. Karl M. Banks did second a motion to acknowledge the new hire of Ms. LaJuana Johnson at the Tax Collector's Office Ridgeland Annex. The vote on the matter being as follows:

President's Initials: _____
Date Signed: _____

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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 new hire was and is hereby so acknowledged.

SO ORDERED this the 18th day of January, 2011.

In re: Appointees to the Farmhaven Volunteer Fire District Board and Central Mississippi Planning Development District Board

Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to (1) re-appoint Ms. Dorothy Blackmon and Mr. Mike Smith to the Farmhaven Volunteer Fire District Board, and (2) reappoint Supervisor John Bell Crosby, Mr. Jim Archer, Mr. Dan Hart to the Central Mississippi Planning Development District Board, respectively. 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 individuals were and are hereby appointed.

SO ORDERED this the 18th day of January, 2011.

In re: Acknowledge Receipt of Funds and Acceptance of Donation to Sheriff's Department

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>
Valley Foods	\$ 1,871.65
Town of Flora	\$ 414.00
Securus	\$ 4,978.00

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

Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to acknowledge receipt of said checks and acknowledge receipt of the donation from Wal Mart. 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.

SO ORDERED this the 18th day of January, 2011.

President's Initials: _____
Date Signed: _____

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

WHEREAS, the Board of Supervisors, after beginning the meeting in open session, determined that it was necessary to enter into closed session for a brief discussion to ascertain whether an Executive Session was needed as to discuss 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. 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 potential litigation, with the following persons deemed necessary for Board discussions, deliberations, and recording of such Executive Session, to wit: members of the Board, Chancery Clerk Arthur Johnston, County Administrator Brad Sellers, Board Secretary and Deputy Chancery Clerk Cynthia Parker, Board Attorney Eric Hamer, County Comptroller and Deputy Chancery Clerk Quandice Green, and County Engineer Rudy Warnock. 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 18th 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. John Bell Crosby did offer and Mr. D. I. Smith 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	Aye

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 18th day of January, 2011.

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to accept offer of settlement from Neel-Schaffer in the amount of \$20,285.00 pertaining to certain claims by the county against said firm associated with the Virililia Road Project. The vote on the matter being as follows:

President’s Initials: _____

Date Signed: _____

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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 offer was and is hereby accepted.

SO ORDERED this the 18th day of January, 2011.

Thereafter, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to adjourn the Executive Session and direct the Chancery Clerk to announce to the public the action taken therein. The vote on the matter being as follows:

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

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

SO ORDERED this the 18th day of January, 2011.

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 January, 2011 term of the Madison County Board of Supervisors was adjourned.

Tim Johnson, President
Madison County Board of Supervisors

Date signed: _____

ATTEST:

Arthur Johnston, Chancery Clerk

President's Initials: _____
Date Signed: _____

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