

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

REGULAR MEETING OF APRIL 25, 2012
Recessed from a regular meeting conducted on April 18, 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 25, 2012 at 10:30 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
Emergency Management and E-911 Director Butch Hammack

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 Comptroller and Deputy Chancery Clerk Shelton Vance lead the members and the audience in the Pledge of Allegiance to the colors of the United States of America.

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 (1) and (5) 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, the Board President requested that Item (2) be removed from the Consent Agenda and be considered separately, and

Therefore, Mr. Gerald Steen did offer and Mr. Ronny Lott did second a motion to take the following actions on the Consent Agenda:

- 1. Authorize Architect Joseph Orr and County Engineer Rudy Warnock to Begin Process for Construction of Valley View Fire Station.**
(At the request of County Fire Coordinator Mack Pigg, Architect Joseph Orr and County Engineer Rudy Warnock were hereby authorized to begin process for construction of the Valley View Fire Station.)

President's Initials: _____

Date Signed: _____

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3. **Approve Administrative Leave - County Comptroller.**
(True and correct copies of those certain memoranda dated April 20, 2012 from County Comptroller Shelton Vance detailing the requested and granted administrative leave is attached hereto as Exhibit A, spread hereupon and incorporated herein by reference.)

4. **Acknowledge Salary Increases and Promotions.**
(True and correct copies of those certain memoranda dated April 12, 2012 from Major Chuck McNeal recognizing the promotion of Detention Officer Tamarrius Jones and Master Sergeant Ike Williams are attached hereto as Collective Exhibit B, spread hereupon and incorporated herein by reference. True and correct copies of those certain personnel salary adjustments in the District Attorney’s office are attached hereto as Collective Exhibit C, spread hereupon and incorporated herein by reference.)

5. **Approve Temporary Hire at Emergency Management and E911 Office.**
(A true and correct copy of that certain memorandum dated April 23, 2012 from Emergency Management and E911 Director Butch Hammack requesting permission to hire Ms. Lauren Pickett as temporary employee during the absence of Ms. Jennifer Taylor is attached hereto as Exhibit D, 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 each item was and is hereby approved, adopted and authorized as described herein above.

SO ORDERED this the 25th day of April, 2012.

In re: Approval of New Hire - Solid Waste Department

Following discussion, Mr. Gerald Steen did offer and Mr. John Bell Crosby did second a motion to table the approval of a new hire in the Solid Waste Department. Thereafter, and following further discussion, Mr. Gerald Steen did offer and Mr. John Bell Crosby did second a motion in the nature of a substitute to withdraw the motion to table said new hire and approve the hiring of Mr. Willie Dixon in the Solid Waste Department as requested and set forth on that certain personnel appointment form, a true and correct copy of which is attached hereto as Exhibit E, 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 Mr. Dixon was and is hereby so hired.

SO ORDERED this the 25th day of April, 2012.

President’s Initials: _____

Date Signed: _____

In re: Approval of Postage Request

At the request of County Comptroller and Deputy Chancery Clerk Shelton Vance, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve the purchase of postage by phone in the amount of \$6,000.00 as detailed on that certain document labeled “In County With U. S. Postal Service (Postage by Phone), a true and correct copy of which is attached hereto as Exhibit F, spread hereupon and incorporated herein by reference. The vote on the matter being as follows:

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

the matter carried unanimously and said request was and is hereby approved and the Chancery Clerk was and is hereby authorized to issue a pay warrant accordingly.

SO ORDERED this the 25th 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. Ronny Lott 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

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

SO ORDERED this the 25th day of April, 2012.

In re: Entering into Executive Session

WHEREAS, the Board Attorney advised the Board that, consequently, discussion of such matters was properly the subject of executive session,

Following discussion, Mr. Karl M. Banks did offer and Mr. Ronny Lott 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:

President’s Initials: _____

Date Signed: _____

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 25th 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) rescind this Board’s action of April 18, 2012 pertaining to this matter;

(2) approve the payment of the sum of up to \$464,376.60 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;

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

(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 these Minutes 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

President’s Initials: _____

Date Signed: _____

the matter carried unanimously and said payment in the amount of up to \$464,376.60 to the Parkway East Public Improvement District was and is hereby approved, and the Chancery Clerk was and is hereby so authorized.

SO ORDERED this the 2^{5th} day of April, 2012.

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

Supervisor John Bell Crosby	Aye
Supervisor 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 25th day of April, 2012.

In re: Discussion of Scheduled Meeting Times

Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to set all first Monday Board meetings at 9:00 a.m.. Mr. Gerald Steen did offer and Mr. John Bell Crosby did second a motion in the nature of a substitute motion to commence said meetings as 6:00 pm as is the Board's current practice. 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	No
Supervisor Paul Griffin	No

the substitute motion carried by a majority vote (3-2) and said meetings were and are hereby set to commence at 6:00 p.m.

SO ORDERED this the 25th 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 Gerald Steen and seconded by Supervisor John Bell Crosby and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Monday, April 30, 2012 at 3:30 p.m. for purposes of re-convening to Butler, Snow, O'Mara & Cannada offices 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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