

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

REGULAR MEETING OF APRIL 25, 2011
Recessed from regular meeting conducted on April 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 April 25, 2011, in the Board Room on the first floor of the Chancery/Administrative Building, 125 West North Street, Canton, Mississippi, as follows, to-wit:

The President of the Board, Mr. 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:

None

Also in attendance:

County/Zoning Administrator Brad Sellers
Board Secretary and Deputy Chancery Clerk Cynthia Parker
Board Attorney Eric Hamer
County Engineer Rudy Warnock
E911 Director Butch Hammack
Building and Ground Director Barry Parker
County Fire Coordinator Mack Pigg
Purchase Clerk Hardy Crunk

The Board President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Supervisor D. I. Smith 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 Personal Property
Pursuant to Miss. Code Ann. § 27-35-147 et seq.***

WHEREAS, on April 4, 2011, the Board determined that April 25, 2011 would be an appropriate date for a public hearing on the matter of increasing certain personal property assessment for 2010 as to taxpayer Capital Orthopaedic in the county and did set said date for said hearing to begin at the hour of 9:00 am, and

WHEREAS, the Chancery Clerk did prepare and serve the appropriate notice thereof by regular mail to the affected property owner, and the Board does find that said notice was sufficient, and

WHEREAS, the petition listing the property owner, the parcel number, and the amount of the proposed assessment increase is attached hereto as 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. D. I. Smith did offer and Mr. John Bell Crosby did second a motion to close the public hearing and approve the assessment increases for the taxpayer and parcel number as set forth in the aforesaid petition. 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 the assessment of the personal property reflected thereon was and is hereby approved and adopted.

SO ORDERED this the 25th day of April, 2011.

In re: Approval of Consent Agenda Items

WHEREAS, the Board President announced that the 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) and (19) 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 that Item (4) be removed from the Consent Agenda and be considered at the next Board meeting, and

WHEREAS, the Board President requested that an additional item (20) be added to the Consent Agenda as Approval of Agreement for Digital Soil Mapping, 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 Notices to Renew Residential Lease Contracts on 16th Section Leases.**
(True and correct copies of those certain Notices to Renew Residential Lease Contract to Bruce C. Cabell and wife, Virginia M. Cabell on Lot 43, Calumet Subdivision, Pt 4; Walter Blankenship, Jr. and wife Shelly Blankenship on Lot 11, Sherbourne Subdivision, Part 1; Olivia M. Williams on Lot 1, St. Augustine Park Subdivision, Part 2; and Bruce R. Carpenter and wife, Jennifer L. Carpenter on Lot 12, Resubdivision of Lots 12, 13, and 14, Calumet Subdivision, Part 1, may be found in the Miscellaneous Appendix to these Minutes.)
- 3. Acknowledge Clerk of the Board Report.**
(A true and correct copy of said Report is attached hereto as Exhibit B, spread hereupon and incorporated herein by reference.)
- 5. Approve Hiring of Certain Temporary Personnel - Planning & Zoning.**
(A true and correct copy of that certain memorandum dated April 19, 2011 from Planning and Zoning Administrator Brad Sellers is attached hereto as Exhibit C, spread hereupon and incorporated herein by reference.)

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6. **Acknowledge Funds Returned to County by the Circuit Clerk.**
(A true and correct copy of that certain memorandum dated April 15, 2011 from Circuit Clerk Lee Westbrook reflecting fees collected in excess of salaries and expenses is attached hereto as Exhibit D, spread hereupon and incorporated herein by reference.)
7. **Authorize All Supervisors, County Administrator, Board Attorney, Chancery Clerk, and County Engineer to Attend the 2011 Annual Central Mississippi Planning Development District Conference, April 25 - 29, 2011, Biloxi, Mississippi, and Approve Travel and Registration Expenses Related Thereto.**
9. **Acknowledge Increase of Juvenile Detention Costs to \$90 Per Day.**
(A true and correct copy of that certain memorandum dated April 13, 2011 from County Court Judge Edwin Y. Hannan is attached hereto as Exhibit E, spread hereupon and incorporated herein by reference.)
10. **Authorize Advertising for Term Bids.**
(A true and correct copy of that certain explanatory memorandum dated April 19, 2011 from County Purchase Clerk Hardy Crunk requesting permission to advertise for term bids for the period July 1, 2011 - September 30, 2011 for those certain commodities outlined in said memorandum, is attached hereto as Exhibit F, spread hereupon and incorporated herein by reference.)
11. **Acknowledge Credit Card Report for March 10, 2011 through April 8, 2011 - Sheriff's Department.**
(A true and correct copy of that certain memorandum dated April 20, 2011 from County Purchase Clerk Hardy Crunk is attached hereto as Exhibit G, spread hereupon and incorporated herein by reference.)
12. **Acknowledge and Approve New Voting Precinct - Fearnest Chapel Freewill Baptist Church.**
(A true and correct copy of that certain email correspondence dated April 20, 2011 from Mr. Spence Flatgard, Esq. requesting to move the polling location for Flora Middle School Precinct (412) to Fearnest Chapel Freewill Baptist Church, is attached hereto as Exhibit H, spread hereupon and incorporated herein by reference.)
13. **Acknowledge and Approve New Voting Precinct - City of Canton Fire Station.**
(A true and correct copy of that certain email correspondence dated April 20, 2011 from Mr. Spence Flatgard, Esq. requesting to move the polling location for New Industrial Park Precinct (417) to City of Canton Fire Station, is attached hereto as Exhibit I, spread hereupon and incorporated herein by reference.)
14. **Declare Certain Inventory Items as Surplus and Delete from Inventory.**
(A true and correct copy of that certain memorandum dated April 20, 2011 from Inventory Control Clerk Loretta Phillips listing the items to be deleted is attached hereto as Exhibit J, spread hereupon and incorporated herein by reference.)
15. **Acknowledge Four (4) Proofs of Publication for Public Hearing on Redistricting.**
(True and correct copies of proof of publication that ran in *The Madison County Herald* on February 10 and 17, 2011 and March 15 and 17, 2011 for the purpose of notice of public hearings on redistricting, are attached hereto as Collective Exhibit K, spread hereupon and incorporated herein by reference.)
16. **Approve Correction, Nunc Pro Tunc, of the Minutes of February 7, 2011.**
(A true and correct copy of that explanatory memorandum dated April 6, 2011 from Chancery Clerk Arthur Johnston requesting permission to correct the zoning matter of Livingston Township, LLC Petition to Rezone R-1B and C-2 Planned Unit Development District to a Planned Unit Development district Superimposed over an R-1b and D-1

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Commercial Zoning District is attached hereto as Exhibit L, spread hereupon and incorporated herein by reference.)

17. **Appoint Boty McDonald, Esq. - Special County Prosecutor.**
(A true and correct copy of that certain memorandum dated April 11, 2011 from County Prosecutor Allen Phillips describing the need for and terms and conditions of the appointment of Boty McDonald, Esq. as Special County Prosecutor for the purpose of handling breath test refusal hearings is attached hereto as Exhibit M, spread hereupon and incorporated herein by reference.)
18. **Acknowledge Funds Returned to County by the Chancery Clerk.**
(A true and correct copy of that certain memorandum dated April 13, 2011 from Chancery Clerk Arthur Johnston reflecting fees collected in excess of salaries and expenses is attached hereto as Exhibit N, spread hereupon and incorporated herein by reference.)
19. **Acknowledge Lake Lorman Utility District Financial Statements for Years Ended October 31, 2010 and 2009.**
(A true and correct copy of said statements may be found in the Miscellaneous Appendix to these Minutes.)
20. **Approve Agreement for Digital Soil Mapping - Tri State Mapping.**
(A true and correct copy of said agreement is attached hereto as Exhibit O, spread hereupon and incorporated herein by reference. The Board President was and is hereby authorized 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 each item was and is hereby approved, adopted and authorized as described herein above.

SO ORDERED this the 25th day of April, 2011.

In re: Acknowledgment of Relocation Assistance Officer's Statement/Documentation for Computation for Moving Expense Actual and Approve Payment Thereof- Dyrone Fields.

Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve that certain document entitled "Relocation Assistance Officer's Statement" from Mr. Bobby Horton detailing the expense related to relocating a double wide mobile home belonging to Mr. Dyrone Fields in an amount not to exceed \$41,000.00 related to the construction of Calhoun Parkway, Phase III, a true and correct copy of which is attached hereto as Exhibit P, spread hereupon and incorporated herein by reference and to authorize the Chancery Clerk to issue a pay warrant accordingly. 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 |

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the matter carried by a majority vote (4-1) of the Board and said statement was and is hereby acknowledged the relocation expenses set forth thereon and approved, and the Chancery Clerk was and is hereby authorized to issue a pay warrant accordingly.

SO ORDERED this the 25th day of April, 2011.

In re: Authorization of County Engineer and Board Attorney to Prepare Policy Regarding the Erection of Gates at the Entrances of subdivision of the County

WHEREAS, County Administrator Brad Sellers appeared before the Board and requested the Board authorize Board Attorney Eric Hamer and County Engineer Rudy Warnock to prepare a county policy to addressing the erection of gates on public streets in county subdivisions,

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to authorize Board Attorney Eric Hamer and County Administrator Brad Sellers to prepare a county policy addressing the erection of gates on public streets in county subdivisions and present the same to the Board at a later date. The vote on the matter being as follows:

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

the matter carried unanimously and the Board Attorney and the County Engineer were and are hereby so authorized.

SO ORDERED this the 25th day of April, 2011.

In re: Authorization of County Engineer and Zoning Administrator to Prepare Amendments to the Madison County Subdivision Ordinance

WHEREAS, County Administrator Brad Sellers appeared before the Board and requested the Board authorize himself and County Engineer Rudy Warnock to prepare an amendment to clarify Section 103.01-17 of the county subdivision ordinance, and

WHEREAS, Mr. Sellers reported that said amendment would exempt lots containing forty (40) acres or more from the request of filing a plat thereof,

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to authorize Planning and Zoning Administrator Brad Sellers and County Engineer Rudy Warnock to prepare an amendment to clarify Section 103.01-17 of the subdivision ordinance. 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 Planning and Zoning Administrator and the County Engineer were and are hereby so authorized.

SO ORDERED this the 25th day of April, 2011.

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***In re: Consideration of Subcontractor Request Forms -
Cox Ferry Road Overlay - SAP-45(5) M***

WHEREAS, County Engineer & State Aid Engineer Rudy Warnock appeared before the Board and presented two (2) subcontract request forms related to the Cox Ferry Road Overlay Project - SAP-45(5) M, true and correct copies of which are attached hereto as Collective Exhibit Q, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Warnock reported that said subcontracts were from Dickerson & Bowen, Inc. to Atwood Fence Co., Inc. and American Field Service Corporation,

WHEREAS, Mr. Warnock requested the Board approve same and authorize the Board President to execute said subcontracts,

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to approve the aforementioned subcontracts and authorize the Board President to execute the 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 subcontracts were and are hereby approved and the Board President was and is hereby so authorized.

SO ORDERED this the 25th day of April, 2011.

***In re: Consideration of Proposal for Removal and
Relocation of Graves - Calhoun Station Phase III***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented a proposal from Mr. Alex Breeland of Breeland Funeral Home for the removal and relocation of graves necessary for the construction of Calhoun Station Phase III, and

WHEREAS, a true and correct copy of which is attached hereto as Exhibit R, 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 approve Option A as set forth in said Exhibit R utilizing wooden caskets at a cost of \$550.00 per casket once the remains have been recovered. 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 Option A was and is hereby approved.

SO ORDERED this the 25th day of April, 2011.

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**In re: Acknowledge Madison County 2012
Vision Transportation Plan**

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented each member of the Board with the Madison County 2012 Vision Transportation Plan and requested the Board acknowledge same, and

WHEREAS, Mr. Warnock requested the Board authorize Chancery Clerk Arthur Johnston to forward same to the members of the delegation in Washington, D.C.,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to acknowledged receipt of the Madison County 2012 Vision Transportation Plan and authorize the Chancery Clerk to forward same to the members of the delegation in Washington, D.C. 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 Transportation Plan was and is hereby acknowledged and the Chancery Clerk was and is hereby so authorized.

SO ORDERED this the 25th day of April, 2011.

In re: Approval of Twelve (12) Utility Permits

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented twelve utility 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, as follows:

- (1) AT&T – seeking to bore ±60 feet of buried service wire from PED F-780 along Old Natchez Trace Road
- (2) AT&T - seeking to bore ±90 feet of buried service wire across Cox Ferry Road and bore ±46 feet of buried service wire across drive way at 875 Cox Ferry Road
- (3) AT&T - seeking to place approximately 220' of copper cable along Petrified Forest Road
- (4) AT&T - seeking to place approximately 9000' of fiber cable along Robinson Springs; place approximately 2500' of fiber cable along Coker Road; place approximately 5400' of fiber cable along Lake Cavalier Road; and place approximately 200' of fiber cable along Society Ridge Road
- (5) AT&T - seeking to place a lateral fiber from existing handhole at intersection of Lake Castle Road and Richardson Road along Lake Castle Road to Hardy Road
- (6) AT&T - seeking to place approximately 700' of buried service wire along Stout Road
- (7) AT&T - seeking to place fiber optic cable across Permenter Road
- (8) AT&T - seeking to place approximately 23,000' total of fiber cable along Robinson Road, Migging Road, and Beach Bluff Road
- (9) AT&T - seeking to place approximately 7,000' total of fiber cable along Ratliff Ferry Road and Robinson Road
- (10) Comcast - seeking to place underground cable and pedestals along Millhouse Drive and Alden Place
- (11) Comcast - seeking to place underground cable and pedestals along Ashbrooke Trails
- (12) Comcast - seeking to place underground cable and pedestals along Memory Lane

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and,

WHEREAS, true and correct copies of said permits 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 approve the aforesaid utility permits. The vote on the matter being as follows:

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

the matter carried unanimously and said utility permits were and are hereby approved.

SO ORDERED this the 25th day of April, 2011.

In re: Approval of Budget Amendments

WHEREAS, County Administrator Brad Sellers 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 April 25, 2011," a true and correct copy of which is attached hereto as Exhibit S, spread hereupon and incorporated herein by reference,

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

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

the matter carried by a majority vote (4-1) and said budget amendments were and are hereby approved and adopted.

SO ORDERED this the 25th day of April, 2011.

In re: Approval of Claims Docket for April 25, 2011

WHEREAS, the Board reviewed the claims docket for April 25, 2011; and

WHEREAS, the Chancery Clerk 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 | 2205 to 2302 | 98 | 213,992.89 |
| 012 | 124 to 133 | 10 | 11,228.19 |
| 029 | 4 to 4 | 1 | 180,544.65 |
| 051 | 32 to 33 | 2 | 220,084.44 |
| 097 | 177 to 191 | 15 | 56,647.84 |
| 105 | 130 to 139 | 10 | 34,057.85 |
| 115 | 81 to 83 | 3 | 445.21 |
| 116 | 32 to 34 | 3 | 771.87 |
| 120 | 54 to 58 | 5 | 1,098.31 |
| 121 | 25 to 27 | 3 | 402.13 |
| 150 | 542 to 594 | 53 | 66,524.88 |
| 160 | 72 to 74 | 3 | 28,472.76 |
| 190 | 96 to 97 | 2 | 145.00 |
| 302 | 94 to 99 | 6 | 169,154.59 |
| 304 | 13 to 14 | 2 | 78,247.69 |
| TOTAL ALL FUNDS | | 216 | 1,061,818.30 |

HELD CLAIMS

| Fund | Claim No. | Payee | Amount |
|------|-----------|--------------------------|---------------|
| 029 | 4 | Gulf South Construction | \$ 180,544.65 |
| 302 | 95 | Burns Cooley Dennis Inc | \$ 637.25 |
| 302 | 95 | Burns Cooley Dennis Inc | \$ 300.50 |
| 302 | 97 | Warnock & Associates Inc | \$ 12,000.00 |
| 302 | 97 | Warnock & Associates Inc | \$ 16,500.00 |
| 302 | 97 | Warnock & Associates Inc | \$ 9,630.00 |
| 302 | 97 | Warnock & Associates Inc | \$ 28,000.00 |
| 304 | 14 | Gulf South Construction | \$ 77,422.69 |

Thereafter and following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve the claims docket as presented less and except the above noted held claims. Said motion directed that invoice numbers should be attached to each claim on the claims docket and further directed the Chancery Clerk to publish the Summary of Claims as required by law and to authorize the Board President to sign and approve the Claims Docket, a copy of which may be found in the Miscellaneous Appendix to these Minutes together with a separate Resolution approving payment of said claims, which Resolution is attached hereto as Exhibit 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 ¹ |
| 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, less and except the above noted held claims, and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 25th day of April, 2011.

¹After casting his vote on this matter, Mr. Johnson 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. The Vice President, John Bell Crosby, assumed the chair and presided over the next succeeding matters.

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Thereafter, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to pay the above noted held claims of Gulf South Construction in the amount of \$180,544.65 and \$77,422.69. The vote on the matter being as follows:

| | |
|-----------------------------|----------------------------|
| Supervisor John Bell Crosby | Aye |
| Supervisor Tim Johnson | Not Present and Not Voting |
| Supervisor D. I. Smith | Aye |
| Supervisor Karl M. Banks | Aye ² |
| Supervisor Paul Griffin | Aye |

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

SO ORDERED this the 25th day of April, 2011.

Thereafter, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to pay the above noted held claims of Burns Cooley Dennis, Inc. in the amount of \$637.25 and \$300.00; and the held claims of Warnock & Associates in the amount of \$12,000.00, \$16,500.00, \$9,630.00 and \$28,000.00. The vote on the matter being as follows:

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

the matter carried by a majority vote (3-1) of 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 25th day of April, 2011.

In re: Acknowledgment of Invoices Submitted by the Parkway East Public Improvement District and Authorization to Pay Invoices

WHEREAS, Chancery Clerk Arthur Johnston appeared before the Board and presented invoice numbers 401 through 402 submitted by the Parkway East Public Improvement District and represented that County Engineer Rudy Warnock had approved the same, and

Following discussion, Mr. Paul Griffin did offer and Mr John Bell Crosby did second a motion to acknowledge receipt of Parkway East PID invoice numbers 401 through 402 , true and correct copies of which may be found in the Miscellaneous Appendix to these Minutes. 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 |

²After casting his vote on this matter, Mr. 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.

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the matter carried by unanimous vote of those present and said invoices were and are hereby acknowledged.

SO ORDERED this the 25th day of April, 2011.

In re: Approval of Claim of Peggy Jordan

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

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

Following discussion, Mr. John Bell Crosby did offer and Mr. Paul Griffin did second a motion to approve the claim for damages submitted by Ms. Peggy Jordan in the amount of \$401.25. 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 unanimous vote of those present and said claim was and is hereby approved and the Chancery Clerk was and is hereby authorized to issue a pay warrant accordingly.

SO ORDERED this the 25th day of April, 2011

In re: Approval of Homeland Security Cooperative Grant

WHEREAS, E911 Director Butch Hammack appeared before the Board and presented the county's Homeland Security Cooperative Agreement for Fiscal Year 2010, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, Mr. Hammack requested permission to apply for an "Emergency Management Performance Grant (EMPG)," the application and other documentation for which may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, Mr. Hammack requested the Board approve and authorize the Board President to execute each grant document, and

Following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to (1) approve the aforementioned grant applications, (2) appoint Mr. Hammack as grant administrator for the Homeland Security Cooperative Grant, and (3) authorize the Board President to execute each grant document. 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 |

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the matter carried by unanimous vote of those present and said grant application was and is hereby approved, Mr. Hammack was and is so appointed, the Board President was and is hereby authorized.

SO ORDERED this the 25th day of April, 2011.

In re: Discussion of Animal Control

WHEREAS, E911 Director Butch Hammack appeared before the Board and requested permission to remove approximately twenty-seven dogs from the property of Mr. James Collins located at 727 Robinson Springs Road, and

WHEREAS, Mr. Hammack reported that Mr. Collins was no longer physically able to take care of said dogs, and

WHEREAS, Mr. Hammack also reported that the dogs would be taken to the Animal Rescue League and that the City of Ridgeland has offered their assistance in removing the dogs,

Following discussion, Mr. Paul Griffin did offer and Mr. D. I. Smith did second a motion to authorize Mr. Hammack to remove the dogs from said premises and take to the Animal Rescue League and approve City of Ridgeland's assistance with said removal. 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 ³ |
| Supervisor Paul Griffin | Aye |

the matter carried by unanimous vote of those present and said grant applications were and are hereby approved, Mr. Hammack was and is so appointed, the Board President was and is hereby so authorized.

SO ORDERED this the 25th day of April, 2011.

In re: Discussion of Cleaning Out Ditch in Cobbville Mini Farms

Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to authorize County Engineer Rudy Warnock, Road Manager Lawrence Morris, Right of Way Agent Woody Sample, and Board Attorney Eric Hamer to take the necessary steps to (1) relieve drainage and ditching issues to a ditch located in Cobbville Mini Farms Subdivision and (2) to a ditch, known as "Hot Water Ditch" located on King Ranch 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 |

³Mr. Banks returned to the meeting after the question was called.

President's Initials: _____
Date Signed: _____

the matter carried unanimously and the County Engineer, Road Manager, Right of Way Agent and Board Attorney were and are hereby so authorized.

SO ORDERED this the 25th day of April, 2011.

In re: Authorization of County Engineer to Add Sidewalks to Design Phase – Hoy Road Reconstruction Project

WHEREAS, County Engineer Rudy Warnock appeared before the Board and requested permission to add an eight foot sidewalk to the design phase of the Hoy Road Reconstruction Project on the south side Rice Road to North Old Canton Road,

Following discussion, Mr. John Bell Crosby did offer and Mr. Tim Johnson did second a motion to authorize County Engineer Rudy Warnock to include an eight foot sidewalk in the design phase of the Hoy Road Reconstruction Project on the south side Rice Road to North Old Canton 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 the County Engineer was and is hereby so authorized.

SO ORDERED this the 25th day of April, 2011.

In re: Acceptance of Letter of Resignation of Deputy Chancery Clerk and County Comptroller Quandice Green, CPA, and Approval of the Retention of Wallace Collins, CPA and the Firm of Collins Barr, Ltd. to Provide Accounting Services to the County

WHEREAS, County Administrator Brad Sellers appeared before the Board and presented a letter of resignation from County Comptroller Quandice Green effective immediately and requested the Board acknowledge and accept the same, and

WHEREAS, the Board and the Chancery Clerk expressed their gratitude to Ms. Green for her service to the County and its citizens, and

WHEREAS, Mr. Sellers reported that he and Chancery Clerk Arthur Johnston did recommend engaging the services of Wallace Collins, CPA and his firm, Collins & Barr Ltd. of Madison, Mississippi to (1) provide accounting services to the county and the Chancery Clerk, (2) perform an assessment of the Comptroller's office and the entirety of the county's finances, and (3) assist the Board and the Chancery Clerk in maintaining the uniform system of county accounts as necessary for the balance of the calendar year work, with all such services to commence immediately,

Following discussion, Mr. Paul Griffin did offer and Mr. D. I. Smith did second a motion to accept the resignation of Ms. Green effective immediately and to engage and retain the services of Wallace Collins, CPA and his firm, Collins & Barr Ltd. of Madison, Mississippi at his and its usual and customary rates to (1) provide general accounting services to the Board and the Chancery Clerk; (2) perform an assessment of the Comptroller's office and the entirety of the county's finances; and (3) assist the Board and the Chancery Clerk in maintaining the uniform system of county accounts as necessary for the balance of the calendar year, with all such services to commence immediately. 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 resignation was and is hereby accepted and Mr. Collins and his firm were and are hereby so retained.

SO ORDERED this the 25th day of April, 2011.

In re: Acknowledgment of Receipt of Funds; Approval of Deletion of Inventory; and Authorization of the Board President to Execute Invoices

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> |
|-------------------|---------------|
| Town of Flora | \$ 446.20 |
| City of Ridgeland | \$ 2,157.24 |
| City of Madison | \$ 2,899.69 |
| City of Canton | \$ 33.24 |
| Valley Foods | \$ 1,810.47 |
| Jail Phone Cards | \$ 7,020.00 |
| State of MS | \$ 4,856.64 |
| State of MS | \$ 3,556.40 |
| State of MS | \$ 8,740.00 |
| State of MS | \$ 6,760.00 |
| Securus | \$ 10,773.16 |

and

WHEREAS, Sheriff Trowbridge reported that a portable breathalyser, bearing serial no. 1228425 has been lost or stolen and requested the Board approve removing same from county inventory, and

Thereafter, Sheriff Trowbridge requested the Board authorize the Board President to execute invoices in the amount of \$5,692.46 for the month of February, 2011 and \$4,640.00 for the month of March, 2011 unto MDOC for housing of prisoners,

Mr. John Bell Crosby did offer and Mr. Karl M. Banks did second a motion to acknowledge receipt of said checks. 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; said breathalyser was and is hereby deleted from inventory, and the Board President was and is hereby so authorized.

SO ORDERED this the 25th day of April, 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. 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 potential litigation, right of way acquisition, and personnel matters 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 Engineer Rudy Warnock, Right of Way Agent Woody Sample, County Appraiser Jim Turner, and Human Resources Director Lisa Mayo. 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 25th day of April, 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. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to enter into Executive Session to discuss potential litigation matters, right of way acquisition, and personnel 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 25th day of April, 2011.

During Executive Session, Board Attorney Eric Hamer reported that owners of three certain tracts of real property along Calhoun Station Parkway Phase III have agreed to accept sums certain for the acquisition of right of way needed for the construction of said project so as to avoid eminent domain proceedings. The sums are set forth in three certain Memoranda from Right of Way Agent Woody Sample which are confidential. Consequently, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to accept the property owners offers and establish just compensation accordingly, contingent upon the county receiving all necessary temporary and construction easements for the amount designated in addition to the right of way.

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 offers were and are hereby accepted, just compensation was and hereby established and the Chancery Clerk was and is authorized to execute pay warrants accordingly.

SO ORDERED this the 25th day of April, 2011.

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

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

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

SO ORDERED this the 25th day of April, 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 Karl M. Banks and approved by the unanimous vote of those present, the April, 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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