

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

REGULAR MEETING OF OCTOBER 24, 2011
Recessed from regular meeting conducted on October 17, 2011

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on October 24, 2011, in the Board Room on the first floor of the Madison County Office Complex, 125 West North Street, Canton, Mississippi, as follows, to-wit:

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

Present:

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

Absent:

Also in attendance:

Interim County Administrator and Zoning Administrator Brad Sellers
Board Secretary and Deputy Chancery Clerk Cynthia Parker
Board Attorney Eric Hamer
County Road Manager Lawrence Morris
Mr. Jimmy Vickers on behalf of County Engineer Rudy Warnock
Emergency Management and E911 Director Butch Hammack
County 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 D. I. Smith led the members and the audience in the Pledge of Allegiance to the Flag of the United States of America.

***In re: Approval of Letter of Support for
South Madison County Transportation Commission's
TIGER III Discretionary Grant***

WHEREAS, the Honorable Gene McGee, Mayor of the City of Ridgeland, appeared before the Board and requested the Board approve a Letter of Support for South Madison County Transportation Commission's TIGER III Discretionary Grant, and

WHEREAS, Mayor McGee reported the funds would be used to provide two roadways and multi-use trails that will create a true east/west corridor through the cities of Madison and Ridgeland connecting Highway 51 to Interstate 44,

Following discussion, Mr. John Bell Crosby did offer and Mr. D. I. Smith did second a motion to approve a letter of support endorsing the South Madison County Transportation Commission's TIGER III Discretionary Grant and authorize the Board President to execute same. The vote on the matter being as follows:

President's Initials: _____

Date Signed: _____

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

the matter carried by the unanimous vote of those present and said Letter of Support was and is hereby approved and the Board President was and is hereby authorized to execute the same.

SO ORDERED this the 24th day of October, 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 (12) on the Agenda and that the same appeared to be routine, non-controversial matters on which all Supervisors were likely to agree, and

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

WHEREAS, Board President Tim Johnson requested that items (1) and (12) be removed from the Consent Agenda and as it was previously addressed by the Board as set forth above,

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

2. **Approve Postage Request for Tax Collector’s Office.**
(A true and correct copy of that certain memorandum dated October 18, 2011 from Tax Collector Kay Pace requesting a check in the amount of \$20,000.00 for postage, is attached hereto as Exhibit A, spread hereupon and incorporated herein by reference.)
3. **Acknowledge Legal Holiday - Friday, November 11, 2011, as Armistice Day (Veterans’ Day) Holiday. All county offices and courthouses are authorized to close on said date.**
4. **Declare Certain Inventory Items as Surplus and Delete from Inventory.**
(A true and correct copy of that certain memorandum dated October 19, 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.)
5. **Approve and Ratify Purchase of Twenty (20) New Ford Crown Victorias.**
(A true and correct copy of that explanatory memorandum dated October 20, 2011 from Purchase Clerk Hardy Crunk is attached hereto as Exhibit C, spread hereupon and incorporated herein by reference.)
6. **Acknowledge New Hire at Chancery Clerk’s Office.**
(A true and correct copy of that certain memorandum dated October 19, 2011 from Chancery Clerk Arthur Johnston announcing the hiring of Donnie Caughman as a part-time Deputy Chancery Clerk and Tax Ombudsman effective November 15, 2011 may be found in the Miscellaneous Appendix to these Minutes.)
7. **Acknowledge Petition to Install Speed Humps - Channel Lane and Channel Circle.**
(A true and correct copy of said Petition may be found in the Miscellaneous Appendix to these Minutes.)

President’s Initials: _____
Date Signed: _____

8. **Approve Payment to the Madison County Tax Collector for preparation of Title Applications in the amount of \$15.00.**
9. **Acknowledge Administrative Services Contract - Blue Cross & Blue Shield.**
(A true and correct copy of said Contract is attached hereto as Exhibit D, spread hereupon and incorporated herein by reference.)
10. **Approve Monthly Credit Card Report September 10, 2011 - October 10, 2011 - General County.**
(A true and correct copy of that certain memorandum dated October 21, 2011 from County Purchase Clerk Hardy Crunk is attached hereto as Exhibit E, spread hereupon and incorporated herein by reference.)
11. **Approve Monthly Credit Card Report August 9, 2011 - September 9, 2011 - Sheriff'S Department.**
(A true and correct copy of that certain memorandum dated October 21, 2011 from County Purchase Clerk Hardy Crunk 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	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 each item was and is hereby approved, adopted and authorized as described herein above.

SO ORDERED this the 24th day of October, 2011.

In re: Authorization of Payment to Bear Creek Water Association - Calhoun Station Parkway

WHEREAS, Mr. Jimmy Vickers on behalf of County Engineer Rudy Warnock appeared before the Board and presented a cost estimate from Bear Creek Water Association for the relocation of utilities at the intersection of Church Road and Gluckstadt Road for the Calhoun Station Parkway Project, and

WHEREAS, Mr. Vickers reported to the Board that said cost estimate to move water and sewer lines was in the amount of \$66,284.00 and requested the Board approve payment of same to allow the contractor to continue with construction of said project, and

WHEREAS, a true and correct copy of that certain explanatory memorandum dated October 20, 2011 from Bear Creek Water Association and its attachments are attached hereto as Collective 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 the cost estimate received from Bear Creek Water Association in the amount of \$66,284.00 for the relocation of utilities at the intersection of Church Road and Gluckstadt Road for the Calhoun Station Parkway Project and authorize the Chancery Clerk to issue pay warrant up to said amount accordingly. The vote on the matter being as follows:

President's Initials: _____

Date Signed: _____

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

the matter carried by the unanimous vote of those present and said cost estimate was and is hereby approved and the Chancery Clerk was and is hereby authorized to issue a pay warrant accordingly.

SO ORDERED this the 24th day of October, 2011.

In re: Approval of Final Invoice for Yandell Road Reconstruction

WHEREAS, Mr. Jimmy Vickers on behalf of County Engineer Rudy Warnock appeared before the Board and presented the final invoice for design engineering services from Warnock & Associates for the design of Yandell Road Reconstruction Project in the amount of \$231,407.00, based on the final cost estimate and plans and specifications previously submitted to the Board, and

WHEREAS, Mr. Vickers requested the Board's approval and payment thereof, and

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

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to approve said invoice and authorize and direct the Chancery Clerk to issue a pay warrant unto Warnock & Associates in the amount of \$231,407.00 as the final invoice for design engineering services associated with the Yandell Road Reconstruction Project. 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 the Chancery Clerk was and is hereby authorized to issue a pay warrant accordingly.

SO ORDERED this the 24th day of October, 2011.

In re: Acknowledge Plans, Contract Documents, Specifications and Cost Estimate - Stribling Road Extension, Phase 2

WHEREAS, Mr. Chad Plumb on behalf of County Engineer Rudy Warnock appeared before the Board and presented the plans, contract documents, specifications, and cost estimate pertaining to the Stribling Road Extension, Phase 2 Project, and

WHEREAS, true and correct copies of said documents may be found in the Miscellaneous Appendix to these Minutes or are otherwise on file in the Chancery Clerk's office,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to acknowledge receipt of the plans, contract documents, specifications, and cost estimate related to the Stribling Road Extension, Phase 2 Project. 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	No
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by a majority vote (4-1) of the Board and said plans, contract specifications, and cost estimate related to the Stribling Road Extension, Phase 2 Project.

SO ORDERED this the 24th day of October, 2011.

In re: Discussion of Parkway East Public Improvement District Matters and Authorize Payment of Debt Service Shortfall

WHEREAS, Board Attorney Eric Hamer appeared before the Board and reported that the Parkway East Public Improvement District has advised the county through correspondence addressed to the Chancery Clerk that it has failed to collect special assessments sufficient to make its debt service payment due November 1, 2011 and that, consequently, the county has been called upon to make up the shortfall under and pursuant to that certain Contribution Agreement between the PID and the county previously approved by the Madison County Board of Supervisors on February 18, 2005 found at Minute Book 2005, Page 278; and

WHEREAS, Mr. Hamer further reported that based on the advice of the county's special bond counsel, Butler Snow, O'Mara Stevens and Cannada, PLLC, as detailed below, the Board should consider making the requested shortfall payment of \$374,021.00

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to:

(1) approve the payment of the sum of \$374,021.00 to the Parkway East Public Improvement District or to the bond trustee, Hancock Bank or its designee, under and pursuant to paragraph 3 of that certain Contribution Agreement previously approved by the Madison County Board of Supervisors on February 18, 2005 found at Minute Book 2005, Page 278;

(2) direct that such payment be made from the county general fund by wire transfer if necessary;

(3) direct that the Chancery Clerk make application under and pursuant to Miss Code Ann. §§ 29-1-37 and 29-1-29 to the Secretary of State of the State of Mississippi for a tax patent in and to that property described as tax parcel # 082H-28-001/01.00 on the 2008 Madison County Land Roll, comprising 219 acres more or less; and

(4) request that the Parkway East Public Improvement District withdraw its application for a tax patent thereon and support the county's application; and

(5) to further find, determine and declare that the payment contemplated and authorized herein is being made pursuant to the aforesaid Contribution Agreement in full reliance on the advice of special counsel, Butler Snow, O'Mara Stevens and Cannada, PLLC, as that advice was submitted via correspondence dated October 14, 2011, addressed to Board Attorney Eric Hamer, and its opinion of July 27, 2005, a true and correct copy of both of which may be found in the Miscellaneous Appendix to these Minutes under seal and are so incorporated herein by reference.

President's Initials: _____

Date Signed: _____

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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 payment in the amount of \$374,021.00 to the Parkway East Public Improvement District was and is hereby approved; said payment from the county general fund was and is hereby approved; the Chancery Clerk was and is hereby authorized; and Parkway East Public Improvement District was and is hereby so requested.

SO ORDERED this the 24th day of October, 2011.

***In re: Authorization of Purchase Clerk to Issue
Purchase Orders for Asphalt***

WHEREAS, Purchase Clerk Hardy Crunk appeared before the Board and reported that the Road Department was in need of three hundred tons of surface asphalt to make necessary repairs to Twin Lakes Road and Stump Bridge Road as well as installation of speed humps on Channel Lane and Channel Circle, and

WHEREAS, the Board determined and proclaimed that the expenditure of funds associated with necessary repairs of these roads and installation of those certain speed humps on the aforementioned roads was essential to the efficiency and economy of the operation of the county government,

Following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to authorize the Purchase Clerk to issue a purchase order for the purchase of three hundred tons of surface asphalt from 150-300-632 and proclaim by unanimous vote of those present that the expenditure of funds for resurfacing said roads and installation of those certain speed humps is essential to the efficiency and economy of the operation of the county government, and authorize and direct the County Purchase Clerk accordingly. The vote on the matter being as follows:

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

the matter carried unanimously and the Purchase Clerk was and is hereby so authorized.

SO ORDERED this the 24th day of October, 2011.

***In re: Acknowledgment of Right of Way Acquisition and
Authorization of Payment to Acquisition Agent***

WHEREAS, Mr. Jim Turner of JLT Realty, Inc. appeared before the Board and presented a warranty deed from Gluckstadt Road Properties, LLC for the purchase of a certain parcel of land containing 0.09 acres, more or less, in Section 29, T8N, R2E in association with the Calhoun Station Parkway, Phase 2 Project, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, Mr. Turner further presented two (2) invoices for services rendered in association with the acquisition of right of way for the Calhoun Station Parkway, Phase 2 Project,

President's Initials: _____

Date Signed: _____

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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. John Bell Crosby did second a motion to (1) acknowledge and accept receipt of right of way from Gluckstadt Road Property, LLC and (2) authorize the Chancery Clerk to issue pay warrants to Mr. Turner accordingly. The vote on the matter being as follows:

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

the matter carried unanimously and said right of way was and is hereby acknowledged and the Chancery Clerk was and is hereby authorized to issue pay warrants accordingly.

SO ORDERED this the 24th day of October, 2011.

In re: Approval of Road Claims

WHEREAS, Emergency Management and E911 Director Butch Hammack appeared before the Board and presented four road claims for damages sustained to vehicles owned by certain individuals while traveling along county roads, and recommended approval of same, and

WHEREAS, Mr. Hammack presented the following road claims:

- (1) Mr. Clint Cobbins in the amount of \$203.25
- (2) Mr. Andy Williams in the amount of \$176.55
- (3) Ms. Linda Sowell in the amount of \$195.81
- (4) Ebony James in the amount of \$203.30

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to approve the aforementioned claims for damages submitted and authorize the Chancery Clerk to issue pay warrants accordingly. The vote on the matter being as follows:

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

the matter carried unanimously and said claims were and are hereby approved and the Chancery Clerk was and is hereby authorized to issue pay warrants accordingly.

SO ORDERED this the 24th day of October, 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 Karl M. Banks and seconded by Supervisor John Bell Crosby and approved by the unanimous vote of those present, the October, 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: _____

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