

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

REGULAR MEETING OF MAY 16, 2011
Recessed from regular meeting conducted on May 2, 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 16, 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:

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
County & State Aid Engineer Rudy Warnock
Veterans Service Officer Tom Logue
Mr. Wallace Collins, CPA

The Board President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Supervisor Paul Griffin opened the meeting with a prayer and Supervisor Karl M. Banks 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 May 2, 2011, the Board determined that May 16, 2011 would be an appropriate date for a public hearing on the matter of increasing certain real property assessment for 2010 as to taxpayer William and Jerrilyn Carnesi 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

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 1 of 16 (5/16/11)

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

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. Karl M. Banks did second a motion to close the public hearing and approve the assessment increase 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	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and the assessment of the real property reflected thereon was and is hereby approved and adopted.

SO ORDERED this the 16th 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 (4) through (12) 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, Supervisor D. I. Smith requested that Consent Item No. 12 be removed from the Consent Agenda and addressed separately, 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:

- 4. Acknowledge New Road - Kempen Lane - Stillhouse Creek Subdivision.**
(A true and correct copy of that certain memorandum dated April 29, 2011 from Ms. Bessie Minor of the E911 Office is attached hereto as Exhibit B, spread hereupon and incorporated herein by reference.)
- 5. Approve Orders and Contract Agreements for State Aid and LSBP Projects to Rudy Warnock of Warnock & Associates.**
(A true and correct copy of that those certain Board Orders naming Rudy Warnock of Warnock & Associates, Inc. as the new State Aid Engineer; "Contract Agreement Covering Payment from State Aid Funds for the Engineering Services Performed on State Aid Projects and LSBP Projects are attached hereto as Collective Exhibit C, spread hereupon and incorporated herein by reference. The Board President was and is hereby authorized to execute same.)

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 2 of 16 (5/16/11)

6. **Approve Notices to Renew Residential Lease Contracts on 16th Section Leases.**
(A true and correct copy of those certain Notices to Renew Residential Lease Contract to Earl A. Denson and wife, Sheila R. Denson on part of Lots 23, 24, and 25, Knox Subdivision; Lanier Robison, Trustee of the Frank Campbell Taylor Irrevocable Trust and Trustee of the Caroline Elizabeth Taylor Revocable Trust, on Lot 4, St. Augustine Park Subdivision, Part 1, may be found in the Miscellaneous Appendix to these Minutes.)

7. **Approve Void Tax Sale of 16th Section Lands - Various Parcels.**
(A true and correct copy of that certain memorandum dated April 28, 2011 from Chancery Clerk Arthur Johnston setting forth facts reflecting that the 2009 and 2010 tax sales on certain 16th Section lands being parcel nos. 051E-16B-081, 051E-16B-089, 051E-16B-079/01.00, leased to Mr. Charles T. McElroy and parcel no. 051E-16D-021/02.00 being leased to Eddie VanGordon, and wife Bobbie VanGordon were and are void as a matter of law is attached hereto as Exhibit D, spread hereupon and incorporated herein by reference.)

8. **Acknowledge Clerk of the Board Report.**
(A true and correct copy of which is attached hereto as Exhibit E, spread hereupon and incorporated herein by reference.)

9. **Acknowledge Building & Grounds Department Monthly Report.**
(A true and correct copy of said Report is attached hereto as Exhibit F, spread hereupon and incorporated herein by reference.)

10. **Approve Utility Permits.** The following permits allowing use and occupancy for the construction or adjustment of a utility within certain roads or highway rights of way were and are hereby approved, and the application for each of which is attached hereto as Collective Exhibit G, spread hereupon, and incorporated herein by reference:
 - (1) AT&T - seeking to bore ± 1500 feet of 50 pair copper telephone cable along Robinson Road and ± 2500 feet of 50 pair copper Moss Road.
 - (2) Centerpoint Energy - seeking to install a 2" plastic gas service crossing Gluckstadt Road.
 - (3) AT&T - seeking to place approximately 18,000 feet total of fiber cable along Lake Castle Road, Hickory Road and Aaron Lane.

11. **Approve Travel Policy for County Employees.**
(A true and correct copy of that certain memorandum dated May 10, 2011 from Purchase Clerk Hardy Crunk and Policy are attached hereto as Collective Exhibit H, spread hereupon and incorporated herein by reference.)

The vote on the matter being as follows:

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

the matter carried unanimously and each item was and is hereby approved, adopted and authorized as described herein above.

SO ORDERED this the 16th day of May, 2011.

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 3 of 16 (5/16/11)

***In re: Request to Replace Mobile Home -
Twin Lake Heights Subdivision***

WHEREAS, Ms. Debra J. Shavers appeared before the Board and requested permission to replace her mobile home that received total loss due to a fire on May 8, 2011 on her property located on Lot 8, Twin Lake Heights Subdivision,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to approve Ms. Shavers' request and allow her to replace her damaged mobile home located at Lot 8, Twin Lake Heights Subdivision. 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 Ms. Shavers was and is hereby authorized to replace said mobile home on her property.

SO ORDERED this the 16th day of May, 2011.

***In re: Adoption of Resolution Honoring Veterans on Memorial Day;
Acknowledge Veteran Affairs Report; and Approve Memorial Day Holiday***

WHEREAS, Dr. Tom Logue appeared before the Board and presented that certain Report of Madison County Veterans Service Officer, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, Dr. Logue did request the Board acknowledge May 30, 2011 as Memorial Day Holiday in recognition of the veterans that have served and are currently serving our country, and authorize and direct the closure of all county offices in observance thereof,

Thereafter, Dr. Logue presented the following Resolution and requested the Board adopt same as follows:

RESOLUTION

WHEREAS, in 1971, Congress designated the last Monday in May as "Memorial Day" to recognize every military person who died in service to our nation, and

WHEREAS, Memorial Day is our most solemn day of remembrance, and

WHEREAS, today we honor the men and women who made the ultimate sacrifice to protect the ideals they died for so their sacrifice will not be in vain, and

WHEREAS, we, the Board of Supervisors of Madison County, by virtue of the authority vested in us, do hereby proclaim May 30, 2011 Memorial Day in Madison County,

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, on behalf of the citizens of Madison County, express sincere appreciation to all military service men and women who made the ultimate sacrifice for our country and to those service men and women who are serving our country, and

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 4 of 16 (5/16/11)

2. This Resolution be spread upon the Minutes of this Board and thereby forever preserved as a permanent tribute to our military men and women, and
3. The Clerk of this Board post a true, correct, and certified copy hereof at the entrances to the Chancery and Administrative Building and the Madison County Circuit Courthouse, there to remain for a period of thirty days from the date hereof, and

Mr. D. I. Smith did offer and Mr. Paul Griffin did second a motion to (1) acknowledge the aforementioned Veterans Officer's Report; (2) acknowledge and approve May 30, 2011, as Memorial Day Holiday and direct the closure of county offices in recognition of same, and (3) 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 Report was and is hereby acknowledged, May 30, 2011, was and is hereby recognized as a legal holiday, and said Resolution was and is hereby adopted.

SO ORDERED this the 16th day of May, 2011.

In re: Appointment and Retention of Top Belle Building Services, LLC as Grant Administrator for Save America's Treasures Grant and Approval of Fee

WHEREAS, County Administrator Brad Sellers appeared before the Board and presented a proposal from Top Belle Building Services, LLC (Top Belle) to provide grant administration services for the Madison County Save America's Treasures Grant, a true and correct copy of which is attached hereto as Exhibit I, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Sellers recommended the Board approve said proposal in the amount of \$9,300.00 and authorize the Board President to execute same,

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to (1) appoint and retain Top Belle Building Services, LLC as Grant Administrator for the Save America's Treasures grant; (2) approve the fee proposal as presented by Top Belle Building Services, LLC, 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 firm was and is so retained, the fee proposal was and is hereby approved, and the Board President was and is hereby authorized.

SO ORDERED this the 16th day of May, 2011.

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 5 of 16 (5/16/11)

***In re: Request to Appoint Committee to Inspect
Private Road - Nutmeg Lane***

WHEREAS, Mr. Chad Plumb on behalf of County Engineer Rudy Warnock appeared before the Board and presented a request from Mr. A. Clarke Thomas of ACT Environmental, Inc. requesting the Board accept a private road known as Nutmeg Lane in the Madisonville Estates Subdivision as a public road for county maintenance, a true and correct copy of which is attached hereto as Exhibit J, spread hereupon and incorporated herein by reference,

Following discussion, Mr. D. I. Smith did offer and Mr. Karl M. Banks did second a motion to appoint a committee comprised of Mr. John Bell Crosby and Mr. Paul Griffin to inspect said road and report to the Board at their earliest opportunity their assessment of its suitability to become a public road. The vote on the matter being as follows:

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

the matter carried unanimously and said committee was and is hereby appointed.

SO ORDERED this the 16th day of May, 2011.

***In re: Authorization of JLT Realty to
Acquire Right of Entry Signatures***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and requested the Board authorize Mr. Jim Turner of JLT Realty to secure signatures for authority to enter property to perform surveying of property in an effort to prepare for long range transportation planning for the Pisgah Bottom Road Drainage Project and Hot Water Ditch Project,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to authorize Mr. Turner to secure signatures for authority to enter property to perform surveying of property in an effort to prepare for long range transportation planning. 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 Mr. Turner was and is hereby so authorized.

SO ORDERED this the 16th 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 that certain engagement letter dated May 5, 2011 from The Arbitrage Group, Inc., a true and correct copy of which is attached hereto as Exhibit K, spread hereupon and incorporated herein by reference, and

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 6 of 16 (5/16/11)

WHEREAS, Mr. Johnston reported that The Arbitrage Group would assist the county on the calculation of arbitrage earnings for the \$17,990,000 General Obligation Refunding Bonds, Series 2006 which is made necessary y the ongoing IRS audit of said bond proceeds,

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to (1) approve the aforesaid engagement letter 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 letter was and is 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 16th day of May, 2011.

In re: Approval of Budget Amendments

WHEREAS, Chancery Clerk Arthur Johnston 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 memorandum dated May 11, 2011 from Purchase Clerk Hardy Crunk, a true and correct copy of which is attached hereto as Exhibit L, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Johnston reported that said budget amendment was to move funds from 001-166- 409 to 001-166-603 and from 001-166-409 to 001-166-544 of the Justice Court budget,

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

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

the matter carried unanimously and said budget amendments were and are hereby approved and adopted.

SO ORDERED this the 16th day of May, 2011.

In re: Approval of Claims Docket for May 16, 2011

WHEREAS, the Board reviewed the claims docket for May 16, 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

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 7 of 16 (5/16/11)

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	2414 to 2508	95	226,188.67
002	18 to 18	1	1,500.00
012	139 to 142	4	526.61
014	8 to 8	1	2,464.57
025	1 to 1	1	2,118.00
029	5 to 6	2	189,473.95
051	37 to 37	1	26,883.58
097	200 to 214	15	27,944.71
105	151 to 156	6	36,954.42
108	8 to 9	2	3,061.45
113	8 to 8	1	1,350.00
114	18 to 19	2	1,375.28
115	88 to 91	4	681.53
116	36 to 37	2	403.23
120	62 to 65	4	841.65
121	29 to 29	1	76.48
150	631 to 650	20	56,690.40
190	108 to 110	3	207.28
226	13 to 15	3	1,855,028.93
291	8 to 9	2	1,240,840.63
302	114 to 118	5	363,640.72
401	22 to 22	1	5,610.01
402	4 to 4	1	2,700.00
TOTAL ALL FUNDS		177	4,046,562.10

HELD CLAIMS

Fund	Claim No.	Payee	Amount
029	5	Gulf South Construction	\$ 184,623.95
302	116	Warnock & Associates, LLC	\$ 52,600.00
302	116	Warnock & Associates, LLC	\$ 239,250.00

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 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 M, 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

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.

President's Initials: _____

Date Signed: _____

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

SO ORDERED this the 16th day of May, 2011.

Thereafter, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to pay the aforesaid held claim of Gulf South Construction in the amount of \$184,623.95 as set forth above. 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 the unanimous vote (4-0) of those present and said Held Claim was and is hereby approved, and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 16th day of May, 2011.

Thereafter, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to pay the aforesaid held claim of Warnock & Associates in the amount of \$52,600.00 as set forth above. 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 the Board and said Held Claim was and is hereby approved, and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 16th day of May, 2011.

Thereafter, Mr. John Bell Crosby did offer and Mr. Paul Griffin did second a motion to pay the aforesaid held claim of Warnock & Associates in the amount of \$239,250.00 as set forth above. 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 the Board and said Held Claim was and is hereby approved, and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 16th day of May, 2011.

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.

President's Initials: _____

Date Signed: _____

In re: Acknowledge Receipt of Funds

WHEREAS, County Administrator Brad Sellers appeared before the Board and presented two checks in the amount of \$1,152.00 and \$1,303.40 from General Recycling of MS for scrap metal,

Following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby 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.

SO ORDERED this the 16th day of May, 2011.

In re: Approval of Training Fees and Other Related Expenses for Constable Johnny Sims

WHEREAS, Purchase Clerk Hardy Crunk appeared before the Board and requested the Board approve training fees and membership dues for Constable Johnny Sims to attend the Mississippi Constables Association 2010 Training Seminar from June 6-11, 2011, in Gulfport, MS, and

WHEREAS, Mr. Crunk reported that training fee in the amount of \$250.00 and membership dues in the amount of \$50.00 were due for said seminar,

Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to approve payment of training fees in the amount of \$250.00 and membership dues in the amount of \$50.00 for Constable Johnny Sims to attend the aforementioned seminar. 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 Chancery Clerk was and is hereby authorized to issue pay warrants accordingly.

SO ORDERED this the 16th day of May, 2011.

In re: Discussion of Resolution Opposing City of Canton's Lawsuit Against Nissan North America

Following discussion, Mr. D. I. Smith did offer and Mr. John Bell Crosby did second a motion to authorize and direct Board Attorney Eric Hamer and Chancery Clerk Arthur Johnston to prepare a revised Resolution opposing the City of Canton's lawsuit against Nissan North America due to the impact it could have on the county and the State of Mississippi and requesting that the City of Canton reverse its decision and drop the lawsuit against Nissan. The vote on the matter being as

President's Initials: _____

Date Signed: _____

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 Chancery Clerk were and are hereby authorized.

SO ORDERED this the 16th day of May, 2011.

***In re: Approval of Deletion of Certain Vehicles
from Sheriff Department's Inventory***

WHEREAS, Sheriff Toby Trowbridge appeared before the Board and presented a list of certain vehicles to be deleted from Sheriff Department inventory, a true and correct copy of which is attached hereto as Exhibit N, spread hereupon, and incorporated herein by reference, and

WHEREAS, Sheriff Trowbridge did report that the list consisted of sixteen (16) vehicles that were sold at auction, and

WHEREAS, Sheriff Trowbridge requested that proceeds from the sale be transferred to line item no. 001-200-915,

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to (1) approve the deletion of the aforesaid vehicles as referenced in Exhibit N from county inventory and (2) authorize the proceeds from said sale be transferred to 001-200-915. The vote on the matter being as follows:

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

the matter carried unanimously and said vehicles were and are hereby deleted from inventory and said proceeds were and are transferred.

SO ORDERED this the 16th day of May, 2011.

***In re: Acknowledge Receipt of Funds;
Acceptance of Donation to Sheriff's Department; and
Authorize Board President Execute Maintenance Contract***

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>
Securus	\$ 12,800.88
Valley Food Services	\$ 2,235.36
Insurance Brokerage Antitrust Litigation	\$ 1,214.47

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 11 of 16 (5/16/11)

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

WHEREAS, Sheriff Trowbridge presented a maintenance contract from CrossMatch Technologies for the fingerprint machine and requested the Board authorize the Board President to execute same, a true and correct of which is attached hereto as Exhibit P, spread hereupon and incorporated herein by reference, and

WHEREAS, Sheriff Trowbridge did inform the Board that the annual fee for the maintenance contract was \$4,500.00 and would become effective June 1, 2011,

Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to (1) acknowledge receipt of said checks, (2) acknowledge receipt of the donation from Wal Mart, and (3) authorize the Board President to execute said maintenance contract with CrossMatch Technologies. 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 donation was and is hereby acknowledged; said maintenance contract was and is hereby approved; and the Board President was and is hereby authorized.

SO ORDERED this the 16th day of May, 2011.

***In re: Approval of Revised Interlocal Agreement -
Madison River Oaks Medical Center/City of Canton
Tax Increment Financing Plan (TIF)***

WHEREAS, Board Attorney Eric Hamer appeared before the Board and presented a revised interlocal agreement between Madison County and the City of Canton relating to the Madison River Oaks Medical Center/Nissan Parkway Tax Increment Financing (TIF) Project and recommended the Board approve same and authorize the Board President to execute same, and

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

WHEREAS, Mr. Hamer informed the Board that said interlocal agreement had been previously approved by this Board on December 6, 2010 and the revised version simply reflects minor editorial and formatting changes and typographical corrections,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve the revised interlocal agreement with the City of Canton as to the Madison River Oaks Medical Center/Nissan Parkway Tax Increment Financing (TIF) Project and authorize the Board President to execute same. The vote on the matter being as follows:

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

President's Initials: _____

Date Signed: _____

the matter carried unanimously and said revised interlocal agreement was and is hereby approved and the Board President was and is hereby so authorized.

SO ORDERED this the 16th 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 and personnel matters,

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 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, Mr. Wallace Collins, and Sheriff Toby Trowbridge. 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 16th day of May, 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. D. I. Smith did offer and Mr. Karl M. Banks did second a motion to enter into Executive Session to discuss potential litigation 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	Not Present and Not voting

the matter carried by the unanimous vote 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 16th day of May, 2011.

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 13 of 16 (5/16/11)

During Executive Session, Board Attorney Eric Hamer reported that Mr. Earl Hill and Mr. Fabian Hill were willing to accept a sum certain in an effort to avoid court expenses and the cost of litigation associated with the county's eminent domain action to acquire certain property owned by them necessary for the construction of Calhoun Station, Phase III and did recommend the Board accept the Hill's request to settle.

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to accept the offer of Mr. Earl Hill and Mr. Fabian Hill to settle their claims for compensation as the result of the county's eminent domain action for sums certain, and authorize the Chancery Clerk to issue pay warrants to each 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 the Chancery Clerk was and is hereby authorized to issue pay warrants accordingly unto Mr. Earl Hill and Mr. Fabian Hill in accordance with the terms of the settlement.

SO ORDERED this the 16th day of May, 2011.

Thereafter, County Administrator Brad Sellers reported to the Board that on September 27, 2002, the Board approved the new Standard Operating Procedures Manual and Personnel Policies for the Madison County Sheriff's Department and reported that there was an eighteen (18) month gap wherein the county Payroll Department was not made aware of said changes to the leave and sick time for the Sheriff's Department. Mr. Sellers stated that as a result of this 18 month period, a number of Sheriff's Department employees were entitled to additional retirement credit with the Mississippi Public Employees Retirement System (PERS). Mr. Sellers requested that the Board authorize him to report the names and days of service credit for each such affected deputy sheriff to PERS,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to authorize the County Administrator to report the names and days of service credit for each such affected deputy sheriff to PERS 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 the County Administrator was and is hereby authorized.

SO ORDERED this the 16th 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 direct the Chancery Clerk to announce to the public the action taken therein. The vote on the matter being as follows:

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 14 of 16 (5/16/11)

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye ³
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 16th day of May, 2011.

In re: Awarding of Bid to Hemphill Construction Company for the Green Oak Lane Overlay Project/State Aid No. SAP-45(4)M

WHEREAS, Mr. Dan Tolar, State Aid District Engineer appeared before the Board and reported that bids had been received and opened for the reconstruction of Green Oak Lane Overlay Project being State Aid Project No. SAP-45(4)M, and

WHEREAS, in his estimation, the lowest and best bidder for said project was Hemphill Construction Company who submitted a bid in the total amount of \$1,024,737.70, and

WHEREAS, Mr. Tolar recommended the Board award the contract for the construction of said project to Hemphill Construction Company in accordance with its bid, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. John Bell Crosby did offer and Mr. Paul Griffin did second a motion to (1) accept the bid of Hemphill Construction Company as the lowest and best bid received for the reconstruction of Green Oak Lane Overlay Project being State Aid No. SAP-45(4)M and (2) award the contract for such work to said firm. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and said bid was and is hereby accepted and the contract was and is hereby awarded.

SO ORDERED this the 16th day of May, 2011.

³After casting his vote on this matter, Mr. Karl M. Banks did fully and completely recuse himself from all discussions, deliberations and debate of the next succeeding matter, excused himself from the meeting, and physically departed the meeting room.

President's Initials: _____

Date Signed: _____

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 Paul Griffin and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Thursday, May 19, 2011 at 9:00 a. m. for the purpose of consideration of discussing certain amendments to the County Road Plan 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 16 of 16 (5/16/11)