MINUTES OF THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI

REGULAR MEETING OF JUNE 20, 2011 Recessed from regular meeting conducted on June 7, 2011

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on June 20, 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:

Absent:

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

Also in attendance:

Interim County Administrator & Zoning Administrator Brad Sellers Board Secretary and Deputy Chancery Clerk Cynthia Parker Board Attorney Eric Hamer Chad Plumb on behalf of County Engineer Rudy Warnock County Purchase Clerk Hardy Crunk Road Manager Lawrence Morris County Fire Coordinator Mack Pigg

The Board President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Supervisor Paul Griffin opened the meeting with a prayer and Supervisor John Bell Crosby led the members and the audience in the Pledge of Allegiance to the Flag of the United States of America.

In re: Consideration of Ad Valorem Tax Exemptions Applications

WHEREAS, Chancery Clerk Arthur Johnston did present a total of three (3) applications for ten (10) year ad valorem tax exemptions to the Board, reported that each application was timely received pursuant to statute and the previously adopted policy of this Board, and

WHEREAS, Mr. Johnston, MCEDA and Tax Assessor Gerald Barber recommended that the Board grant the exemptions as requested in the applications submitted by the following entities and adopt the Resolutions presented with respect to each, as follows, to-wit:

- (1) Tower Automotive Operations USA II Period Requested: 1/1/11 - 12/31/20
- (2) Monsanto Company Period Requested: 1/1/11 – 12/31/20
- (3) AT&T Mobility RE: 3G Broadband Equipment

President's Initials:_____ Date Signed:_____ For Searching Reference Only: Page 1 of 11 (6/20/11) WHEREAS, Tower Automotive Operations USA II seeks *addition/expansion/equipment replacement* exemption under Miss. Code Ann. § 27-31-105 in the amount of \$9,642,817.00 representing the total value of the property which is the subject of the expansion, and

WHEREAS, Monsanto Company seeks an *new enterprise* exemption under Miss. Code Ann. § 27-31-101 in the amount of the value thereof \$3,110,000.00, and

WHEREAS, AT&T Mobility seeks an *addition/expansion/equipment replacement* exemption pursuant to the Mississippi Broadband Technology Act Miss. Code Ann. § 57-87-1 in the amount of \$27,352,395.00 representing the total value of the 3G Broadband Equipment, which is the subject of the expansion, and

WHEREAS, the Chancery Clerk and the MCEDA Board recommend granting the exemption as requested, excepting therefrom any taxes levied for school district purposes and fire protection services which may be applicable, and

WHEREAS, the Tax Assessor's position statement reflects no objection, and

WHEREAS, a true and correct copy of said Applications may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, the Board does desire, after due consideration, to finally approve each of the above referenced Applications for Ad Valorem Tax Exemption in accordance with statute, and authorize the Board President and the Chancery Clerk to execute any and all documentation necessary to evidence such approval and to forward the same to the Mississippi State Tax Commission,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to:

(1) grant unto Tower Automotive Operations USA II, ten (10) year *ad valorem* tax exemption respectively under Miss. Code Ann. § 27-31-105 for addition/expansion and equipment replacement in the amounts reflected on said firms Application **except ad valorem taxes levied for school district purposes and except ad valorem taxes levied for fire protection services where applicable**; and

(2) grant unto Monsanto Company a ten (10) year *ad valorem* tax exemption for a new enterprise in the amount reflected on said firm Application **except ad valorem taxes levied for school district purposes and except ad valorem taxes levied for fire protection services where applicable;** and

(3) grant unto AT&T Mobility an exemption pursuant to the Mississippi Broadband Technology Act Miss. Code Ann. § 57-87-1 in the amount of \$27,352,395.00 representing the total value of the 3G Broadband Equipment in the amount reflected on Tax Assessor Position Statement **except ad valorem taxes levied for school district purposes and except ad valorem taxes levied for fire protection services where applicable;** and

(4) authorize the Board President and the Chancery Clerk to execute any and all documentation necessary to evidence such approval and to forward the same to the Mississippi State Tax Commission. 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:_____ For Searching Reference Only: Page 2 of 11 (6/20/11) the matter carried unanimously and said applications were and are hereby granted and approved.

SO ORDERED this the 20th day of June, 2011.

In re: Approval of Consent Agenda Items

WHEREAS, the Board President announced that he and Interim County Administrator Brad Sellers had conferred in advance of the meeting as to certain matters denominated "Consent Items" which bear Item numbers (2) through (9) 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 did request that an additional item (10) be added to the Consent Agenda as "Authorize Travel and Expense for Justice Court Judges to Attend Annual Conference," and

WHEREAS, Supervisor Paul Griffin requested that Consent Item No. 3 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:

2. Acknowledge Chancery Court Order Raising Salary for Deputy Court Administrator.

(A true and correct copy of said Order is attached hereto as Exhibit A, spread hereupon and incorporated herein by reference.)

4/5. 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 Hua Liu, Lot 51, Madison Oaks Subdivision, Part 3; Macy Paige Ruffin Houston Wilkerson, Lot 9, Madison Oaks Subdivision, Part 1; Stephanie Pittman Hall, Lot 6, Madison Oaks Subdivision, Part 1; Karen Currie Falgout, Lot 69, Sherbourne Subdivision, Part 2; James M. Kelly and wife, Martha H. Kelly, Lot 43, Madison Oaks Subdivision, Part 1; and Massie Hunt Headley, Lot 17, Eastbrooke Estates Subdivision, may be found in the Miscellaneous Appendix to these Minutes.)

6. Acknowledge Credit Card Report for April 10, 2011 through May 10, 2011 -General County.

(A true and correct copy of that certain memorandum dated June 8, 2011 from County Purchase Clerk Hardy Crunk is attached hereto as Exhibit B, spread hereupon and incorporated herein by reference.)

7. Approve Sole Source Item - AutoCad Software - DLT Solutions.

(A true and correct copy of that certain memorandum dated June 6, 2011, from Purchase Clerk Hardy Crunk requesting the Board declare said software upgrade for the Tax Assessor's office from a sole source vendor is attached hereto as Exhibit C, spread hereupon and incorporated herein be reference.)

8. Acknowledge Credit Card Report for April 8, 2011 through May 10, 2011 - Sheriff's Department.

(A true and correct copy of that certain memorandum dated June 13, 2011 from County Purchase Clerk Hardy Crunk is attached hereto as Exhibit D, spread hereupon and incorporated herein by reference.)

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9. Acknowledge Clerk of the Board Report.

(A true and correct copy of said Report is attached hereto as Exhibit E, spread hereupon and incorporated herein by reference.)

10. Authorize Justice Court Judges Tommy Faulkner and Cindy Alford to Attend the Justice Court Judges Convention in Biloxi, Mississippi and Approve Travel and Registration Expenses Related Thereto.

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 20th day of June, 2011.

In re: Acknowledgment and Approval of Personnel Appointment - Human Resources

Following discussion, Mr. Tim Johnson did offer and Mr. John Bell Crosby did second a motion to approve the appointment of Ms. Molly Humphries to the Human Resources Department effective June 20, 2011, a true and correct copy of a Personnel Appointment form for the hiring of Ms. Humphries is attached hereto as Exhibit F, 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	No
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	No

the matter carried by a majority vote (3-2) of the Board and said appointment was and is hereby approved.

SO ORDERED this the 20th day of June, 2011.

In re: Approval of Extension on Mining Permit

WHEREAS, County Zoning Administrator Brad Sellers appeared before the Board and presented a request from Mr. Lee Clemons requesting the Board extend a mining permit located on Highway 43 North for an additional sixty (60) days, and

WHEREAS, Mr. Clemons stated that due to recent economic constraints of other developers, he had not been able to finish the lake and would like additional time to complete as investors are now interested in reviving the lad project/development,

Following discussion, Mr. Paul Griffin did offer and Mr. D. I. Smith did second a motion to extend said permit for operation of mining permit for sixty (60) days from the date hereof, said operation occurring on Highway 43 North. The vote on the matter being as follows:

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

the matter carried unanimously and said permit was and is hereby extended for sixty (60) days.

SO ORDERED this the 20th day of June, 2011.

In re: Request to Amend Hours of Operation Junkyard #1 Speedway Racetrack

WHEREAS, Mr. James K. Smith, Jr. appeared before the Board and requested permission to extend the hours of operation of Junkyard #1 Speedway Racetrack on Lottville Road, and

WHEREAS, Supervisor Griffin stated he and County Administrator Brad Sellers had prepared a spreadsheet outlining the proposed hours of operation that the County may consider in order to accommodate the racetrack as well as the residents in the area, and

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

WHEREAS, Mr. Gerald Pickle appeared before the Board in opposition of extending the hours of operation for said racetrack due to the loud music and vulgar lyrics of the music,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to approve the spreadsheet as presented by Mr. Sellers outlining the hours of operation for the months of April through September. The vote on the matter being as follows:

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

the matter carried by a majority vote (3-2) of the Board and said hours of operation were and are hereby extended.

SO ORDERED this the 20th day of June, 2011.

In re: Discussion of Devlin Springs Subdivision

WHEREAS, Mr. Chad Plumb on behalf of County Engineer Rudy Warnock appeared before the Board and requested permission to prepare a cost estimate on reconstruction of roads within Devlin Springs Subdivision,

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to authorize Warnock & Associates to prepare a cost estimate for the reconstruction of the roads in Devlin Springs and bring back to the Board. The vote on the matter being as follows:

President's Initials:_____ Date Signed:_____ For Searching Reference Only: Page 5 of 11 (6/20/11)

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 Warnock & Associates was and is hereby so authorized.

SO ORDERED this the 20th day of June, 2011.

In re: Approval of Budget Amendments and Interfund Transfers

WHEREAS, Mr. Wallace Collins appeared before the Board and presented that certain document entitled "Madison County Budget Amendments and Interfund Transfers June 20, 2011," and requested the Board's consideration of certain amendments to the current year budget of the county and interfund transfers, a true and correct copy is attached hereto as Exhibit H, spread hereupon and incorporated herein by reference,

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

Supervisor John Bell Crosby	No
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 (3-2) of the Board and said budget amendments and interfund transfers were and are hereby approved.

SO ORDERED this the 20th day of June, 2011.

In re: Approval of Claims Docket for June 20, 2011

WHEREAS, the Board reviewed the claims docket for June 20, 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	2664, 2670 to 2783	115	248,334.94
012	160 to 165	6	379.07
029	7 to 7	1	207,681.40
051	43 to 44	2	132,701.53
097	235 to 246	12	9,826.89
105	175 to 183	9	10,331.08
114	21 to 21	1	10,000.00
115	100 to 103	4	295.72
116	42 to 44	3	530.87
120	70 to 76	7	716.24
121	33 to 34	2	218.42
150	701 to 726	26	147,636.16
			President's Initials.

President's Initials:_____ Date Signed:

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160	105 to 130	26	28,442.27
190	127 to 131	5	4,450.73
226	17 to 17	1	2,500.00
291	10 to 10	1	2,500.00
302	141 to 147	7	374,978.33
304	20 to 20	1	2,475.00
401	25 to 27	3	20,250.86
402	6 to 6	1	2,700.00
	TOTAL ALL FUNDS	233	1,206,949.51

HELD CLAIMS

Fund	Claim No.	Payee	Amount
029	7	Gulf South Construction	\$ 207,681.40
302	141	The Clarion Ledger	\$ 506.28
302	142	ROW Consultants LLC	\$ 2,250.00
302	143	Warnock & Associates LLC	\$ 108,430.00

Following discussion, Mr. John Bell Crosby did offer and Mr. Karl M. Banks 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 I, spread hereupon, and incorporated herein by reference. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye^{1}
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

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

SO ORDERED this the 20th day of June, 2011.

Thereafter, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to pay the aforesaid held claim of Gulf South Construction in the amount of \$207,681.40 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
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 20th day of June, 2011.

¹After casting his vote on this matter, Mr. Johnson did fully and completely recuse himself from all discussions, deliberations and debate of the next succeeding matter, excused himself from the meeting, and physically departed the meeting room. The Vice President of the Board, Mr. John Bell Crosby presided in his absence.

Thereafter, Mr. Paul Griffin did offer and Mr. Tim Johnson did second a motion to pay the aforesaid held claims of The Clarion Ledger in the amount of \$506.28; ROW Consultants LLC in the amount of \$2,250.00; and Warnock & Associates in the amount of \$108,430.00 as set forth above. The vote on the matter being as follows:

Supervisor John Bell Crosby	No
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 (3-2) of the Board and said Held Claims were and are hereby approved, and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 20th day of June, 2011.

In re: Acknowledge Receipt of Funds and Approval of Deletion of Inventory

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

Entity	Amount
Securus	\$ 11,181.94
City of Madison	\$ 2,520.00
City of Madison	\$ 1,744.49
City of Ridgeland	\$ 2,527.70
City of Ridgeland	\$ 1,912.12
Town of Flora	\$ 820.40
Town of Flora	\$ 1,192.40
Sale of Calling Cards at Jail	\$ 7,720.00
Rankin County	\$ 250.00
Jail Communication	\$ 1,831.75

WHEREAS, Sheriff Trowbridge reported that a portable breathalyser, bearing serial no. 1082015 was inadvertently destroyed and requested the Board approve removing same from county inventory, and

Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to (1) acknowledge receipt of said checks and (2) approve the deletion of the portable breathalyser from 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 said checks were and are hereby acknowledged and said breathalyser was and is hereby deleted from inventory.

SO ORDERED this the 20th day of June, 2011.

President's Initials:_____ Date Signed:_____ For Searching Reference Only: Page 8 of 11 (6/20/11)

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 right of way acquisition and personnel matters,

Following discussion and pursuant to the terms of Miss. Code Ann. § 25-41-7, as amended, Mr. John Bell Crosby 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 right of way acquisition and personnel matters with the following persons deemed necessary for Board discussions, deliberations, and recording of such Executive Session, to wit: members of the Board, Chancery Clerk Arthur Johnston, County Administrator Brad Sellers, Board Secretary and Deputy Chancery Clerk Cynthia Parker, Board Attorney Eric Hamer, and Right of Way Agent Bobby Horton. 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 20th day of June, 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. John Bell Crosby did offer and Mr. D. I. Smith did second a motion to enter into Executive Session to discuss right of way acquisition and personnel matters . The vote on the matter being as follows:

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

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 20th day of June, 2011.

During Executive Session, Mr. Bobby Horton of ROW Consultants requested the Board authorize an additional sum certain to complete the process of re-establishing a double wide trailer on behalf of Mr. Dyrone Fields necessary for the construction of Calhoun Station, Phase III, a summary of the additional expenditures can be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to approve up to a sum certain to re-establish a double wide trailer for the construction of

President's Initials:_____ Date Signed:_____ For Searching Reference Only: Page 9 of 11 (6/20/11) Calhoun Station, Phase III and authorize the Chancery Clerk to a issue pay warrant 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	Not Present and Not Voting
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those Present and the Chancery Clerk was and is hereby authorized to issue a pay warrant accordingly.

SO ORDERED this the 20th day of June, 2011.

Thereafter, Board Attorney Eric Hamer advised the Board of a subrogation interest it had in medical payments made on behalf of Peggy Flood, who is now deceased. A settlement has been reached between the Estate of Peggy Flood and the Defendant's insurance carrier for the policy limits of \$100,000.00. The Board Attorney researched the matter and discovered that the Board can, but is not required to, waive some or all of the subrogation interest pursuant to his reading of several Attorney General Opinions. Following further discussions by the Board, Mr. D. I. Smith did offer and Mr. John Bell Crosby did second a motion to authorize waiving one-half (½) of the subrogation lien pertaining to health insurance benefits paid on behalf of Peggy Flood contingent upon the Chancery Court approving the settlement and specifically finding that the deceased party's estate was not made whole by \$100,000.00 settlement. 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	No

the matter carried by a majority vote (4-1) of the Board and the Board Attorney was and is hereby so authorized.

SO ORDERED this the 20th day of June, 2011.

Thereafter, Mr. D. I. Smith did offer and Mr. Paul Griffin did second a motion to adjourn the Executive Session and announce to the public the action taken therein. The vote on the matter being as follows:

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

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

SO ORDERED this the 20th day of June, 2011.

President's Initials:_____ Date Signed:_____ For Searching Reference Only: Page 10 of 11 (6/20/11) THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor D. I. Smith and seconded by Supervisor John Bell Crosby and approved by the unanimous vote of those present, the June, 2011 term of the Madison County Board of Supervisors was adjourned.

> Tim Johnson, President Madison County Board of Supervisors

Date signed: _____

ATTEST:

Arthur Johnston, Chancery Clerk