

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

REGULAR MEETING OF MAY 2, 2011
Being the first day of the May 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 May 2, 2011, in the Board Room on the first floor of the Madison County Office Complex, 125 West North Street, Canton, Mississippi, as follows, to-wit:

The President of the Board, Tim Johnson, presided and called the meeting to order. The following members were present that day:

Present:

Supervisor John Bell Crosby
Supervisor Tim Johnson
Supervisor D. I. Smith
Supervisor Karl M. Banks
Supervisor Paul Griffin
Sheriff Toby Trowbridge
Chancery Clerk Arthur Johnston

Absent:

Also in attendance:

Interim County Administrator Brad Sellers
Board Secretary and Deputy Chancery Clerk Cynthia Parker
Board Attorney Eric Hamer
County Road Manager Lawrence Morris
E911 Director Butch Hammack
Fire Coordinator Mack Pigg
County Purchase Clerk Hardy Crunk
Chad Plumb on behalf of County Engineer Rudy Warnock
Chief Deputy Tax Assessor Kent Hawkins
Election Commissioner Pat Truesdale

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 Board Attorney Eric Hamer 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 April 2011 Term

WHEREAS, Chancery Clerk Arthur Johnston did present the Board with the Minutes of the previous meetings of the Board of Supervisors during the April 2011 term, said meetings having been conducted on April 4, April 13, and April 25, 2010,

Following discussion, Mr. D. I. Smith 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 | Not Present and Not Voting |
| Supervisor Paul Griffin | Aye |

the matter carried by unanimous votes of those present and the Minutes for the April 2011 term of the Board of Supervisors of Madison County were and are hereby approved as amended.

SO ORDERED this the 2nd day of May, 2011.

In re: Discussion of Denbury Onshore Proposal for Asphalt Overlay - Twelve Oaks Road

WHEREAS, Mr. Bill Blair, representative for Denbury Onshore appeared before the Board and presented a proposal for asphalt overlay for Twelve Oaks Road and requested the Board approve same, a true and correct copy of which is attached hereto as Exhibit A, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Blair reported that his firm had engaged the services of W. S. "Red" Hancock, Inc. to perform a base coat overlay on said road,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to (1) accept and approve the proposal as referenced in Exhibit A, with amendment to the proposal to reflect a minimum base coat overlay of 2.5 inches, and (2) approve the utility permits from Denbury Onshore contingent on the performance by Denbury of the duties set forth in said proposal as amended herein above. 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 proposal was and is hereby accepted and approved with amendment and said utility permits were and are hereby approved subject to the aforesaid condition.

SO ORDERED this the 2nd day of May, 2011.

In re: Discussion of Application for Conditional Use - Pinelake Church - Old Jackson Road

WHEREAS, the Board of Supervisors has received an Application for Conditional Use from Pinelake Church to make use of a public/quasi public facility in an I-2 Industrial District located at 223 Old Jackson Road, bearing parcel no. 082E-21-017/05.00, and

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

WHEREAS, the Board President did inform the members of the Board that the property Pinelake Church was desiring to purchase was the former Autrans Building located in the Industrial Park and that said property had been sitting vacant for some time, and

President's Initials: _____
Date Signed: _____

WHEREAS, Supervisor Banks reported that instead of said property sitting dormant that he was in favor of allowing Pinelake Church to take possession of said building,

WHEREAS, the Board President reported that Mr. Tim Coursey, Executive Director of Madison County Economic Development Authority had submitted an email stating that while the covenants of said property were designed for industrial, commercial, and manufacturing properties, churches were not enumerated from said covenants, and stating that allowing the church to locate on the site would erode the county development inventory and take the property off the tax rolls,

Following a lengthy discussion, Mr. Paul Griffin did offer a motion to deny said application. The motion failed for lack of a second.

Thereafter, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to approve the application of Pinelake Church for a conditional use to operate a public/quasi-public facility (a church) in an I-2 Industrial District and acknowledge receipt of the email presented by Mr. Coursey, a true and correct copy of which is attached hereto as Exhibit C, 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 application for conditional use was and is hereby approved and said email from Mr. Coursey was and is hereby acknowledged.

SO ORDERED this the 2nd day of May, 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 (1) through (15) 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 (8) be removed from the Consent Agenda and be considered separately, and

WHEREAS, the Chancery Clerk requested that an additional item (16) be added to the Consent Agenda as Approval of Payment to BancorpSouth for G/O Road and Bridge 2007, and

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

1. Approve Letter of Understanding - Collins & Barr, Ltd.

(A true and correct copy of that certain letter of understanding dated April 25, 2011 from Mr. Wallace Collins of Collins & Barr, Ltd. to provide accounting assistance and management consulting services is attached hereto as Exhibit D, spread hereupon and incorporated herein by reference.)

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2. **Acknowledge and Approve Chancery Court Order Closing Chancery and Administrative Building for Canton Flea Market - May 12, 2011.**
(A true and correct copy of said Order is attached hereto as Exhibit E, spread hereupon and incorporated herein by reference.)
3. **Approve Amendment to 16th Section Lease for Commercial Development.**
(A true and correct copy of that certain Amendment to 16th Section Lease for Commercial Development to Gluckstadt School Properties, LLC being three parcels in Section 16, T8N, R2E, Madison County, Mississippi, may be found in the Miscellaneous Appendix to these Minutes.)
4. **Approve Location of Culvert Placements.**
(A true and correct copy of a spreadsheet containing dates and locations of the placement of culverts for the protection of county right of way is attached hereto as Exhibit F, spread hereupon and incorporated herein by reference.)
5. **Acknowledge April 2011 Monthly Report - Road Department.**
(A true and correct copy of the April 2011 Monthly Road Department Report submitted by County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
6. **Acknowledge May 2011 Service Call Schedule Report - Road Department.**
(A true and correct copy of the May 2011 Road Department Service Call Schedule submitted by County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
7. **Acknowledge April 2011 Closed Call Analysis - Road Department.**
(A true and correct copy of the April 2011 Closed Call Analysis submitted by the County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
9. **Approve Zoning Matter - Farmhaven Baptist Church Application for Conditional Use - Cemetery in an A-1 Agricultural District.**
(A true and correct copy of the Petition of Farmhaven Baptist Church seeking to operate a new cemetery on Raytown Road in District 5, may be found in the Miscellaneous Appendix to these Minutes, said Petition was and is hereby accepted and the Special Exception granted.)
10. **Approve Statement of Clarification to Section 203.01 of the Madison County Subdivision Ordinance.**
(A true and correct copy of that certain memorandum dated April 27, 2011 from Zoning Administrator Brad Sellers clarifying Section 203.01 of the Madison County Subdivision Ordinance is approved and attached hereto as Exhibit G, spread hereupon and incorporated herein by reference.)
11. **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 H, spread hereupon and incorporated herein by reference.)
12. **Approve Petition for Increase Assessment 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 I, spread hereupon and incorporated herein by reference and a public hearing is set for May 16, 2011.)

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13. **Approve Petition for Decrease of Assessment 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 J, spread hereupon and incorporated herein by reference.)
14. **Approve *En Masse* Petition for Increases of Assessments of Personal Property for the 2010 Tax Year.**
(True and correct copies of said Petitions, as accepted by the affected taxpayers, are attached hereto as Collective Exhibit K, spread hereupon and incorporated herein by reference.)
15. **Approve Amended Homestead Applications - 2010 Tax Year.**
(A true and correct copy of that certain memorandum dated April 26, 2011 from Homestead Director Emily Anderson is attached hereto as Exhibit L, spread hereupon and incorporated herein by reference.)
16. **Approve G/O Road and Bridge 2007 Bond Payment to BancorpSouth.**
(A true and correct copy of that certain invoice dated April 7, 2011 in the amount of \$670,546.89 for the G/O Road and Bridge 2007 bond payment is attached hereto as Exhibit M, spread hereupon and incorporated herein by reference. The Chancery Clerk is hereby authorized and directed to issue a pay warrant in said amount forthwith.)

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 2nd day of May, 2011.

***In re: Request to Set Date and Advertise for Public Hearing -
Madison County Storm Water Management Plan***

WHEREAS, Mr. Chad Plumb on behalf of County Engineer Rudy Warnock appeared before the Board and requested permission to set June 1, 2011 as the date for a public hearing to help educate citizens to the Madison County Storm Water Management Plan,

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to set the public hearing date for the Madison County Storm Water Management Plan to June 1, 2011 at 4:00 p.m. and authorize the Chancery Clerk to advertise same. The vote on the matter being as follows:

| | |
|-----------------------------|------------------|
| Supervisor John Bell Crosby | Aye |
| Supervisor Tim Johnson | Aye ¹ |
| Supervisor D. I. Smith | Aye |

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, Mr. John Bell Crosby, assumed the chair and presided in his absence.

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the matter carried a vote of four (4) in favor, none against and one (1) abstention 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 2nd day of May, 2011.

In re: Approval of Claim of Charlie Waggener

WHEREAS, E911 Director Butch Hammack appeared before the Board and requested the Board approve payment of claim to Mr. Charlie Waggener for damages sustained to a vehicle owned by him while traveling along Old Canton Road, and recommended approval of same,

Following discussion, Mr. John Bell Crosby did offer and Mr. D. I. Smith did second a motion to approve the claim for damages submitted by Mr. Charlie Waggener in the amount of \$267.43. 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 | Abstained |

the matter carried a vote of four (4) in favor, none against, and one (1) abstention 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 2nd day of May, 2011.

In re: Appointment of Members to the West Madison County (Kearney Park) Volunteer Fire District Board

WHEREAS, County Fire Coordinator Mack Pigg appeared before the Board and presented a list of five persons to serve as board members to the West Madison County (Kearney Park) Volunteer Fire District Board of Commissioners, a true and correct copy of which is attached hereto as Exhibit O, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Pigg reported that each member would serve five (5) year staggered terms of office as follows:

Ms. Denise Cowan - one year term, expiring May 2012
Ms. Joyce Gooden - two year term, expiring May 2013
Mr. Lawrence Morris - three year term, expiring May 2014
Ms. Carol Robbins - four year term, expiring May 2015
Mr. Eddie Nelson - five year term, expiring May 2016

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to approve the appointments as listed above. 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 |

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the matter carried unanimously and each member was and is hereby appointed to serve on the West Madison County (Kearney Park) Volunteer Fire District Board as set forth above.

SO ORDERED this the 2nd day of May, 2011.

***In re: Adoption of Resolution Proclaiming
Emergency Medical Services Week in Madison County***

WHEREAS, Mr. Brian Clay, Operations Manger with American Medical Response (AMR) and Mr. Tony Acy, Lead Paramedic and Supervisor did appear before the Board and requested the Board adopt the following Resolution:

**RESOLUTION TO PROCLAIM
EMERGENCY MEDICAL SERVICES WEEK
IN MADISON COUNTY, MAY 15-21, 2011**

WHEREAS, medical emergencies are a major threat to the dream of living a long, healthy, happy, prosperous life, with heart attack as the number one killer for the population as a whole and trauma as the leading killer of people ages one to 40, and

WHEREAS, Madison County, Mississippi has built a strong emergency medical services system for reducing death, disability, sorrow and financial loss from major injuries and sudden, serious illness, with American Medical Response as our nationally-accredited countywide provider of ambulance service and Emergency Medical Service (EMS) Lead Agency, and

WHEREAS, Madison County's career and volunteer fire departments, law enforcement agencies, industry safety teams and emergency management officials are an integral parts of the Madison County EMS system, and

WHEREAS, the EMS system also includes a citizenry that is well-informed about and skilled in preventing, preparing for an responding properly to emergencies, and

WHEREAS, local EMS professionals (career and volunteer) participate each year in an observance called National EMS Week, and

WHEREAS, this year's National EMS Week is May 15 through 21, and

WHEREAS, our local EMS professionals (career and volunteer) use the week to educate citizens about the EMS system and how families can help their rescuers help them when emergencies strike, and

WHEREAS, EMS Week is also an opportunity to shine a positive spotlight on the everyday heroism of our local EMS team, and

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

1. May 15-21, 2011, shall be known as Emergency Medical Services Week in Madison County, and

That we encourage all citizens to work to:

2. Prevent emergencies (such as by wearing safety belts and using child safety seats),
3. Post the vital information that the family and rescuers will need when prevention fails (such as making sure that house numbers and mailbox addresses are easy to

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read from the street by day and night),

4. Call for help properly (which includes calling 9-1-1 first and fast),
5. Learn lifesaving skills (such as CPR, and becoming a first responder), and
6. Support your local EMS system (such as by yielding to emergency vehicles, donating blood, and staying informed about EMS issues), and

That we express our appreciation for the work of all EMS workers in Madison County -- volunteer, career (publicly- or privately-employed), pre-hospital and in-hospital -- and wish them continued success in serving the people of our county in their moments of greatest need.

Mr. Karl M. Banks did offer and Mr. Paul Griffin 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 2nd day of May, 2011.

***In re: Approval of Engagement Letter -
The Arbitrage Group, Inc.***

WHEREAS, Chancery Clerk Arthur Johnston appeared before the Board and presented those two engagement letters dated April 26, 2011 from The Arbitrage Group, Inc., true and correct copies of which are attached hereto as Exhibit P and Exhibit Q, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Johnston reported that The Arbitrage Group would assist the county in connection with an ongoing IRS audit by providing a calculation of arbitrage earnings for the \$23,500,000 General Obligation Road and Bridge Bonds, Series 2001, and the \$17,500,000 General Obligation Road and Bridge and Refunding Bonds, Series 2006,

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to (1) approve the aforesaid engagement letters with The Arbitrage Group, Inc., (2) authorize the Board President to execute same, and (3) authorize the Chancery Clerk to issue pay warrants 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 engagement letters were and are hereby approved; the Board President was and is hereby authorized; and the Chancery Clerk was and is hereby authorized to issue pay warrants accordingly.

SO ORDERED this the 2nd day of May, 2011.

President's Initials: _____

Date Signed: _____

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In re: Approval of Claims Docket for May 2, 2011

WHEREAS, the Board reviewed the claims docket for May 2, 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:

| Fund | Claim Nos. | No. of Claims | Amount |
|-----------------|--------------|---------------|--------------|
| 001 | 2307 to 2412 | 106 | 359,710.79 |
| 012 | 135 to 138 | 4 | 6,723.27 |
| 051 | 34 to 36 | 3 | 26,086.65 |
| 095 | 16 to 17 | 2 | 5,019.92 |
| 096 | 9 to 10 | 2 | 5,660.00 |
| 097 | 193 to 198 | 6 | 5,373.03 |
| 105 | 141 to 149 | 9 | 14,847.56 |
| 115 | 85 to 87 | 3 | 155.33 |
| 116 | 35 to 35 | 1 | 244.00 |
| 120 | 59 to 61 | 3 | 968.18 |
| 121 | 28 to 28 | 1 | 165.78 |
| 150 | 597 to 627 | 31 | 38,247.50 |
| 160 | 76 to 76 | 1 | 157.50 |
| 190 | 99 to 107 | 9 | 6,748.53 |
| 302 | 102 to 108 | 7 | 416,933.26 |
| 304 | 15 to 17 | 3 | 97,235.53 |
| 401 | 20 to 21 | 2 | 21,934.94 |
| 690 | 15 to 16 | 2 | 4,690.58 |
| 691 | 15 to 16 | 2 | 4,689.74 |
| TOTAL ALL FUNDS | | 197 | 1,015,592.09 |

HELD CLAIMS

| Fund | Claim No. | Payee | Amount |
|------|-----------|----------------------------|---------------|
| 302 | 102 | VCR I, LLC | \$ 59,291.67 |
| 302 | 107 | Utility Constructors, Inc. | \$ 195,711.59 |
| 302 | 108 | Warnock & Associates | \$ 25,273.42 |
| 302 | 108 | Warnock & Associates | \$ 2,146.25 |
| 302 | 108 | Warnock & Associates | \$ 5,804.05 |
| 304 | 16 | Gulf South Construction | \$ 91,995.63 |

Thereafter and following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to approve the claims docket as presented, less and except the above noted held claim. 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 R, spread hereupon, and incorporated herein by reference. 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 ² |
| 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 aforesaid held claim and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 2nd day of May, 2011.

Thereafter, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve and pay the held claim of Gulf South Construction in the amount of \$91,995.63. 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 ³ |
| 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 2nd day of May, 2011.

Thereafter, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to pay the above noted held claim of Warnock & Associates in the amount of \$25,273.42. 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 Claim was and is hereby approved, and the Chancery Clerk was and is instructed to issue a pay warrant accordingly.

SO ORDERED this the 2nd day of May, 2011.

Thereafter, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to pay the above noted held claims of Warnock & Associates in the amounts of \$2,146.25 and \$5,804.05. The vote on the matter being as follows:

²After 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, Mr. John Bell Crosby, assumed the chair and presided in his absence.

³After 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.

President's Initials: _____
Date Signed: _____

| | |
|-----------------------------|----------------------------|
| 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 2nd day of May, 2011.

In re: Approval of Interlocal Agreement Related to Collection of Special Assessments -Colony Park Public Improvement District

WHEREAS, Board Attorney Eric Hamer appeared before the Board and presented an Interlocal Agreement relating to collection of special assessments for Colony Park Public Improvement District within Madison County, and

WHEREAS, Mr. Hamer requested the Board approve same and authorize the Board President to execute said Interlocal Agreement, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. D. I. Smith did offer and Mr. John Bell Crosby did second a motion to approve the Interlocal Agreement for collection of special assessment for Colony Park Public Improvement District and to 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 Interlocal Agreement was and is hereby approved and the Board President was and is hereby so authorized.

SO ORDERED this the 2nd day of May, 2011.

In re: Rescinding the Board's Action of April 25, 2011 Approving Proposal for Removal and Relocation of Graves - Breeland Funeral Home

WHEREAS, County Administrator Brad Sellers appeared before the Board and presented a proposal from Natchez Trace 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 said proposal is attached hereto as Exhibit S, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Sellers reported that the proposal received from Natchez Trace Funeral Home was \$50 per grave site less than that received from Breeland Funeral Home; consequently, Mr. Sellers recommended the Board rescind its action of April 25, 2011 and accept and approve the proposal from Natchez Trace Funeral Home in the amount of \$1,850.00 per grave instead,

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Date Signed: _____

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Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to (1) rescind the Board's action taken on April 25, 2011, which approved Breeland Funeral Home to remove and relocate said graves and (2) accept and approve the proposal from Natchez Funeral Home as set forth in said Exhibit S. 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 action taken on April 25, 2011 was and is hereby rescinded and the proposal of Natchez Trace Funeral Home was and is hereby accepted and approved.

SO ORDERED this the 2nd day of May, 2011.

***In re: Approval of Part Time Employee -
Tax Assessor's Office***

WHEREAS, the Board President presented that certain memorandum dated May 2, 2011, from Tax Assessor Gerald Barber requesting approval of a part-time employee in his office, a true and correct copy of which is attached hereto as Exhibit T, spread hereupon and incorporated herein by reference,

Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to acknowledge and approve the hiring of a part time employee in the Tax Assessor's Office. 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 part time employee was and is hereby acknowledged and approved.

SO ORDERED this the 2nd day of May, 2011.

***In re: Authorize Cleaning of Certain Property -
Woodman Hill M.B. Church***

WHEREAS, County Administrator Brad Sellers appeared before the Board and reported that he had received a request from Woodman Hill M.B. Church seeking assistance from the county in tearing down the church on property located on Kearney Park Road, and

WHEREAS, Mr. Sellers reported that the building was a safety hazard and tearing down the building and cleaning said property was in the best interest of the community,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize the Road Department to assist in the tearing down of the Woodman Hill M.B. Church and to further clean said property. 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 Road Department was and is hereby so authorized.

SO ORDERED this the 2nd day of May, 2011.

In re: Approval of E911 Department to Purchase Radio for Constable

WHEREAS, Purchase Clerk Hardy Crunk appeared before the Board and requested permission to purchase and install a handheld radio from Ozborn Communications in the amount of \$894.00 for Constable Johnny Sims from the E911 fund, and

WHEREAS, Mr. Crunk reported that E911 Director Butch Hammack requested the radio be added to the Constable's inventory,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve the purchase of a handheld radio from Ozborn Communications in the amount of \$894.00 for Constable Johnny Sims from the E911 funds and to add said radio to the Constable's inventory. 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 Purchase Clerk was and is hereby so authorized.

SO ORDERED this the 2nd day of May, 2011.

In re: Acknowledgment of Receipt of Funds

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 Ridgeland | \$ 1,731.45 |

Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to acknowledge receipt of said check. 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 check was and is hereby acknowledged.

SO ORDERED this the 2nd day of May, 2011.

President's Initials: _____
Date Signed: _____

In re: Request by Camden Volunteer Fire Chief to Donate Vehicle to Fire Department

WHEREAS, Mr. Tony Acy, Camden Volunteer Fire Chief appeared before the Board and requested the Board donate that certain 2000 Chevrolet Silverado, bearing VIN 2GCEC19T8Y1305696 to the Camden Volunteer Fire Department, and

WHEREAS, Mr. Acy reported that said vehicle had previously been transferred to the department and was in need of certain repairs,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to donate said 2000 Chevrolet truck to the Camden Volunteer Fire Department. 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 vehicle was and is hereby donated.

SO ORDERED this the 2nd day of May, 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 potential litigation,

Following discussion and pursuant to the terms of Miss. Code Ann. § 25-41-7, as amended, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to make a closed determination upon the issue of whether or not to declare an Executive Session for the purpose of discussing potential litigation with the following persons deemed necessary for Board discussions, deliberations, and recording of such Executive Session, to wit: members of the Board, Chancery Clerk Arthur Johnston, County Administrator Brad Sellers, Board Secretary and Deputy Chancery Clerk Cynthia Parker, Board Attorney Eric Hamer. 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 2nd day of May, 2011.

President’s Initials: _____

Date Signed: _____

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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. 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 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 2nd day of May, 2011.

Thereafter, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to adjourn the Executive Session and announce to the public that no action was 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 that no action taken therein.

SO ORDERED this the 2nd day of May, 2011.

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor Karl M. Banks and seconded by Supervisor D. I. Smith and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Monday, May 16, 2011 at 9:00 a. m. 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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