

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

REGULAR MEETING OF APRIL 18, 2012
Recessed from a regular meeting conducted on April 16, 2012

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on April 18, 2012 at 9:00 am, 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, Mr. John Bell Crosby, presided and called the meeting to order. The following members were present that day:

Present:

Absent:

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

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
Purchase Clerk Hardy Crunk
County Engineer Rudy Warnock

The President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Mr. Gerald Steen offered an opening prayer and County Administrator David Overby lead the members and the audience in the Pledge of Allegiance to the colors of the United States of America.

In re: Consideration and Approval of Proposal of APAC, Inc and Adcamp - Calhoun Station Phase 3

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented a spreadsheet containing the cost of hot mix asphalt, the laying of same, and traffic control in the amount of \$105,672.00 for Calhoun Station Phase 3 Project and requested the Board to approve same,, a true and correct copy of which is attached hereto as Exhibit A, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Warnock further reported that in accordance with Mississippi Department of Transportation (MDOT) permit requirements, a contractor is required to lay asphalt in MDOT right-of-way along Highway 22,

Following discussion of this matter, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to (1) approve the proposal for the cost of hot mix asphalt from APAC, Inc. in the amount of \$89,880.00; (2) approve the proposal for the laying of said asphalt and traffic control to Adcamp in the amount of \$15,792.00; and (3) authorize a budget amendment to reflect same. The vote on the matter being as follows:

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 1 of 5 (4/18/12)

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 proposals were and are hereby approved; and said budget amendment was and is hereby approved.

SO ORDERED this the 18^h day of April, 2012.

In re: Approval of Care Environmental Corp.

Following discussion, and at the recommendation of Purchase Clerk Hardy Crunk, Mr. Gerald Steen did offer and Mr. Paul Griffin did second a motion to approve that certain contract with Care Environmental Corporation for collection of hazardous chemical during Ridgeland’s Household Hazardous Waste Day scheduled for May 19, 2012 at Holmes Community College, a true and correct copy of which is attached hereto as Exhibit B, spread hereupon and incorporated herein by reference and authorize the Board President to execute same. 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 contract was and is hereby approved and the Board President was and is hereby so authorized.

SO ORDERED this the 18^h 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 and pending litigation,

Following discussion and pursuant to the terms of Miss. Code Ann. § 25-41-7, as amended, Mr. Karl M. Banks 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
Supervisor Paul Griffin	Aye

President’s Initials: _____

Date Signed: _____

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

SO ORDERED this the 18th day of April, 2012.

In re: Entering into Executive Session

WHEREAS, the Board Attorney advised the Board that discussion of the proposed matters of business was properly the subject of executive session,

Following discussion, Mr. Gerald Steen did offer and Mr. Karl M. Banks 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	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously 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 18th day of April, 2012.

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

WHEREAS, Board Attorney Eric Hamer appeared before the Board and reported that the Parkway East Public Improvement District has advised the county through correspondence addressed to the Chancery Clerk that it has failed to collect special assessments sufficient to make its debt service payment due May 1, 2012 and that, consequently, the county has been called upon to make up the shortfall under and pursuant to that certain Contribution Agreement between the PID and the county previously approved by the Madison County Board of Supervisors on February 18, 2005 found at Minute Book 2005, Page 278; and

WHEREAS, Mr. Hamer further reported, that based on the advice of the county's special bond counsel, Butler Snow, O'Mara Stevens and Cannada, PLLC, as detailed below, the Board should consider making the requested shortfall payment of up to \$464,376.60,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to:

(1) advance funds to the Parkway East Public Improvement District or to the bond trustee, Hancock Bank or its designee, under and pursuant to paragraph 3 of that certain Contribution Agreement previously approved by the Madison County Board of Supervisors on February 18, 2005 found at Minute Book 2005, Page 278 in an amount equal to \$359,096.02, (a) **less** any excess in the debt service reserve fund for the 2005 series of bonds above the minimum amount required by the applicable indenture or other bond documents and (b) **less** the entirety of the amount advanced by the Parkway East South Public Improvement District to the Parkway East North Public Improvement District prior to April 27, 2012;

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

(3) direct that the Board Attorney communicate this proposed course of action with the bond trustee and its course and report back to the Board on or before April 25, 2012; and

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 3 of 5 (4/18/12)

(4) to further find, determine and declare that the payment contemplated and authorized herein is being made pursuant to the aforesaid Contribution Agreement in full reliance on the advice of special counsel, Butler Snow, O'Mara Stevens and Cannada, PLLC, as that advice was submitted via correspondence dated October 14, 2011, addressed to Board Attorney Eric Hamer, and its opinion of July 27, 2005, a true and correct copy of both of which may be found in the Miscellaneous Appendix to the Minutes of October 24, 2011 under seal and are so incorporated herein by reference.

The vote on the matter being as follows:

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

the matter carried unanimously and said payment was and is hereby approved, and the Chancery Clerk and the Board Attorney were and are hereby so authorized.

SO ORDERED this the 18th day of April, 2012.

***In re: Authorization of County Engineer to Evaluate Roads
for Inclusion in LPA Project of the Mississippi Department of Transportation***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and reported that in his estimation an analysis of certain roads in the county was warranted, and

WHEREAS, the Board determined that the following roads should be so evaluated:

- (1) Highland Colony Parkway, at roundabout south to County Line Road;
- (2) Yandell Road from Old Canton Road to Highway 43;
- (3) Hoy Road
- (4) Reunion Parkway, Phase 2 for the final wearing course;
- (5) Wheatley Street from School Street to Northpark Mall,

Following brief discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize County Engineer Rudy Warnock to review and evaluate the above listed roads for such purposes pursuant to his General Services agreement. 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 County Engineer was and is hereby so authorized.

SO ORDERED this the 18th day of April, 2012.

Thereafter, Mr. Gerald Steen did offer and Mr. Ronny Lott 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:

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 4 of 5 (4/18/12)

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 that no action was taken therein.

SO ORDERED this the 18th 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 Karl M. Banks and seconded by Supervisor Gerald Steen and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Monday, April 25, 2012 at 10:30 a.m. for purposes of giving further consideration to the matter of the Parkway East Public Improvement District assessment shortfall 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: _____

For Searching Reference Only: Page 5 of 5 (4/18/12)