

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

REGULAR MEETING OF SEPTEMBER 6, 2011

Being the first day of the September 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 September 6, 2011, in the Board Room on the first floor of the Chancery/Administrative Building, 125 W. North St., in 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
Tax Collector Kay Pace
Superintendent of Education Mike Kent

Absent:

None

Also in attendance:

Interim County Administrator and Zoning Administrator Brad Sellers
Wallace Collins, CPA, Accountant
Board Secretary and Deputy Chancery Clerk Cynthia Parker
Board Attorney Eric Hamer
County Engineer Rudy Warnock
County Purchase Clerk Hardy Crunk
County Fire Coordinator Mack Pigg
County Road Manager Lawrence Morris
Chief Deputy Tax Assessor Kent Hawkins

The President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Chancery Clerk Arthur Johnston opened the meeting with a prayer and Mr. Robert Trigg 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 August 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 August 2011 term, said meetings having been conducted on August 1, August 8, and August 22,

Following discussion, Mr. Paul Griffin 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:

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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 Minutes for the August 2011 term of the Board of Supervisors of Madison County was and is hereby approved as amended.

SO ORDERED this the 6th day of September, 2011.

In re: Homestead Exemption Tax Loss Disallowances

WHEREAS, Chancery Clerk Arthur Johnston appeared before the Board and presented certain Notices of Adjustment in Homestead Exemption Tax Loss Allowances which had been received from the Mississippi State Tax Commission and did report that, in accordance with Miss. Code Ann. § 27-33-37(j), a hearing was in order on said Disallowances so as to entertain any objections, protests or complaints as to the propriety and validity of the same, and

WHEREAS, Mr. Johnston did inform the Board that, pursuant to Miss. Code Ann. § 27-33-41, as amended, he had properly and promptly notified all property owners *via* U. S. mail of the decision of the State Tax Commission disallowing said exemptions and did direct the Board's attention to a spreadsheet listing property owners, parcel numbers and reasons given by the Tax Commission for each disallowance, together with the basis for objections lodged by said owners, if any, and

WHEREAS, a copy of such spreadsheet, together with a copy of each such disallowance notice, may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to (1) accept the Homestead Exemption Tax Loss Allowances as presented subject to the listed objections, (2) direct that said properties to which no objection is lodged be re-assessed in the statutory amount, (3) direct the Chancery Clerk to forward the spreadsheet and notices to Mississippi State Tax Commission subject to the listed objections which are hereby affirmed and accepted, and (4) direct the Clerk to request of the Tax Commission that each such Disallowance to which an objection was received not be effectuated. 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 by the unanimous vote of those present and said Disallowances were and are hereby accepted, save those to which an objection was timely filed as noted on said spreadsheet, the properties in question duly re-assessed, and the Chancery Clerk was and is hereby directed to forward said notices together with the noted objections to the State Tax Commission as required by law.

SO ORDERED this the 6th day of September, 2011.

In re: Approval of Increase of Assessment of 2010 Real Property and 2011 Personal Property Pursuant to Miss. Code Ann. § 27-35-147 et seq.

WHEREAS, the Board determined that September 6, 2011 would be an appropriate date for a public hearing on the matter of increasing certain real property assessments for 2010 and certain personal property for 2011 on certain parcels in the county and did set said date for said

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hearing to begin at the hour of 9:00 am, and

WHEREAS, the Chancery Clerk did prepare and serve the appropriate notices thereof by regular mail to the affected property owners, and the Board does find that said notices were sufficient, and

WHEREAS, the petition listing the property owners, the parcel number, and amount of the proposed assessment increase is attached hereto as Collective 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 appeared to contest or protest said assessment increases,

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to close the public hearing and approve the assessment increases for the individuals and parcel numbers as set forth in the aforesaid petitions. 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 assessments of the parcels reflected thereon were and are hereby approved and adopted.

SO ORDERED this the 6th day of September, 2011.

In re: Approval of Consent Agenda Items

WHEREAS, President Johnson did announce that he and Interim County Administrator Brad Sellers had conferred in advance of the meeting and reported that Items (4) through (20) on the Agenda appeared to be routine, non-controversial matters on which all Supervisors were likely to agree, and could be taken up as Consent Items, and

WHEREAS, the Board President did explain that any Supervisor could, in advance of the call of the question, request that any of the aforesaid Items be removed from the Consent Agenda, and

WHEREAS, Mr. D. I. Smith requested that Item (19) be removed from the Consent Agenda and addressed separately, and

WHEREAS, Mr. Sellers requested that Item (20) be removed from the Consent Agenda and addressed separately, and

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

- 4. Declare Certain Inventory Items as Surplus and Delete from Inventory.**
(A true and correct copy of that certain memorandum dated August 31, 2011 from Inventory Control Clerk Loretta Phillips listing the items to be deleted is attached hereto as Exhibit B, spread hereupon and incorporated herein by reference.)

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5. **Acknowledge Building & Grounds Department Monthly Report.**
(A true and correct copy of said Report is attached hereto as Exhibit C, spread hereupon and incorporated herein by reference.)
6. **Approve Sub-Lease Agreement - WIN Job Center.**
(A true and correct copy of that certain sublease agreement is attached hereto as Exhibit D, spread hereupon and incorporated herein by reference.)
7. **Acknowledge MECP Track II Certificates/Approve Payment - Deputy Tax Assessors.** A true and correct copy of that certain correspondence dated August 30, 2011 from Taylor Casey with the Mississippi State University Extension Service pertaining to the certification status of Alexis Fowler, Sue Anglin, Alice Simpson, William Stewart, Howard Snyder, Ira Thorn, Jeff H. Peterson, Diane Odom, Lionel Kent Hawkins, James Irby Ford, Gerald Barber, Norman Cannady, Emily Anderson, Vent Mixon, Kay Jerome, John Fox, Tim Templeton, and Jo Ann Tootle, all being employees of the Madison County Tax Assessor's office, were and are hereby acknowledged and accepted, a true and correct copy of each of which may be found in the Miscellaneous Appendix to these Minutes. Their respective salaries are directed to be adjusted accordingly where applicable.
8. **Approve Delta Computer Systems Maintenance Contracts/IT Contract.**
(True and correct copies of those certain contracts for support and maintenance for Comptroller and Tax Assessor software programs are attached hereto as Collective Exhibit E, spread hereupon and incorporated herein by reference.)
9. **Acknowledge Parkway East Public Improvement District Invoices.**
(A true and correct copy of those certain Parkway East Public Improvement District Invoice nos. 415 through 417 may be found in the Miscellaneous Appendix to these Minutes.)
10. **Authorize Burial of Unclaimed Body.**
(Pursuant to Miss. Code Ann. § 41-39-5 the Chancery Clerk is authorized and directed to issue a pay warrant in the amount of \$300.00 unto Natchez Trace Funeral Home in order that the body of one Michael Burch might be transported from Hospice Ministries in Ridgeland, Mississippi and buried as a pauper. An explanatory Memorandum from Purchase Clerk Hardy Crunk may be found in the Miscellaneous Appendix to these Minutes.)
11. **Approve Monthly Credit Card Report July 10 - August 10, 2011 - General County.**
(A true and correct copy of that certain memorandum dated August 23, 2011 from County Purchase Clerk Hardy Crunk is attached hereto as Exhibit F, spread hereupon and incorporated herein by reference.)
12. **Approve Monthly Credit Card Report July 10 - August 10, 2011 - Sheriff's Department.**
(A true and correct copy of that certain memorandum dated August 31, 2011 from County Purchase Clerk Hardy Crunk is attached hereto as Exhibit G, spread hereupon and incorporated herein by reference.)
13. **Acknowledge the 2011 Public Utility Roll--State Tax Commission.**
The Board does hereby acknowledge receipt of and adopt the 2010 Public Utility Roll as provided by the Mississippi State Tax Commission.
14. **Acknowledge August 2011 Closed Call Analysis - Road Department.**
(A true and correct copy of the August 2011 Closed Call Analysis submitted by the County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)

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15. **Acknowledge August 2011 Monthly Report- Road Department**
(A true and correct copy of the August 2011 Monthly Road Department Report submitted by County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
16. **Acknowledge September 2011 Service Call Schedule Report - Road Department.**
(A true and correct copy of the September 2011 Road Department Service Call Schedule submitted by County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
17. **Approve Location of Culvert Placements.**
(A true and correct copy of a spreadsheet containing dates and locations of the placement of culverts for protection of county right of way is attached hereto as Exhibit H, spread hereupon and incorporated herein by reference.)
18. **Approve Zoning Matter - DeRuiter, Johnson & Steen, LLC Petition for Variance to Side Setback, Belle Terre Subdivision.**
(A true and correct copy of the petition of DeRuiter, Johnson & Steen, PLLC seeking variance to the side setback of Lots 127 and 128, Belle Terre Subdivision may be found in the Miscellaneous Appendix to these Minutes.)

The vote on the matter being as follows:

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

the matter carried unanimously, and each item was and is hereby approved, adopted and authorized.

SO ORDERED this the 6th day of September, 2011.

In re: Petition for Special Exception for Billboard in an C-2 Commercial District

WHEREAS, Media Display, LLC has filed a Petition for Special Exception to erect a billboard in an C-2 Commercial District at 134 Weisenberger Road, Madison County, Mississippi, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, a representative of Media Display appeared before the Board and explained that the display would consist of an 8 foot by 14 foot vinyl covered billboard and requested the Board approve same,

Following discussion, Mr. John Bell Crosby did offer and Mr. Karl M. Banks did second a motion to approve the petition of Oliver Outdoor for special exception to erect a billboard in an I-2 Industrial District. The vote on the matter being as follows:

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

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the matter carried by a majority vote (4-1) of the Board, and the special exceptional was and is hereby granted.

SO ORDERED this the 6th day of September, 2011.

In re: In re: Acknowledge Receipt of County Financial Audit for Year End September 30, 2010

WHEREAS, Ms. Emily Lacey of Windham and Lacey, CPAs appeared before the Board and presented the County Financial Audit for Year End September 30, 2010, a true and correct copy of each of which may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, Ms. Lacey reported that there were no findings or reportable discrepancies with said audit,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to acknowledge receipt of the County Financial Audit for Year End September 30, 2010. 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 Financial Audit for Year End September 30, 2010 was and is hereby acknowledged.

SO ORDERED this the 6th day of September, 2011.

In re: Request of Bill Galloway for Extension on Mining Permit

WHEREAS, County Zoning Administrator Brad Sellers appeared before the Board and requested permission to extend a mining permit located on Highway 43 south for one year to Mr. Bill Galloway of Galloway Farms, and

WHEREAS, Mr. Sellers reported that Mr. Galloway needed a one year extension to complete said site,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to extend said permit for operation of mining permit for one year from the date hereof, said operation occurring on Highway 43 South. 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 permit was and is hereby extended.

SO ORDERED this the 6th day of September, 2011.

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***In re: Authorization to Advertise for
County Administrator and Comptroller***

WHEREAS, Interim County Administrator Brad Sellers appeared before the Board and requested the Board authorize the advertising for County Administrator and Comptroller, and

WHEREAS, Mr. Sellers requested the Board accept applications for same between September 15, 2011 and October 15, 2011,

Following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to authorize the advertising of the positions of County Administrator and Comptroller between September 15, 2011 and October 15, 2011. 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 advertising was and is hereby authorized.

SO ORDERED this the 6th day of September, 2011.

In re: Approval of Cell Phone Supplemental Agreement

WHEREAS, Purchase Clerk Hardy Crunk appeared before the Board and presented that certain supplemental agreement with CellularSouth for cell phone service with the county, a true and correct copy of which is attached hereto as Exhibit I, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Crunk reported that CellularSouth was a state contract vendor and requested the Board approve same,

Following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to approve the contract with CellularSouth as the county's cell phone provider 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

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

SO ORDERED this the 6th day of September, 2011.

In re: Awarding of Term Bids for Hauling and Laying Asphalt and First Alternate, and Rejection of Bid for Hauling and Laying Asphalt

WHEREAS, Purchase Clerk Hardy Crunk appeared before the Board and presented that certain spreadsheet containing the tabulation for term bids for hauling and laying asphalt for new construction only for the period of September 8, 2011 through March 31, 2012, a true and correct copy of said spreadsheet is attached hereto as Exhibit J, spread hereupon and incorporated herein by reference, and

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WHEREAS, Mr. Crunk did recommend the Board award the term bid for hauling and laying of asphalt to W. S. "Red" Hancock as lowest and best bid based upon calculations contained on said spreadsheet, and

WHEREAS, Mr. Crunk further recommended the Board award APAC as the first alternate and Adcamp as the second alternate, and

WHEREAS, Mr. Crunk did recommend the Board reject the bid of Dickerson and Bowen as not complying with the specifications outlined in the bid specifications,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to (1) award the term bid for hauling and laying of asphalt to W. S. "Red" Hancock, (2) award first alternate term bid to APAC, (3) award second alternate term bid to Adcamp, and (4) reject the bid of Dickerson and Bowen.

Thereafter, and prior to the call of the question on the previous motion, Mr. Tim Johnson did offer and Mr. John Bell Crosby did second a motion in the nature of a substitute to table the awarding of said term bid until more questions could be answered. 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 the substitute motion carried, and the matter was and is hereby tabled for future consideration (as set forth herein below).

SO ORDERED this the 6th day of September, 2011.

***In re: Approval of Change Order Nos. 1 and 2-
Calhoun Station Parkway, Phase 2 Project***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and requested the Board approve those certain change orders dated September 3, 2011 submitted by Utility Constructors, Inc. for the Calhoun Station Parkway, Phase 2 Project, and

WHEREAS, Mr. Warnock reported that change order no. 1 reflected a change in the contract in the amount of \$118,564.93 reflecting a change in box culvert design, as detailed on that certain document submitted by Utility Constructors, Inc., a true and correct copy of which is attached hereto as Exhibit K, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Warnock reported that change order no. 2 reflected a change in the contract in the amount of \$9,650.00 explaining that this was for utility relocation, as detailed on that certain document submitted by Utility Constructors, Inc., a true and correct copy of which is attached hereto as Exhibit L, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve said change orders as submitted by Utility Constructors, Inc., for the Calhoun Station Parkway, Phase 2 Project in the amount of \$118,564.93 and \$9,650.00 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

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the matter carried unanimously and said change orders were and are hereby approved and the Board President was and is hereby authorized.

SO ORDERED this the 6th day of September, 2011.

***In re: Consideration of Preliminary Plat
Fieldstone Subdivision***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented the preliminary plat for Fieldstone Subdivision for the Board’s consideration and review, and

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

WHEREAS, Mr. Warnock requested the Board approve said preliminary plat, provided that the developer amend the same to reflect thirty (30) foot side setback lines on the east side of Lots 51 and 52, and

WHEREAS, Mr. Warnock reported that, otherwise, said preliminary plat the same met with all appropriate and applicable county requirements,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to approve the preliminary plat of said subdivision, (1) provided that the developer amend the same to reflect thirty (30) foot side setback lines on the east side of Lots 51 and 52, and (2) subject to the requirement that approval of the Madison County Board of Supervisors would be required on any changes to said plat and/or the accompanying covenants until such time as a majority of votes necessary to change the covenants are controlled by residents of the subdivision and (3) subject to zoning ordinances that the Board finds will be applicable upon adoption thereof in the future. The vote on the matter being as follows:

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

the matter carried by a majority vote (4-1) of the Board and said preliminary plat was and is hereby approved with the aforesaid proviso.

SO ORDERED this the 6th day of September, 2011.

***In re: Approval of State Aid Supplemental Agreements
for State Aid Project SAP-45(5)M - Cox Ferry Road***

WHEREAS, State Aid and County Engineer Rudy Warnock appeared before the Board and presented those certain State Aid Supplemental Agreements pertaining to State Aid Project SAP-45(5)M, true and correct copies of each agreement is attached hereto as Exhibit M and Exhibit N, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Warnock reported that the Supplemental Agreement, as referenced in Exhibit M, was for an additional \$6,270.00 to make necessary bridge rail repairs, and

WHEREAS, Mr. Warnock reported that the Supplemental Agreement, as referenced in Exhibit N, was for an additional \$1,201.75 was for removal of certain obstructions, and

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

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Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve said Supplemental Agreements 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

the matter carried unanimously and said Supplemental Agreements were and are hereby approved.

SO ORDERED this the 6th day of September, 2011.

In re: Awarding of Term Bids for Hauling and Laying Asphalt and First Alternate, and Rejection of Bid for Hauling and Laying Asphalt

WHEREAS, the Board President announced that the matter of the consideration of the awarding of term bids for hauling and laying asphalt for new construction only for the period of September 8, 2011 through March 31, 2012 would now be removed from the table and considered in full, and

WHEREAS, Purchase Clerk Hardy Crunk again appeared before the Board and requested the Board award the term bid for hauling and laying of asphalt to W. S. "Red" Hancock as lowest and best bid based upon calculations contained on said spreadsheet referenced herein above as Exhibit J to these Minutes,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to (1) award the term bid for hauling and laying of asphalt for new construction to W. S. "Red" Hancock, and also proclaimed by unanimous vote of those present that said term bid contracts are essential to the efficiency and economy of the operation of the county government(2) award first alternate term bid to APAC, (3) award second alternate term bid to Adcamp, and (4) reject the bid of Dickerson and Bowen for the reasons detailed herein above, and (5) The vote on the matter being as follows:

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

the matter carried by a majority vote (4-1) and said term bid was and is hereby awarded; the first and second alternates were and are hereby also awarded, all in accordance with, and as reflected on the aforesaid Exhibit J; and the bid of Dickerson and Bowen was and is hereby rejected.

SO ORDERED this the 6th day of September, 2011.

In re: Authorization of the Purchase Clerk to Issue Purchase Orders - Calhoun Station Parkway Phase 3 and Approve Amendment to Engineer's Professional Contract

WHEREAS, County Engineer Rudy Warnock appeared before the Board and requested the Board authorize Purchase Clerk Hardy Crunk to issue purchase orders for hauling and laying of asphalt pertaining to the Calhoun Station Parkway Phase 3 Project to W. S. "Red" Hancock based on the term bid for the laying of asphalt for purposes of new construction just awarded, and

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WHEREAS, Mr. Warnock also presented an Amendment to Owner-Engineer Agreement for Professional Services, a true and correct copy of which is attached hereto as Exhibit O, spread hereupon and incorporated herein by reference, and requested the Board authorize the Board President to execute same,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to (1) authorize Purchase Clerk Hardy Crunk to issue purchase orders for the hauling and laying of asphalt for Calhoun Station Parkway Phase 3 Project to W. S. "Red" Hancock based on its term bid prices as awarded herein above; (2) approve the Amendment to Owner-Engineer Agreement for Professional Services; and (3) authorize the Board President to execute said amendment. 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) and the Purchase Clerk was and is hereby authorized; said Amendment to Owner-Engineer Agreement for Professional Services was and is hereby approved; and the Board President was and is hereby authorized.

SO ORDERED this the 6th day of September, 2011.

In re: Authorization of Purchase Clerk to Issue Purchase Orders

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to (1) authorize Purchase Clerk Hardy Crunk to issue purchase orders for hauling and laying of asphalt for new construction per awarded term bids and (2) direct Mr. Crunk to confer with Board Attorney Eric Hamer and County Engineer Rudy Warnock as to whether new construction and/or maintenance. The vote on the matter being as follows:

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

the matter carried by a majority vote (4-1) and Mr. Crunk was and is hereby authorized.

SO ORDERED this the 6th day of September, 2011.

In re: Adoption of Resolution for Transportation Enhancement for Calhoun Station Parkway, Phase I

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to adopt the following Resolution, to-wit:

RESOLUTION

WHEREAS, the Madison County Board of Supervisors desires to participate in the Mississippi Department of Transportation's Transportation Enhancement Program and to use funds received therefrom for lighting, irrigation and landscaping improvements associated with its Calhoun Station Parkway, Phase I Project, and

WHEREAS, the Calhoun Station Parkway, Phase I Project represents a major connection point from I-55 to the new Gluckstadt High School, other school district facilities, and to new and

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growing residential developments in Madison County and is therefore a project worthy of participation and funding through the Transportation Enhancement Program,

WHEREAS, the County does hereby formally apply to the Mississippi Department of Transportation for such funding,

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

1. We, the Madison County Board of Supervisors, certify that there are no known foreseeable legal impediments that would prohibit the completion of the Calhoun Station Parkway, Phase I Project.
2. Brad Sellers, Interim County Administrator and LPA is hereby authorized to apply for the Transportation Enhancement funds.
3. The State and County will supply the required matching funds and any additional funds that may be necessary in the event of a cost overrun.
4. The County will comply will all codes, standards and/or regulations required for its completion.

The vote on the matter being as follows:

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

the matter carried by a majority vote (4-1) of the Board and said Resolution was and is hereby adopted.

SO ORDERED this the 6th day of September, 2011.

In re: Approval of Five Utility Permits

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented one certain utility permit allowing use and occupancy for the construction or adjustment of a utility within certain roads or highway rights of way, as follows:

- (1) AT&T - seeking to bury a total of 87 feet for placement of telephone service wire along Robinson Road,
- (2) AT&T - seeking to place approximately 14,500 feet of fiber cable along North Livingston Road,
- (3) Entergy - seeking to install a single phase overhead primary line across Old Highway 16,
- (4) Comcast - seeking to place underground CATV cable by means of trenching and/or boring along Memory Lane and Bell Cove,
- (5) Comcast - seeking to place underground CATV cable by means of trenching and/or boring along Grayhawk Drive and Hawks Cove

WHEREAS, true and correct copies of which may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to approve the aforesaid utility permits. 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 utility permits were and are hereby approved.

SO ORDERED this the 6th day of September, 2011.

***In re: Approval of Change Order No. 3
Calhoun Station Parkway, Phase 3 Project***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and requested the Board approve that certain change order no. 3 dated August 31, 2011 submitted by Birdsong Construction Co., Inc. for the Calhoun Station Parkway, Phase 3 Project, and

WHEREAS, Mr. Warnock reported that change order no. 3 reflected a reduction in the contract in the amount of \$25,478.26 reflecting the removal of precast box culverts, as detailed on that certain document submitted by Birdsong Construction Co., Inc., a true and correct copy of which is attached hereto as Exhibit P, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve said change order as submitted by Birdsong Construction Co., Inc., for the Calhoun Station Parkway, Phase 3 Project reflecting a reduction in the amount of 25,478.26 and authorize the Board President to execute same. The vote on the matter being as follows:

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

the matter carried by a majority vote (4-1) of the Board and said change order was and is hereby approved and the Board President was and is hereby authorized.

SO ORDERED this the 6th day of September, 2011.

In re: Approval of Budget Amendments and Interfund Transfers

WHEREAS, Mr. Wallace Collins appeared before the Board and presented those certain documents entitled "Madison County Budget Amendments and Interfund Transfers September 6, 2011," and requested the Board's consideration of certain amendments to the current year budget of the county and interfund transfers, true and correct copies of which are attached hereto as Collective Exhibit Q, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to approve said budget amendments and interfund transfers. 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 budget amendments and inter-fund transfers were and are hereby approved.

SO ORDERED this the 6th day of September, 2011.

In re: Approval of Claims Docket for September 6, 2011

WHEREAS, the Board reviewed the claims docket for September 6, 2011;

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	3311 to 3985	675	500,851.03
002	28 to 28	1	507.00
012	202 to 210	9	16,407.60
025	9 to 9	1	30,150.00
095	24 to 25	2	27,378.10
096	16 to 16	1	317.98
097	291 to 300	10	31,721.77
105	235 to 241	7	28,331.44
114	27 to 28	2	7,205.71
115	120 to 123	4	801.96
116	54 to 56	3	350,556.56
120	91 to 93	3	214.77
121	41 to 41	1	133.13
150	809 to 832	24	78,462.48
160	245 to 271	27	23,778.24
190	157 to 163	7	4,746.50
210	3 to 3	1	9,625.00
302	177 to 179	3	473,474.55
304	28 to 28	1	479.70
401	34 to 34	1	9,281.74
690	23 to 24	2	25,582.61
691	23 to 24	2	26,498.19
TOTAL ALL FUNDS		787	1,646,506.06

HELD CLAIMS

Fund	Claim Nos.	Payee	Amount
001	3353	Bradley Arant Boulton Cummings	\$ 11,033.80
001	3715	Warnock & Associates	\$ 21,495.00
029	9	Gulf South Construction	\$ 30,150.00
302	179	Warnock & Associates	\$ 7,362.01
302	179	Warnock & Associates	\$ 29,700.00
302	179	Warnock & Associates	\$ 8,346.00

Thereafter and following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith 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 R, spread hereupon, and incorporated herein by reference. The vote on the matter being as follows:

President's Initials: _____

Date Signed: _____

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 Claims Docket was and is hereby approved, less and except the aforesaid held claims, and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 6th day of September, 2011.

Thereafter, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve and pay the held claims of Bradley Arant Boult Cummings in the amount of \$11,033.80 and Warnock & Associates in the amount of \$21,495.00. The vote on the matter being as follows:

Supervisor John Bell Crosby	No
Supervisor Tim Johnson	Aye ¹
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 6th day of September, 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 Co. in the amount of \$30,150.00. 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 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 6th day of September, 2011.

***In re: Approval to Extend Lease Agreement -
Edward Johnson/Camden Solid Waste Transfer Station***

WHEREAS, Interim County Administrator Brad Sellers appeared before the Board and requested the Board approve extending the lease agreement with Mr. Edward Johnson for a solid waste transfer station situated on a certain tract of land containing four (4) acres, more or less, and being located in the west one-half of the NW 1/4 of Section 26, T11N, R4E, Madison County, Mississippi, and

WHEREAS, Mr. Sellers requested said lease agreement be for a period of four (4) years

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: _____

expiring on December 31, 2015, a true and correct copy of which is attached hereto as Exhibit S, spread hereupon, and incorporated herein by reference, and

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to approve extending the lease agreement with Mr. Johnson for the solid waste transfer station. 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 lease agreement was and is hereby extended.

SO ORDERED this the 6th day of September, 2011.

In re: Authorization of County Engineer and Board Attorney to Cure Trespassing Matter

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to authorize County Engineer Rudy Warnock and Board Attorney Eric Hamer to meet with CWC representatives to address potential trespass by the county on CWC property. 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 and County Engineer were and are hereby so authorized.

SO ORDERED this the 6th day of September, 2011.

In re: Authorization to Issue Purchase Orders – Stokes Road

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize Purchase Clerk Hardy Crunk to issue purchase orders in an amount not to exceed \$70,000.00 for an additional 1,200 tons of asphalt to be laid in place pursuant to the term bids for asphalt to complete the maintenance on Stokes Road. 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 the Purchase clerk was and is hereby authorized.

SO ORDERED this the 6th day of September, 2011.

President's Initials: _____

Date Signed: _____

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THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor John Bell Crosby and seconded by Supervisor Karl M. Banks and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Monday, September 26, 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: _____

For Searching Reference Only: Page 17 of 17 (9/6/11)