

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

REGULAR MEETING OF DECEMBER 5, 2011  
Being the first day of the December 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 December 5, 2011, in the Board Room on the first floor of the Chancery/Administrative Building, 125 West North Street, Canton, Mississippi, as follows, to-wit:

The President of the Board, 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

Absent:

Also in attendance:

Interim County Administrator and Zoning Administrator Brad Sellers  
Board Attorney Eric Hamer  
Board Secretary and Deputy Chancery Clerk Cynthia Parker  
County Fire Coordinator Mack Pigg  
County Purchase Clerk Hardy Crunk  
Emergency Management and E911 Director Butch Hammack  
Mr. Jimmy Vickers on behalf of County Engineer Rudy Warnock  
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. Supervisor John Bell Crosby opened the meeting with a prayer and Supervisor Paul Griffin 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 November 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 November 2011 term, said meetings having been conducted on November 7 and November 21, 2011,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks 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:

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: \_\_\_\_\_

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the matter carried unanimously and the Minutes for the November 2011 term of the Board of Supervisors of Madison County were and are hereby approved as amended.

SO ORDERED this the 5<sup>th</sup> day of December, 2011.

***In re: Public Hearing Regarding Capital Improvements (CAP)  
Loan for Construction of a Fire Station for the Valley View  
Fire Protection District***

WHEREAS, pursuant to Miss Code Ann. § 65-7-121, the Board of Supervisors previously advertised a notice for a public hearing for the purpose of authorizing and approving a capital improvements (CAP) loan through the Mississippi Development Authority in order to carry out and complete the construction of a fire station for the Valley View Fire Protection District, and

WHEREAS, a true and correct copy of the proof of publication of said notice is attached hereto as Exhibit A, spread hereupon and incorporated herein by reference, and

WHEREAS, the date and hour for said public hearing did arrive and the Board of Supervisors declared the public hearing open for comment and testimony concerning the intent to enter into a loan agreement with the Mississippi Development Authority for the purposes of completing the aforesaid capital improvements, and

WHEREAS, no one appeared and objected to the resolution declaring the county's intent to enter into a loan agreement with Mississippi Development Authority in the principal amount not to exceed seven hundred seventy-five thousand dollars (\$775,000) for the purpose of completing the capital improvements identified above,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to close the public hearing and approve said loan agreement with the Mississippi Development Authority for the purposes of completing capital improvements as set forth above. The vote on the matter being as follows:

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

the matter carried unanimously and the public hearing was and is hereby closed and said loan agreement was and is hereby approved.

SO ORDERED this the 5<sup>th</sup> day of December, 2011.

***In re: Petition by Livingston Township for a Special Exception  
Allowing Variance in Lot Setbacks and Parking Requirements***

WHEREAS, Livingston Township, LLC filed a Petition for a Variance seeking to reduce certain building and lot setbacks, parking requirements, and

WHEREAS, in particular, petitioner requested that (1) it be allowed to utilize a 12 foot front setback, a 5 foot side set back and a 5 foot rear set back, provided that 12 foot side set backs would be applicable on lots adjoining public street as more particularly described on page 8 of that certain 26-page oversized document captioned "Livingston Township Phase I Site Plan Submittal, August 1, 2011, Revised, August 18, 2011, Madison County, Mississippi,"

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**Date Signed:** \_\_\_\_\_

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(hereinafter, "August 2011 Site Plan"), and (2) it be allowed to utilize a shared parking strategy and related changes to the County's Zoning Ordinance related thereto as more particularly described on page 14 of the aforesaid August 2011 Site Plan, and

WHEREAS, a true and correct copy of said August 2011 Site Plan may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, during a special meeting of October 18, 2011, the Madison County Planning and Zoning Commission approved said petition, and

WHEREAS, thereafter, Ms. Nell Wade and others filed a notice of appeal of said decision to this Board, and

WHEREAS, after two duly approved continuances, the Board of Supervisors determined that December 5, 2011 at 9:00 am would be an appropriate date and time to conduct a public hearing on the action of said Commission regarding said Petition, and the appeal thereof filed by Ms. Wade, and

WHEREAS, notice by publication was accomplished in the *Madison County Herald*, a newspaper of general circulation in Madison County in accordance with statute, and

WHEREAS, the hour of 9:00 a.m. did arise and the Board President declared said public hearing to be open as previously set, and

WHEREAS, Mr. Kevin Clark appeared before the Board of Supervisors on behalf of the petitioner in support of the request for a variance and described the necessity therefor, and

WHEREAS, in particular, Mr. Clark demonstrated to the Board that said variances supported the overall concept of the August 2011 Site Plan and were necessary in order to conform to certain national standards and to insure that the development was in keeping with its historical layout and theme, and

WHEREAS, Ms. Nell Wade appeared before the Board in opposition to the request and expressed her concern that Livingston Township, LLC was proceeding in a piecemeal fashion, arguing that there was no official Planned Urban Development plan in place yet and that the matter was thus premature, and

WHEREAS, Ms. Wade also expressed her objection to the development itself, reporting that, *inter alia*, (1) the parking, with the requested variance, would be insufficient in the event the development grows and expands, (2) the loading zones will block a public road and prevent access by emergency vehicles, (3) in almost every case, the petitioner has requested the minimal alternatives and had manipulated the numbers to justify the lower parking requirements, and (4) certain other historic preservation issues related to the development have not been addressed, and

WHEREAS, Ms. Wade presented documents to the Board in support of her assertions, true and correct copies of which may be found on that certain CD-ROM contained in the Miscellaneous Appendix to these Minutes, and

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to close the public hearing and admit the documents presented by Ms. Wade into the record. 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

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

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Supervisor Paul Griffin

Aye

the matter carried unanimously and the public hearing was and is hereby closed and the documents were and are admitted.

SO ORDERED this the 5<sup>th</sup> day of December, 2011.

Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to approve the petition for variance as requested herein above and as previously approved by the Planning and Zoning Commission. The vote on the matter being as follows:

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

the matter carried unanimously and the petition was and is hereby approved subject to the conditions attached by the Planning and Zoning Commission.

SO ORDERED this the 5<sup>th</sup> day of December, 2011.

***In re: Approval of Consent Agenda Items***

WHEREAS, President Johnson did announce that he and County Administrator Brad Sellers had conferred in advance of the meeting and did recommend that Items (4) through (13) 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

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

- 4. Acknowledge November 2011 Monthly Report - Road Department.**  
(A true and correct copy of the November 2011 Monthly Road Department Report submitted by County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
- 5. Acknowledge November 2011 Closed Call Analysis - Road Department.**  
(A true and correct copy of the November 2011 Closed Call Analysis submitted by the County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
- 6. Acknowledge December 2011 Service Call Schedule Report - Road Department.**  
(A true and correct copy of the December 2011 Road Department Service Call Schedule submitted by County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
- 7. Approve Location and Installation 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 B, spread hereupon and incorporated herein by reference.)

President's Initials: \_\_\_\_\_

Date Signed: \_\_\_\_\_

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8. **Declare 2010 Tax Sale of Parcel No. 051E-16B-079/01.00 Void.**  
(A true and correct copy of that certain Resolution of the Madison County Board of Education voiding the 16<sup>th</sup> Section Lease of Joe Lillian Amos recorded in Book 2621 at Page 403 of the Madison County Chancery Clerk's Office setting forth facts reflecting that lessee has failed to pay ad valorem taxes in time to prevent default on parcel no. 051E-16B-079/01.00 may be found in the Miscellaneous Appendix to these Minutes.)
9. **Approve *En Masse* Petition for Decreases of Assessments of Real Property for the 2011 Tax Year.**  
(A true and correct copy of said Petition and its spreadsheet attachment is attached hereto as Collective Exhibit C, spread hereupon and incorporated herein by reference.)
10. **Approve Petitions for Increases of Assessments of Real Property for the 2011 Tax Year.**  
(A true and correct copy of said Petitions and its spreadsheet attachment are attached hereto as Collective Exhibit D, spread hereupon and incorporated herein by reference. A public hearing on said increases is set for December 19, 2011.)
11. **Approve Amended Homestead Applications - 2011 Tax Year.**  
(A true and correct copy of certain memorandum dated November 22, 2011 from Homestead Director Emily Anderson is attached hereto as Exhibit E, spread hereupon and incorporated herein by reference.)
12. **Approve *En Masse* Petition for Decreases of Assessments of Personal Property for the 2011 Tax Year.**  
(A true and correct copy of said Petition and its spreadsheet attachment is attached hereto as Collective Exhibit F, spread hereupon and incorporated herein by reference.)
13. **Acknowledge Manufactured Homes Insolvency List 2011 and Personal Property Insolvencies List 2011.**  
(That certain memorandum dated November 14, 2011 from Tax Collector Kay Pace listing manufactured housing and personal property tax insolvencies for tax year 2011 was and is hereby accepted, and a true and correct copy thereof is attached hereto as Exhibit G, spread hereupon and incorporated herein by reference.)

The vote on the matter being as follows:

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

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

SO ORDERED this the 5<sup>th</sup> day of December, 2011.

***In re: Adoption of Proclamation for 2012 Health and Wellness***

WHEREAS, Ms. Jan Collins, Executive Director of the Madison County Business League appeared before the Board and presented a certain Proclamation requesting the Board support the Madison Business League and Madison County Economic Development Authority recognizing 2012 as the year of health and wellness in the county, a true and correct copy of which is attached hereto as Exhibit H, spread hereupon and incorporated herein by reference, and

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**Date Signed:** \_\_\_\_\_

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WHEREAS, Ms. Collins also presented a “Health & Wellness” logo that the Madison Business League and Madison County Economic Development Authority had adopted and requested the Board adopt same, a true and correct of which may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, Ms. Rochelle Culp appeared before the Board and presented that certain Resolution entitled “Resolution to Eliminate Exposure to Secondhand Smoke in Worksites and Public Indoor Places,” and requested the Board adopt same, a true and correct copy of which is attached hereto as Exhibit I, spread hereupon and incorporated herein by reference, and

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to (1) adopt the Proclamation recognizing 2012 as the year of health and wellness in Madison County; (2) adopt the “Health & Wellness” logo; (3) adopt the Resolution to Eliminate Exposure to Secondhand Smoke in Worksites and Public Indoor Places in Madison County; and (4) authorize the Board President to execute each. 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 Proclamation was and is hereby adopted; the “Health & Wellness” logo was and is hereby adopted; the Resolution was and is hereby adopted; and the Board President was and is hereby authorized.

SO ORDERED this the 5<sup>th</sup> day of December, 2011.

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

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 to Rezone Planned Unit Development District with R-1B and C-2 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 January 17, 2012 at 9:00 a.m.

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to set said appeal for hearing on Tuesday, January 17, 2012 and authorize Mr. Sellers to publish notice of 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 by the unanimous vote of those present and said hearing was and is hereby set for January 17, 2012 and Mr. Sellers was and is hereby so authorized.

SO ORDERED this the 5<sup>th</sup> day of December, 2011.

**President’s Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

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**In re: Approval of Final Plat of Subdivision of Lot 9 of The Sanctuary at Cameron Plantation**

WHEREAS, County Administrator Brad Sellers on behalf County Engineer Rudy Warnock appeared before the Board and presented the mylar sheets for the final plat of Subdivision of Lot 9 of The Sanctuary at Cameron Plantation and recommended the Board's approval of same contingent on the signatures of the owner Larry Johnson and County Engineer Rudy Warnock, and

WHEREAS, Mr. Sellers reported that the Board had previously approved said final plat on November 21, 2011 without the mylar sheets, and

WHEREAS, Mr. Sellers reminded the Board that the developer desires to sub-divide Lot 9 of The Sanctuary at Cameron Plantation into two (2) lots being "Lot 9-A and Lot 9-B of The Sanctuary at Cameron Plantation," as said lot consist of 10.29 acres,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to approve mylar sheets for the subdividing of Lot 9 of The Sanctuary at Cameron Plantation into two (2) lots being "Lot 9-A and Lot 9-B of The Sanctuary at Cameron Plantation" contingent on the owner Larry Johnson and County Engineer Rudy Warnock executing 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 by the unanimous vote of those present and said mylar sheets for said lot was and is hereby approved contingent on the aforementioned proviso.

SO ORDERED this the 5<sup>th</sup> day of December, 2011.

**In re: Discussion of Natchez Trace Parkway Plan to Construct a Bridge Over Countyline Road**

WHEREAS, Mr. Jimmy Vickers on behalf of County Engineer Rudy Warnock appeared before the Board and presented a preliminary drawing from the Department of the Interior, National Park Service for the construction of a bridge over Countyline Road for the use of a multi-use trail (designated as Project NATR 3P19), and

WHEREAS, Mr. Vickers reported that the multi-use trail would run along the Natchez Trace Parkway with a bridge crossing Countyline Road and requested the Board approve same, a true and correct copy of which is attached hereto as Exhibit J, spread hereupon and incorporated herein by reference, and

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to approve the aforesaid preliminary drawing. 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

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**Date Signed:** \_\_\_\_\_

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the matter carried by a majority vote (4-1) and said preliminary drawing was and is hereby approved.

SO ORDERED this the 5<sup>th</sup> day of December, 2011.

***In re: Order Correcting, Nunc Pro Tunc,  
the Minutes of August 22, 2011***

**ORDER**

WHEREAS, the Board has reviewed its Minutes from the August, 2011 term, in particular, the Minutes of the August 22, 2011 meeting and determined that, although correct in all other details, the matter appearing on page 51 of 64 thereof contains an error in that it recites that the Board authorized County Engineer Rudy Warnock to redesign a section of road for Calhoun Station Parkway, Phase 2 for a tie-in with Gluckstadt Road due to acquisition of certain right of way by MDOT in conjunction with his General Services Contract but did not contain the related authorization of the contractor, Utility Constructors to be allowed to perform the necessary construction work to carry out such redesign, and

WHEREAS, it was, without question, the Board's intention that the contractor, Utility Constructors, be authorized and directed to perform the necessary construction work needed due to the redesign of a section of road for Calhoun Station Parkway, Phase 2 for a tie-in with Gluckstadt Road under the supervision of the County Engineer, and that a Construction Change Order be submitted and approved relative thereto,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to correct, *nunc pro tunc*, the Minutes of the August 22, 2011 meeting of the Board so as to reflect that the contractor, Utility Constructors, was authorized and directed to perform the necessary construction work associated with the redesign of a section of road for Calhoun Station Parkway, Phase 2 for a tie-in with Gluckstadt Road under the supervision of the County Engineer and to reflect that said firm submit a Construction Change Order relative thereto. The vote on the matter being as follows:

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

the matter carried unanimously and the Minutes of August 22, 2011 were and are hereby so corrected.

SO ORDERED this the 5<sup>th</sup> day of December, 2011.

***In re: Approval of Change Order No. 4 -  
Calhoun Station Parkway, Phase II Project***

WHEREAS, Mr. Jimmy Vickers on behalf of County Engineer Rudy Warnock appeared before the Board and requested the Board approve that certain change order no. 4 dated November 28, 2011 submitted by Utility Constructors, Inc. associated with the Calhoun Station Parkway, Phase II Project, and

WHEREAS, Mr. Vickers reported that said change order reflected a change in the contract by the sum of \$204,751.53, as detailed on that certain document submitted by Utility

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Constructors, Inc., a true and correct copy of which is attached hereto as Exhibit K, 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 Utility Constructors, Inc. for the Calhoun Station Parkway, Phase II Project at a reduction of \$204,751.53 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 change order was and is hereby approved and the Board President was and is hereby so authorized.

SO ORDERED this the 5<sup>th</sup> day of December, 2011.

***In re: Approval of Claims Docket for December 5, 2011***

WHEREAS, the Board reviewed the claims docket for December 5, 2011; and

WHEREAS, Mr. Wallace Collins, CPA, 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	853 to 978	126	430,043.37
002	27 to 34	8	2,105.15
012	38 to 45	8	14,259.99
095	3 to 4	2	14,659.89
096	7 to 12	6	3,318.02
097	48 to 60	13	22,742.80
105	39 to 50	12	44,579.08
113	4 to 4	1	74.75
114	3 to 4	2	7,205.71
115	18 to 22	5	1,136.10
116	10 to 11	2	541.71
120	17 to 19	3	643.55
121	6 to 7	2	113.46
150	163 to 206	44	97,801.51
160	21 to 24	4	5,026.94
190	14 to 22	9	5,940.92
191	23 to 29	7	8,233.26
302	22 to 24	3	220,555.43
304	1 to 1	1	44.70
306	1 to 1	1	898.75
690	3 to 4	2	13,700.75
691	3 to 4	2	13,700.24
TOTAL ALL FUNDS		263	907,326.08

WHEREAS, the following claims were held for separate vote of the Board:

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

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**HELD CLAIMS**

<u>Fund</u>	<u>Claim No.</u>	<u>Payee</u>	<u>Amount</u>
001	888	Bradley Arant Boulton Cummings	\$ 31,013.99

Thereafter and following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve the claims docket as presented, less and except the above noted held claim. 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 L, spread hereupon, and incorporated herein by reference. The vote on the matter being as follows:

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

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

SO ORDERED this the 5<sup>th</sup> day of December, 2011.

Thereafter, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to pay the held claim of Bradley Arant Boulton Cummings in the amount of \$31,013.99 as reflected herein above. The vote on the matter being as follows:

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

the matter carried by majority vote (4-1) of the Board and said Held Claim was and is hereby approved, and the Chancery Clerk was and is instructed to issue a pay warrant accordingly.

SO ORDERED this the 5<sup>th</sup> day of December, 2011.

***In re: Payments in Lieu of Tax Obligation of Nissan North America, Inc. and Related Entities for 2011 and Additional Sums Owed for 2010***

**ORDER PROVIDING FOR THE PAYMENT AND DISTRIBUTION OF  
PAYMENT IN LIEU OF TAXES TO BE RECEIVED  
FROM NISSAN NORTH AMERICA, INC. AND FOR RELATED PURPOSES**

WHEREAS, on November 8, 2000 Madison County, together with the State of Mississippi, the City of Canton, Mississippi, and numerous other governmental bodies entered into a certain Memorandum of Understanding (“MOU”) with Nissan North America, Inc., commonly known as the “Delta I” MOU, a true and correct copy of which may be found in the Miscellaneous Appendix to the Minutes of this Board of January 31, 2005, and

WHEREAS, heretofore Madison County entered into an “Agreement to Make Payments in Lieu of Ad Valorem Taxes” (hereinafter, “PILOT Agreement”) dated April 23, 2003, said PILOT Agreement having been approved by the Madison County Board of Supervisors on

**President’s Initials:** \_\_\_\_\_  
**Date Signed:** \_\_\_\_\_

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March 21, 2003, a true and correct copy of which may be found in the Miscellaneous Appendix to the Minutes of this Board of January 31, 2005, and

WHEREAS, the Board finds it necessary, pursuant to Miss. Code Ann. § 27-31-104, to (1) establish the amount due from Nissan North America, Inc. in satisfaction of its PILOT obligation for 2011, and (2) provide for the payment, distribution, and apportionment of such sums as shall be remitted from Nissan North America, Inc. and related entities in satisfaction thereof,

WHEREFORE, PREMISES CONSIDERED, and pursuant to the provisions of Miss. Code Ann. § 27-31-104, and upon the advice of counsel, the Board of Supervisors of Madison County, Mississippi does find and order as follows:

1. That, based on statutory authority set forth in Miss. Code Ann. § 27-31-104, Nissan North America, Inc. has been granted a ten-year exemption from ad valorem taxation pursuant to Section 1.3(d)(i) of the "Delta I" MOU.
2. That, in exchange for said exemption, Nissan North America, Inc. is obligated to make annual payments in lieu of taxes to Madison County, and that such payments in lieu of taxes are fee payments, not ad valorem taxes or taxes of any other nature.
3. That the Madison County Board of Supervisors has the authority, pursuant to Miss. Code Ann. § 27-31-104, to determine the amount of the payment in lieu of taxes owed by Nissan North America, Inc. and to apportion said amount between Madison County and the Canton Public School District as directed in said code section and pursuant to the "Delta I" MOU and the PILOT Agreement.

I.  
PILOT PAYMENTS FOR 2011

4. That the Tax Assessor of Madison County has prepared and submitted to the Madison County Board of Supervisors a calculation of the amount owed by Nissan North America, Inc. as its payment in lieu of taxes for 2011, which calculation is attached hereto as Collective Exhibit A to this Order (Exhibit M to these Minutes), spread hereupon and incorporated herein by reference and which is summarized as follows, to-wit:

Payment due based upon Nissan North America, Inc.'s real property values .....	\$1,351,062.81
Payment due based upon Nissan North America, Inc.'s personal property values .....	<u>1,645,481.45</u>
<b>Nissan amount due = \$2,996,544.26 rounded to floor of .....</b>	<b><u>\$3,650,000.00</u></b>
Payment due based upon Calsonic's real property values .....	\$8,429.55
Payment due based upon GCM/Visteon's real property values .....	<u>22,657.03</u>
<b>Total amount due .....</b>	<b><u>\$3,681,086.58</u></b>

5. That the Board hereby adopts said calculation and, in accordance therewith, the amount to be paid by Nissan North America, Inc. pursuant to said code section and Section 3, paragraphs (a) and (b) of the PILOT Agreement is \$3,681,086.58 and shall be made payable to "Madison County, Mississippi."
6. That the Chancery Clerk shall prepare invoices reflecting the above amounts and submit the same unto Nissan North America, Inc. who shall promptly deliver the aforesaid sum to the Madison County Board of Supervisors, 146 West Center Street, P.O. Box 608, Canton, Mississippi 39046, Attention Mr. Arthur Johnston, Chancery Clerk and County Treasurer.

**President's Initials:** \_\_\_\_\_  
**Date Signed:** \_\_\_\_\_

7. That upon receipt of the balance due from Nissan, of the total PILOT payment of \$3,681,086.58 , **\$2,111,839.37** is to be apportioned unto the Canton Public School District and **\$1,569,247.21** is to be apportioned unto the General Fund of Madison County to be applied to the appropriate bond fund, all applicable tax levies other than School District levies notwithstanding.
8. That the apportionment set forth in paragraph 7 is computed as follows:

Canton Public School mills	=	47.94	(47.94 ÷ 83.57 = 57.37)
General County mills	=	<u>35.63</u>	(35.63 ÷ 83.57 = 42.63)
Total Tax Levy for Project	=	83.57	
Total due Canton Public	=	\$3,681,086.58 x .5737=	<b><u>\$2,111,839.37</u></b>
Total due General County	=	\$3,681,086.58 x .4263=	<b><u>\$1,569,247.21</u></b>
<b>Total due from Nissan =</b>			<b><u>\$3,681,086.58</u></b>

9. That certain real property described by parcel numbers 092G-35-001/04.00 and 092G-35-001/05.00 which are assessed separately to Calsonic and Lextron/Visteon were originally and remain included within the scope of the exemption granted unto Nissan North America, Inc. and are likewise subject to the PILOT Agreement.
10. That in exchange for said exemption, Nissan North America, Inc., on behalf of Calsonic and Lextron/Visteon, is obligated to make payments in lieu of tax as to said parcels in the following amounts respectively: \$8,429.55 as to the Calsonic parcel and \$22,657.03 as to the Lextron/Visteon parcel, which payments are included within the total payment due from Nissan North America, Inc. as set forth in paragraphs 4, 5, 7 and 8, above.
11. That, therefore, upon receipt of the entirety of said funds from Nissan North America, Inc. for 2011, the County Treasurer shall pay unto the Canton Public School District the sum of **\$2,111,839.37** and shall pay unto the General Fund of Madison County, to be directed to the appropriate bond fund, the sum of **\$1,569,247.21**.

## II.

### ADDITIONAL PILOT PAYMENT OWED FOR 2010

12. That, in addition, the Board finds that due to an error in the application of the floor amount for 2010, an additional **\$30,456.10** is owed by Nissan North America, Inc. based upon 2010 values. In particular, the Board finds that the floor of \$3,650,000.00 was applied to the **total** payments owed by Nissan North America, Inc., inclusive of payments based upon Calsonic **and** GMC Visteon values when in fact, pursuant to paragraph 1.5A and Section 3 of the "Amendment to Agreement to Make Payments in Lieu of Ad Valorem Taxes" as approved by this Board on May 4, 2009 and found at Book 2009, Page 1184, *et seq.*, said floor was actually applicable to payments owed on values assessed **only** to Nissan North America, Inc. (the Nissan "Company Property" as reflected in paragraph 1.5A of said Amendment).
13. That, accordingly, the amount referenced in paragraph 12 herein above is derived as follows:

Payment due based upon Nissan North America, Inc.'s real property values . . . . .	\$1,342,625.37
Payment due based upon Nissan North America, Inc.'s personal property values . . . . .	<u>1,919,800.58</u>
<b>Total amount due = \$3,262,425.95 rounded to pro rata floor of . . . . .</b>	<b>\$3,650,000.00</b>
Total amount previously paid . . . . .	<u>3,619,543.90</u>
<b>Balance due for 2010 . . . . .</b>	<b>\$ 30,456.10</b>

14. That the Board hereby adopts said amended calculation for 2010 and, in accordance therewith, the amount to be paid by Nissan North America, Inc. pursuant to said code section and Section 3, paragraphs (a) and (b) of the PILOT Agreement and paragraph 1.5A and Section 3 of the "Amendment to Agreement to Make Payments in Lieu of Ad

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Valorem Taxes” is \$30,456.10 and shall be made payable to “Madison County, Mississippi.”

15. That the Chancery Clerk shall prepare a revised invoice reflecting the above amended amount and submit the same unto Nissan North America, Inc. who shall promptly deliver the aforesaid sum to the Madison County Board of Supervisors, 146 West Center Street, P.O. Box 608, Canton, Mississippi 39046, Attention Mr. Arthur Johnston, Chancery Clerk and County Treasurer.
16. That upon receipt of the balance due from Nissan for 2010, of the total remaining PILOT payment of \$30,456.10, **\$17,472.66** is to be apportioned unto the Canton Public School District and **\$12,983.44** is to be apportioned unto the General Fund of Madison County to be applied to the appropriate bond fund, all applicable tax levies other than School District levies notwithstanding.
17. That the apportionment set forth in paragraph 16 is computed as follows:

Canton Public School mills	=	47.94	(47.94 ÷ 83.57 = 57.37)	
General County mills	=	<u>35.63</u>	(35.63 ÷ 83.57 = 42.63)	
Total Tax Levy for Project	=	83.57		
Total due Canton Public	=	\$30,456.10 x .5737=		<u><b>\$17,472.66</b></u>
Total due General County	=	\$30,456.10 x .4263=		<u><b>\$12,983.44</b></u>
<b>Total due for Nissan for 2010</b>	=			<u><b>\$30,456.10</b></u>

III.  
IN SUMMARY – CUMULATIVE TOTAL OWED

18. That, therefore, upon receipt of the **aggregate** of said funds from Nissan North America, Inc., including the entirety of the PILOT payments owed for 2011 and the remaining payment owed for 2010, the total of which is **\$3,711,542.68**, the County Treasurer shall pay unto the Canton Public School District the sum of **\$2,129,312.03** and shall pay unto the General Fund of Madison County, to be directed to the appropriate bond fund, the sum of **\$1,582,230.65**.

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve, adopt and enter the foregoing Order. 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 the above and foregoing Order was and is hereby approved, adopted and entered.

SO ORDERED this the 5th day of December, 2011.

***In re: Awarding of Bid to The Madison County Herald  
for Publication of Legal Advertising***

WHEREAS, Chancery Clerk Arthur Johnston appeared before the Board and presented

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two bids received for the publication of proceedings, claims, and legal and public notices pursuant to Miss. Code Ann. § 19-3-35, as amended, and

WHEREAS, the said was published in *The Madison County Herald* on November 17 and November 24, 2011, as required by law and as reflected on the Proof of Publication thereof, a true and correct copy of which is attached hereto as Exhibit N, spread hereupon and incorporated herein by reference, and

WHEREAS, the bids received may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, Mr. Johnston recommended the Board award the publication of proceedings, claims, and legal and public notices to the lowest bidder, *The Madison County Herald*, and

WHEREAS, Mr. Smith expressed concern about the small fonts used by *The Herald*, and Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to award the publication of legal proceedings to the lowest bidder, *The Madison County Herald*. 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 of the Board (4-1) and said low quote from *The Madison County Herald* was and is hereby accepted and approved.

SO ORDERED this the 5<sup>th</sup> day of December, 2011.

***In re: Authorization to Apply for Round Ten (10) - Rural Fire Truck Acquisition Program***

WHEREAS, County Fire Coordinator Mack Pigg appeared before the Board and requested permission to submit an application for Round Ten of the Rural Fire Truck Acquisition Program, and

WHEREAS, the State of Mississippi has made available funds for improvement of rural fire protection through the Rural Fire Truck Acquisition Assistance Program, and

WHEREAS, the Board has determined the need of such equipment in various communities in Madison County,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to authorize Mr. Pigg to make application for participation in round ten (10) of the Rural Fire Truck Acquisition program through the State of Mississippi. The vote on the matter being as follows:

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

the matter carried unanimously and Mr. Pigg was and is so authorized.

SO ORDERED this the 5<sup>th</sup> day of December, 2011.

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**In re: Approval of Pay Request No. 11 -  
Utility Constructors, Inc.**

WHEREAS, Mr. Jimmy Vickers on behalf of County Engineer Rudy Warnock appeared before the Board and requested the Board approve that certain pay request no. 11 for pay period ending November 28, 2011 submitted by Utility Constructors, Inc. associated with the Calhoun Station Parkway, Phase II Project, and

WHEREAS, Mr. Vickers reported that said change order reflected a change in the contract by the sum of \$329,743.66, as detailed on that certain document submitted by Utility Constructors, Inc., a true and correct copy of which is attached hereto as Exhibit O, 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 pay request as submitted by Utility Constructors, Inc. for the Calhoun Station Parkway, Phase II Project in the amount of \$329,743.66. 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 pay request was and is hereby approved.

SO ORDERED this the 5<sup>th</sup> day of December, 2011.

**In re: Request of Farmhaven Fire Protection District  
to Enlarge Fire Grading District - Farmhaven**

WHEREAS, County Fire Coordinator Mack Pigg appeared before the Board and presented a request from the Farmhaven Volunteer Fire Department Board requesting the Board of Supervisors assist them in enlarging the boundaries of the fire grading district within the Farmhaven Fire Protection District in order to provide better fire protection to the residents in the area,

Following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to authorize Mr. Pigg to assist the Farmhaven Volunteer Fire Department Board in enlarging the boundaries of the fire grading district within the Farmhaven Fire Protection District. The vote on the matter being as follows:

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

the matter carried unanimously and Mr. Pigg was and is hereby so authorized.

SO ORDERED this the 5<sup>th</sup> day of December, 2011.

**In re: Approval to Purchase Fire Truck**

WHEREAS, County Fire Coordinator Mack Pigg appeared before the Board and

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requested permission to purchase a fire truck off of State Contract using insurance rebates fund and one-quarter (1/4) mil fund, and

WHEREAS, Mr. Pigg requested that \$80,000.00 be used from the insurance rebate fund and \$146,000.00 be used from the one-quarter (1/4) mil fund,

Following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to authorize Mr. Pigg to purchase a fire truck at State Contract prices, allowing for \$80,000.00 be used from the insurance rebate fund and \$146,000.00 be used from the one-quarter (1/4) mil fund. 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 Mr. Pigg was and is hereby so authorized.

SO ORDERED this the 5<sup>th</sup> day of December, 2011.

***In re: Approval of Claim of Falon Mason***

WHEREAS, E911 Director Butch Hammack appeared before the Board and requested the Board approve payment of a claim to Falon Mason for damages sustained to a vehicle owned by her while traveling along Harris Road, and recommended approval of same, and

WHEREAS, Mr. Hammack reported that damage was due to a pot hole that the Road Department had previous knowledge of but had not had time to make the necessary repairs, and

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve the claim for damages submitted by Falon Mason in the amount of \$505.06. 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 claim was and is hereby approved and the Chancery Clerk was and is hereby authorized to a issue pay warrant accordingly.

SO ORDERED this the 5<sup>th</sup> day of December, 2011.

***In re: Authorization of Transfer of Surplus Vehicle to District Attorney's Office***

Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to authorize and direct the transfer of one (1) surplus vehicle from the Sheriff's Department to the Madison County District Attorney's Office. 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

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Supervisor Paul Griffin

Aye

the matter carried unanimously and said transfer was and is hereby authorized.

SO ORDERED this the 5<sup>th</sup> day of December, 2011.

***In re: Acknowledgment of Bond Fund Projected Deficit Report***

Mr. D. I. Smith did offer and Mr. John Bell Crosby did second a motion to acknowledge receipt of that certain document “Bond Fund Projection as of December 1, 2011,” a true and correct copy of which is attached hereto as Exhibit P, spread hereupon and incorporated herein by reference. The vote on the matter being as follows:

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

the matter carried unanimously and said Report was and is hereby acknowledged.

SO ORDERED this the 5<sup>th</sup> day of December, 2011.

***In re: Request to Change Bank Accounts***

WHEREAS, Sheriff Toby Trowbridge appeared before the Board and requested permission to begin the process of changing the bank accounts related to the Sheriff’s Department over to the newly elected Sheriff, Randy Tucker, and

WHEREAS, Sheriff Trowbridge further requested permission to purchase his firearm upon his retirement,

Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize the transfer and changing of bank accounts over to the newly elected Sheriff, Randy Tucker and to authorize Sheriff Trowbridge to purchase his firearm upon his retirement in exchange for the payment of \$10.00 to the county treasury. 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 Sheriff Trowbridge was and is hereby so authorized.

SO ORDERED this the 5<sup>th</sup> day of December, 2011.

***In re: Entering into “Closed Session” to Determine Whether 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

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**Date Signed:** \_\_\_\_\_

whether an Executive Session was needed as to matters pertaining to personnel matters,

Following discussion and pursuant to the terms of Miss. Code Ann. § 25-41-7, as amended, Mr. John Bell Crosby did offer and Mr. Karl M. Banks 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 the acquisition of right of way and litigation, 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, and Human Resource Director Lisa Mayo. The vote on the matter being as follows:

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

the matter carried unanimously and the Board took up the matter of entering into Executive Session.

SO ORDERED this the 5<sup>th</sup> day of December, 2011.

***In re: Entering into Executive Session***

WHEREAS, a discussion of the nature of matter requiring Executive Session was had and the Board Attorney Eric Hamer informed the Board that matters pertaining to personnel matters were properly the subject of the Executive Session,

Following discussion, Mr. John Bell Crosby did offer and Mr. Paul Griffin did second a motion to enter into Executive Session to discuss personnel matters as provided by law. 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 Board President Tim 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 5<sup>th</sup> day of December, 2011.

WHEREAS, during the Executive Session, Human Resource Director Lisa Mayo stated that a certain county employee had been charged 11.5 hours of vacation time for the month of October and requested the Board reinstate said vacation hours due to the fact that she (Ms. Mayo) had authorized such hours to be worked although such was not approved by the Interim County Administrator,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve the reinstatement of the 11.5 hours charged as vacation to a certain county employee. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye

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Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said 11.5 hours of vacation was and is hereby reinstated.

SO ORDERED this the 5<sup>th</sup> day of December, 2011.

Thereafter, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to adjourn the Executive Session and direct the Chancery Clerk to announce to the public the action taken therein. The vote on the matter being as follows:

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

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

SO ORDERED this the 5<sup>th</sup> day of December, 2011.

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor Karl M. Banks and seconded by Supervisor Paul Griffin and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Monday, December 19, 2011, 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: \_\_\_\_\_

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