

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

REGULAR MEETING OF FEBRUARY 21, 2012
Recessed from a regular meeting conducted on February 6, 2012

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on February 21, 2012, in the Board Room on the first floor of the Madison County Office Complex, 125 West North Street, Canton, Mississippi, commencing at 6:00 pm, as follows, to-wit:

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

Present:

Supervisor John Bell Crosby
Supervisor Ronny Lott
Supervisor Gerald Steen
Supervisor Karl M. Banks
Supervisor Paul Griffin
Chancery Clerk Arthur Johnston
Sheriff Randall Tucker

Absent:

None

Also in attendance:

County Administrator David Overby
County Comptroller and Deputy Chancery Clerk Shelton Vance
Board Secretary and Deputy Chancery Clerk Cynthia Parker
Board Attorney Eric Hamer
County Road Manager Lawrence Morris
County and LSBP Engineer Rudy Warnock
Emergency Management/E911 Director Butch Hammack
County Fire Coordinator Mack Pigg
County Purchase Clerk Hardy Crunk
Planning and Zoning Administrator Brad Sellers
Assistant Comptroller and Deputy Chancery Clerk Myrtis Sims
County Fire Coordinator Mack Pigg

Special Guests:

The Honorable Leslie Childress, Mayor of Flora
The Honorable Dr. William Truly, Mayor of Canton

The Board President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. County Administrator David Overby offered a prayer, and Mr. Blake Breedlove led the members and the audience in the Pledge of Allegiance to the Flag of the United States of America.

***In re: Public Hearing Regarding the Proposed
Madison County Comprehensive Plan***

WHEREAS, County Administrator David Overby appeared before the Board and requested the Board again continue the public hearing for consideration of the Madison County Comprehensive Plan until Monday, March 5, 2012, in order to allow for the hearing to coincide with a certain public notice which has been given previously in accordance with law, and

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WHEREAS, the Board has previously set March 5, 2012 at 6:00 pm as the date and time for said public hearing,

Following discussion, Mr. Karl M. Banks did offer and Mr. Gerald Steen did second a motion to continue said public hearing until Monday, March 5, 2012 at 6:00 p.m. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said public hearing was and is hereby continued until Monday, March 5, 2012 at 6:00 p.m.

SO ORDERED this the 21th day of February, 2012.

***In re: Approval of Increases of Assessment of 2009, 2010 and 2011
Real Property Pursuant to Miss. Code Ann. § 27-35-147 et seq.***

WHEREAS, on January 17, 2012, the Board determined that February 21, 2012 would be an appropriate date for a public hearing on the matter of increasing certain personal property assessments for various tax years on certain parcels in the county and did set said date for said hearing to begin at the hour of 6:00 pm, and

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

WHEREAS, a spreadsheet and the petitions listing the property owners, the parcel numbers, and amounts of the proposed assessment increases are attached hereto as Collective Exhibit A, spread hereupon, and incorporated herein by reference, and

WHEREAS, the hour of 6:00 pm did arise and the Board President did declare the public hearing on said proposed increases to be open, and

WHEREAS, no one did appear to contest or protest said assessment increases,

Following discussion, Mr. Karl M. Banks did offer and Mr. Gerald Steen did second a motion to close the public hearing and approve the assessment increases for the individuals and parcel numbers as set forth in the aforesaid spreadsheet and petitions. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and the assessments of the parcels reflected thereon were and are hereby approved and adopted.

SO ORDERED this the 21st day of February, 2012.

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In re: Approval of Consent Agenda Items

WHEREAS, the Board President announced that he and County Administrator David Overby had conferred in advance of the meeting as to certain matters denominated “Consent Items” which bear Item numbers (3) through (22) 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, Chancery Clerk Arthur Johnston requested that Item numbers (23) and (24) be added to the Agenda, the same being acknowledgment and approval of a certain letter of engagement from the accounting firm of Windham and Lacey, PLLC, and acknowledgment and approval of the certain Order of the Youth Court of Madison County providing for the appointment of a public defender, and

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

3. **Acknowledge Clerk of the Board Report.**
(A true and correct copy of said Report is attached hereto as Exhibit B, spread hereupon and incorporated herein by reference.)
4. **Adopt a Resolution Supporting City of Jackson U. S. Airways Nonstop Flight.**
(A true and correct copy of said Resolution is attached hereto as Exhibit C, spread hereupon and incorporated herein by reference.)
5. **Approve Notices to Renew 16th Section Leases; Renegotiated Long Term Residential Lease Contracts; and one Certain Amendment to 16th Section Other Lease Contract.**
(True and correct copies of those certain Notices to Renew Residential Lease Contracts to Aafram Y. Sellers regarding Lot 125, Sherbourne Subdivision, Part 5; J. Scott Wilson and wife Patricia G. Wilson, regarding Lot 27, Sherbourne Subdivision, Part 1; Donald J. Frame and wife Kristy J. Frame, regarding Lot 45, Calumet Subdivision, Part 4; Jean Alford regarding Lot 4 of St. Augustine Park Subdivision, Part 2; Stanley Blackmon and wife Gloria Blackmon, regarding Lot 12, Woodbury Park Subdivision; and Sherbourne Property Owners Association regarding Lot 101, Sherbourne Subdivision, Part 3 (Clubhouse) may be found in the Miscellaneous Appendix to these Minutes.)
6. **Acknowledge Petitions for Increase of Assessment of Real Property for Various Tax Years Not Accepted by Taxpayers and Set Date for Public Hearing.**
(A true and correct copy of said Petition and its spreadsheet attachment is attached hereto as Collective Exhibit D, spread hereupon and incorporated herein by reference, and a public hearing is set for March 19, 2012.)
7. **Approve *En Masse* Petitions for Increases of Assessments of Real Property for the 2011 Tax Year as Accepted by Tax Payers.**
(A true and correct copy of said Petition along with a true and correct copy of its spreadsheet attachment are attached hereto as Collective Exhibit E, spread hereupon and incorporated herein by reference.)
8. **Acknowledge Petitions for Increase of Assessment of Real Property for the 2011 Tax Year Not Accepted by Taxpayers and Set Date for Public Hearing.**
(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, and a public hearing is set for March 19, 2012.)

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9. **Approve Amended and Deleted Homestead Applications - 2011 Tax Year.**
(A true and correct copy of that certain memorandum dated January 10, 2012 from Homestead Director Emily Anderson is attached hereto as Exhibit G, spread hereupon and incorporated herein by reference.)
10. **Approve Monthly Credit Card Report November 10 - December 10, 2011 - Sheriff's Department.**
(A true and correct copy of that certain memorandum dated February 14, 2012 from County Purchase Clerk Hardy Crunk is attached hereto as Exhibit H, spread hereupon and incorporated herein by reference.)
11. **Approve Use of Election Equipment and Supplies by the City of Canton.**
(A true and correct copy of that certain memorandum dated February 14, 2012 from City Clerk Valerie Smith, City of Canton requesting permission to use election equipment and supplies for special election being held on March 13, 2012 and March 27, 2012, if necessary. Said request is granted.)
12. **Approve Zoning Matter - Special Exception – Canaan Ministries.**
(A true and correct copy of the request submitted by Henry H. Thomas, Pastor of Canaan Ministries seeking to erect a pre-fabricated metal structure with a brick veneer front facade at 1000 Mt. Pilgrim Road was and is hereby accepted and the Special Exception granted.)
13. **Approve Preliminary Plat of Stillhouse Creek, Phase 8 Subdivision (within a PUD).**
(A true and correct copy of said plat may be found in the Miscellaneous Appendix to these Minutes.)
14. **Acknowledge and Approve LSBP Agreement/City of Canton Dobson Street Bridge Project.**
(A true and correct copy of said Agreement is attached hereto as Exhibit I, spread hereupon and incorporated herein by reference.)
15. **Acknowledge North Old Canton Road Construction Plans.**
(A true and correct copy of said plans in over-sized paper format and on CD-ROM may be found in the Miscellaneous Appendix to these Minutes.)
16. **Approve Utility Permits.** The following permits allowing use and occupancy for the construction or adjustment of utilities within certain road or highway rights of way was and is hereby approved, and the applications for the same are attached hereto as Collective Exhibit J, spread hereupon, and incorporated herein by reference:
 - (1) AT&T - seeking to approximately 50 feet of buried copper telephone cable along Robinson Springs Road.
 - (2) Denbury Onshore, LLC - seeking to bore under North Old Canton Road in Sections 35 and 36 T8N, R2E, and Sections 1 and 2 in T7N, R2E for the purpose of laying a 24 inch CO2 pipeline.
 - (3) City of Ridgeland – seeking to install certain wastewater improvements along Rouser Lane.
 - (4) City of Ridgeland – seeking to install certain wastewater improvements along Powell Road.
 - (5) City of Ridgeland – seeking to install certain wastewater improvements along Kirkwood Road.
 - (6) City of Ridgeland – seeking to install certain wastewater improvements along Lubertha Road
 - (7) City of Ridgeland – seeking to install certain wastewater improvements along Samuels Lane.
 - (8) City of Ridgeland – seeking to install certain wastewater improvements along Lake Holleman Road.

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17. **Approve Entergy Utility Agreement/Moss Road Project/Moving Utility Pole**
(A true and correct copy of that certain Utility Agreement together with supporting material is attached hereto as Collective Exhibit K, spread hereupon and incorporated herein by reference. The Board President was and is authorized and directed to execute the same.)
18. **Approve Revised Final Cost Estimates for the Hoy Road and Sowell Road Phase 2 Projects and Approve Certain Engineering Fees and Contract Reductions/Revisions – Warnock & Associates.** Those certain revised, final cost estimates acknowledged by the Madison County Board of Supervisors on November 21, 2011 pertaining to the Hoy Road and Sowell Road Phase 2 projects were and are hereby approved; provided however, that the design engineering fee for the Sowell Road Phase 2 project shall be and is hereby reduced to \$797,867.16 rather than \$894,876.58 as originally submitted by the county engineer. Further, that certain invoice dated “February 14, 2012” (in the top left hand corner) and “02/21/2012” (in the top right hand corner) and otherwise labeled “Final Design Invoice” submitted by Mr. Warnock, a true and correct copy of which is attached hereto as Exhibit L, spread hereupon and incorporated herein by reference was and is hereby approved. Payment of the revised total sum of \$169,954.15 for final design engineering fees for both projects as calculated on and reflected in said invoice was and is hereby approved and the Chancery Clerk was and is directed to issue a pay warrant unto Warnock & Associates in said amount. The contracts between Madison County and Mr. Warnock and his firm pertaining to both projects were and are hereby revised in accordance with the above.
19. **Declare the 2011 Tax Sale of Parcel 105B-10-017/00.00 Void.**
(The 2011 sale of the 2010 ad valorem taxes of parcel # 105B-10-017/00.00 was and is hereby declared void. The Tax Collector advised that the taxes represented by this parcel number should have been associated with parcel # 105B-10-017/01.00 and the property represented by parcel # 105B-10-017/00.00 was sold in error.)
20. **Approve Appointment to Lake Lorman Utility District Board.** Mr. Jimmie King was and is hereby re-appointed to the position of Commissioner of the Lake Lorman Public Utility District.
(A true and correct copy of that certain correspondence from Mr. William D. Seagrove with said District may be found in the Miscellaneous Appendix to these Minutes.)
21. **Approve Releasing Retainage to Utility Constructors/Calhoun Phase 2.** All retainage presently being held by Madison County associated with the Calhoun Station Phase 2 project was and is hereby released unto the contractor, Utility Constructors, Inc. The Chancery Clerk was and is hereby authorized to issue a pay warrant unto said firm in the appropriate amount per the contract.
22. **Declare Certain Inventory Items as Surplus and Delete from Inventory.**
(A true and correct copy of that certain memorandum dated February 15, 2012 from Inventory Control Clerk Loretta Phillips listing the items to be deleted is attached hereto as Exhibit M, spread hereupon and incorporated herein by reference.)
23. **Approve Letter of Engagement – Windham and Lacey PLLC and Authorize Board President to Execute.**
(The certain Letter of Engagement with Windham and Lacey PLLC , a true and correct copy of which is attached hereto as Exhibit N, spread hereupon and incorporated herein by reference was and is hereby approved and the Board President was and is hereby authorized and directed to execute the same.)
24. **Acknowledge and Approve Order of Appointment – Youth Court Public Defender Daniel J. Spivey.**
(That certain Order of the County Court of Madison County, Mississippi dated

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February 21, 2012 appointing Daniel Spivey as a public defender for the county in connection with child support contempt actions was and is hereby acknowledged and approved. Said Order is attached hereto as Exhibit O, spread hereupon and incorporated herein by reference. Daniel Spivey shall take the place of Bernard Booth effective March 1, 2012 at Mr. Booth's monthly salary of \$2,200.00. Mr. Spivey's services shall also be made available to the Chancery Court of Madison County as needed at no additional cost to the county.)

The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously, and each item was and is hereby approved, adopted and/or authorized as described herein above.

SO ORDERED this the 21st day of February, 2012.

In re: Request of Town of Flora for Assistance with Dirt Pad

WHEREAS, the Honorable Leslie Childress, Mayor of the Town of Flora appeared before the Board and requested that the Board authorize the Road Department to assist the Town with the construction of a dirt pad necessary for the construction of a new, 1,500 square foot police station which the Town of Flora anticipates building in May or June of 2012, and

WHEREAS, Mayor Childress requested that the Board authorize the use of Road Department equipment and personnel with respect to said pad,

Following discussion, Mr. Karl M. Banks did offer and Mr. Gerald Steen did second a motion to authorize and direct the Road Department to assist the Town of Flora in the construction of a dirt pad for use in the construction of a police station by providing equipment and personnel as may be necessary. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously, and the Road Department was and is hereby so authorized.

SO ORDERED this the 21st day of February, 2012.

In re: Consideration of Bid Received for the Sale of the Fulton Street Property

WHEREAS, pursuant to the direction of the Board on December 19, 2011, Purchase Clerk Hardy Crunk caused an advertisement for bids to be published for the sale of certain property owned by the county on Fulton Street within the City of Canton, and true and correct copy of the proof of publication of which is attached hereto as Exhibit P, spread hereupon and incorporated herein by reference, and

WHEREAS, pursuant to said notice, the committee previously appointed by the Board of such purposes did open and receive bids for such purchase on February 7, 2012, and

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WHEREAS, only one bid was received, that of Rav Bedi of Bedi Investments, LLC in the amount of \$25,111.12, and

WHEREAS, the committee recommended that said bid be rejected in that the same fell far short of the appraised value of said property as reflected in that certain appraisal issued by Jim Turner of JLT Realty, which appraisal reflected a market value of \$117,000.00, and

WHEREAS, a true and correct copy of said appraisal, along with said bid of Bedi Investments, LLC may be found in the Miscellaneous Appendix to these Minutes, and

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to reject the bid of Bedi Investments, LLC as being too low. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously, and the bid of Bedi Investments, LLC was and is hereby rejected.

SO ORDERED this the 21st day of February, 2012.

In re: Adoption of Resolution and Letter of Support for the South Madison County Transportation Commission's Tiger Grant Application

WHEREAS, the Madison County Board of Supervisors desires to wholeheartedly support and endorse the application of the South Madison County Transportation Commission's application for a TIGER III discretionary grant, and

WHEREAS, a Resolution expressing such support together with certain endorsing correspondence relating thereto is attached hereto as Exhibit Q, spread hereupon and incorporated herein by reference,

Following discussion, the Board President did offer and Mr. Ronny Lott did second a motion to approve said letter of support and adopt said Resolution. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously, and said letter of support and said Resolution were and are hereby adopted.

SO ORDERED this the 21st day of February, 2012.

In re: Consideration and Approval of Revised 2012 Four-Year Road Plan for Madison County

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented a proposed Four Year Road County for 2012 , a true and correct copy of which is attached hereto as Exhibit R, spread hereupon and incorporated herein by reference, and

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WHEREAS, Mr. Warnock recommended that said Road Plan be adopted in place and instead of the Road Plan adopted in piecemeal fashion by the Board in its meeting of February 6, 2012, and

WHEREAS, Mr. Warnock observed that said Road Plan (Exhibit R) did not include all public roads in the county and only included the roads listed thereon,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to approve the roads listed on page 1 of said Road Plan.

Following discussion on said Motion, Mr. Gerald Steen did offer and the Board President did second a motion in the nature of a substitute to approve the Road Plan as submitted by Mr. Warnock (Exhibit R) in its entirety. The vote on the substitute motion being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the substitute motion carried unanimously, and the Revised 2012 Four-Year Road Plan as set forth in Exhibit R was and is hereby adopted as the official Four-Year Road Plan for 2012.

SO ORDERED this the 21st day of February, 2012.

Thereafter, and following additional discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to remove a total of \$200,000 from the list of projects funded through state aid assistance for use as striping on certain roads. The vote on the matter being as follows:

Supervisor John Bell Crosby	No
Supervisor Ronny Lott	No
Supervisor Gerald Steen	No
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter did not garner a majority vote of the Board and therefore failed.

SO ORDERED this the 21st day of February, 2012.

In re: Approval of Budget Amendments

WHEREAS, Comptroller Shelton Vance 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 February 21, 2012," a true and correct copy of which is attached hereto as Exhibit S, 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	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

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the matter carried unanimously and said budget amendments were and are hereby approved and adopted.

SO ORDERED this the 21st day of February, 2012.

In re: Approval of Claims Docket for February 21, 2012

WHEREAS, the Board reviewed the claims docket for February 21, 2012; and

WHEREAS, County Comptroller and Deputy Chancery Clerk Shelton Vance 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	1505 to 1610	106	289,822.92
002	67 to 71	5	1,086.35
012	85 to 91	7	2,319.59
096	27 to 27	1	71.99
097	114 to 122	9	6,264.90
105	102 to 114	13	17,708.16
113	5 to 5	1	29,499.00
115	42 to 44	3	407.53
116	22 to 22	1	111.64
119	2 to 5	4	57,224.00
120	39 to 42	4	564.59
121	13 to 13	1	15.81
150	370 to 415	46	125,272.70
160	43 to 45	3	7,270.50
170	6 to 6	1	5,968.28
190	46 to 46	1	90.00
191	52 to 54	3	246.93
291	6 to 6	1	35,307.03
302	44 to 47	4	655,351.87
401	12 to 13	2	4,876.18
TOTAL ALL FUNDS		216	1,239,479.97

HELD CLAIMS

Transaction No.	Payee	Amount
122997	Fleetcor Technologies	\$ 8,133.96
122998	Fleetcor Technologies	\$ 326.46
122999	Fleetcor Technologies	\$ 106.93
123000	Fleetcor Technologies	\$ 71.99
123001	Fleetcor Technologies	\$ 425.29
123002	Fleetcor Technologies	\$ 5,066.51
123003	Fleetcor Technologies	\$ 147.51
123004	Fleetcor Technologies	\$ 111.64
123005	Fleetcor Technologies	\$ 207.21
123006	Fleetcor Technologies	\$ 15.81
123007	Fleetcor Technologies	\$ 3,785.09
123008	Fleetcor Technologies	\$ 96.46

Thereafter and following discussion, Mr. Gerald Steen did offer and Mr. Ronny Lott 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

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

Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

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

SO ORDERED this the 21st day of February, 2012.

Thereafter, Mr. Paul Griffin did offer and the Board President did second a motion to approve and pay the aforementioned held claims of Fleetcor Technologies . The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Not Present and Not Voting ¹
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by unanimous vote of those present 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 21st day of February, 2012.

In re: Request of Sheriff Randall Tucker to Retire Drug Dog Named “Boy” and Donate the Same to Deputy Sheriff John Harris

WHEREAS, Sheriff Randall Tucker appeared before the Board and reported that a certain trained drug dog named “Boy” assigned to the Sheriff’s Department’s K-9 unit had served his useful life and should be retired, and

WHEREAS, Sheriff Tucker reported that said dog had become attached to his assigned handler, Deputy Sheriff John Harris and should be donated to Deputy Harris for humanitarian reasons,

Following discussion, Mr. Paul Griffin did offer and Mr. Gerald Steen did second a motion to declare said dog retired and surplus property of the county and authorize and direct the Sheriff to donate said dog to the care and custody of his long-time handler, Deputy Sheriff John Harris. The vote on the matter being as follows:

¹Prior to consideration of this item of business, Mr. Steen excused himself from the meeting, departed the meeting room and did not participate in discussion of deliberation of this matter whatsoever. Following the vote on the next succeeding item, Mr. Steen returned to the meeting.

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Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said dog was and is declared retired and surplus property of the county, and the Sheriff was and is hereby authorized and directed to donate said dog to the care and custody of Deputy Sheriff John Harris.

SO ORDERED this the 21st day of February, 2012.

In re: Adoption of Amended Proposal to Increase Rate for Feeding and Housing Prisoners Excluding Federal Prisoners

WHEREAS, Sheriff Randy Tucker appeared before the Board and reported that he had conferred with all chiefs of police for municipalities in Madison County and advised them of the proposed increase in fees for feeding and housing of prisoners at the county jail previously presented to the Board by him at the Board’s February 6, 2012 meeting, and

WHEREAS, Sheriff Tucker again reported that upon review of the tri-county area, Madison County was the only county that had not had an increase in the fees for housing prisoners since 2004 and requested the Board’s approval to put an rate increase in place effective immediately, and

WHEREAS, Sheriff Tucker presented a proposal outlined in that certain document attached hereto as Exhibit U, spread hereupon and incorporated herein by reference, and

WHEREAS, Sheriff Tucker recommended, pursuant to said handout, that the rates increase to \$9.00 per day effective March 1, 2012, then increase to \$12.00 per day effective October 1, 2012, and then to \$18.00 per day effective October 1, 2013, provided however, that said fees not apply to federal prisoners,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve the rate increase of housing prisoners as proposed by Sheriff Tucker as set forth above. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said fees were and are hereby approved, effective as set forth herein above.

SO ORDERED this the 21st day of February, 2012.

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 potential and pending litigation,

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Following discussion and pursuant to the terms of Miss. Code Ann. § 25-41-7, as amended, Mr. Ronny Lott did offer and Mr. Gerald Steen did second and motion to make a closed determination upon the issue of whether or not to declare an Executive Session for the purpose of discussing potential, threatened, and pending 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, County Administrator David Overby, County Comptroller and Deputy Chancery Clerk Shelton Vance, Board Secretary and Deputy Chancery Clerk Cynthia Parker, Board Attorney Eric Hamer, and County Engineer Rudy Warnock. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye ²
Supervisor Paul Griffin	Aye

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

SO ORDERED this the 21st day of February, 2012.

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. Gerald Steen did offer and Mr. Paul Griffin did second a motion to enter into Executive Session to discuss potential, threatened and pending litigation matters. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	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 President Crosby 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 21st day of February, 2012.

Following discussion and upon the recommendation of the Board Attorney, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to pay the claim of APAC –Mississippi, Inc. in the amount of \$13,576.07 as reflected on that certain invoice dated February 17, 2012, a true and correct copy of which is attached hereto as Exhibit V, spread hereupon and incorporated herein by reference. Said claim, about which litigation is threatened, represents overruns on certain purchase orders for asphalt at the Madison County Road Department. The vote on the matter being as follows:

²After casting his vote in this matter, Mr. Banks briefly excused himself from the meeting but returned prior to adjournment.

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Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	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 and directed to issue a pay warrant to said firm in said amount.

SO ORDERED this the 21st day of February, 2012.

Following further discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize and direct Board Attorney Eric Hamer to appear in and defend the Tax Assessor and the Tax Collector in the certain lawsuit styled “*Robert Robison, et al v. Lost Rabbit Public Improvement District, et al*” bearing Cause No.2012 – 0009 on the docket of the Circuit Court of Madison County, Mississippi. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and the Board Attorney was and is so authorized.

SO ORDERED this the 21st day of February, 2012.

Thereafter, Mr. Ronny Lott did offer and Mr. Gerald Steen 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 Ronny Lott	Aye
Supervisor Gerald Steen	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 21st day of February, 2012.

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor Paul Griffin and seconded by Supervisor Ronny Lott and approved by the unanimous vote of those present, the February, 2012 term of the Madison County Board of Supervisors was adjourned.

John Bell Crosby, President
Madison County Board of Supervisors

Date signed: _____

ATTEST:

Arthur Johnston, Chancery Clerk

President’s Initials: _____
Date Signed: _____

President's Initials: _____

Date Signed: _____

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