

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

REGULAR MEETING OF MARCH 7, 2011  
Being the first day of the March 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 March 7, 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

Absent:

Chancery Clerk Arthur Johnston

Also in attendance:

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  
Building & Grounds Director Barry Parker  
County Purchase Clerk Hardy Crunk

Special Guests:

Hon. William E. Chapman, III, Circuit Judge  
Hon. Gerald Steen, Alderman, City of Ridgeland

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 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 Minutes From February 2011 Term***

WHEREAS, Board Secretary and Deputy Chancery Clerk Cynthia Parker did present the Board with the Minutes of the previous meetings of the Board of Supervisors during the February 2011 term, said meetings having been conducted on February 7 and February 22, 2011,

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby 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: \_\_\_\_\_

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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 Minutes for the February 2011 term of the Board of Supervisors of Madison County were and are hereby approved as amended.

SO ORDERED this the 7<sup>th</sup> day of March, 2011.

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

WHEREAS, on February 7, 2011, the Board determined that March 7, 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

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. Paul Griffin 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 7<sup>th</sup> day of March, 2011.

***In re: Petition of WRTM/Matthew Wesolowski for Special Exception to Erect a Communication Tower***

WHEREAS, WRTM/Matthew Wesolowski filed a Petition for Special Exception seeking to erect a communication tower on property located on Highway 51, and

WHEREAS, on January 13, 2011, Madison County Planning and Zoning Commission considered the request and denied said petition, and

**President's Initials:** \_\_\_\_\_  
**Date Signed:** \_\_\_\_\_

WHEREAS, on February 7, 2011, the Board of Supervisors determined that March 1, 2010 at 9:00 am would be an appropriate date and time to conduct a public hearing on the action of said Commission regarding said Petition, and

WHEREAS, notice by publication was had in the *Madison County Herald*, a newspaper of general circulation in Madison County in accordance with statute, and

WHEREAS, the hour of 9:00 a.m. did arise and the Board President declared said public hearing to be open as previously set, and

WHEREAS, Mr. Sellers reported that the petitioner was desiring to erect and operate a 355 foot guyed radio tower for FM radio, and

WHEREAS, Mr. John Wade, attorney for the petitioner, appeared before the Board and stated that the petitioner now proposes to move the tower approximately 1,000 feet from Highway 51 and is agreeable to make space available for any Madison County emergency services, and

WHEREAS, the Vice President of Twin Cedars Homeowners Association appeared before the Board in opposition to said petition, stating that the presence of the proposed tower would adversely affect the property values within the area and indicated a further concern regarding the insufficiency of a buffer zone around the proposed tower, and

Following discussion, Mr. John Bell Crosby did offer to close the public hearing and table further consideration of the request to allow the petitioner additional time to (1) gather more information about other available alternatives; (2) establish a buffer to protect the residents in the area, and (3) request a letter from the FCC stating this is the only location to be utilized for said tower,

Thereafter and following further discussion, Mr. John Bell Crosby withdrew said motion and thereafter offered a motion to close the public hearing and deny petitioner's request for a special exception to erect a radio tower on Highway 51. Mr. D. I. Smith offered a second thereto, and the vote on the matter being as follows:

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

the matter carried by a majority vote (3-2) of the Board and the public hearing was and is hereby closed and the petition for a special exception filed by WRTM/Matthew Wesolowski was and is hereby denied.

SO ORDERED this the 7<sup>th</sup> day of March, 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 (4) 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

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

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WHEREAS, Supervisor D. I. Smith requested that Item (9) be removed from the Consent Agenda and be considered separately, and

WHEREAS, the Board President requested that an additional item (21) be added to the Consent Agenda as Approval to Amend Deanco Contract, and

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

4. **Acknowledge February 2011 Monthly Report - Road Department.**  
(A true and correct copy of the February 2011 Monthly Road Department Report submitted by County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
5. **Acknowledge February 2011 Closed Call Analysis - Road Department.**  
(A true and correct copy of the February 2011 Closed Call Analysis submitted by the County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
6. **Acknowledge March 2011 Service Call Schedule Report - Road Department.**  
(A true and correct copy of the March 2011 Road Department Service Call Schedule submitted by County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
7. **Approve Location 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 B, spread hereupon and incorporated herein by reference.)
8. **Acknowledge Building & Grounds Department Monthly Report.**  
(A true and correct copy of said Report is attached hereto as Exhibit C, spread hereupon and incorporated herein by reference.)
10. **Acknowledge Sheriff's Department Credit Card Report January 10 - February 7, 2011.**  
(A true and correct copy of that certain memorandum dated February 25, 2011 from County Purchase Clerk Hardy Crunk is attached hereto as Exhibit D, spread hereupon and incorporated herein by reference.)
11. **Acknowledge Temporary Personnel Appointment - Road Department.**  
(A true and correct copy of a Personnel Appointment Form from Road Manager Lawrence Morris is attached hereto as Exhibit E, spread hereupon and incorporated herein by reference.)
12. **Approve Preliminary Plat - Northwind of Wellington.**  
(A true and correct copy of said plat may be found in the Miscellaneous Appendix to these Minutes.)
13. **Approve *En Masse* Petition for Decreases of Assessments of Real Property for the 2010 Tax Year.**  
(A true and correct copy of said Petition and its spreadsheet attachment is attached hereto as Collective Exhibit F, spread hereupon and incorporated herein by reference.)
14. **Approve *En Masse* Petition for Decreases of Assessments of Personal Property for the 2010 Tax Year.**  
(A true and correct copy of said Petition and its spreadsheet attachment is attached hereto as Collective Exhibit G, spread hereupon and incorporated herein by reference.)

President's Initials: \_\_\_\_\_

Date Signed: \_\_\_\_\_

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15. **Approve *En Masse* Petition for Increases of Assessments of Personal Property for the 2010 Tax Year.**  
(A true and correct copy of Petition, as accepted by taxpayer, is attached hereto as Collective Exhibit H, spread hereupon and incorporated herein by reference.)
16. **Approve Amended Homestead Applications - 2010 Tax Year.**  
(A true and correct copy of that certain memorandum dated February 28 2011 from Homestead Director Emily Anderson is attached hereto as Exhibit I, spread hereupon and incorporated herein by reference.)
17. **Approve Refund for Overpayment of Taxes - Jason Perry.**  
(A true and correct copy of that certain explanatory memorandum dated February 25, 2011 from Deputy Tax Assessor Irby Ford requesting the Board approve a refund to Jason Perry, for overpayment of taxes for the 2005, 2006, 2007, 2008, and 2009 taxes on parcel no. 051E-21-004/01 is attached hereto as Exhibit J, spread hereupon and incorporated herein by reference, and authorize the Tax Collector to issue said refund.)
18. **Approve Utility Permits.** The following permit allowing use and occupancy for the construction or adjustment of a utility within certain road or highway right of way was and is hereby approved, and the application for the same is attached hereto as Collective Exhibit K, spread hereupon, and incorporated herein by reference:  
  
(1) AT&T - seeking to place a 24 fiber cable along Yandell Road.
19. **Declare Certain Inventory Items as Surplus and Delete from Inventory.**  
(A true and correct copy of that certain memorandum dated March 1, 2011 from Inventory Control Clerk Loretta Phillips listing the items to be deleted is attached hereto as Exhibit L, spread hereupon and incorporated herein by reference.)
20. **Approve Unmarked Vehicle for District Attorney's Office.**  
(A true and correct copy of that certain memorandum dated March 1, 2011 from Inventory Control Clerk Loretta Phillips requesting that a certain vehicle in the District Attorney's office bearing asset no.5597 be utilized as an unmarked vehicle is attached hereto as Exhibit M, spread hereupon and incorporated herein by reference.)
21. **Approve Amending Deanco Contract.**  
(A true and correct copy of that certain explanatory memorandum dated March 4, 2011 from Purchase Clerk Hardy Crunk (a) declaring Case 580 SM backhoe, serial no. 375311 as surplus and remove from county inventory, (b) add Case 580 SM backhoe, serial no. 375426 to county inventory, (c)amend the contract with Deanco Auction Company to reflect the correct serial no. from 375426 to serial no. 375311, and (d) authorize the Board President to execute amended contract is attached hereto as Exhibit N, spread hereupon and incorporated herein by reference.)

The vote on the matter being as follows:

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

the matter carried unanimously, and each item was and is hereby approved, adopted and authorized.

SO ORDERED this the 7<sup>th</sup> day of March, 2011.

President's Initials: \_\_\_\_\_  
Date Signed: \_\_\_\_\_

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***In re: Approval of Letter Agreement for Legal Representation  
Concerning Redistricting - Butler Snow O'Mara Stevens & Cannada, PLLC***

WHEREAS, Board Attorney Eric Hamer appeared before the Board and presented a letter agreement with the Ridgeland, Mississippi law firm of Butler, Snow, O'Mara, Stevens & Cannada, PLLC, a true and correct copy of which is attached hereto as Exhibit O, spread hereupon, and incorporated herein by reference, and

WHEREAS, Mr. Hamer reported that the Board had previously approved the retention of said firm to assist with the redrawing of supervisor, justice court judge, and constable district lines based on the 2010 Census, and to represent the County in certain litigation also previously authorized,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to approve said Letter Agreement and authorize the Board President to execute same. The vote on the matter being as follows:

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

the matter carried by a majority vote (4-1) of the Board and said Letter Agreement was and is hereby approved and the Board President was and is hereby authorized.

SO ORDERED this the 7<sup>th</sup> day of March, 2011.

***In re: Acknowledgment of Drawings, Cost Estimate and Project  
Meeting Minutes - Renovation of Madison County Circuit Courthouse***

WHEREAS, the Honorable William E. Chapman, III, Circuit Judge appeared before the Board and requested the Board approve the funding for renovation of the Madison County Circuit Courthouse, and

WHEREAS, Mr. Preston McKay of M3A/McElroy & Associates appeared before the Board and presented certain drawings, a cost estimate, and project meeting minutes on the renovation of the Madison County Circuit Courthouse, a true and correct copy of all of which may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, Mr. McKay did recommend the Board approve the repairs to the roof first so as not to have any leaking issues once the renovation begins on the inside,

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to (1) acknowledge receipt of the drawings, cost estimate and project meeting minutes as presented by M3A/McElroy & Associates, (2) authorize the architect firm of M3A/McElroy & Associates to begin renovation of the Madison County Circuit Courthouse using "Project Budget Option 'B' with Option 'A' Roof at a cost of \$511,054.86 to be carried over into the next fiscal year's county budget, and (3) authorize County Administrator Brad Sellers and Comptroller Quandice Green to look for funding of said project and report to the Board their findings. 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 unanimously and said drawings, cost estimate and project meeting minutes were and are hereby acknowledged; M3A/McElroy & Associates was and is hereby so authorized; and the County Administrator and the Comptroller were and are hereby so directed.

SO ORDERED this the 7<sup>th</sup> day of March, 2011.

***In re: Approval of Seismic Permit – Denbury Onshore, LLC***

WHEREAS, Mr. Gary Stewart of Denbury Onshore, LLC appeared before the Board and requested the Board approve a seismic permit to Denbury Onshore, LLC to utilize county right of way to perform CO2 seismic survey, and

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

WHEREAS, Mr. Stewart reported that said survey should only last during the months of June and July, 2011,

Following discussion, Mr. D. I. Smith did offer and Mr. Karl M. Banks did second a motion to approve and issue the seismic survey permit to Denbury Onshore, LLC. 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 permit was and is hereby approved and issued

SO ORDERED this the 7<sup>th</sup> day of March, 2011.

***In re: Authorization of Magnolia Federal Credit Union to Visit with County Employees***

WHEREAS, Ms. Melissa Harper of Magnolia Federal Credit Union appeared before the Board and requested permission to visit with county employees and offer their services, and

WHEREAS, Ms. Harper reported that Magnolia Federal Credit Union was a full service financial institution and believed they could be of service to the employees,

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to authorize Magnolia Federal Credit Union to work with County Administrator Brad Sellers and Human Resource Director Lisa Mayo to offer their services to county employees. 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 Magnolia Federal Credit Union was and is hereby so authorized.

SO ORDERED this the 7<sup>th</sup> day of March, 2011.

***In re: Discussion of Development Restrictions on Bozeman Road Property - Richard Skinner***

WHEREAS, Zoning Administrator Brad Sellers appeared before the Board and reported he had received a request from Mr. Richard Skinner requesting relief for a fifty (50) foot buffer on property located on Bozeman Road, and

WHEREAS, Mr. Skinner reported that he has a church interested in purchasing property on Bozeman Road and would like the Board to approve a reduction of the one hundred (100) foot buffer to a fifty (50) foot buffer,

Following discussion, Mr. D. I. Smith did offer and Mr. Karl M. Banks did second a motion to approve the request and allow a fifty (50) foot buffer on that certain property owned by Mr. Skinner on Bozeman Road as long as said property is in use by the church. 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 fifty (50) buffer was and is hereby approved, subject to the proviso aforesaid.

SO ORDERED this the 7<sup>th</sup> day of March, 2011.

***In re: Consideration of Revised Master PUD Development Plan for Wellington Subdivision***

WHEREAS, Zoning Administrator Brad Sellers appeared before the Board and presented a revised Master PUD Development Plan for Wellington Subdivision for the Board's consideration and review, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, Mr. Sellers reported that the revised plan results only in a net loss of two lots but because of county requirements, Board approval was required due to the fact that said PUD runs through Stribling Road Extension, and

WHEREAS, Mr. Sellers recommended the Board approve the revised Master PUD Development Plan for Wellington Subdivision as presented,

**President's Initials:** \_\_\_\_\_  
**Date Signed:** \_\_\_\_\_

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to approve the revised Master PUD Development Plan for Wellington Subdivision as presented. 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 the revised Master PUD Development Plan for Wellington Subdivision was and is hereby approved.

SO ORDERED this the 7<sup>th</sup> day of March, 2011.

***In re: Approval of Canton Municipal Utility Relocation Agreement -  
Lake Caroline Boulevard Reconstruction Project***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented a cost estimate from Canton Municipal Utilities (CMU) for the relocation of the force main on Caroline Boulevard and for the construction of a roundabout, a true and correct copy of which is attached hereto as Exhibit Q, spread hereupon, and incorporated herein by reference, and

WHEREAS, Mr. Warnock reported that the cost for said relocation is in the amount of \$7,198.00 and recommended approval of same,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to (1) approve the aforementioned cost estimate and direct the Chancery Clerk to issue a pay warrant in the amount of \$7,198.00 upon completion of work, and (2) authorize CMU to proceed with the relocation of said force main on Caroline Boulevard. The vote on the matter being as follows:

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

the matter carried unanimously and said cost estimate was and is hereby approved, the Chancery Clerk was and is so authorized, and CMU was and is hereby so authorized.

SO ORDERED this the 7<sup>th</sup> day of March, 2011.

***In re: Approval of Final Pay Request -  
Twin Harbors Drainage Project***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented the final estimate No. 3 from Southern Rock, LLC for the construction of drainage improvements in Twin Harbors Subdivision, and

WHEREAS, a true and correct copy of said final cost estimate No. 3 is attached hereto as Exhibit R, spread hereupon, and incorporated herein by reference, and

WHEREAS, Mr. Warnock reported the final cost for said project is in the amount of \$2,506.00 and recommended the Board approve same,

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

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Following discussion, Mr. John Bell Crosby did offer and Mr. Karl M. Banks did second a motion to acknowledge receipt of the final pay request and authorize the Chancery Clerk to issue pay warrant in said amount accordingly. The vote on the matter being as follows:

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

the matter carried unanimously and said final pay request was and is hereby acknowledged and approved and the Chancery Clerk was and is hereby so authorized.

SO ORDERED this the 7<sup>th</sup> day of March, 2011.

***In re: Authorization of County Engineer to Assist in Right-of-Way and Eminent Domain Matters***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and requested permission to provide additional assistance with regard to right-of-way and eminent domain matters pursuant to his General Services Agreement,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize County Engineer Rudy Warnock to provide additional assistance in right-of-way and eminent domain matters pursuant to his General Services Agreement, including possible re-design to accommodate certain landowners associated with the Calhoun Station Phase 3 – and other – projects. 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 so authorized.

SO ORDERED this the 7<sup>th</sup> day of March, 2011.

***In re: Approval of Final Plat of Hatheway Lake Subdivision, Phase 2A***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented the final plat of Hatheway Lake Subdivision, Phase 2A 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:

Charlton 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

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

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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 Hatheway Lake Subdivision, Phase 2A was and is hereby approved and said road was and is accepted as a public street.

SO ORDERED this the 7<sup>th</sup> day of March, 2011.

***In re: Approval of Budget Amendments and Interfund Transfers***

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 and Interfund Transfers March 7, 2011," a true and correct copy of which is attached hereto as Exhibit S, 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:

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 7<sup>th</sup> day of March, 2011.

***In re: Approval of Claims Docket for March 7, 2011***

WHEREAS, the Board reviewed the claims docket for March 7, 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, Ms. Green did request that the Board also consider invoice no. 217182 from Regions Insurance, Inc. in the amount of \$101,710.00 for the renewal of insurance coverage with the Sheriff's Department, which did not appear on the docket as presented, and

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

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

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Fund	Claim Nos.	No. of Claims	Amount
001	1832 to 1968	137	593,463.14
012	94 to 102	9	11,995.11
014	6 to 6	1	2,464.57
051	16 to 21	6	171,037.13
095	11 to 12	2	408,550.47
096	6 to 6	1	1,064.25
097	137 to 149	13	34,937.43
105	95 to 109	15	61,604.74
108	5 to 5	1	1,540.00
114	16 to 16	1	998.28
115	67 to 71	5	1,022.93
116	26 to 27	2	409.27
120	43 to 45	3	246.09
121	19 to 20	2	118.13
150	380 to 452	73	134,976.54
160	57 to 59	3	12,043.48
190	73 to 82	10	5,906.77
210	1 to 1	1	393,812.50
302	73 to 76	4	404,366.73
304	11 to 11	1	1,174.70
401	15 to 15	1	10,016.55
690	10 to 11	2	381,822.38
691	10 to 11	2	402,607.36
TOTAL ALL FUNDS		295	3,036,178.55

**HELD CLAIMS**

Fund	Claim No.	Payee	Amount
302	73	VCR I, LLC	\$ 59,291.67
302	75	Warnock & Associates	\$ 169,280.97
302	75	Warnock & Associates	\$ 166,650.00

Thereafter and following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to (1) approve the claims docket as presented, less and except the above noted held claims and (2) approve invoice no. 217182 from Regions Insurance, Inc. in the amount of \$101,710.00. 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 T, spread hereupon, and incorporated herein by reference. The vote on the matter being as follows:

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

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

SO ORDERED this the 7<sup>th</sup> day of March, 2011.

Thereafter, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to pay the above listed held claims of Warnock & Associates in the amount of \$169,280.97 and \$166,650.00, respectively. 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	No
Supervisor Karl M. Banks	Aye <sup>1</sup>
Supervisor Paul Griffin	Aye

the matter carried by a majority vote (4-1) of the Board 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 7<sup>th</sup> day of March, 2011.

Thereafter and following discussion in which Mr. Karl M. Banks did not participate and for which he was not present in the Board room, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to pay the above-listed 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	Aye
Supervisor Karl M. Banks	Not Present and Not Voting
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and 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 7<sup>th</sup> day of March, 2011.

***In re: Establishment of Date for Public Hearing  
for Mandated Redistricting of Madison County***

Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to set Monday, March 21, 2011 for a public hearing to receive public input and answer questions concerning the federally-mandated redistricting of Madison County following the 2010 Census and to authorize Purchase Clerk Hardy Crunk to place a block ad in *The Madison County Herald* in order to inform county citizens thereof. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and said public hearing was and is hereby set and the Purchase Clerk was and is hereby so authorized and directed.

SO ORDERED this the 7<sup>th</sup> day of March, 2011.

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<sup>1</sup>After casting his vote on this matter, Mr. Karl M. Banks did fully and completely recuse himself from all discussions, deliberations and debate of the next succeeding matter, excused himself from the meeting, and physically departed the meeting room.

**President's Initials:** \_\_\_\_\_  
**Date Signed:** \_\_\_\_\_

***In re: Authorization of Board President to Execute Mutual Agreement and Settlement Release – Gulf South Pipeline Company, LP***

WHEREAS, Board Attorney Eric Hamer appeared before the Board and presented that certain document entitled “Mutual Agreement and Settlement Release,” a true and correct copy of which is attached hereto as Exhibit U, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Hamer reported that Gulf South Pipeline had agreed to a settlement for the relocation of a gas line on Sowell Road and further recommended the Board approve the aforementioned agreement and release and authorize the Board President to execute same,

Following discussion, Mr. D. I. Smith did offer and Mr. John Bell Crosby did second a motion to approve the Mutual Agreement and Settlement Release with Gulf South Pipeline Company, LP 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	Not Present and Not Voting
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and said agreement and release was and is hereby approved and the Board President was and is hereby so authorized.

SO ORDERED this the 7<sup>th</sup> day of March, 2011.

***In re: Approval of Board Order of State Aid Project No. SAP-45(15)S***

WHEREAS, County Engineer Rudy Warnock appeared before the Board on behalf of State Aid Engineer John Granberry and presented that certain “Order of the Board of Supervisors of Madison County Setting Forth Proposed State Aid Projects for Period of January 1, 2008 through December 31, 2011,” a true and correct copy of which is attached hereto as Exhibit V, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Warnock reported that said Order was for State Aid Project No. SAP-45(15)S being Patrick Road, Rocky Hill Road, and Shrock Road,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to adopt and approve the aforementioned Order and authorize each Supervisor to execute same. 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 the unanimous vote (4-1) of the Board and said Order was and is hereby adopted and approved and the each Supervisor was and is hereby so authorized.

SO ORDERED this the 7<sup>th</sup> day of March, 2011.

**President’s Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

***For Searching Reference Only: Page 14 of 19 (3/07/11)***

***In re: Discussion of Negotiating Lease for Voting Precinct - Bethel Church***

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to authorize Supervisor Griffin and Board Attorney Eric Hamer to enter into negotiations with Bethel Church to acquire said church as a voting precinct. 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 Supervisor Griffin and the Board Attorney were and are hereby authorized.

SO ORDERED this the 7<sup>th</sup> day of March, 2011.

***In re: Discussion of Requesting Grant Funds for Miles Corporation***

WHEREAS, Supervisor John Bell Crosby presented an email from Ms. Mary Bates of the Miles Corporation requesting the Board request grant funds from Mississippi Department of Transportation for transportation needs at no cost to the county, and

WHEREAS, Mr. Crosby did report that according to the email received, Miles Corporation was in need of three counties to request grant funds and requested the county's participation,

Following discussion, Mr. John Bell Crosby did offer and Mr. Paul Griffin did second a motion to approve said request contingent on the funds not interfering with or adversely affecting the receipt by the Madison County Citizens Service Agency of funds through the same or related program and further to authorize County Administrator Brad Sellers to review the affect said request would have on Madison County Citizens Service Agency. The vote on the matter being as follows:

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

the matter carried unanimously and said request was and is hereby approved contingent on the provisos aforesaid, and the County Administrator was and is hereby so authorized.

SO ORDERED this the 7<sup>th</sup> day of March, 2011.

***In re: Approval of Right of Way Agent on State Aid Project No. SAP-45(15)S***

WHEREAS, the Board did previously, during this board meeting, approve that certain "Order of the Board of Supervisors of Madison County Setting Forth Proposed State Aid Projects for Period of January 1, 2008 through December 31, 2011," (Exhibit V to these Minutes) designating Mr. Woody Sample as its right-of-way agent on said project, and

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

***For Searching Reference Only: Page 15 of 19 (3/07/11)***

WHEREAS, the Board does desire to substitute JLT Realty in place of Mr. Woody Sample as the right of way agent at the recommendation of County Engineer Rudy Warnock,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to substitute JLT Realty in place of Mr. Woody Sample as the right of way agent on said project and to amend the aforesaid Order accordingly. The vote on the matter being as follows:

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

the matter carried unanimously and JLT Realty was and is hereby so substituted and the Order was and is so amended.

SO ORDERED this the 7<sup>th</sup> day of March, 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>
City of Canton	\$ 14,795.81
City of Canton	\$ 12,131.44
City of Madison	\$ 1,971.28
Securus	\$ 12,697.88

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 W, 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 and donation was and is hereby acknowledged.

SO ORDERED this the 7<sup>th</sup> day of March, 2011.

***In re: Request to Purchase Used Patrol Cars by City of Carthage***

WHEREAS, Sheriff Toby Trowbridge appeared before the Board and requested permission to sell one used patrol car to the City of Carthage per their request, and

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

***For Searching Reference Only: Page 16 of 19 (3/07/11)***

WHEREAS, Sheriff Trowbridge did further present a request from the City of Canton to purchase used patrol cars as these are replaced with new a fleet of cars,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to authorize the sale of one used patrol car to the City of Carthage at a cost of \$1,000.00 subject to this Board's subsequent determination that said vehicle is surplus and no longer needed for county purposes. Prior to call of the question, Mr. Karl M. Banks did offer a motion in the nature of a substitute to authorize the sale of vehicles to the City of Canton and/or Holmes Community College at a cost of \$1,000.00 on an as is where is basis. Mr. John Bell Crosby offered a second to the substitute motion . 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 vehicles were and are hereby offered for sale to the City of Canton and/or Holmes Community College at a price of \$1,000.00 each.

SO ORDERED this the 7<sup>th</sup> day of March, 2011.

***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 personnel matters and right of way acquisition,

Following discussion and pursuant to the terms of Miss. Code Ann. § 25-41-7, as amended, Mr. D. I. Smith 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 and right of way acquisition, with the following persons deemed necessary for Board discussions, deliberations, and recording of such Executive Session, to wit: members of the Board, County Administrator Brad Sellers, Board Secretary and Deputy Chancery Clerk Cynthia Parker, Board Attorney Eric Hamer, County Comptroller and Deputy Chancery Clerk Quandice Green, County Engineer Rudy Warnock, and Jim Turner, appraiser. 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 Board took up the matter of entering into Executive Session.

SO ORDERED this the 7<sup>th</sup> day of March, 2011.

**President's Initials:** \_\_\_\_\_  
**Date Signed:** \_\_\_\_\_

***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. John Bell Crosby did second a motion to enter into Executive Session to discuss personnel matters and right of way acquisition 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	Not Present and Not Voting <sup>2</sup>
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 Board Secretary/Deputy Chancery Clerk announced to the public the purpose for the Executive Session.

SO ORDERED this the 7<sup>th</sup> day of March, 2011.

During Executive Session and following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to (1) grant exception to the County's Utility Permit Policy to allow Canton Municipal Utilities (CMU) to relocate utilities behind the county right of way on Moss Road and (2) authorize payment to CMU if in the future, a need should arise to move additional utilities along Moss Road. The vote on the matter being as follows:

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

the matter carried unanimously and said exception was and is hereby approved and payment to CMU was and is approved with the aforementioned proviso.

SO ORDERED this the 7<sup>th</sup> day of March, 2011.

Thereafter, Mr. John Bell Crosby did offer and Mr. D. I. Smith did second a motion to adjourn the Executive Session and direct the Board Attorney 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 Board Attorney did announce to the public the action taken therein.

SO ORDERED this the 7<sup>th</sup> day of March, 2011.

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<sup>2</sup>Prior to the call of the question on this matter, Mr. Banks excused himself briefly from the meeting and returned shortly thereafter.

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

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THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor Paul Griffin 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 Monday, March 21, 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:** \_\_\_\_\_

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