

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

REGULAR MEETING OF APRIL 2, 2012
Being the first day of the April 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 April 2, 2012 at 6:00 pm, 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 Board Vice President, Gerald Steen called the roll with the following results:

Present:

Supervisor Ronny Lott
Supervisor Gerald Steen
Supervisor Karl M. Banks
Supervisor Paul Griffin
Chancery Clerk Arthur Johnston
Chief Deputy Jeremy Williams on behalf of Sheriff Randy Tucker

Absent:

Supervisor John Bell Crosby

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 & State Aid/LSBP Engineer Rudy Warnock
Emergency Management and E911 Director Butch Hammack
County Purchase Clerk Hardy Crunk
Assistant Comptroller and Deputy Chancery Clerk Myrtis Sims
Tax Assessor Gerald Barber

The Vice President of the Board, Gerald Steen, announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Chancery Clerk Arthur Johnston opened the meeting with a prayer and Tax Assessor Gerald Barber 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 March, 2012 Term

WHEREAS, Chancery Clerk Arthur Johnston did present the Board with the Minutes of the previous meetings of the Board of Supervisors during the March 2012 term, said meetings having been conducted on March 5 and 19, 2012,

Following discussion, Mr. Paul Griffin did offer and Mr. Ronny Lott did second a motion to approve the minutes as presented and to authorize the Board President to execute the same. The vote on the matter being as follows:

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

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the matter carried by the unanimous vote of those present and the minutes for the March 2012 term of the Board of Supervisors of Madison County were and are hereby approved.

SO ORDERED this the 2nd day of April, 2012.

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

WHEREAS, on March 19, 2012, the Board continued the public hearing as to the proposed increase in assessment for 2011 real property of parcel no. 072H-27A-064/00.00 belonging to Ms. Judith Middleton until April 2, 2012, and

WHEREAS, Tax Assessor Gerald Barber appeared before the Board stating that he had withdrawn the proposed increase as to parcel no. 072H-27A-064/00.00 and recommended the Board not increase said assessment,

Following discussion, Mr. Gerald Steen did offer and Mr. Ronny Lott did second a motion to close the public hearing and disallow the petition to increase the assessment for parcel no. 072H-27A-064/00.00 belonging to Ms. Judith Middleton. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and the petition to increase the assessment of parcel no. 072H-27A-064/00.00 was and is hereby disallowed.

SO ORDERED this the 2nd day of April, 2012.

In re: Approval of Consent Agenda Items

WHEREAS, Board Vice President Gerald Steen announced that Chancery Clerk Arthur Johnston 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 (26) 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 Vice 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, the Chancery Clerk requested that item 25, the same being the approval of the contract for architectural services associated with the renovation of the historic courthouse, be withheld from the Consent Agenda and addressed separately,

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

3. Acknowledge March 2012 Monthly Report - Road Department.

(A true and correct copy of the March 2012 Monthly Road Department Report submitted by County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)

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4. **Acknowledge March 2012 Closed Call Analysis - Road Department.**
(A true and correct copy of the March 2012 Closed Call Analysis submitted by the County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
5. **Acknowledge April 2012 Service Call Schedule Report - Road Department.**
(A true and correct copy of the April 2012 Road Department Service Call Schedule submitted by County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
6. **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 A, spread hereupon and incorporated herein by reference.)
7. **Approve Appointment of Molly Humphries as ADA Coordinator.**
(The appointment of Ms. Molly Humphries as ADA Coordinator was and is hereby approved.)
8. **Acknowledge Notice Under the Americans with Disabilities Act.**
(A true and correct copy of said Notice is attached hereto as Exhibit B, spread hereupon and incorporated herein by reference.)
9. **Acknowledge and Adopt Grievance Procedure Under the Americans with Disabilities Act.**
(A true and correct copy of said Grievance Procedure is attached hereto as Exhibit C, spread hereupon and incorporated herein by reference.)
10. **Approve Certificates of Appropriateness - Livingston Township Buildings G and J.**
(True and correct copies of Certificates of Appropriateness, pursuant to Article 16, Section 1613.0s of the Zoning Ordinance, in the Mannsdale-Livingston Heritage Preservation District are attached hereto as Collective Exhibit D, spread hereupon and incorporated herein by reference.)
11. **Acknowledge Appointments to Mannsdale-Livingston Heritage Preservation District Board.**
(A true and correct copy of that certain memorandum dated March 23, 2012 from Mr. Clinton Doby, President of Mannsdale Heritage Foundation requesting acknowledgment of certain appointments to the Mannsdale-Livingston Heritage Preservation District Board is attached hereto as Exhibit E, spread hereupon and incorporated herein by reference.)
12. **Authorize Applying for Brownfield Assessment Grant.**
(At the recommendation of Zoning Administrator Brad Sellers, the Board does hereby authorize applying for Environmental Protection Agency's Brownfield Assessment Grant to identify, assess, and cleanup brownfiled areas for development.)
13. **Approve Utility Permits.** The following permits allowing use and occupancy for the construction or adjustment of a utility within certain roads or highway rights of way were and are hereby approved, and the applications for the same are attached hereto as Collective Exhibit F, spread hereupon, and incorporated herein by reference:
 - (1) Bear Creek Water Assoc. - seeking to bore and jack 56 l.f. of twelve inch steel casing along Parkinson Road.
 - (2) Bear Creek Water Assoc. - seeking to bore and jack 38 l.f. of twelve inch steel casing along Dewese Road.
 - (3) Bear Creek Water Assoc. - seeking to bore and jack 51 l.f. of twelve inch steel

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- casing along Virilia Road.
- (4) Bear Creek Water Assoc. - seeking to bore and jack 45 l.f. of twelve inch steel casing along Jubilee Road.
 - (5) Bear Creek Water Assoc. - seeking to bore and jack 45 l.f. of twelve inch steel casing along Jubilee Road.
 - (6) Bear Creek Water Assoc. - seeking to bore and jack 45 l.f. of twelve inch steel casing along Jubilee Road.
 - (7) Bear Creek Water Assoc. - seeking to bore and jack 55 l.f. of twelve inch steel casing along Parkinson Road.
 - (8) Bear Creek Water Assoc. - seeking to bore and jack 55 l.f. of twelve inch steel casing along Middleton Road.
 - (9) Telepak Networks, Inc. - seeking to install fiber optics along Industrial and Gluckstadt Roads.
 - (10) AT&T - seeking to bury cable Stokes Road.
- 14. Authorize Supervisors, County Administrator, Comptroller, Board Attorney, Chancery Clerk, and County Engineer to Attend the Mississippi Association of Supervisors (MAS) Annual Convention in Biloxi, Mississippi; the MAS/MC Spring Convention in Vicksburg, MS; and the Mississippi Association of Planning & Development Districts in Biloxi, MS; and Approve Travel and Registration Expenses Related Thereto.**
- 15. Approve Amended Homestead Applications - 2011 Tax Year.**
(A true and correct copy of that certain memorandum dated March 22, 2012 from Homestead Director Emily Anderson is attached hereto as Exhibit G, spread hereupon and incorporated herein by reference.)
- 16. Approve *En Masse* Petition for Reduction 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 H, spread hereupon and incorporated herein by reference.)
- 17. Approve *En Masse* Petition for Reduction 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 I, spread hereupon and incorporated herein by reference.)
- 18. Approve *En Masse* Petitions for Increases of Assessments of Personal 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 J, spread hereupon and incorporated herein by reference.)
- 19. Declare the 2011 Tax Sale of Parcel 105B-10-017/00.00 Void.**
(A true and correct copy of that explanatory memorandum dated April 2, 2012 from Chancery Clerk Arthur Johnston requesting the Board declare void the 2010 and 2011 tax sales of parcel no. 051E-16B-191 is attached hereto as Exhibit K, spread hereupon and incorporated herein by reference. Said parcel constitutes 16th Section lease property assessed to the Estate of James Buchanan and Vatie Lee Buchanan; Estate of Lula Brown; Estate of Iris McDonald Naylor, a/k/a Iris McDonald Naylor Lewis which leases have been terminated by the school district. The Chancery Clerk was hereby authorized to mark said tax sales void in his records.)
- 20. Acknowledge Redemption of Land Sold for Taxes Settlement Report - March 2012.**
(A true and correct copy of that certain report from Chancery Clerk Arthur Johnston is attached hereto as Exhibit L, spread hereupon, and incorporated herein by reference.)

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21. **Approve and Adopt Resolution to Condemn Real Property - Luebirdia Road.**
(A true and correct copy of which is attached hereto as Exhibit M, spread hereupon and incorporated herein by reference.)
22. **Acknowledge Parkway East Public Improvement District Invoices.**
(True and correct copies of said invoices are attached hereto as Collective Exhibit N, spread hereupon and incorporated herein by reference.)
23. **Approve Monthly Credit Card Report February 9, 2012 - March 9, 2012 - Sheriff's Department.**
(A true and correct copy of that certain memorandum dated March 21, 2012 from County Purchase Clerk Hardy Crunk is attached hereto as Exhibit O, spread hereupon and incorporated herein by reference.)
24. **Approve New Justice Court Deputy Clerks.**
(A true and correct copy of that certain memorandum dated Marcy 27, 2012 from Justice Court Clerk Susan McCarty appointing two (2) deputies as Ex Officio Deputy Clerks for the Madison County Justice Court is attached hereto as Exhibit P, spread hereupon and incorporated herein by reference.)
26. **Approve Payroll Processing Procedures.**
(A true and correct copy of that explanatory memorandum dated March 27, 2012 from County Comptroller Shelton Vance is attached hereto as Exhibit Q, spread hereupon and incorporated herein by reference.)

The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present, and each item was and is hereby approved, adopted and authorized as described herein above.

SO ORDERED this the 2nd day of April, 2012.

***In Approval of Contract of Belinda Stewart Architects, PA -
Madison County Historic Courthouse Restoration, Phase II***

WHEREAS, Chancery Clerk Arthur Johnston appeared before the Board and presented that certain document from Belinda Stewart Architects, PA for architectural services associated with the partial restoration, repair and renovation (Phase II) of the Madison County Historic Courthouse, which project is funded by a "Save America's Treasures" grant received from the National Park Service, U. S. Department of the Interior, and requested the Board 's consideration of same, and

WHEREAS, Mr. Johnston made certain suggested changes to said contract, the same being the removal of Item #1 and Item #2 from Exhibit A, Scope of Services, and change the checked box on page 14, paragraph 8.2.4 from "arbitration" to "litigation in a court of competent jurisdiction," and

WHEREAS, a true and correct copy of said contract as revised and corrected is attached hereto as Exhibit R, spread hereupon and incorporated herein by reference,

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Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to approve said contract with the aforementioned corrections presented by Mr. Johnston and authorize the Board President to execute same. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and said contract was and is hereby approved with the aforementioned proviso and the Board President was and is hereby authorized.

SO ORDERED this the 2nd day of April, 2012.

In re: Discussion of Tamerica Proposal for Long Range Strategic Economic Development Plan

WHEREAS, Mr. Mark Bounds appeared before the Board and presented a Contract for Professional Services between Madison County, Madison County Foundation and Tamerica Management Company, a true and correct copy of which is attached hereto as Exhibit S, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Bounds reported that as a part of the proposed agreement, Tamerica would review the strategic plan of 2003 to see what was accomplished in Madison County and to determine what needed to be done to improve on the economic development for the county on a long range basis, and

WHEREAS, Mr. Bounds requested the Board's consideration in sharing in the cost with the Madison County Foundation to hire Tamerica to perform those duties needed to improve on the economic development in the county,

Following discussion, Mr. Karl M. Banks did offer and Mr. Ronny Lott did second a motion to approve the aforementioned contract, approve the payment of one half of the amount thereof, and authorize the Board President to execute same. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and said contract was and is hereby approved and the Board President was and is hereby so authorized.

SO ORDERED this the 2nd day of April, 2012.

In re: Authorization of County Engineer to Prepare Legal Description - Magnolia Heights Park

WHEREAS, during concerned citizens period, Mr. Chip Estes appeared before the Board and requested the Board's consideration of his proposed donation to the county of certain property in the Magnolia Heights area, and

WHEREAS, Mr. Estes reported that residents in the area desired to use the property as a park and he was willing to make the donation accordingly, and

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Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize County Engineer Rudy Warnock to prepare a legal description for a proposed recreational park in the Magnolia Heights area of the Town of Flora on property owned by Mr. Estes and authorize Board Attorney Eric Hamer to prepare the necessary documents to effectuate the same. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and Mr. Warnock and Mr. Hamer were and are hereby so authorized.

SO ORDERED this the 2nd day of April, 2012.

***In re: Consideration of the Petition of Derek Andrew Hudson
for Resort Status - 774 Highway 43 South***

WHEREAS, Don A. McGraw, Jr. Esq. attorney for Petitioner Derek Andrew Hudson appeared before the Board and presented his client's Petition to Have Property Granted Resort Status for the Board's consideration, a true and correct copy of which is attached hereto as Exhibit T, spread hereupon, and incorporated herein by reference, and requested the Board's approval of same, and

WHEREAS, Mr. McGraw stated that Mr. Hudson currently has a nightclub and restaurant located on the property located at 774 Highway 43 South and is seeking resort status to sell liquor, and

WHEREAS, Mr. McGraw further reported that Sheriff Randy Tucker had signed a letter stating his office would enforce the rules and regulations of the Alcoholic Beverage Control Division, and

WHEREAS, Mr. Gus Kraft appeared before the Board in opposition to said Petition stating that the noise from said location is disturbing to the residents in the area,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to approve the petition and grant resort status to Mr. Hudson in order to allow him to sell liquor in the nightclub and restaurant. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and resort status was and is hereby granted.

SO ORDERED this the 2nd day of April, 2012.

In re: Discussion of Forming and Joining a HOME Grant Consortium

WHEREAS, Ms. Carmen Davis, County Administrator for Hinds County and Mr. Clarence Williams, Director of Human Capital Development for Hinds County appeared before

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the Board and requested the Board consider entering into a HOME Grant Consortium with Hinds County and other local counties, and

WHEREAS, Mr. Williams reported that local governments are able to join together to form a consortium in order to receive increased HOME grant funding for affordable housing for their citizens, and

WHEREAS, Mr. Williams reported that the HOME grant program is authorized by the HOME Investment Partnerships Act,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to support the HOME grant consortium and authorize the Board President to execute a Resolution to that effect. The vote on the manner being as follows:

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

the matter carried by the unanimous vote of those present and approval was and is hereby made and the Board President was and is hereby so authorized.

SO ORDERED this the 2nd day of April, 2012.

***In re: Request to Construct Lake -
Greens Crossing Road***

WHEREAS, Zoning Administrator Brad Sellers appeared before the Board and presented a request from Mr. John Harreld seeking authority and permission to construct a twenty (20) acre lake on certain property located on Greens Crossing Road located in Section 20, T7N, R1E, and

WHEREAS, Mr. Sellers reported that the owner proposes a residential development around the lake and the excess excavated material would be used as a component of said development,

Following discussion, Mr. Paul Griffin did offer and Mr. Ronny Lott did second a motion to approve said request for the construction of a twenty (20) acre lake on Greens Crossing Road. The vote on the manner being as follows:

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

the matter carried by the unanimous vote of those present and said request was and is hereby approved.

SO ORDERED this the 2nd day of April, 2012.

In re: Alleged Zoning Violation by Kenneth Potts

WHEREAS, Zoning Administrator Brad Sellers appeared before the Board advising that certain property bearing parcel no. 093D-17C-079/00.00 and assessed in the name of Kenneth Potts, was in violation of certain provisions of the Madison County Zoning Ordinance, and

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required clean up and/or other legal action to rectify the same, and

WHEREAS, through its Zoning Administrator, did attempt to give notice to the property owner by United States registered mail, return receipt requested, receipted by addressee only, on December 21, 2011 and March 9, 2012, both being returned “unable to forward,”and

WHEREAS, Mr. Sellers requested the Board authorize the Road Department to clean subject property and assess cost to property owners tax bill,

Following discussion, Mr. Paul Griffin did offer and Mr. Ronny Lott did second a motion to **(1)** find, adjudicate and determine that said property was and is in such a state of uncleanness as to be a menace to the public health and safety of the community, **(2)** direct that the County Road Department proceed to have the land cleaned by cutting weeds and excessive growth, removing rubbish, dilapidated buildings and other debris, and **(3)** upon completion of such cleaning, assess the actual cost of cleaning the said lot to the owner thereof, the same constituting a lien against said property to be enrolled in the office of the circuit clerk of the county as other judgments are enrolled, and the tax collector of the county shall, if such sums are not tendered, proceed to sell said land to satisfy said lien as now provided by law for the sale of lands for delinquent taxes, all in accordance with Miss. Code Ann. § 19-5-105. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
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 said property was and is hereby declared in violation of the zoning ordinances of Madison County and the Zoning Administrator and Road Manager were and are hereby directed to take necessary action to bring said property within compliance and to charge the expenses associated therewith to the responsible taxpayer via the tax roll accordingly, to assess unto said taxpayer all fines and other penalties provided for in said ordinance and to take all necessary steps to enforce said ordinance including, if necessary, the institution of legal proceedings.

SO ORDERED this the 2nd day of April, 2012.

In re: Authorization of Warnock & Associates to Serve as Agent to U.S. Army Corps of Engineers

WHEREAS, County Engineer Rudy Warnock appeared before the Board and requested the Board authorize him to act on behalf of the county as agent with the U.S. Army Corps of Engineers in the processing of application and to furnish information in support of the Sulphur Springs Park Project, and

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

Following discussion, Mr. Paul Griffin did offer and Mr. Ronny Lott did second a motion to authorize Warnock & Associates as the county’s agent with the U.S. Army Corps of Engineers for the Sulphur Springs Park Project. The vote on the matter being as follows:

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

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the matter carried by the unanimous vote of those present and Warnock & Associates was and is hereby authorized.

SO ORDERED this the 2nd day of April, 2012.

***In re: Acknowledgment of Cost Estimate -
Providence Subdivision***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented that certain memorandum dated March 26, 2012 detailing the cost related to the Providence Subdivision drainage repairs, a true and correct copy of which is attached hereto as Exhibit U, spread hereupon, and incorporated herein by reference, and

WHEREAS, Mr. Warnock reported that drainage issues were due primarily to the buckling of curb and gutter sections and the deterioration of the asphalt surface,

Following discussion, Mr. Paul Griffin did offer and Mr. Ronny Lott did second a motion to acknowledge receipt of said cost estimate and memorandum related thereto. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and said cost estimate was and is hereby acknowledged.

SO ORDERED this the 2nd day of April, 2012.

***In re: Acknowledgment of Cost Estimate -
Devlin Springs Subdivision***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented that certain memorandum dated March 26, 2012 detailing the cost related to the Devlin Springs Subdivision base repairs and overlay, a true and correct copy of which is attached hereto as Exhibit V, spread hereupon, and incorporated herein by reference, and

WHEREAS, Mr. Warnock reported that the issues found within said subdivision were related to the expansion and contraction of subsurface soils and settling of soils at cross drains,

Following discussion, Mr. Paul Griffin did offer and Mr. Ronny Lott did second a motion to acknowledge receipt of said cost estimate and memorandum related thereto. The vote on the matter being as follows:

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

¹Prior to consideration of this item of business, Mr. Banks 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. Banks returned to the meeting.

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the matter carried by the unanimous vote of those present and said cost estimate was and is hereby acknowledged.

SO ORDERED this the 2nd day of April, 2012.

***In re: Approval of Cost Estimate -
Smith Carr Road Drainage Structure***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented that certain memorandum dated March 26, 2012 detailing the cost related to the Smith Carr Road drainage structure causing water to back up in the Kemper Creek Subdivision, a true and correct copy of which is attached hereto as Exhibit W, spread hereupon, and incorporated herein by reference, and requested the Board's approval of same, and

WHEREAS, Mr. Warnock reported that the pipe under Smith Carr Road is not large enough to properly drain the area up stream of the pipe and therefore needed to install two (2) eight-one inch (81") corrugated metal arch pipes at a cost of \$10,624.60, and

WHEREAS, Mr. Warnock requested permission to perform surveying and engineering of a channel downstream to increase the capacity of the receiving stream,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to (1) approve the installation of two eighty-one inch culverts by the Road Department and (2) authorize County Engineer Rudy Warnock to perform surveying and engineering for a perpetual drainage easement for Smith Carr Road drainage. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and installation of two eighty-one inch culverts was and is hereby approved and Mr. Warnock was and is hereby authorized.

SO ORDERED this the 2nd day of April, 2012.

In re: Approval of Final Plat of Ashbrooke Subdivision, Part 5A

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented the final plat of Ashbrooke Subdivision, Part 5A and requested the Board to approve same, indicating and representing that the same met with all appropriate and applicable county requirements, and

WHEREAS, Mr. Warnock did also present a Letter of Credit and advised the Board that the streets listed on said plat are to be accepted as public roads, and added to the County Road Register to the extent such streets are depicted on said plat, to-wit:

Tracey Cove
Mary Leigh Way

Following discussion of this matter, Mr. Ronny Lott did offer and Mr. Karl M. Banks did second a motion to **(1)** approve said final plat, (a) subject to the requirement that approval of the Madison County Board of Supervisors would be required on any changes to said plat and/or the accompanying covenants until such time as a majority of votes necessary to change the covenants

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are controlled by residents of the subdivision, (b) subject to zoning ordinances that the Board finds will be applicable upon adoption thereof in the future, and **(2)** accept the above listed roads as public roads, and **(3)** direct the Clerk to accept and retain the aforesaid Letter of Credit. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and the final plat of Ashbrooke Subdivision, Part 5A was and is hereby approved and said roads were and are accepted as public streets.

SO ORDERED this the 2nd day of April, 2012.

***In re: Approval of Supplemental Agreement #3 -
Cox Ferry Road, SAP-45(5)M***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented that certain Supplemental Agreement #3 dated March 14, 2012 for the Cox Ferry Road, SAP-45(5)M Project, and requested the Board's approval of same, and

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

WHEREAS, Mr. Warnock reported that plans for said project specified a section of 42" concrete pipe was to be removed and replaced, however, it was discovered to be a 48" pipe at a cost of \$1,000.00,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve said Supplemental Agreement #3 and authorize the Board President to execute same. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and said Supplemental Agreement was and is hereby approved and the Board President was and is hereby authorized.

SO ORDERED this the 2nd day of April, 2012.

In re: Request for Variance - Camden Park, Phase 2

WHEREAS, County Engineer Rudy Warnock appeared before the Board and requested the Board's approval for a variance to install a fifteen inch storm pipe in lieu of an eighteen inch storm pipe in Camden Park Subdivision, Phase 2, and

WHEREAS, a true and correct copy of that certain explanatory email dated March 28, 2012 from Mr. Brad Chaney of Warnock & Associates is attached hereto as Exhibit Y, spread hereupon and incorporated herein by reference,

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Following discussion, Mr. Ronny Lott did offer and Mr. Karl M. Banks did second a motion to approve the variance request to install a fifteen inch storm pipe in lieu of an eighteen inch storm pipe in Camden Park Subdivision, Phase 2. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and said variance was and is hereby approved.

SO ORDERED this the 2nd day of April, 2012.

In re: Approval of Bridge Repair and Replacement Plan

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented that certain Bridge Repair and Replacement Plan and requested the Board's approval of same, and

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

WHEREAS, Mr. Warnock reported that the plan is designed to remove the bridges from the maintenance list and improve public safety,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve the Bridge Repair and Replacement Plan as presented by Mr. Warnock. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and Plan was and is hereby approved.

SO ORDERED this the 2nd day of April, 2012.

In re: Consideration of Heavy Haul Policy

WHEREAS, County Administrator David Overby appeared before the Board and presented the Heavy Haul Policy for the Board's consideration, a true and correct copy of which is attached hereto as Exhibit AA, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Overby stated that he along with a committee comprised of County Engineer Rudy Warnock, Road Manager Lawrence Morris, Supervisors Karl M. Banks and Paul Griffin, Mr. Tedrick Ratcliff of the Mississippi Forestry Association, and a designee of Farm Bureau had met and discussed establishing a permit procedure for carrying overweight loads on roads and highways within the county,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to adopt said Heavy Haul Policy as referenced in Exhibit AA and authorize the Board President to

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execute same. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and said Heavy Haul Policy was and is hereby adopted.

SO ORDERED this the 2nd day of April, 2012.

In re: Approval of New Hires at Road Department

WHEREAS, County Administrator David Overby appeared before the Board and presented those certain Personnel Appointments for temporary and new hires at the Road Department and requested the Board's approval of same, a true and correct copy of which are attached hereto as Exhibit BB, 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 those temporary and new hires at the Road Department. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and said temporary and new hires were and are hereby approved.

SO ORDERED this the 2nd day of April, 2012.

In re: Approval of Budget Amendments & Interfund Transfers

WHEREAS, County Comptroller and Deputy Chancery Clerk 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 and Interfund Transfers April 2, 2012," a true and correct copy of which is attached hereto as Exhibit CC, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Vance further presented another document entitled "Madison County Additional Budget Amendments April 2, 2012," a true and correct copy of which is attached hereto as Exhibit DD, spread hereupon and incorporated herein by reference and requested the Board's consideration of same,

Following discussion, Mr. Ronny Lott did offer and Mr. Paul Griffin did second a motion to approve said budget amendments and interfund transfers. The vote on the matter being as follows:

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

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

SO ORDERED this the 2nd day of April, 2012.

In re: Approval of Claims Docket for April 2, 2012

WHEREAS, the Board reviewed the claims docket for April 2, 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	1951 to 2518	568	616,159.21
002	90 to 96	7	1,496.56
012	113 to 121	9	11,500.48
095	11 to 12	2	120,214.58
096	31 to 33	3	3,908.58
097	155 to 165	11	62,569.35
105	139 to 146	8	35,772.68
114	15 to 16	2	7,205.71
115	55 to 62	8	1,604.79
116	30 to 31	2	858.46
120	54 to 59	6	2,367.45
121	16 to 18	3	203.17
137	2 to 2	1	125,000.00
150	495 to 514	20	101,803.69
160	66 to 77	12	19,610.03
190	65 to 70	6	5,388.61
191	67 to 72	6	2,272.39
226	7 to 9	3	2,157,159.39
302	52 to 52	1	15,230.07
306	3 to 3	1	275.00
401	17 to 17	1	18,254.05
402	7 to 7	1	4,870.00
690	9 to 9	1	112,348.92
691	9 to 9	1	112,819.39
693	2 to 4	3	611.00
TOTAL ALL FUNDS		686	3,539,503.56

HELD CLAIMS

All those certain claims of Fleetcor Technologies as set forth on that certain document attached hereto as Exhibit EE, spread hereupon and incorporated herein by reference, were and are held for separate vote and are not included in the above.

Thereafter and following discussion, Mr. Paul Griffin did offer and Mr. Gerald Steen 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

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

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

the matter carried by the unanimous vote of those present and said Claims Docket was and is hereby approved, and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 2nd day of April, 2012.

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

Supervisor John Bell Crosby	Not Present and Not Voting
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Not Present and Not Voting ²
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 2nd day of April, 2012.

In re: Consideration of Releasing Letter of Credit - Chestnut Hill Subdivision

WHEREAS, Chancery Clerk Arthur Johnston appeared before the Board and requested the Board's consideration to release the letter of credit for Chestnut Hill Subdivision and accept a performance and maintenance bond for same, and

WHEREAS, Mr. Johnston further reported that the beneficiary of the letter of credit was the Chestnut Hill Homeowners Association due to the streets being private and free of any county maintenance,

Following discussion, Mr. Ronny Lott did offer and Mr. Paul Griffin did second a motion to direct Board Attorney Eric Hamer to review the letter of credit and determine if accepting the performance and maintenance bond would be in the best interest for the county. The vote on the matter being as follows:

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

²Prior 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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the matter carried by the unanimous vote of those present and Mr. Hamer was and is hereby directed.

SO ORDERED this the 2nd day of April, 2012.

***In re: Approval of Regional Fugitive Task Force
Memorandum of Understanding; Approval of Facility
Credit Management Agreement; Approval of Sale of
Vehicles; and Authorization of Board President to Execute Invoices***

WHEREAS, Chief Deputy Jeremy Williams on behalf of Sheriff Randy Tucker appeared before the Board and requested the Board's approval of a Memorandum of Understanding between the Madison County Sheriff's Department and the United States Marshals Service, a true and correct copy of which is attached hereto as Exhibit GG, spread hereupon and incorporated herein be reference, and

WHEREAS, Chief Williams further requested the Board's approval of a Facility Credit Agreement between the Madison County Detention Center and Montgomery Technology Systems, LLC, a true and correct copy of which is attached hereto as Exhibit HH, spread hereupon and incorporated herein be reference, and

WHEREAS, Chief Williams requested permission to send three (3) drug seized vehicles to auction, a true and correct copy of the list of said vehicles may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, Chief Williams requested the Board authorize the Board President to execute two invoices unto MDOC for housing of prisoners,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to (1) approve the aforementioned Memorandum of Understanding with the United States Marshals Service; (2) approve the Facility Credit Agreement with Montgomery Technology Systems, LLC; (3) approve the sale of drug seized vehicles at auction; and (4) authorize the Board President to execute invoices unto MDOC. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and the Sheriff and the Board President were and are hereby authorized.

SO ORDERED this the 2nd day of April, 2012.

***In re: Approval of Resolution -
West Madison Utility District***

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to (1) approve and adopt that certain Resolution, a true and correct copy of which is attached hereto as Exhibit II, spread hereupon and incorporated herein be reference, requesting assistance from Central Mississippi Planning & Development District to apply for Community Development Block Grant funds on behalf of West Madison Utility District for wastewater system improvements; (2) authorize the Board President to execute same; and (3) authorize setting public hearing for Monday, May 7, 2012 at 10:00 a.m. for citizen input. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and said Resolution was and is hereby approved and adopted and the Board President were and are hereby authorized and said public hearing was and is hereby set.

SO ORDERED this the 2nd day of April, 2012.

In re: Request to De-annex Southwest Madison County Fire District

WHEREAS, County Administrator David Overby appeared before the Board and presented a request from Southwest Madison County Fire District Board President requesting the assistance from the county in removing certain parcels of land located in both the Southwest Madison County Fire Protection District and municipalities of Madison and Ridgeland, and

WHEREAS, the Board of said District has approved the proposed de-annexation, and

WHEREAS, Mr. Overby stated this would eliminate the double taxation on residents within the legal description, a true and correct copy of which is attached hereto as Exhibit JJ, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Karl M. Banks did offer and Mr. Ronny Lott did second a motion to approve the de-annexation of Southwest Madison County Fire Protection District as set forth on Exhibit JJ and direct the Tax Assessor and Tax Collector to reflect such de-annexation in comprising the next and all future tax rolls. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and said de-annexation was and is hereby approved.

SO ORDERED this the 2nd day of April, 2012.

In re: Approval of Submission of Names to Governor Phil Bryant for the Pearl River Industrial Commission Board

Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to rescind the action taken on November 221, 2011 for submission of the names of certain individuals to be considered by the Governor as appointees to the Pearl River Industrial Commission Board and to, instead, submit the following names to Governor Phil Bryant for consideration for appointment to the Pearl River Industrial Commission Board, to wit:

Mayor Gene McGee
Mr. Sells Newman
Mr. Jim W. Smith

President's Initials: _____

Date Signed: _____

The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and said action on November 21, 2011 was and is hereby rescinded and said names were and are hereby authorized to be submitted to Governor Phil Bryant for appointment.

SO ORDERED this the 2nd day of April, 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 litigation matters,

Following discussion and pursuant to the terms of Miss. Code Ann. § 25-41-7, as amended, Mr. Paul Griffin 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 legal and personnel issues 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, Comptroller and Deputy Chancery Clerk Shelton Vance, Board Secretary and Deputy Chancery Clerk Cynthia Parker, County Engineer Rudy Warnock, Board Attorney Eric Hamer, and Mr. Steve Pittman. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and the Board took up the matter of entering into Executive Session.

SO ORDERED this the 2nd day of April, 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. Ronny Lott did offer and Mr. Paul Griffin did second a motion to enter into Executive Session to discuss potential legal matters. The vote on the matter being as follows:

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

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the matter carried by the unanimous vote of those present and the Board took up the matter of entering into Executive Session.

SO ORDERED this the 2nd day of April, 2012.

Thereafter, Mr. Paul Griffin did offer and Mr. Ronny Lott did second a motion to adjourn the Executive Session and announce to the public no action was taken therein. The vote on the matter being as follows:

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

the matter carried unanimously and the President declared Executive Session declared adjourned, and the Board Attorney did announce to the public no action was taken therein.

SO ORDERED this the 2nd day of April, 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 Karl M. Banks and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Monday, April 16, 2012 for purposes of consideration of a Claims Docket and any other business which may properly come before the Board.

John Bell Crosby, President
Madison County Board of Supervisors

Date signed: _____

ATTEST:

Arthur Johnston, Chancery Clerk

President's Initials: _____

Date Signed: _____

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