

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

REGULAR MEETING OF AUGUST 6, 2012

Being the first day of the August 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 August 6, 2012, 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 President of the Board, John Bell Crosby, presided and called the meeting to order. The following members were present that day:

Present:

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

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  
County & State Aid/LSBP Engineer Rudy Warnock  
County Purchase Clerk Hardy Crunk  
Assistant Comptroller and Deputy Chancery Clerk Myrtis Sims  
Zoning Administrator Brad Sellers  
Road Manager Lawrence Morris  
Tax Assessor Gerald Barber  
Chief Deputy Tax Assessor Kent Hawkins  
Building and Grounds Director Barry Parker  
County Fire Coordinator Mack Pigg  
Emergency Management Director Butch Hammack

The President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Emergency Management Director Butch Hammack opened the meeting with a prayer and Mr. Robert Trigg 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 July 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 July 2012 term, said meetings having been conducted on July 2 and 16, 2012,

Following discussion, Mr. Karl M. Banks did offer and Mr. Gerald Steen did second a motion to approve the Minutes as presented with certain amendments which were read in open session and to authorize the President to sign said Minutes after said corrections have been made. The vote on the matter being as follows:

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

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

the matter carried by the unanimous vote of those present and the Minutes for the July 2012 term of the Board of Supervisors of Madison County were and are hereby approved as amended.

SO ORDERED this the 6<sup>th</sup> day of August, 2012.

***In re: Public Hearing on Objections to the Equalization of the 2012 Assessment Roll of Madison County, Mississippi***

WHEREAS, this day came on to be considered by the Board of Supervisors of Madison County, Mississippi, the matter of the objections to the assessment roll for the year 2012, and it appearing that said preliminary assessment rolls have been heretofore filed by the Madison County Tax Assessor and that said rolls have been examined and equalized by this Board of Supervisors as required by law and the required notice has been given to the public and to the taxpayers in the manner provided by law at least ten (10) days prior to this meeting, and

WHEREAS, the Board authorized the publication of such notice in *The Madison County Herald*, a newspaper of general circulation in Madison County, the same having been accomplished on July 12, and July 19, 2012, and

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

Following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion, in accordance with Miss. Code Ann. §§ 27-35-89 and 27-35-93, to (1) declare the period for accepting objections to said rolls closed as of 6:00 pm this date, August 6, 2012; (2) set Thursday, August 16, 2012, at 2:00 pm as the date for individual equalization hearings on parcels for those who have timely filed objections thereto and for the final approval of said rolls; and (3) direct the Chancery Clerk to communicate with each protester as to the date of said hearing and request that each protester complete and submit a Request for Review to the Tax Assessor in advance of said hearing in order to give the Tax Assessor an opportunity to prepare a response.

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 the motion was and is hereby approved, the objection period was and is hereby closed as of 6:00 pm today, August 6, 2012, and individual equalization hearings were and are hereby set beginning at 2:00 p.m. on Thursday, August 16, 2012 in the Board Room in the new addition to the Chancery and Administrative Building 125 West North Street, Canton, Mississippi, and the Chancery Clerk was and is directed accordingly.

SO ORDERED this the 6<sup>th</sup> day of August, 2012.

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

***In re: Approval of Consent Agenda Items***

WHEREAS, Board President John Bell Crosby announced that he and County Administrator David Overby had conferred in advance of the meeting as to certain matters denominated "Consent Items" which bear Item numbers (3) through (30) 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, Zoning Administrator Brad Sellers requested that Item number (23) be removed from the Consent Agenda for consideration separately, and

WHEREAS, Supervisor Gerald Steen requested that Item number (24b) be removed from the Consent Agenda for consideration separately, and

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

- 3. Acknowledge July 2012 Monthly Report - Road Department.**  
(A true and correct copy of the July 2012 Monthly Road Department Report submitted by County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
- 4. Acknowledge July 2012 Closed Call Analysis - Road Department.**  
(A true and correct copy of the July 2012 Closed Call Analysis submitted by the County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
- 5. Acknowledge August 2012 Service Call Schedule Report - Road Department.**  
(A true and correct copy of the August 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 B, spread hereupon and incorporated herein by reference.)
- 7. Acknowledge and Approve Personnel Matters - Road Department and Juvenile Drug Court.**  
(True and correct copies of those certain memoranda from the Road Department and Juvenile Drug Court setting forth certain changes and/or additions in personnel are attached hereto as Collective Exhibit C, spread hereupon and incorporated herein by reference.)
- 8. Acknowledge Letter from J. Kevin Broughton.**  
(A true and correct copy of which is attached hereto as Exhibit D, spread hereupon and incorporated herein by reference.)
- 9. Approve Application for One Mill Levy.**  
(A true and correct copy of that certain Application for Certification to expend the avails of the one mill reassessment levy is attached hereto as Exhibit E, spread hereupon and incorporated herein by reference. The Board President was and is hereby authorized to execute same.)

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

10. **Acknowledge Redemption of Land Sold for Taxes Report - July, 2012.**  
(A true and correct copy of that certain report from Chancery Clerk Arthur Johnston is attached hereto as Exhibit F, spread hereupon, and incorporated herein by reference.)
11. **Acknowledge \$12,000,000 Madison County GO Road and Bridge Bonds Series 2007 The Arbitrage Group, Inc.**  
(A true and correct copy of which is attached hereto as Exhibit G, spread hereupon and incorporated herein by reference, detailing the rebate computation for the period of May 16, 2007 - May 1, 2012.)
12. **Acknowledge \$3,115,000 Madison County GO Refunding Bonds Series 2008 - The Arbitrage Group, Inc.**  
(A true and correct copy of which is attached hereto as Exhibit H, spread hereupon and incorporated herein by reference.)
13. **Approve Notice of Federal Interest - Mississippi Department of Transportation.**  
(A true and correct copy of which is attached hereto as Exhibit I, spread hereupon and incorporated herein by reference being 2.27 acres ± in the W ½ of Section 24, T9N, R2E, Madison County, Mississippi.)
14. **Acknowledge Parkway East Public Improvement District Invoices.**  
(True and correct copies of said invoices are attached hereto as Collective Exhibit J, spread hereupon and incorporated herein by reference.)
15. **Acknowledge Parkway East Public Improvement District FY 2010-11 Audit Report.**  
(A true and correct copy of which is attached hereto as Exhibit K, spread hereupon and incorporated herein by reference.)
16. **Approve Notice to Renew 16<sup>th</sup> Section Lease Contract.**  
(A true and correct copy of that certain Notice to Renew Residential Lease Contract to James Henderson and wife, Deborah Henderson, regarding Lot 8, St. Augustine Park Subdivision, Part 2 may be found in the Miscellaneous Appendix to these Minutes.)
17. **Approve Refund of Deposit to Ms. Catherine Lipsey - Rogers Park.**  
(A true and correct copy of that certain memorandum dated July 24, 2012 from Ms. Gloria Nichols requesting a refund for Ms. Catherine Lipsey is attached hereto as Exhibit L, spread hereupon and incorporated herein by reference.)
18. **Approve NetMotion Wireless Software Maintenance Contract.**  
(A true and correct copy of which is attached hereto as Exhibit M, spread hereupon and incorporated herein by reference, for a term of one (1) year effective July 23, 2012 at a cost of \$3,318.75.)
19. **Approve U. S. NetworX, Inc. Contract.**  
(A true and correct copy of which is attached hereto as Exhibit N, spread hereupon and incorporated herein by reference, effective October 1, 2012.)
20. **Approve Declaring Surplus of Certain Inventory Item - County Court.**  
(A true and correct copy of that certain memorandum dated July 23, 2012 from Purchase Clerk Hardy Crunk requesting the Board declare a reporter deck audio 8-microphone controller as surplus and authorize trade in of same is attached hereto as Exhibit O, spread hereupon and incorporated herein by reference.)
21. **Approve Monthly Credit Card Report - Sheriff's Department.**  
(A true and correct copy of that certain memorandum dated July 20, 2012 from County Purchase Clerk Hardy Crunk is attached hereto as Exhibit P, spread hereupon and incorporated herein by reference.)

President's Initials: \_\_\_\_\_

Date Signed: \_\_\_\_\_

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- 22. 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 Q, spread hereupon, and incorporated herein by reference:
- (1) BellSouth Telecommunications d/b/a AT&T - seeking to bury fiber optic cable along Dewees Road.
  - (2) Centerpoint Entergy - seeking to place gas main along Stribling Road Extension.
  - (3) Bear Creek Water Association - seeking to install a new 8-inch pvc water line along Livingston-Vernon Road.
- 24a. Approve Preliminary Plat of Stillhouse Creek Subdivision, Phases 8 and 9.**  
(A true and correct copy of that explanatory memorandum dated July 31, 2012 from Planning and Zoning Director Brad Sellers requesting approval for Stillhouse Creek Subdivision, Phases 8 and 9 and it's attachment are attached hereto as Collective Exhibit R, spread hereupon and incorporated herein by reference.)
- 25. Approve Construction Plans for Gated Public Road - Twin Cedars Drive.**  
(A true and correct copy of that certain memorandum dated July 31, 2012 from Planning and Zoning Director Brad Sellers is attached hereto as Exhibit S, spread hereupon and incorporated herein by reference.)
- 26. Approve Construction Plans for Gated Public Road - Wildwood Subdivision.**  
(A true and correct copy of that certain memorandum dated July 31, 2012 from Planning and Zoning Director Brad Sellers along with the liability policy confirmation is attached hereto as Collective Exhibit T, spread hereupon and incorporated herein by reference.)
- 27. Approve Accounting Module - Delta Computer Systems.**  
(A true and correct copy of that explanatory memorandum dated August 6, 2012 from Comptroller Shelton Vance requesting approval a modification of the accounting module at a one time cost of \$1,000.00 and a monthly maintenance fee of \$20.00 is attached hereto as Exhibit U, spread hereupon and incorporated herein by reference.)
- 28. Acknowledge Letter from Burr Forman and Authorize Payment of Assessments Directly to Lost Rabbit Public Improvement District**  
(A true and correct copy of that explanatory memorandum dated July 31, 2012 from Mr. Eric Hatten of Burr & Forman regarding the Lost Rabbit Special Assessments is attached hereto as Exhibit V, spread hereupon and incorporated herein by reference. The request set forth therein was and is hereby approved and the Tax Collector is authorized and directed accordingly.)
- 29. Approve Use of Historic Courthouse Grounds - UAW.**  
(A true and correct copy of that certain memorandum dated July 18, 2012 from Sanchioni Butler and Mark Haasis of the UAW requesting permission to use the Historic Courthouse grounds on Saturday, August 18, 2012 from 1:00 - 6:00 p.m. is attached hereto as Exhibit W, spread hereupon and incorporated herein by reference.)
- 30. Approve Recovery of Phone Expenses - School Attendance Officer's Office.**  
(A true and correct copy of that explanatory memorandum dated August 1, 2012 from County Comptroller Shelton Vance and its spreadsheet attachments are attached hereto as Collective Exhibit X, spread hereupon and incorporated herein by reference. Recovery of said expenses as outlined therein was and is hereby authorized.)
- 30a. Approve Tax Management Associates, Inc. Contract - Tax Assessor's Office.**  
( A true and correct copy of that certain Letter of Agreement with Tax Management Associations, Inc. to provide audit services to the Tax Assessor's office in order to verify

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

the accuracy of business taxpayers' listings of personal property for ad valorem taxation is attached hereto as Exhibit Y, 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 6<sup>th</sup> day of August, 2012.

***In re: Setting Public Hearing on the Cleaning of Private Property***

WHEREAS, Zoning and Planning Administrator Brad Sellers appeared before the Board and requested the Board authorize him to set a public hearing for Tuesday, September 4, 2012 at 6:00 p.m. for the matter of levying certain cleaning assessments as to certain parcels of land within the county, and

WHEREAS, Mr. Sellers reported that said cleaning assessments pertained to property owned by Michael Hannon and Earnest Brooks,

Following discussion, Mr. Paul Griffin did offer and Mr. Gerald Steen did second a motion to set a public hearing for the consideration of cleaning private property on the aforementioned parcels for Tuesday, September 4, 2012 at 6:00 pm. The vote on the matter being as follows:

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

the matter carried unanimously and said public hearing was and is hereby set for Tuesday, September 4, 2012 at 6:00 pm.

SO ORDERED this the 6<sup>th</sup> day of August, 2012.

***In re: Approval of Preliminary Plat -  
Bridgemont Circle of Bridgewater Subdivision***

WHEREAS, Zoning and Planning Administrator Brad Sellers appeared before the Board and requested the Board's consideration of a preliminary plat for Bridgemont Circle, a true and correct copy of which is attached hereto as Collective Exhibit Z, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Gerald Steen did offer and Mr. Paul Griffin did second a motion to approve the preliminary plat of said subdivision subject to the approval of the City of Ridgeland and 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 and subject to zoning ordinance that the Board finds will be applicable upon adoption thereof in the future. The vote on

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

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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 preliminary plat was and is hereby approved.

SO ORDERED this the 6<sup>th</sup> day of August, 2012.

***In re: Approval of Employee Insurance Benefits***

WHEREAS, Human Resources Director Lisa Mayo appeared before the Board and presented that certain explanatory memorandum dated August 6, 2012 and requested the Board's consideration of same as to the employee insurance benefits, a true and correct copy of which is attached hereto as Collective Exhibit AA, spread hereupon and incorporated herein by reference, and

WHEREAS, Ms. Mayo reported there would be no change in the dental and vision insurance,

Following discussion, Mr. Gerald Steen did offer and Mr. John Bell Crosby did second a motion to approve the insurance benefits plan as set forth on Exhibit AA. 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 approved.

SO ORDERED this the 6<sup>th</sup> day of August, 2012.

Thereafter, Mr. Karl M. Banks did offer and Mr. Ronny Lott did second a motion to authorize and direct the County Administrator and the Human Resources Director to prepare, issue and advertise for requests for proposals to provide health insurance benefits to county employees for next fiscal year. The vote on the matter being as follows:

Supervisor John Bell Crosby	No
Supervisor Ronny Lott	Aye
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 the County Administrator and the Human resources Director were and are hereby so directed.

SO ORDERED this the 6<sup>th</sup> day of August, 2012.

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

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***In re: Consideration of Certain Zoning Violations on Property Titled in the Name of Multigraphic Industries, Inc. the Ordering of the Cleaning of Said Private Property, and the Placement of a Lien Thereon as Allowed by Miss. Code Ann. § 19-5-105***

WHEREAS, County Zoning Administrator Brad Sellers appeared before the Board and advised that a certain property owned by Multigraphic Industries, Inc. located in Kearney Park area and being further identified on the county land roll as parcel no. 061I-29D-044/00.00, 061I-29D-112/00.00, and 061I-29D-114/01.00 was in violation of the Madison County Zoning Ordinance, amended October 24, 2005, in Article IV, Section 406, Subsection 406.05, and

WHEREAS, Mr. Sellers reported that said property has excessive growth and the building showed damage from some type of corrosive material, and

WHEREAS, Mr. Sellers requested the Board authorize Mississippi Department of Environmental Quality assist in the cleanup of said property in case of hazard material,

Following discussion, Mr. Karl M. Banks did offer and Mr. Ronny Lott did second a motion to authorize **(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, with the guidance and assistance of Mississippi Department of Environmental Quality, 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 **(3)** 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. 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 properties were and are hereby adjudicated a menace due to its state of uncleanness, the County Road Department with the guidance and assistance of Mississippi Department of Environmental Quality was and is instructed accordingly, and such assessment ordered to be made upon submission of the actual cost of cleaning by the Road Department.

SO ORDERED this the 6<sup>th</sup> day of August, 2012.

***In re: Discussion of Drainage Repairs - Kehle Road***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented a cost estimate for the Board's consideration for drainage repairs along Kehle Road, a true and correct copy of which is attached hereto as Exhibit BB, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Warnock recommended the Board authorize the Road Department perform the necessary repairs and maintenance, and

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

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WHEREAS, Mr. Warnock stated that larger pipes were needed to carry the water under Kehle Road at an estimated cost of \$8,000.00 and utilities will need to be relocated at a cost of approximately \$15,000.00,

Following discussion, Mr. Ronny Lott did offer and Mr. Karl M. Banks did second a motion to authorize the County Engineer to utilize salvaged pipe the county currently has and to negotiate final utility relocation agreements at the estimated cost of \$15,000.00 to be funded through next years budget. 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 authorized.

SO ORDERED this the 6<sup>th</sup> day of August, 2012.

***In re: Approval of Final Plat of Fieldstone Subdivision, Part 1***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented the final plat of Fieldstone Subdivision, Part 1 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:

Fieldstone Lane  
Westerly Place  
Herrington Cove

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 Fieldstone Subdivision, Part 1 was and is hereby approved and said roads were and are accepted as public streets.

SO ORDERED this the 6<sup>th</sup> day of August, 2012.

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

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***In re: Discussion LSBP Funds - Dobson Avenue,  
Gus Green and Cane Creek Road Projects***

WHEREAS, County Engineer and State Aid & LSBP Engineer Rudy Warnock appeared before the Board and presented that certain correspondence dated August 6, 2012 to the Office of State Aid and Road Construction explaining the status of certain LSBP projects, a true and correct copy of which is attached hereto as Exhibit CC, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Warnock reported that the said LSBP projects were defined as follows:

- (1) LSBP-45(9) Dobson Avenue
- (2) LSBP-45(11) Gus Green Road
- (3) LSBP-45(12) Cane Creek Road

Following discussion, Mr. Paul Griffin did offer and Mr. Ronny Lott did second a motion to authorize and direct County Engineer/State Aid & LSBP Engineer Rudy Warnock to forward said correspondence to the Office of State Aid and Road Construction explaining the status of there certain LSBP projects. 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 authorized.

SO ORDERED this the 6<sup>th</sup> day of August, 2012.

***In re: Request to Set a Public Hearing on the  
Budget and Tax Levy FY 2013***

WHEREAS, County Administrator David Overby appeared before the Board and requested permission to set a public hearing for consideration of the county's FY 2013 Budget and Tax Levy and publish notice of the same in the time and manner required statute,

Following discussion, Mr. Gerald Steen did offer and Mr. John Bell Crosby did second a motion to declare, set and establish September 4, 2012 at 6:00 pm as the date for holding a public hearing on the county's proposed budget for FY 2013 and the 2013 tax levy concurrently, the same to include an increase of 4.46 mils, and to direct the Chancery Clerk to advertise the same by publication, with said notice to reflect said millage rate increase. The vote on the matter being as follows:

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

the matter carried unanimously and said public hearing was and is hereby set for September 4, 2012 and the Chancery Clerk was and is hereby authorized and directed to publish notice of said hearing in the time and manner required by statute, the same to reflect a millage rate increase of 4.46 mills from the previous year.

SO ORDERED this the 6<sup>th</sup> day of August, 2012.

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

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***In re: Acknowledgment of Election Grant Fund and Approve Expenditures - Election Commission***

WHEREAS, County Administrator David Overby appeared before the Board and presented that certain memorandum dated July 31, 2012 from Secretary of State Delbert Hosemann and requested the acknowledgment of same, a true and correct copy of which is attached hereto as Exhibit DD, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Overby reported that the reimbursement from said grant was in the amount of \$10,966.47 and requested the Board's approval of expenditures pursuant to the terms outlined in the grant,

Following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to acknowledge receipt of said funds and authorize the expenditure of said funds. 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 funds were and are hereby acknowledged and expenditure of funds were and are hereby authorized.

SO ORDERED this the 6<sup>th</sup> day of August, 2012.

***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 August 6, 2012," a true and correct copy of which is attached hereto as Exhibit EE, spread hereupon and incorporated herein by reference, and

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

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

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

SO ORDERED this 6<sup>th</sup> day of August, 2012.

***In re: Approval of Claims Docket for August 1 and 6; and July 18 and 26, 2012***

WHEREAS, the Board reviewed the claims dockets for August 1 and 6; and July 18 and 26, 2012; and

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

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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, Mr. Vance requested the Board also include the payment of an invoice in the amount of \$100.00 for two Deputy Tax Assessor's attending training,

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 August 6, 2012:

Fund	Claim Nos.	No. of Claims	Amount
001	3518 to 3704	187	1,122,504.18
002	159 to 170	12	8,962.26
012	188 to 196	9	12,522.13
095	20 to 20	1	34,549.23
096	53 to 56	4	4,756.91
097	263 to 279	17	24,146.44
105	229 to 247	19	60,803.97
113	17 to 17	1	1,800.00
114	25 to 25	1	3,813.77
115	90 to 93	4	220,281.72
116	47 to 49	3	719.31
120	91 to 92	2	103.60
121	29 to 31	3	154.20
137	5 to 5	1	14,530.05
150	775 to 846	72	130,289.03
160	198 to 219	22	98,570.08
170	11 to 11	1	17,618.64
190	121 to 127	7	3,644.30
191	113 to 119	7	3,652.80
226	18 to 19	2	213,492.94
302	75 to 79	5	111,795.07
306	7 to 7	1	8,848.73
401	28 to 30	3	20,019.75
681	300 to 300	1	39.60
690	16 to 16	1	32,289.00
691	16 to 16	1	32,289.00
TOTAL ALL FUNDS		387	2,182,196.71

**HELD CLAIMS**

All those certain claims of Fleetcor Technologies as set forth on that certain document attached hereto as Exhibit FF, 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. Gerald Steen did offer and Mr. John Bell Crosby 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 GG, 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

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**Date Signed:** \_\_\_\_\_

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 6<sup>th</sup> day of August, 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	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Not Present and Not Voting <sup>1</sup>
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 6<sup>th</sup> day of August, 2012.

***In re: Request for Speed Bumps - Crescent Lake***

WHEREAS, Supervisors John Bell Crosby presented the Board with a petition requesting the installation of speed bumps on Crescent Lake Drive, Pine Grove Drive and Oak Hill Drive in Pine Hill Acres Subdivision signed by 16 residents of the subdivision, and

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

Following discussion, Mr. John Bell Crosby did offer and Mr. Paul Griffin did second a motion to acknowledge receipt of said petition and authorize and direct the Road Department to erect such speed bumps of a type and style it deems appropriate at the locations requests in said petitions. The vote on the matter being as follows:

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

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

SO ORDERED this the 6<sup>th</sup> day of August, 2012.

***In re: Appointment of Attorney for Madison County Planning and Zoning Commission***

Following discussion, Mr. John Bell Crosby did offer and Mr. Ronny Lott did second a motion to appoint Mr. Andy Clark, Esq. to replace Mr. Trey O'Cain as attorney and counsel for the Planning and Zoning Commission. The vote on the matter being as follows:

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<sup>1</sup>Prior to consideration of this item of business, Mr. Steen excused himself from the meeting, departed the meeting room, and did not participate in discussion or deliberation of this matter whatsoever. Following the vote, Mr. Steen returned to the meeting.

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**Date Signed:** \_\_\_\_\_

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

the matter carried unanimously and Mr. Clark was and is hereby appointed.

SO ORDERED this the 6<sup>th</sup> day of August, 2012.

***In re: Authorization of Board President to Execute Invoice***

WHEREAS, Sheriff Randy Tucker appeared before the Board and requested the Board authorize the Board President execute an invoice unto Mississippi Department of Corrections for housing of prisoners,

Mr. John Bell Crosby did offer and Mr. Paul Griffin did second a motion to authorize the Board President to execute said invoice. 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 President was and is hereby so authorized.

SO ORDERED this the 6<sup>th</sup> day of August, 2012.

***In re: Re-Appointment to Madison County Economic Development Authority Board***

Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to re-appoint Mr. Calvin Harris to the Madison County Economic Development Authority Board. 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. Harris was and is hereby re-appointed to the Madison County Economic Development Authority Board.

SO ORDERED this the 6<sup>th</sup> day of August, 2012.

***In re: Discussion to Remove Certain Roads from the 2012 County Road Plan***

WHEREAS, Mr. John Bell Crosby presented certain correspondence dated August 3, 2012 from Madison Mayor Mary Hawkins-Butler requesting the county's assistance in repairing overlaying Northbay Court, Moss Woods Drive, Moss Woods Place, Moss Woods Cove and portions of Northbay Drive and Foxchase Drive, a true and correct copy of which letter is

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attached hereto as Exhibit HH, spread hereupon, and incorporated herein by reference, and

WHEREAS, at the specific request of the City of Madison as reflected in said letter, Mr. Crosby requested the Board remove Spotted Acres Road, Countryside Cove, and Dogwood Lane from the current year's road plan and replace those roads with repairing and overlaying Northbay Court, Moss Woods Drive, Moss Woods Place, Moss Woods Cove and portions of Northbay Drive and Foxchase Drive, as requested by the City of Madison,

Following discussion, Mr. John Bell Crosby did offer and Mr. Ronny Lott did second a motion to (1) amend the 2012 Road Plan, at the specific request of the City of Madison, by removing Spotted Acres Road, Countryside Cove, and Dogwood Lane from the current year's road plan and replacing them with Northbay Court, Moss Woods Drive, Moss Woods Place, Moss Woods Cove and portions of Northbay Drive and Foxchase Drive, up to a cost limit of \$100,000.00, and (2) include Spotted Acres Road, Countryside Cove, and Dogwood Lane on the 2013 Madison County Road Plan. 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 **(1)** Spotted Acres Road, Countryside Cove, and Dogwood Lane were and are hereby removed from the 2012 Madison County Road Plan; **(2)** Northbay Court, Moss Woods Drive, Moss Woods Place, Moss Woods Cove and portions of Northbay Drive and Foxchase Drive were and are hereby added to the 2012 Madison County Road Plan, up to a cost limit of \$100,000.00; and **(3)** Spotted Acres Road, Countryside Cove, and Dogwood Lane were and are hereby directed to be included on the 2013 Madison County Road Plan.

SO ORDERED this the 6<sup>th</sup> day of August, 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. Karl M. Banks did offer and Mr. John Bell Crosby 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 pending and/or threatened litigation as well as certain 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 Mike Espy, and Mr. Eric Hamer, Esq.. The vote on the matter being as follows:

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

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

SO ORDERED this the 6<sup>th</sup> day of August, 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. Karl M. Banks did offer and Mr. Gerald Steen did second a motion to enter into Executive Session for the purpose of discussing pending and/or threatened litigation as well as certain personnel issues. 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 the Board took up the matter of entering into Executive Session.

SO ORDERED this the 6<sup>th</sup> day of August, 2012.

Following discussion and at the recommendation of Board Attorney Mike Espy and former Board Attorney Eric Hamer, and in light of Miss. Code Ann. § 19-31-49 (c), Mr. Paul Griffin did offer and Mr. Gerald Steen did second a motion to authorize and direct Board Attorney Mike Espy with input and assistance from Eric Hamer, Esq., to (1) seek the establishment of a receivership in Chancery Court for the Lost Rabbit Public Improvement District, as soon as practicable and (2) authorize and direct that the Tax Collector levy and collect all special assessments which would otherwise be levied and collected by said Public Improvement District as those assessments are tendered by Wratherell & Associates and place such assessments of the county tax rolls for 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	Not Present and Not Voting
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and the Board Attorney and the Tax Collector were and are hereby so authorized and directed, and the tax rolls were and are hereby so adjusted.

SO ORDERED this the 6<sup>th</sup> day of August, 2012.

Following further discussion in executive session, and also at the recommendation of Board Attorney Mike Espy and former Board Attorney Eric Hamer, Mr. Karl M. Banks did offer and Mr. Gerald Steen did second a motion to approve that certain Agreed Judgment in that certain matter pending in the Circuit Court of Madison County, Mississippi in cause no. 2011-0391, styled "Lexington Mill Mississippi Owner, LLC v. Madison County Board of Supervisors, et al, a true and correct copy of which is attached hereto as Exhibit II, spread hereupon and incorporated herein by reference. The vote on the matter being as follows:

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**Date Signed:** \_\_\_\_\_

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

the matter carried by the unanimous vote of those present and said Agreed Final Judgment was and is hereby approved and Mr. Hamer was and is hereby authorized and directed to execute the same and present the same to the Circuit Judge for his consideration and entry.

SO ORDERED this the 6<sup>th</sup> day of August, 2012.

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

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

the matter carried unanimously and the President declared Executive Session declared adjourned, and the Chancery Clerk did announce to the public the action taken therein.

SO ORDERED this the 6<sup>th</sup> day of August, 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 Gerald Steen and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Thursday, August 16, 2012 at 2:00 p. m. for the purpose 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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