

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

REGULAR MEETING OF SEPTEMBER 26, 2011
Recessed from regular meeting conducted on September 12, 2011

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on September 26, 2011, in the Board Room on the first floor of the Madison County Office Complex, 125 West North Street, Canton, Mississippi, as follows, to-wit:

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

Present:

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

Absent:

Supervisor John Bell Crosby

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 Road Manager Lawrence Morris
County Engineer Rudy Warnock
E911 Director Butch Hammack
Fire Coordinator Mack Pigg
County Purchase Clerk Hardy Crunk

The Board President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Supervisor 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 Petition for Special Exception
Arandas, LLC/Keith Keeton***

WHEREAS, Interim County Administrator Brad Sellers appeared before the Board and presented a Petition for Special Exception filed by Arandas, LLC/Keith Keeton seeking to erect and operate a 395 foot guyed communications tower for various communication services in an R-1 Residential District, being located at 1996 Highway 51, Section 22, T8N, R2E, and

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

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve the request of Arandas, LLC/Keith Keeton for a Special Exception to erect and operate a 395 foot guyed communications tower for various communication services. The vote on the matter being as follows:

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 1 of 14 (9/26/11)

Supervisor John Bell Crosby	Not Present and Not Voting
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 the Special Exception was and is hereby granted to Arandas, LLC.

SO ORDERED this the 26th day of September, 2011.

***In re: Approval of Petition to Rezone
Stillhouse Creek, LLC***

WHEREAS, Interim County Administrator Brad Sellers appeared before the Board and presented a Petition to Rezone filed by Stillhouse Creek, LLC seeking to rezone certain property in Madison County from A-1 Agricultural to R-2 Residential with a Planned Unit Development Overlay covering certain property consisting of 31.16 acres and to amend the Master Development Plan of Stillhouse Creek to include the subject property located in Section 19, T8N, R2E along Catlett Road, and

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

WHEREAS, Mrs. Katherine Kraft Fletcher did appear before the Board voicing concerns of flooding and erosion of her property located adjacent to the proposed development site, and

WHEREAS, County Engineer Rudy Warnock appeared before the Board and stated that he had inspected the proposed site and determined that there was adequate means of runoff,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve the request of Stillhouse Creek, LLC seeking to rezone certain property in Madison County from A-1 Agricultural to R-2 Residential with a Planned Unit Development Overlay and to amend the Master Development Plan of Stillhouse Creek to include the subject property. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
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 the Petition to Rezone was and is hereby granted to Stillhouse Creek, LLC.

SO ORDERED this the 26th day of September, 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 (1) through (13) 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

President’s Initials: _____
Date Signed: _____

WHEREAS, Supervisor Paul Griffin requested that item (11) be removed from the Consent Agenda and addressed separately by the Board as set forth above, and

WHEREAS, Board President Tim Johnson requested that item (13) be removed from the Consent Agenda and addressed separately by the Board as set forth above,

Therefore, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to take the following actions on the Consent Agenda:

1. **Acknowledge Clerk of the Board Report.**
(A true and correct copy of said Report is attached hereto as Exhibit A, spread hereupon and incorporated herein by reference.)
2. **Acknowledge and Approve Polling Lease Agreement - First United Methodist Church of Ridgeland.**
(A true and correct copy of that certain Polling Lease Agreement between Madison County and First United Methodist Church of Ridgeland for a period of four (4) years, is attached hereto as Exhibit B, spread hereupon and incorporated herein by reference. The Board President was and is hereby authorized to execute same.)
3. **Adopt and Approve Proclamation Declaring Constitution Week as September 17-September 23, 2010.**
(A true and correct copy of said Proclamation may be found in the Miscellaneous Appendix to these Minutes.)
4. **Acknowledge New Hire at Tax Assessor's Office.**
(The Board does hereby acknowledge the hiring of Brad Harbour as Deputy Tax Assessor-Tax Fraud Investigator effective October 1, 2011.)
5. **Declare Certain Inventory Items as Surplus and Delete from Inventory.**
(A true and correct copy of that certain memorandum dated September 21, 2011 from Inventory Control Clerk Loretta Phillips listing the items to be deleted is attached hereto as Exhibit C, spread hereupon and incorporated herein by reference.)
6. **Award Bid Term Bids for Asphalt Products and All Other Term Bid Products**
as recommended by County Purchase Clerk Hardy Crunk and as set forth in that certain explanatory memorandum dated September 20, 2011, a true and correct copy of which is attached hereto as Exhibit D, spread hereupon and incorporated herein by reference. The Board hereby awards term bids for asphalt products and other term bid products for the period of October 1, 2011 through March 31, 2011, all as set forth in said memorandum, 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.
7. **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 Southeast Properties, LLC for Parcel AG2, Calumet Gardens; Southeast Properties, LLC for Parcel AG3, Calumet Gardens; Southeast Properties, LLC for Parcel AG4, Calumet Gardens; Southeast Properties, LLC for Parcel AG5, Calumet Gardens; Southeast Properties, LLC for Parcel D, Calumet Gardens; Southeast Properties, LLC for Lot 7, Calumet Gardens; Southeast Properties, LLC for Lot 8, Calumet Gardens; Kelly J. Collins and wife, Heather Collins, Lot 159, Sherbourne Subdivision, Part 4; Peolo Davini and wife, Katherine M. Davini, Lot 9, Sherbourne Subdivision, Part 1; Wyatt M. Smith, Jr., Lot 7, Woodbury Park Subdivision; William S. Quinn, III and wife, Genia P. Quinn, Lot 148, Sherbourne Subdivision, Part 5; Thomas J. Kelly and Huresten Kelly, part of Lot 15, Jones East Addition, Town of Flora; Catherine Champion being 0.27 ± acre, NW1/4 Section 16, T8N, R1W; Livingston Property Owners Association, Inc., Common Areas 1, 2, 3, 4, 5, 6 and &, Livingston Subdivision, Part 1; Philip L. Cook, Jr., Lot 13, Livingston Subdivision, Part 1, may be found in the Miscellaneous Appendix to these Minutes

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 3 of 14 (9/26/11)

8. **Approve Additional User to Tax Assessor Accurint Account.**
(A true and correct copy of that certain memorandum dated September 26, 2011 from Tax Assessor Gerald Barber to add Sue Anglin as an additional user to the Tax Assessor Accurint Account is attached hereto as Exhibit E, spread hereupon and incorporated herein by reference.)

9. **Approve Zoning Matter - Petition to Rezone C-1 Commercial to C-2 Commercial District.**
(A true and correct copy of the petition by Keri and Ellis Chatham to rezone certain property located at 333 Distribution Drive and being situated in Section 29, T8N, R2E, Madison County, Mississippi from C-1 Commercial to C-2 Commercial District with a Conditional Use to use the existing building as an auto body and collision repair shop, is attached hereto as Exhibit F, spread hereupon and incorporated herein by reference.)

10. **Approve Zoning Matter - Caphis Lindsey Application for Conditional Use - Cemetery in an A-1 Agricultural District.**
(A true and correct copy of the Petition of Caphis Lindsey seeking to operate a new cemetery on Body Road in Section 20, T11N, R3E, Madison County, Mississippi, may be found in the Miscellaneous Appendix to these Minutes, and said Petition was and is hereby accepted and the Conditional Use granted.)

12. **Approve Zoning Matter - Magnolia Business Solutions, LLC Application for Conditional Use - Bed and Breakfast in an A-1 Agricultural District.**
(A true and correct copy of the Petition of Magnolia Business Solutions, LLC seeking to operate a Bed and Breakfast at an existing residential facility located at 197 Robinson Road in Section 23, T9N, R3E, Madison County, Mississippi, may be found in the Miscellaneous Appendix to these Minutes, and said Petition was and is hereby accepted and the Conditional Use granted.)

The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
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 each item was and is hereby approved, adopted and authorized as described herein above.

SO ORDERED this the 26th day of September, 2011.

In re: Request Use of 1.5 Acre Lot in A1 Agricultural District

WHEREAS, Zoning Administrator Brad Sellers appeared before the Board and presented a request from Ms. Sandra Jackson seeking permission to purchase a 1.5 acre lot in an A-1 Agricultural District for an existing mobile home located on Millview Road, and

WHEREAS, Mr. Sellers reported to the Board that the county's zoning ordinance requires board approval for anything less than two (2) acres, and

WHEREAS, Ms. Jackson acknowledged that the minimum lot in an A-1 district is two (2) acres under the current Zoning Ordinance, but when the mobile home was place in 1995, the Zoning Ordiance specified one (1) acre tract minimum, and

WHEREAS, Mr. Jackson further stated that the current owner of the property was only willing to sell 1.5 acres,

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 4 of 14 (9/26/11)

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to grant Ms. Jackson's request to place her mobile home a 1.5 acre lot to said property. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
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 Mr. Jackson's request was and is hereby approved.

SO ORDERED this the 26th day of September, 2011.

In re: Request to Place Mobile Home in R-2 Residential District

WHEREAS, Zoning Administrator Brad Sellers appeared before the Board and presented a request from Ms. Edna Plummer requesting permission to place a mobile home on property she has recently purchase located at 1389 Highway 51 in an R-2 Residential District , and

WHEREAS, Ms. Plummer stated that the owner sold the property she had been living and she would like to remain in the area,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to authorize Ms. Plummer to place a mobile home on the subject property with a three (3) year limitation. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
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 Mr. Plummer's was and is hereby authorized to place a mobile home on her property with a three (3) year limitation.

SO ORDERED this the 26th day of September, 2011.

In re: Approval to Correct the Road Registry - Woodland Springs Subdivision, Part 1 and 2

WHEREAS, Interim County Administrator Brad Sellers appeared before the Board and requested the Board approve a correction to the County Road Registry regarding Woodland Springs Subdivision, Part 1 and 2, and

WHEREAS, Mr. Sellers reported that the roads on the plats are listed as public and not private as stated on the road registry,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize the Chancery Clerk to correct the County Road Registry to reflect the streets in Woodland Springs Subdivision, Part 1 and 2 are to be listed as public with no county maintenance. The vote on the matter being as follows:

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 5 of 14 (9/26/11)

Supervisor John Bell Crosby	Not Present and Not Voting
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 the road registry was and is hereby corrected to show the streets in the Woodland Springs Subdivision, Part 1 and 2 are to be listed as public with no county maintenance.

SO ORDERED this the 26th day of September, 2011.

In re: Approval to Purchase Lights for Constable Matt Shackelford

WHEREAS, Constable Matt Shackelford appeared before the Board and requested the Board allow him to purchase lights for his new vehicle and provide for installation of same at county expense, and

WHEREAS, the Board does desire to approve said request to purchase and install lights in Constable Shackelford's new vehicle,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to authorize Constable Shackelford to purchase said lights for his new vehicle and secure the installation thereof at county expense. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
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 Constable Shackelford was and is hereby so authorized.

SO ORDERED this the 26th day of September, 2011.

In re: Setting Date for Hearing on Appeal of Zoning Matter - Livingston Township Variance Petition

WHEREAS, Zoning Administrator Brad Sellers appeared before the Board and informed the Board that Ms. Nell Wade had filed an appeal pertaining to the approval by the Planning & Zoning Commission of the Petition for Variance filed by Livingston Township, and

WHEREAS, a true and correct copy of said notice from Ms. Wade may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, Mr. Sellers requested the Board set said appeal for hearing on November 7, 2011 at 9:00 a.m.

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to set said appeal for hearing on Monday, November 7, 2011 and authorize Mr. Sellers to publish notice of same. The vote on the matter being as follows:

President's Initials: _____
Date Signed: _____

Supervisor John Bell Crosby	Not Present and Not Voting
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 hearing was and is hereby set for November 7, 2011 and Mr. Sellers was and is hereby so authorized.

SO ORDERED this the 26th day of September, 2011.

In re: Request to Install Directional Sign

WHEREAS, County Engineer Rudy Warnock appeared before the Board and reported he had received a request from L3 Communications to install a directional sign directing citizens to L3 Communications and Levi office from Parkway East Boulevard, and

WHEREAS, Mr. Warnock reported that the cost of said sign would be approximately \$300-\$500 depending on type of sign,

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to authorize Mr. Warnock to confer with Road Manger Lawrence Morris to determine to type and size and to authorize and approve the installation of such sign at county expense. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
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 (3-1) of the Board and installation of said sign was and is hereby approved and Mr. Warnock was and is hereby authorized.

SO ORDERED this the 26th day of September, 2011.

In re: Acknowledgment of Archaeological Report - Calhoun Station Parkway, Phase 3 Project

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented an Archaeological Report submitted by James Lauro of Archaeology Mississippi, Inc. as to the excavation and re-interment of the rural Montgomery/Smith Cemetery which was deemed necessary for the Calhoun Station Parkway, Phase 3 Project, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to acknowledge receipt of said report. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
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 the unanimous vote of those present and said report was and is hereby acknowledged.

SO ORDERED this the 26th day of September, 2011.

***In re: Consideration of Design Variance -
Livingston Township***

WHEREAS, Mr. David Landrum appeared before the Board and requested the Board approve certain variances, including variances for street width and on-street parking width in connection with the Livingston Township Project, and

WHEREAS, a true and correct copy of a document entitled "Livingston Township Phase I Site Plan Submittal" which depicts the proposed variances may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, County Engineer Rudy Warnock voiced certain concerns regarding these requests, and at a minimum, recommended the Board retain authority to issue final approval of location of utilities in said development,

Following a lengthy discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to (1) direct that the county have final approval of laying of utilities located under hardscapes in said development; (2) approve and grant unto Mr. Landrum a variance allowing eleven (11) foot lane widths and eight (8) foot parking lane widths, together with the other variances approved by the Planning and Zoning Board; and (3) acknowledge receipt of the CD-ROM submitted by Ms. Nell Wade in opposition to the request for variances. The vote on the matter being as follows:

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

the matter carried the unanimous vote of those present and said request was and is hereby approved with the aforementioned provisos and said CD-ROM was and is hereby acknowledged.

SO ORDERED this the 26th day of September, 2011.

In re: Approval of Budget Amendments

WHEREAS, Mr. Wallace Collins, CPA appeared before the Board and requested the Board's consideration of certain amendments to the current year budget of the county as set forth in that certain document entitled "Madison County Budget Amendments September 26, 2011," a true and correct copy of which is attached hereto as Exhibit G, spread hereupon and incorporated herein by reference,

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

Supervisor John Bell Crosby	Not Present and Not Voting
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 8 of 14 (9/26/11)

the matter carried by the unanimous vote of those present and said budget amendments were and are hereby approved and adopted.

SO ORDERED this the 26th day of September, 2011.

In re: Approval of Claims Docket for September 26, 2011

WHEREAS, the Board reviewed the claims docket for September 26, 2011; and

WHEREAS, Mr. Wallace Collins 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	3993 to 4110,4112 to 4140,4145 to 4208	211	1,500,764.09
002	29 to 30	2	1,220.70
012	211 to 225	15	6,557.20
097	302 to 317	16	38,948.19
105	244 to 258	15	43,911.18
114	29 to 29	1	80,000.00
115	124 to 131	8	147,267.84
116	57 to 58	2	506.02
120	94 to 99	6	5,980.63
121	42 to 42	1	250.89
150	835 to 870	36	149,193.41
160	273 to 301	29	83,420.72
170	8 to 8	1	54,882.63
180	6 to 6	1	109.70
190	164 to 169	6	2,596.08
191	1 to 1	1	1,997.02
210	4 to 4	1	548.13
302	182 to 185	4	119,231.74
304	29 to 29	1	241.00
401	35 to 36	2	17,357.48
402	9 to 10	2	6,210.00
TOTAL ALL FUNDS		361	2,261,194.65

HELD CLAIMS

Fund	Claim No.	Payee	Amount
001	4203	Bradley Arant Boult & Cummings	\$ 43,484.20
302	184	Warnock & Associates	\$ 11,180.00
302	184	Warnock & Associates	\$ 10,520.00
302	184	Warnock & Associates	\$ 11,770.00

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 H spread hereupon, and incorporated herein by reference. The vote on the matter being as follows:

President's Initials: _____
Date Signed: _____

Supervisor John Bell Crosby	Not Present and Not Voting
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 Claims Docket was and is hereby approved, and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 26th day of September, 2011.

Thereafter, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to pay each of the above-noted held claims of Bradley Arant Boult & Cummings and Warnock & Associates. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
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 (3-1) 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 26th day of September, 2011.

In re: Adoption of Final, Amended Budget for Fiscal Year Ending September 30, 2011

WHEREAS, Mr. Wallace Collins, CPA appeared before the Board and recommended the Board amend the 2011 budget to the final actual receipts and final actual expenditures for the fiscal year ended September 30, 2011,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to (1) amend the 2011 budget to the final actual receipts, including beginning cash as budgeted, after posting of all transactions for the fiscal year ending September 30, 2011, and (2) amend the 2011 budget to the final actual expenditures as shown on the General Ledger Budgeted Expenditures Report (summarized by Objective Account Code), after payment of all approved claims, payrolls for the fiscal year ending September 30, 2011, the with final amended budget document to be presented and spread upon the Minutes of this Board during the October 2011 term. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
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 2011 budget was and is hereby so amended.

SO ORDERED this the 26th day of September, 2011.

President's Initials: _____
Date Signed: _____

In re: Discussion of Inclusion of Certain Roads in the 2011 County Road Plan

WHEREAS, County Engineer Rudy Warnock appeared before the Board and requested the following roads be added to the County Road Plan for 2011:

- (1) Stribling Road - approximate cost being \$175,000;
- (2) Cherry Rose Lane - approximate cost being \$24,000;
- (3) Cherry Rose Trail - approximate cost being \$18,000; and
- (4) New Castle Subdivision - five (5) cul de sac roads

WHEREAS, Mr. Warnock reported that the aforementioned road projects would be for resurfacing beginning October 1, 2011 and would be funded from the 2011-2012 budget, and

WHEREAS, the Board determined and proclaimed that the expenditure of funds associated with the inclusion of these roads on said road plan was essential to the efficiency and economy of the operation of the county government,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to include said roads in the County's 2011 Road Plan for resurfacing beginning October 1, 2011 and to fund said projects from the 2011-2012 budget and proclaim by unanimous vote of those present that the expenditure of funds for resurfacing said roads is essential to the efficiency and economy of the operation of the county government, and authorize and direct the County Engineer and the County Purchase Clerk accordingly. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
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 the Board and said roads were and are hereby included in the 2011 County Road Plan and Mr. Warnock was and is hereby directed.

SO ORDERED this the 26th day of September, 2011.

In re: Approval of Payment of Invoice - Public Safety Academics & Consulting

WHEREAS, Sheriff Toby Trowbridge appeared before the Board and requested the Board authorize payment of that certain invoice in the amount of \$295.00 to Public Safety Academics & Consulting for training associated with radio negotiating classes, and

Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize payment in the amount of \$295.00 to Public Safety Academics & Consulting for training associated with radio negotiating classes. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
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 the Chancery Clerk was and is hereby authorized to issue a pay warrant accordingly.

SO ORDERED this the 26th day of September, 2011.

President's Initials: _____
Date Signed: _____

For Searching Reference Only: Page 11 of 14 (9/26/11)

In re: Acknowledge Receipt of Funds and Authorize Board President Execute Invoices

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

<u>Entity</u>	<u>Amount</u>
City of Ridgeland	\$ 1,642.17
City of Madison	\$ 1,509.22
City of Canton	\$ 3,895.12

WHEREAS, Sheriff Trowbridge also requested the Board authorize the Board President to execute an invoice in the amount of \$11,684.67 unto MDOC for housing of state prisoners,

Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to (1) acknowledge receipt of said checks and (2) authorize the Board President to execute said invoice. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
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 checks were and are hereby acknowledged and the Board President was and is hereby so authorized.

SO ORDERED this the 26th day of September, 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 right of way acquisition,

Following discussion and pursuant to the terms of Miss. Code Ann. § 25-41-7, as amended, Mr. Karl M. Banks did offer and Mr. Paul Griffin 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, 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, Board Secretary and Deputy Chancery Clerk Cynthia Parker, Board Attorney Eric Hamer, Interim County Administrator Brad Sellers, County Engineer Rudy Warnock, and Mr. Jim Turner. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
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 the Board took up the matter of entering into Executive Session.

SO ORDERED this the 26th day of September, 2011.

President's Initials: _____
Date Signed: _____

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. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to enter into Executive Session to discuss potential litigation and right of way acquisition. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
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 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 26th day of September, 2011.

During Executive Session, and at the recommendation of Mr. Jim Turner, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to establish just compensation for the purchase of (1) a certain tract of land so as to include additional right of way to be received from Gluckstadt Road Properties in the total amount of \$55,730; and (2) a certain tract of land for right of way inclusive of the value of a certain sign from Terra Holdings in the amount of \$39,200, this sum representing an increase of \$3,691, the acquisition of both tracts being necessary for the construction of drainage easement along Gluckstadt Road. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
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 just compensation was and is hereby set and the Chancery Clerk was and is hereby authorized to issue pay warrants accordingly.

SO ORDERED this the 26th day of September, 2011.

Thereafter, Mr. Karl M. Banks did offer and Mr. D. I. Smith 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:

Supervisor John Bell Crosby	Not Present and Not Voting
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 the President declared Executive Session adjourned, and the Chancery Clerk did announce the action taken therein.

SO ORDERED this the 26th day of September, 2011.

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 13 of 14 (9/26/11)

***In re: Approval of the Democratic Party to
Use the Supervisor's Board Room***

Mr. Paul Griffin did offer and Mr. Tim Johnson did second a motion to authorize the Democratic Party use of the Supervisor's Board Room on Saturday, October 1, 2011 at 10:00 a.m. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
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 the Democratic Party was and is hereby authorized.

SO ORDERED this the 26th day of September, 2011.

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 Paul Griffin and approved by the unanimous vote of those present, the August, 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

President's Initials: _____
Date Signed: _____

For Searching Reference Only: Page 14 of 14 (09/26/11)