

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

REGULAR MEETING OF JULY 16, 2012
Recessed from a regular meeting conducted on July 2, 2012

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on July 16, 2012 at 6:00 pm, 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:

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

Absent:

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 Mike Espy
Purchase Clerk Hardy Crunk
County Engineer Rudy Warnock
Assistant Comptroller and Deputy Chancery Clerk Myrtis Sims
Chief Deputy Tax Assessor Kent Hawkins
Zoning Administrator Brad Sellers
Building & Grounds Director Barry Parker
Emergency Management and E911 Director Butch Hammack

The President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. The Board President then ask for a moment of silence for former Supervisor Andy Taggart and his family due to the death of his son, Brad. Thereafter, Supervisor Gerald Steen offered an opening prayer and County Administrator David Overby led 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 (2) through (24) 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

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

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2. **Acknowledge Clerk of the Board Report.**
(A true and correct copy of said Report is attached hereto as Exhibit A, spread hereupon and incorporated herein by reference.)
3. **Acknowledge and Approve Personnel Matters - Sheriff's Department, Road Department, and Tax Assessor.**
(True and correct copies of those certain memoranda from the Sheriff's Department, the Road Department, and the Tax Assessor's Office setting forth certain changes and/or additions in personnel are attached hereto as Collective Exhibit B, spread hereupon and incorporated herein by reference.)
4. **Approve Monthly Credit Card Report May 10 - June 8, 2012 - General County.**
(A true and correct copy of that certain memorandum dated July 5, 2012 from County Purchase Clerk Hardy Crunk is attached hereto as Exhibit C, spread hereupon and incorporated herein by reference.)
5. **Approve Monthly Credit Card Report May 9 - June 8, 2012 - Sheriff Department.**
(A true and correct copy of that certain memorandum dated June 28, 2012 from County Purchase Clerk Hardy Crunk is attached hereto as Exhibit D, spread hereupon and incorporated herein by reference.)
6. **Authorize Advertising for Term Bids.**
(A true and correct copy of that certain explanatory memorandum dated July 6, 2012 from County Purchase Clerk Hardy Crunk requesting permission to advertise for term bids for the period October 1, 2012 - September 30, 2013 for those certain commodities outlined in said memorandum, is attached hereto as Exhibit E, spread hereupon and incorporated herein by reference.)
7. **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 was and is hereby approved, and the application for the same is attached hereto as Collective Exhibit F, spread hereupon, and incorporated herein by reference:
 - (1) AT&T - seeking to place new cable route along Livingston Vernon Road.
 - (2) Bear Creek Water Association - seeking to install a new 12-inch PVC water main and a 3 inch sewer forcemain along Calhoun Station Parkway.
 - (3) Comcast - seeking to place underground CATV cable along Burne Run and Burne Cove.
 - (4) Telepak Networks - seeking to place (2) 2.15" hdpe e/w (1) 144 ct. fiber optic cable along North Railroad Street.
8. **Approve Notices to Renew 16th Section Leases and Long Term Residential Lease Contracts.**
(True and correct copies of those certain Notices to Renew Residential Lease Contracts to Michael H. Long and wife, Kimberly R. Long, regarding Lot 34, Belle Rose Subdivision; John W. Ragsdale and wife, Carolyn Ragsdale, regarding Lot 9, Eastbrooke Estate Subdivision; Martha W. McVee, regarding Lot 14, Belle Rose Subdivision; John Watkins and wife, Angela Watkins, regarding Lot 160 Sherbourne Subdivision, Part 4; Donald K. Edstrom and wife, Cheryl A. Edstrom, regarding Lot 45 Livingston Subdivision, Part 1 may be found in the Miscellaneous Appendix to these Minutes.
9. **Approve Cleaning of Property - John Michael Proctor/Stump Bridge Road.**
(True and correct copies of certain explanatory correspondence dated June 1, 2012 and June 28, 2012 from Mr. Scott Weeks of the Planning and Zoning Office requiring the cleaning of that certain property located at 1272 Stumpbridge Road, being parcel no. 103F-13-006/08.00 and assessed to John Michael Proctor is attached hereto as Collective Exhibit G, spread hereupon and incorporated herein by reference. The Road Department

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was and is hereby directed to proceed to have the land cleaned by cutting weeds, filling cisterns, and removing rubbish, dilapidated fences, outside toilets, dilapidated buildings and other debris, and draining cesspools and standing water therefrom, and upon completion of such cleaning, assess the actual cost of cleaning the said lot to the owner thereof, such assessment not to exceed \$10,000 this calendar year, 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.)

10. **Approve Purchase of New Software for Tax Redemption - Chancery Clerk's Office; Approve Payment of the Sum of \$6,100.00 Unto Said Firm From Funds Held in Fund 100-101-581; and Approve Monthly Service Fee of \$160.00 per Month.**
(A true and correct copy of that certain explanatory memorandum dated July 9, 2012 from Chancery Clerk Arthur Johnston requesting permission to purchase new software program from Delta Computer Systems, Inc. for purposes of redeeming taxes as a sole source item is attached hereto as Exhibit H, spread hereupon and incorporated herein by reference.)
11. **Acknowledge Mississippi Department of Environmental Quality Public Notice.**
(A true and correct copy of which is attached hereto as Exhibit I, spread hereupon and incorporated herein by reference.)
12. **Approve Refund of Deposit to Mr. Willie Killins - Rogers Park.**
(A true and correct copy of that certain memorandum dated July 10, 2012 from Ms. Gloria Nichols requesting a refund for Mr. Willie Killins is attached hereto as Exhibit J, spread hereupon and incorporated herein by reference.)
13. **Approve Awarding Bid for Drinking Water/Coolers - Dixie Springs Spring Water.**
(A true and correct copy of that explanatory memorandum dated July 10, 2012 from Purchase Clerk Hardy Crunk recommending the Board award the term bid for the period of August 1, 2012 - September 30, 2013 for water/cooler rental to Dixie Springs Spring Water is attached hereto as Exhibit K, spread hereupon and incorporated herein by reference.)
14. **Approve Contract with Delta Computer Systems, Inc. Software Support Services for Tax Assessor's Office and Authorize Board President to Execute Same.**
(A true and correct copy of which is attached hereto as Exhibit L, spread hereupon and incorporated herein by reference.)
15. **Approve Contract with Delta Computer Systems, Inc. for Software Support Services for Accounting, Purchasing, and Payroll and Authorize Board President to Execute Same.**
(A true and correct copy of which is attached hereto as Exhibit M, spread hereupon and incorporated herein by reference.)
16. **Approve *En Masse* Petitions for Increase 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 N, spread hereupon and incorporated herein by reference.)
17. **Approve *En Masse* Petitions for Increase of Assessments of Real Property for Various Tax Years 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 O, spread hereupon and incorporated herein by reference.)

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18. **Acknowledge Petitions for Increase of Assessment of Real Property for Various 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 P, spread hereupon and incorporated herein by reference, and a public hearing is set for August 20, 2012.)
19. **Approve Petition for Reduction of Assessments of Real Property for the 2011 Tax Year.**
(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 Q, spread hereupon and incorporated herein by reference.)
20. **Approve Request for Refund of 2008, 2009, and 2010 Taxes - Cameron Plantation, LLC.**
(A true and correct copy of that explanatory memorandum dated January 19, 2012 from Tax Assessor Gerald Barber requesting the Board refund the 2008, 2009, and 2012 taxes on parcel no. 091B-09-002/00.00 assessed to Cameron Plantation, LLC due to overpayment of taxes is attached hereto as Exhibit R, spread hereupon and incorporated herein by reference. The Tax Collector was hereby authorized to issue said refund and short her next settlement accordingly.)
21. **Approve Amended Homestead Applications - 2011 Tax Year.**
(A true and correct copy of that certain memorandum dated July 10, 2012 from Homestead Director Emily Anderson is attached hereto as Exhibit S, spread hereupon and incorporated herein by reference.)
22. **Approve *En Masse* Petitions for Increase 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 T, spread hereupon and incorporated herein by reference.)
23. **Approve Petition for Reduction of Assessments of Personal Property for the 2011 Tax Year.**
(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 U, spread hereupon and incorporated herein by reference.)
24. **Approve Deleted Homestead Applications - 2011 Tax Year.**
(A true and correct copy of that certain memorandum dated July 10, 2012 from Homestead Director Emily Anderson is attached hereto as Exhibit V, 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	Not Present and Not Voting
Supervisor Paul Griffin	Not Present and Not Voting

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 16th day of July, 2012.

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In re: Authorization of County Engineer to Perform Survey

WHEREAS, Mr. Ted Flowerday appeared before the Board and requested the Board’s assistance in remedying standing water along a portion of Sweet Gum Cove in Ashbrooke subdivision, and

WHEREAS, Mr. Flowerday reported that residents within the area are concerned with contaminated and diseased water, and

WHEREAS, the County Engineer indicated that said water may pose a threat to the county’s right of way in that erosion or other wearing may occur,

Following discussion, Mr. Ronny Lott did offer and Mr. Gerald Steen did second a motion to authorize County Engineer Rudy Warnock to perform an evaluation and survey the area to determine what could be done to assist with the drainage issue. 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	Not Present and Not Voting

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

SO ORDERED this the 16th day of July, 2012.

In re: The Annexation of the Southwest Madison County Fire Protection District to Include Lands to Match the Southwest Madison County Fire District

There came on for consideration by the Board the matter of a public hearing on the Petition of certain petitioners to annex certain additional lands within the Southwest Madison County Fire Protection District pursuant to Miss. Code Ann. § 19-5-201, and

The Board President declared said public hearing to be open, and, no one having appeared to contest the annexation as proposed, Mr. Karl M. Banks did offer and Mr. Gerald Steen did second a motion to close said public hearing. 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 public hearing on said petition was and is hereby closed.

SO ORDERED this the 16th day of July, 2012.

THEREAFTER, Supervisor Gerald Steen offered the following Resolution and moved its adoption, to wit:

RESOLUTION OF THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI, ANNEXING ADDITIONAL LANDS INTO THE SOUTHWEST MADISON COUNTY FIRE PROTECTION DISTRICT

WHEREAS, a petition was previously filed with the Board of Supervisors of Madison County for the annexation of additional lands into the fire grading district known as the “Southwest Madison County Fire Protection District” in Madison County, Mississippi, for the

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purpose of providing fire protection in the rural area within the proposed boundaries of such district; and,

WHEREAS, the petition was signed by not less than twenty-five owners of real property residing within the boundaries of the proposed district and included (1) a statement of the necessity for the service or services to be supplied by the proposed district, (2) the proposed corporate name for the district, and (3) the proposed boundaries of the district to encompass the new areas, all in accordance with statute and,

WHEREAS, such petition was signed in person by the petitioners, with their respective residence addresses, and was accompanied by a sworn statement of the persons or persons circulating the petition, who stated under oath that he or they witnessed the signature of each petitioner, that each signature is the signature of the person it purports to be and that to the best of his or their knowledge, each petitioner was, at the time of signing, an owner of real property within and a resident of the proposed district; and, and

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

WHEREAS, in its meeting of June 18, 2012, the Board of Supervisors, upon the filing of request by those Petitioners within Southwest Madison County Fire Protection and Petitioners of the Deerhaven Subdivision, did set Monday, July 15, 2012, at 6:00 o'clock P. M., in the Board of Supervisors Room in the Chancery/Administrative Building at Canton, Mississippi, as the time, date and place for a public hearing upon the question of the public convenience and necessity of the creation of said district; and,

WHEREAS, a public notice signed by the Clerk of the time, date and place of the public hearing was published in the *Madison County Herald*, a newspaper within the meaning of the statute, having a general circulation within such proposed district once a week for at least three consecutive weeks prior to the date of the hearing, and the first of such publications was made not less than twenty one days prior to the date of such hearing and the last such publication was made not more than fourteen days prior to the date of such hearing, and such notice contained the date of such hearing, the place at which it shall be held, and the purpose of the hearing, and

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

WHEREAS, the proposed annexation will expand the boundaries of the Southwest Madison County Fire Protection District so as to include all lands described in that certain one page document labeled "Southwest Madison County Fire Protection District Annexation Area" which was attach to the Petition as Exhibit A thereto and which is attached to these Minutes as Exhibit X, spread hereupon, and incorporated herein by reference

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI, as follows:

1. That the Fire Protection District within Madison County, Mississippi known as the Southwest Madison County Fire Protection District shall be and it is hereby expanded so as to encompass all those lands set forth in that certain legal description, a true and correct copy of which is attached hereto as Exhibit X, spread hereupon and incorporated herein by reference.
2. That the Southwest Madison County Fire Protection District, as hereby expanded, shall continue to be a valid body politic and corporate of the State of Mississippi under its corporate name of the "Southwest Madison County Fire Protection District." The powers of such district shall be vested in and exercised by the Madison County Board of Supervisors.
3. That if any provision of this Resolution shall be held to be invalid by any court of competent jurisdiction, the remainder of this Resolution shall not be affected thereby .
The motion for the adoption of the Resolution was seconded by Supervisor Karl M. Banks and

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after discussion, the Resolution was read and considered section by section and as a whole, and a vote was taken thereon, section by section, and as a whole, with the following results:

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 motion having therefore received the affirmative vote of the majority of the members present, the President of the Board of Supervisors of Madison County, Mississippi, declared the motion carried and the above and foregoing Resolution adopted this the 16th day of July, 2012.

SO ORDERED this the 16th day of July, 2012.

In re: Reinstatement of Homestead Exemption, Acknowledgment of Correspondence and Adjustment of Assessment of 2012 Land Roll for Ray Chandler and Wife

WHEREAS, on May 21, 2012, the Board did not approve the assessment increased proposed by the Tax Assessor as to certain property owned by Ray Chandler and his wife, said property bearing tax parcel number 071F-23B-049/00.00 for tax years 2010 and 2011; and

WHEREAS, the Tax Assessor has advised the Board that Mr. Chandler has paid all county ad valorem taxes owed on motor vehicles owned by he and his wife and otherwise complied with this Board's directives as reflected in the Minutes of the Board of May 21, 2012, and

Following discussion, Mr. Karl M. Banks did offer and Mr. Gerald Steen did second a motion to reinstate homestead exemption as to parcel no. 071F-23B-049/00.00, acknowledge receipt of that certain item of correspondence dated July 11, 2012 from counsel for Mr. Chandler, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, and adjust the preliminary 2012 roll to reflect the 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 homestead exemption was and is hereby restored as to said parcel, said correspondence is acknowledged, and the preliminary 2012 land roll was and is hereby adjusted to reflect the same.

SO ORDERED this the 16th day of July, 2012.

In re: Acknowledgment of Emergency Management Plan

WHEREAS, Emergency Management and E911 Director Butch Hammack appeared before the Board and presented the current Emergency Management Plan for Madison County and requested the Board's acknowledgment of the same, and

WHEREAS, a true and correct copy of said Plan may be found in the Miscellaneous Appendix to these Minutes and is on file in the office of the Chancery Clerk, and

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Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to acknowledge the current Emergency Management Plan for Madison County and authorize the Board President to sign the 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 Plan was and is hereby acknowledged and the Board President was and is so authorized.

SO ORDERED this 16th day of July, 2012.

In re: Approval of Final Plat of Northwind of Wellington Subdivision, Part 2A

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented the final plat of Northwind of Wellington Subdivision, Part 2A 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:

Clearview Drive East
Northwind Drive
Windy Hollow

Following discussion of this matter, Mr. Ronny Lott did offer and Mr. Paul Griffin 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 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	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and the final plat of Northwind of Wellington Subdivision, Part 2A was and is hereby approved and said roads were and are accepted as public streets.

SO ORDERED this the 16th day of July, 2012.

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In re: Approval of Program, Agreement and Project Order for Inspection of Designated Bridges in Madison County for Fiscal Year 2013

WHEREAS, County Engineer Rudy Warnock appeared before the Board and requested the Board approve an Agreement between Madison County and the Office of State Aid Road Construction to perform inspection services on bridges in Madison County, Mississippi, and

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

Following discussion, Mr. Paul Griffin did offer and Mr. Ronny Lott did second a motion to (1) approve the Agreement between Madison County and the Office of State Aid Road Construction to perform inspection services on bridges in Madison County, Mississippi; (2) name Road Manager Lawrence Morris as the Board's designee in said Agreement; and (3) authorize each Board member 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 Agreement was and is hereby approved, Mr. Morris was and is so designated, and each Board Member was and is hereby so authorized.

SO ORDERED this the 16th day of July, 2012.

In re: Order of the Board of Supervisors of Madison County Accepting Contract for State Aid Project No. SAP-45(4)M

WHEREAS, County Engineer and State Aid Engineer Rudy Warnock appeared before the Board and presented a proposed Order pertaining to the completion of acceptance of State Aid Project No. SAP-45(4)M being Green Oak Lane, together with a letter of release directed to Hemphill Construction, the contractor on the project, a true and correct copy of all of which is attached hereto as Collective Exhibit Z, spread hereupon and incorporated herein by reference,

WHEREAS, Mr. Warnock did recommend the adoption of said order and the Board's authorization of its President, Mr. John Bell Crosby, to execute the same on behalf of the county,

Following discussion, Mr. John Bell Crosby did offer and Mr. Karl M. Banks did second a motion to adopt and enter the aforesaid Order and authorize and direct the Board President to execute the same as well as the letter of release. 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 by the unanimous vote of those present and said Order was and is hereby adopted and the Board President was and is so authorized.

SO ORDERED this the 16th day of July, 2012.

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In re: Moss Road Reconstruction Project and Robinson Road

WHEREAS, County Engineer and State Aid Engineer Rudy Warnock appeared before the Board and requested the Board’s consideration to authorize the contractor, Warren Excavation, LLC, to perform additional work on the Moss Road Reconstruction Project, and

WHEREAS, Mr. Warnock reported that the additional work was needed to make repairs to the intersection of Moss Road and Robinson Road so as to extend the culvert said location to improve safety at said intersection and due to erosion on county right-of-way,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to authorize and direct County Engineer Rudy Warnock and Warren Excavation, LLC to expand the limits of Moss Road at Robinson Road by extending the culvert(s) in order to improve safety at said intersection and due to the erosion of county right of way at a cost of \$4,200.00. 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. Warnock and Warren Excavation were and are hereby so authorized.

SO ORDERED this 16th day of July, 2012.

In re: Discussion of Panther Creek Connector Road

WHEREAS, County Engineer and State Aid Engineer Rudy Warnock appeared before and presented a cost estimate for the construction of Eastridge Lane into Calhoun Station Parkway in the amount of \$85,000.00 to allow for a direct connection to Interstate 55, and

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

WHEREAS, Mr. Warnock reported that he was awaiting a permit from Mississippi Department of Transportation to proceed with the construction of said connector road,

Following discussion, Mr. Karl M. Banks did offer and Mr. Gerald Steen did second a motion to authorize and direct County Engineer Rudy Warnock to pursue the appropriate permit and other documentation from Mississippi Department of Transportation necessary in order to proceed with said road. 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. Warnock was and is hereby so authorized.

SO ORDERED this 16th day of July, 2012.

President’s Initials: _____

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In re: Selection of Certain Projects and Allocation of Settlement Proceeds – Mississippi Department of Transportation Lawsuit

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to allocate the proceeds of the county's settlement with the Mississippi Department of Transportation arising out of the Reunion Interchange project as follows:

- (1) \$1.4 million to Reunion Parkway, Phase 2 for leveling and asphalt surface and overlay
- (2) \$1.5 million to Hoy Road for reconstruction
- (3) \$2.1 million to Highland Colony Parkway for milling, leveling and asphalt surface overlay
- (4) \$950,000 to Yandell Road from North Old Canton Road to Highway 43.

The vote on said motion 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 motion did not garner a majority vote of the Board and therefore failed.

SO ORDERED this 16th day of July, 2012.

After additional discussion, Mr. Gerald Steen did offer and Mr. John Bell Crosby did second a motion to allocate the proceeds of the county's settlement with the Mississippi Department of Transportation arising out of the Reunion Interchange project as follows:

- (1) \$2 million to Hoy Road for reconstruction
- (2) \$1.5 million to Reunion Parkway, Phase 2 for leveling and asphalt surface and overlay
- (3) \$2.5 million to Highland Colony Parkway for milling, leveling and asphalt surface overlay, and

provided that, as to the allocation for Reunion Parkway, Phase 2, the same be subject to (a) the subsequent dismissal of a certain lawsuit presently pending involving the City of Madison, Madison County, and a certain landowner in the area; (b) certain escrow funds being held by the City of Madison be released, (c) the City of Madison's agreement to assume responsibility for future maintenance of said road. The motion also directed that the County's LPA agent and/or the Board President execute the MDOT LAP-100 forms as required by MDOT for disbursement of said funds.

Upon call of the question on the motion offered by Mr. Steen, the vote was as follows:

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

Therefore, the matter carried by a majority vote (3-2) of the Board and said funds are to be apportioned as set forth in the motion offered by Mr. Steen above with the aforementioned provisos.

SO ORDERED this 16th day of July, 2012.

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In re: Authorization of Railroad Crossing Closures at Sowell Road and Old Jackson Road

WHEREAS, County Engineer Rudy Warnock appeared before the Board and drew the Board's attention to that certain agreement between Madison County and the CN Railroad dating back to August 17, 2009 and advised that said agreement required the county to close two existing rail crossings, one at Sowell Road and the other at Old Jackson Road as the result of CN Railroad's agreement to allow new crossings at the new Sowell Road location and at the proposed Reunion Boulevard between Highway 51 and Parkway East/Galleria Parkway, and

Following discussion, Mr. Karl M. Banks did offer and Mr. Gerald Steen did second a motion to authorize and direct that the CN Railroad crossings at Sowell Road and Old Jackson Road be closed and direct that Purchase Clerk Hardy Crunk issue a purchase order to Hanson Pipe Company for the purchase and installation of eight (8) jersey barriers, four (4) at each location.

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 rail crossings were and are hereby ordered closed and the Purchase Clerk was and is so authorized and directed.

SO ORDERED this 16th day of July, 2012.

In re: Flooding on Kehle Road

WHEREAS, County Engineer Rudy Warnock advised the Board that water consistently overtops the road and incurs upon the county's right of way on Kehle Road during moderate to heavy rain events,

Following discussion, Mr. Ronny Lott did offer and Mr. Gerald Steen did second a motion to (1) acknowledge receipt of correspondence from Mr. Warnock dated July 9, 2012, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes; and (2) find, determine and declare that the flooding occurring on said road adversely affects the county's right of way; and (3) authorize and direct the County Engineer to prepare and estimate of the cost for correcting and alleviating the problem and make a report to the Board at a later date. 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 correspondence was and is hereby acknowledged; such findings were and are made, and Mr. Warnock was and is so authorized.

SO ORDERED this 16th day of July, 2012.

President's Initials: _____

Date Signed: _____

In re: Approval of Letter Agreement with Dean & Dean Architects for Professional Services Associated with Proposed Renovations to the Facility Formerly Housing the Madison County Medical Center

WHEREAS, County Administrator David Overby appeared before the Board and reported that in view of the opening of the new Madison County Medical Center west of Interstate 55 in Canton by HMA, Inc. he had conducted an inspection of the premises on Highway 16 owned by the county and vacated by said hospital and determined that portions of the structure needed demolition and repair, and

WHEREAS, Mr. Overby indicated that the services of an experienced architect was needed to evaluate the specifics of the demolition and repair needs, and

WHEREAS, Mr. Overby reported that he had engaged in discussions with the architect firm of Dean & Dean and proposed that the county enter into an agreement with said firm for the purposes outlined in and upon the terms described in that certain letter agreement dated July 5, 2012, a true and correct copy of which is attached hereto as Exhibit BB, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Gerald Steen did offer and Mr. John Bell Crosby did second a motion to approve said letter agreement and authorize and direct the Board President to execute the 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 letter agreement was and is hereby approved and the Board President was and is so authorized and directed.

SO ORDERED this 16th day of July, 2012.

In re: Authorization of the County Engineer to Perform Services Associated with the County's Compliance Under Title VI of the Americans with Disabilities Act

WHEREAS, County Administrator David Overby appeared before the Board County Engineer Rudy Warnock appeared before the Board and reported that the county has certain obligations under Title VI of the Americans with Disabilities Act, and

Following discussion, Mr. Paul Griffin did offer and Mr. Gerald Steen did second a motion to authorize and direct the County Engineer, under and pursuant to his General Services Contract with the county, to perform an assessment of the county's obligations under Title VI of the Americans With Disabilities Act with the assistance of Zoning Department employee Scott Weeks. 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. Warnock and Mr. Weeks were and are so authorized and directed.

SO ORDERED this 16th day of July, 2012.

President's Initials: _____

Date Signed: _____

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In re: Approval of Budget Amendments and 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 July 16, 2012,” a true and correct copy of which is attached hereto as Exhibit CC, spread hereupon and incorporated herein by reference, and

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to approve said budget amendments and interfund transfers. 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 budget amendments and interfund transfers were and are hereby approved.

SO ORDERED this 16th day of July, 2012.

In re: Approval of Claims Dockets for July 3, 10, and 16, 2012

WHEREAS, the Board reviewed the claims dockets for July 3, 10, and 16, 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 relative to the primary claims docket dated July 16, 2012:

Fund	Claim Nos.	No. of Claims	Amount
001	3421 to 3513	93	156,539.52
002	151 to 157	7	3,576.53
012	181 to 186	6	2,038.69
096	52 to 52	1	20.00
097	254 to 259	6	844.90
105	223 to 227	5	5,842.24
108	11 to 14	4	5,409.56
113	16 to 16	1	8,900.00
115	87 to 88	2	245.88
116	45 to 46	2	358.72
120	88 to 90	3	351.92
150	743 to 773	31	212,458.55
160	180 to 196	17	41,392.63
170	10 to 10	1	11,521.36
190	119 to 119	1	1,363.79
191	109 to 111	3	1,017.03
302	71 to 73	3	34,378.36
401	27 to 27	1	18,090.79
402	12 to 13	2	5,574.25
681	268 to 268	1	1,495.29
TOTAL ALL FUNDS		190	511,420.01

President’s Initials: _____

Date Signed: _____

HELD CLAIMS

All those certain claims of Fleetcor Technologies as set forth on that certain document attached hereto as Exhibit DD, 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. Karl M. Banks 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 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 EE, 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 16th day of July, 2012.

Thereafter, Mr. Paul Griffin did offer and Mr. Karl M. Banks 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	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 16th day of July, 2012.

In re: Authorization to Advertise for Bids for the Construction of Valley View Fire Station

WHEREAS, County Fire Coordinator Mack Pigg appeared before the Board and requested that the Board authorize the advertisement for bids for the construction of the Valley View Fire Station,

Following discussion, Mr. Paul Griffin did offer and Mr. Gerald Steen did second a motion to authorize and direct the Purchase Clerk and the Fire Coordinator to advertise for bids for the construction of the Valley View Fire Station.

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.

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 the Purchase Clerk and the Fire Coordinator were and are hereby so authorized.

SO ORDERED this 16th day of July, 2012.

In re: Lifting of Burn Ban for Madison County

Following discussion and at the request of County Fire Coordinator Mack Pigg and Emergency Management and E911 Director Butch Hammack, Mr. Paul Griffin did offer and Mr. Gerald Steen did second a motion to immediately lift the burn ban previously decreed by this Board in its meeting of July 2, 2012. 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 burn ban was and is hereby lifted immediately.

SO ORDERED this the 16th day of July, 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. Gerald Steen did offer and Mr. Paul Griffin 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 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, the Chancery Clerk, County Administrator David Overby, County Comptroller and Deputy Chancery Clerk Shelton Vance, Board Secretary and Deputy Chancery Clerk Cynthia Parker, Board Attorney Eric Hamer, Board Attorney Mike Espy, 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 16th day of July, 2012.

President’s Initials: _____

Date Signed: _____

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. Ronny Lott did second a motion to enter into Executive Session to discuss potential 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 16th day of July, 2012.

During Executive Session, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize and direct Board Attorney Eric Hamer to prosecute an appeal of that certain decision of the Mississippi Department of Environmental Quality regarding the denial of a permit to NCL to operate as a solid waste landfill in that said denial is not in accord with the county's Solid Waste Management Plan and for other reasons. The vote on the matter being as follows:

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

the matter carried by a majority vote (3-2) of the Board and Mr. Hamer was and is so authorized and directed.

SO ORDERED this the 16th day of July, 2012.

Thereafter, Mr. Ronny Lott did offer and Mr. Karl M. Banks did second a motion to adjourn the Executive Session and direct the Board Attorney 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 Board Attorney did announce to the public the action taken therein.

SO ORDERED this the 16th day of July, 2012.

President's Initials: _____

Date Signed: _____

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 Gerald Steen and approved by the unanimous vote of those present, the July, 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: _____

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