

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

REGULAR MEETING OF MAY 19, 2011  
Recessed from regular meeting conducted on May 16, 2011

BE IT REMEMBERED that the regular Meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on May 19, 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  
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 John Bell Crosby opened the meeting with a prayer and Chancery Clerk Arthur Johnston led the members and the audience in the Pledge of Allegiance to the Flag of the United States of America.

***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 (1) and (2) 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

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

- 1. Acknowledge Temporary Personnel Appointments - Road Department.**  
(True and correct copies of those certain Personnel Appointment Forms from Road Manager Lawrence Morris are attached hereto as Exhibit A, spread hereupon and incorporated herein by reference.)

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

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

***For Searching Reference Only: Page 1 of 7 (5/19/11)***

**2. Acknowledge and Approve Polling Lease Agreement - Bethel Church.**

(A true and correct copy of that certain Polling Lease Agreement between Madison County and Bethel Church for a period of fifteen (15) years or until May 15, 2026, is attached hereto as Exhibit B, 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	Not Present and Not Voting
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present, and each item was and is hereby approved, adopted and authorized as described herein above.

SO ORDERED this the 19<sup>th</sup> day of May, 2011.

***In re: Request for Refund of Ad Valorem Taxes Paid - Robert W. Hunt***

WHEREAS, Mr. Robert W. Hunt appeared before the Board and requested the Board grant him a refund for the taxes he paid for years 2010 and 2011 on his property located at Lot 13, Klaas Plantation, Part I, the same bearing tax parcel no. 072B-10A-030/00.00 on the land roll of Madison County, and

WHEREAS, Mr. Hunt pointed out that the property in question was not occupied as a home during the years in question and should not have been assessed for the full improved value as a result, and

WHEREAS, Mr. Hunt present documentation including his tax bills for the years in question, statements from Atmos Energy, Bear Creek Water Association and Entergy Mississippi indicating that there was little or no utility services or usage at the home prior to November 22, 2010, and

WHEREAS, Board Attorney Eric Hamer did inform the Board that a builder's affidavit had not been filed in a timely manner in accordance with Miss. Code Ann. § 27-31-29, and that the Board could not legally issue any refund to Mr. Hunt,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to deny the request to grant a partial refund of the 2010 and 2011 taxes paid by Mr. Robert W. Hunt on parcel no. 072B-10A-030/00.00. 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 denied.

SO ORDERED this the 19<sup>th</sup> day of May, 2011.

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

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

***For Searching Reference Only: Page 2 of 7 (5/19/11)***

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

WHEREAS, Mr. Wallace Collins 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 & Interfund Transfers May 19, 2011," a true and correct copy of which is attached hereto as Exhibit C, 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	No
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

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

SO ORDERED this the 19<sup>th</sup> day of May, 2011.

***In re: Discussion of Amendments to Madison County Road Plan***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented that certain spreadsheet entitled "Madison County Road Plan Projects Funded from Bond - July 12 2010", and

WHEREAS, Mr. Warnock recommended the Board amend said Road Plan to remove Grown Williams Road and add Old Highway 51 as outlined on said spreadsheet, a true and correct copy of which is attached hereto as Exhibit D, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to amend the Madison County Road Plan so as to remove Grown Williams Road and add Old Highway 51 for maintenance. 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 Road Plan was and is hereby amended to remove Grown Williams Road and to add Old Highway 51.

SO ORDERED this the 19<sup>th</sup> day of May, 2011.

***In re: Acknowledgment of Correspondence from Eutaw Construction - North Livingston Road***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented that certain email correspondence from Mr. Bobby Elmore of Eutaw Construction and requested

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

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

***For Searching Reference Only: Page 3 of 7 (5/19/11)***

the Board acknowledge same, a true and correct copy of which is attached hereto as Exhibit E, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Warnock did inform the Board that Eutaw Construction had completed use of the dirt pit on North Livingston Road and would not be renewing their bond for same until further notice,

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to acknowledge receipt of said email correspondence from Mr. Elmore. 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 email correspondence was and is hereby acknowledged.

SO ORDERED this the 19<sup>th</sup> day of May, 2011.

***In re: Approval of Loan Agreement and Promissory Note Modification - Capital Improvements Revolving Loan Program***

WHEREAS, Chancery Clerk Arthur Johnston appeared before the Board and presented that certain Loan Agreement and Promissory Note Modification to the Capital Improvements Revolving Loan Program No. 09-045-CP-01 and requested the Board approve said modification and approve the first payment on said loan in the amount of \$\$6,207.43 as set forth on the amortization schedule, with such payment to be made on or before June 1, 2011, and

WHEREAS, a true and correct copy of said Loan Agreement Modification and the associated amortization schedule is attached hereto as Exhibit F, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to (1) approve said modification, (2) authorize the Chancery Clerk to issue a pay warrant in the amount of the first payment of said loan (\$6,207.43) on or before June 1, 2011, and (3) 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 modification was and is hereby approved; the Chancery Clerk was and is hereby authorized to issue a pay warrant accordingly; and the Board President was and is hereby authorized.

SO ORDERED this the 19<sup>th</sup> day of May, 2011.

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

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

***For Searching Reference Only: Page 4 of 7 (5/19/11)***

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

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

<u>Entity</u>	<u>Amount</u>
Calling Card (Jail)	\$ 7,460.00
State of MS	\$ 10,320.00

and

WHEREAS, Sheriff Trowbridge requested the Board authorize the Board President to execute an invoice in the amount of \$5,311.11 unto MDOC for housing of prisoners,

Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to acknowledge receipt of said checks and authorize the Board President to execute said invoice. The vote on the matter being as follows:

Supervisor John Bell Crosby	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 the Board President was and is hereby so authorized.

SO ORDERED this the 19<sup>th</sup> day of May, 2011.

**In re: Consideration of Resolution Expressing Opposition to Efforts by the City of Canton to Annex Areas Encompassing the Nissan North America Automobile Plant**

**RESOLUTION**

WHEREAS, Nissan North America, Inc. (“Nissan”) was recruited to Mississippi and Canton in Madison County in 2000 to establish a world-class automobile manufacturing plant, and

WHEREAS, the State of Mississippi, Madison County, the City of Canton, and Madison County Economic Development officials worked tirelessly with the Mississippi Legislature to negotiate and pass a successful economic development package, and

WHEREAS, a part of the negotiated and successfully passed economic development package included a payment in lieu of tax agreement (PILOT agreement) benefitting the Canton Public School District and Madison County as well as a thirty (30) year agreement not to annex the site by the City of Canton without written consent by Nissan, and

WHEREAS, Nissan has now invested over \$1.4 billion in the Canton manufacturing plant and has fully complied with the terms of the PILOT agreement. As an excellent corporate citizen, Nissan has provided countless other donations and participations in the community, and

WHEREAS, in 2011, Nissan currently employs 3,300 workers at the Canton manufacturing plant and has approximately 13 suppliers located on the Nissan Campus in Madison County, and

**President’s Initials:** \_\_\_\_\_

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

WHEREAS, Madison County officials and the Madison County Economic Development team promote Madison County as an ideal location for business and industry, and

WHEREAS, the City of Canton has filed a lawsuit in Madison County Circuit Court to annex Nissan and revoke the thirty-year agreement, and

WHEREAS, this action will destroy state and local economic development, including thousands of jobs and countless dollars in economic activity throughout Mississippi.

WHEREAS, reneging on a negotiated agreement would mean the elimination of future economic development opportunities and would take away an economic development tool that allows Mississippi to compete not only with states in the south but also compete effectively nationwide for jobs, and

WHEREAS, the continuation of this lawsuit not only hamstring the county and state economic development officials, but also tarnishes and effectively erases the last ten years of investment made by Madison County as a highly attractive economic development destination,

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

1. The Board of Supervisors of Madison County does hereby express its opposition to the efforts of the City of Canton to annex lands encompassed by the Nissan North America, Inc. automobile manufacturing facility and its suppliers.
2. The Board of Supervisors of Madison County does hereby urge the City of Canton to reverse its decision and immediately voluntarily dismiss that certain lawsuit styled *City of Canton v. Nissan North America, Inc.*, bearing cause no. 2011-158 on the docket of the Circuit Court of Madison County, Mississippi.
3. The Board of Supervisors of Madison County does hereby re-affirm its support for Nissan North America, Inc., and its manufacturing facilities located in Madison County.

Following discussion, Mr. D. I. Smith did offer and Mr. John Bell Crosby did second a motion to adopt the above and foregoing Resolution. 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 19<sup>th</sup> day of May, 2011.

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

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

***For Searching Reference Only: Page 6 of 7 (5/19/11)***

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor John Bell Crosby and seconded by Supervisor Karl M. Banks and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Tuesday, May 24, 2011 at 9:00 a. m. for the purpose of consideration of discussing certain budget amendments and any other business which may properly come before the Board.

\_\_\_\_\_  
Tim Johnson, President  
Madison County Board of Supervisors

Date signed: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Arthur Johnston, Chancery Clerk

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

*For Searching Reference Only: Page 7 of 7 (5/19/11)*