

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

REGULAR MEETING OF AUGUST 20, 2012
Recessed from regular meeting conducted on August 16, 2012

BE IT REMEMBERED that the regular Meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted at 6:00 pm on August 20, 2012, in the Board Room on the first floor of the Chancery/Administrative Building, 125 West North Street, Canton, Mississippi, as follows, to-wit:

In the absence of Board President John Bell Crosby, the Vice President of the Board, Mr. Gerald Steen, presided and called the meeting to order. The following members were present that day:

Present:

Supervisor Ronny Lott
Supervisor Gerald Steen
Supervisor Karl M. Banks
Supervisor Paul Griffin
Chancery Clerk Arthur Johnston
Sheriff Randall Tucker
Tax Assessor Gerald Barber
Tax Collector Kay Pace

Absent:

Supervisor John Bell Crosby

Also in attendance:

County Administrator David Overby
Comptroller and Deputy Chancery Clerk Shelton Vance
Board Attorney Mike Espy
Chief Deputy Tax Assessor Kent Hawkins
Deputy Tax Assessor Diane Odom
Deputy Tax Assessor Emily Anderson
Deputy Tax Assessor Jeff Peterson
Board Secretary and Deputy Chancery Clerk Cynthia Parker
County Engineer Rudy Warnock
E911 Director Butch Hammack
County Fire Coordinator Mack Pigg
Purchase Clerk Hardy Crunk
Road Manager Lawrence Morris
Flora Mayor Leslie Childress
Buildings and Grounds Director Barry Parker
Assistant Comptroller and Deputy Chancery Clerk Myrtis Sims
Election Commissioner Kakey Chaney
Election Commissioner Pat Truesdale

The Board Vice President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Sheriff Randall Tucker opened the meeting with a prayer and Mr. Will Sligh led the members and the audience in the Pledge of Allegiance to the Flag of the United States of America.

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

WHEREAS, on August 6, 2012, the Board determined that August 20, 2012 would be an appropriate date for a public hearing on the matter of increasing certain real property assessments

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for the 2011 tax year on certain parcels in the county and did set said date for said hearing to begin at the hour of 6:00 pm, and

WHEREAS, the Chancery Clerk did prepare and serve the appropriate notices thereof by regular mail to the affected property owners, and the Board does find that said notices were sufficient, and

WHEREAS, a spreadsheet and the petitions listing the property owners, the parcel numbers, and amounts of the proposed assessment increases are attached hereto as Collective Exhibit A, spread hereupon, and incorporated herein by reference, and

WHEREAS, the hour of 6:00 pm did arise and the Board President did declare the public hearing on said proposed increases to be open, and

WHEREAS, Mr. Irving Robertson appeared before the Board on behalf of taxpayer Shannon D. Moore and Ms. Priscilla Evans appeared on behalf of her husband Edward H. Evans and requested that the Board not increase the assessments, and

WHEREAS, the Tax Assessor reported that the property in question was not entitled to homestead because in one case the property is being rented and in the other, homestead was claimed in a neighboring county

Following discussion, Mr. Paul Griffin did offer and Mr. Ronny Lott did second a motion to close the public hearing and approve the assessment increases for the individuals and parcel numbers as set forth in the aforesaid spreadsheet and petitions. The vote on the matter being as follows:

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

the matter carried unanimously and the assessments of the parcels reflected thereon were and are hereby approved and adopted.

SO ORDERED this the 20th day of August, 2012.

In re: OBJECTIONS TO, FINAL EQUALIZATION OF, AND ADOPTION OF THE 2012 MADISON COUNTY TAX ROLLS – Public Hearings on Protests Received for 2012 Preliminary Real and Personal Property Assessment Rolls

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 rolls for the year 2012 as to certain parcels and taxpayers continued from August 16, 2012, and it appearing that said 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, 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, a true and correct copy of which is attached hereto as Exhibit B, spread hereupon and incorporated herein by reference, and

WHEREAS, on August 6, 2012, the Board met pursuant to said notice, received all written protests to assessments as required by law, closed the period for the receipt thereof as of

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6:00 p.m. that date, and continued the matter of consideration of those objections timely received until August 16, 2012 at 2:00 p.m., and thereafter continued to August 20, 2012 at 6:00 pm, and

WHEREAS, the Chancery Clerk did give written notice as required by Miss. Code Ann. § 27-35-89 to all those filing timely objections to said assessments, true and correct copies of which notices may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, said date and hour now having arisen, Board Vice President Gerald Steen declared the Board to be in session for purposes of equalization of the 2012 tax rolls as to protests timely received on August 6, 2012, and continued to this date, and

WHEREAS, the following persons and entities appeared and argued their protests:

- | | |
|--|---------------------------------------|
| 14. Madison County Partners, LP | Parcel # 092F-14D-015/02.00 |
| 15. Madison County Partners, II, LP | Parcel # 092F-14D-043, et seq. |

WHEREAS, Mr. Mark Wilson and Jerome Hafter, Esq. appeared on behalf of Madison County Partners, LP and Madison County Partners, II, LP and reported that the taxpayers were agreeable to the proposed reduction in the assessment associated with the above parcels and the requested agreement that in the event the Mississippi Supreme Court rules that consideration of such tax credits are allowed in the valuation of such properties for tax purposes, said taxpayers would consent to an increase in assessment accordingly,

WHEREAS, prior to the above presentation by Mr. Wilson and Mr. Hafter, Board Attorney Mike Espy reported that in his judgment, making the assessment of these parcels contingent upon the taxpayers agreement to an increase in assessment on such terms was unwise and fraught with difficulties and recommended the Board either (1) affirm the values arrived at by the Tax Assessor inclusive of values associated with Section 42 housing tax credits or (2) reduce those values to the figures requested by the taxpayers which does not include value associated with such credits.

Following discussion, Mr. Paul Griffin did offer and Mr. Gerald Steen did second a motion to deny the protest of said taxpayers, and affirm the values set forth by the Tax Assessor in the preliminary real property roll. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
Supervisor Ronny Lott	No
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	No
Supervisor Paul Griffin	Aye

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

SO ORDERED this the 20th day of August, 2012.

- | | |
|--|---|
| 7. Northeast Canton Properties, Ltd | Parcel # 093D-20A-173/02.00 |
| 8. Crestview, LP | Parcel # 051C-08B-007/02.00 |
| 9. Canton Housing LP | Parcel # 092F-13C-212/01.05 |
| 10. Canton Housing Two, LP | Various Parcel #s Listed on Protest. |
| 11. Canton Housing Three, LP | Parcel # 092F-13C-212/04.00 |
| 12. Canton Housing Four, LP | Parcel # 092F-13C-212/02.00 |
| 13. Canton Partners, LP | Parcel # 093C-07C-002/02.00 |

WHEREAS, at the Board's request, James L. Martin, Esq., again appeared before the Board on behalf of the above-referenced protesters and reported that his clients had given him authority to agree that in the event the Mississippi Supreme Court rules that consideration of

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such tax credits are allowed in the valuation of such properties for tax purposes, said taxpayers would consent to an increase in assessment accordingly,

WHEREAS, the Board Attorney again urged the Board either (1) affirm the values arrived at by the Tax Assessor inclusive of values associated with Section 42 housing incentives or (2) reduce those values to the figures requested by the taxpayers which does not include value associated with such incentives,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to deny the protest of said taxpayers, and affirm the values set forth by the Tax Assessor in the preliminary real property roll. The vote on the matter being as follows:

Supervisor John Bell Crosby	Not Present and Not Voting
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 the 20th day of August, 2012.

Thereafter, Mr. Karl M. Banks did offer and Mr. Gerald Steen did second a motion to (1) close the public hearings on the protests; (2) declare the 2012 real and personal property assessment rolls equalized according to law; (3) accept, approve and make final the 2012 real and personal property assessment rolls, subject to and inclusive of the adjustments approved herein above and by prior action of this Board during the equalization period, namely, those occurring on August 6, 2012 and August 16, 2012; and (4) adopt and enter the Order required by Miss. Code Ann. § 27-35-105 and by the Mississippi State Department of Revenue, a true and correct copy of which is attached hereto as Exhibit C, spread hereupon and incorporated herein by reference. The vote on the matter being as follows:

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

the matter carried unanimously and said actions were and are hereby taken.

SO ORDERED this the 20th day of August, 2012.

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 (17) 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, Chancery Clerk Arthur Johnston requested that Item number (16) be removed from the Consent Agenda and no action be taken, and

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WHEREAS, the Chancery Clerk requested an additional item be added to the consent agenda, denominated Item (16) below, being Acknowledge September 3, 2012 as Labor Day Holiday, as set forth below, and

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

2. **Acknowledge Clerk of the Board Report.**
(A true and correct copy of said Report is attached hereto as Exhibit D, spread hereupon and incorporated herein by reference.)
3. **Approve Monthly Credit Card Report June 9 - July 10, 2012 - General County.**
(A true and correct copy of that certain memorandum dated July 24, 2012 from County Purchase Clerk Hardy Crunk is attached hereto as Exhibit E, spread hereupon and incorporated herein by reference.)
4. **Approve Beaver Control Assistance Program for FY 2013 and Authorize Payment for Same.**
(A true and correct copy of that certain memorandum dated July 18, 2012 from Kris Godwin, USDA APHIS Wildlife Services Beaver Control Assistance Program is attached hereto as Exhibit F, spread hereupon and incorporated herein by reference.)
5. **Acknowledge Redistricting Plan and Resolution - Madison County School District.**
(A true and correct copy of that certain memorandum dated August 7, 2012 from Mr. Holmes S. Adams of Adams & Reese, LP and Resolution Adopting Legal Description of Board Member Districts of the Board of Education of the Madison County School District are attached hereto as Collective Exhibit G, spread hereupon and incorporated herein by reference.)
6. **Approve Kearney Park Lease Agreement.**
(A true and correct copy of said Lease Agreement between Madison County and Mr. Bryan W. Estes from a period of one year with an automatic renewal is attached hereto as Exhibit H, spread hereupon and incorporated herein by reference.)
7. **Approve Use of County Property - Mississippi Special Olympics Benefit Ride.**
(A true and correct copy of that certain reservation application for use of the courthouse square from Mr. John Murphey for the Mississippi Special Olympics Benefit Ride scheduled for September 15, 2012 is attached hereto as Exhibit I, spread hereupon and incorporated herein by reference.)
8. **Acknowledge and Approve Personnel Matters - Sheriff's Department and Tax Collector.**
(True and correct copies of those certain memoranda from the Sheriff's and the Tax Collector's Office setting forth certain changes and/or additions in personnel are attached hereto as Collective Exhibit J, spread hereupon and incorporated herein by reference.)
9. **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 Jamie L. Morrow and wife, Jennifer S. Morrow, regarding Lot 37, Madison Oaks Subdivision, Part 2; Horace B. Lester, Jr. and wife, Glenda Rawson Lester, regarding Lot 36, Calumet Subdivision, Part 3; and Long Term Residential Lease Contract to James C. Schneider and wife, Kathryn E. Schneider, regarding Lot 52, Livingston Subdivision, Part 1 may be found in the Miscellaneous Appendix to these Minutes.)
10. **Authorize All Supervisors, County Administrator, County Comptroller, Board Attorney Mike Espy, and Chancery Clerk to Attend the 2012 Annual County**

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Government Workshop, October 8-10, 2012, Tupelo, Mississippi, and Approve Travel and Registration Expenses Related Thereto. Authorize Supervisors Ronny Lott, Gerald Steen, and Paul Griffin, Board Attorney Mike Espy, Chancery Clerk Arthur Johnston and County Engineer Rudy Warnock to Attend Certain Meetings to be Scheduled in Washington, D.C. and Approve Travel and Registration Expenses Related Thereto.

- 11. Acknowledge Receipt of Certificate of Mississippi Department of Revenue Reflecting the Tax Assessor's Compliance with Certain Requirements and Allowing the Tax Assessor to Receive his Statutory Allowance.**
(A true and correct copy of said Certificate is attached hereto Exhibit K, spread hereupon and incorporated herein by reference.)
- 12. Acknowledge Canton Public School District's Audit Report - June 30, 2011.**
(A true and correct copy of said Report may be found in the Miscellaneous Appendix to these Minutes.)
- 13. Declare Certain Inventory Items as Surplus and Delete from Inventory.**
(A true and correct copy of that certain memorandum dated August 10, 2012 from Inventory Control Clerk Loretta Phillips listing the items to be deleted is attached hereto as Exhibit L, spread hereupon and incorporated herein by reference.)
- 14. Approve *En Masse* Petition for Reduction of Assessments of Real Property for the 2011 Tax Year.**
(A true and correct copy of said Petition and its spreadsheet attachment is attached hereto as Collective Exhibit M, spread hereupon and incorporated herein by reference.)
- 15. Approve *En Masse* Petition for Reduction of Assessments of Real Property for the 2011 Tax Year.**
(A true and correct copy of said Petition and its spreadsheet attachment is attached hereto as Collective Exhibit N, spread hereupon and incorporated herein by reference.)
- 16. Acknowledge Legal Holiday - Monday, September 3, 2012, Labor Day. All county offices and courthouses are authorized to close on said date.**
- 17a. Approve Amended Homestead Applications - 2010 Tax Year.**
(A true and correct copy of that certain memorandum dated August 14, 2012 and July 10, 2012 from Homestead Director Emily Anderson is attached hereto as Exhibit O, spread hereupon and incorporated herein by reference.)
- 17b. Approve Petition for Increase of Assessment of Personal Property for the 2011 Tax Year as Accepted by Tax Payer - Sumrall Oil-Chevron Canton.**
(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 P, spread hereupon and incorporated herein by reference.)
- 17c. Approve *En Masse* Petition for Reduction of Assessments of Personal Property for the 2011 Tax Year.**
(A true and correct copy of said Petition and its spreadsheet attachment is attached hereto as Collective Exhibit Q, spread hereupon and incorporated herein by reference.)

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The vote on the matter being as follows:

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

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

SO ORDERED this the 20th day of August, 2012.

In re: Discussion of Woodland Springs Subdivision

WHEREAS, during a period of concerned citizens, Mr. Mark Rankin appeared before the Board and requested the Board accept the roads in the Woodland Springs Subdivision for county maintenance, and

WHEREAS, Mr. Rankin reported that the gates at the entrance of the subdivision had been removed per the Board's request and that the road base failures and repairs were overseen by County Engineer Rudy Warnock, and

WHEREAS, County Engineer Rudy Warnock did recommend the County accept the roads as public with county maintenance even though the final wearing course had never been laid,

Following discussion, Mr. Karl M. Banks did offer and Mr. Gerald Steen did second a motion to accept the roads in Woodland Springs Subdivision as county maintained roads. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and said roads within Woodland Springs Subdivision were and are hereby accepted with county maintenance.

SO ORDERED this the 20th day of August, 2012.

In re: Request of Canton Public School District

WHEREAS, Mr. Dwight Luckett, Sr., Superintendent of Education of Canton Public School District appeared before the Board and requested the Board's assistance with use of county manpower and equipment, and

WHEREAS, Mr. Luckett stated that the school district needed assistance completing the intersection at Finney Road and Highway 43 to alleviate traffic congestion,

Following discussion, Mr. Paul Griffin did offer and Mr. Gerald Steen did second a motion to (1) authorize the Road Department to assist the Canton Public School District on said project with county manpower and equipment and (2) authorize the School District to issue purchase orders accordingly using the county's term bidders. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and the Road Department and the Canton Public School District were and are hereby authorized.

SO ORDERED this the 20th day of August, 2012.

In re: Acknowledge Receipt of County Financial Audit for Year End September 30, 2011

WHEREAS, Ms. Emily Lacey of Windham and Lacey, CPAs appeared before the Board and presented the County Financial Audit for Year End September 30, 2011, a true and correct copy of each of which may be found in the Miscellaneous Appendix to these Minutes, and

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to acknowledge receipt of the County Financial Audit for Year End September 30, 2011. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and the County Financial Audit for Year End September 30, 2011 was and is hereby acknowledged.

SO ORDERED this the 20th day of August, 2012.

In re: Request Use of Election Equipment - Town of Flora

WHEREAS, Mayor Leslie Childress of the Town of Flora appeared before the Board and requested the Board's consideration to allow the Town of Flora to use the electronic election equipment, supply bags, and ballot bags for a special election set for September 18, 2012, and

WHEREAS, Mayor Childress reported that said special election was for the purpose of filling the unexpired term of Alderman Jonathan Bates,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize the Town of Flora to use the electronic election equipment, supply bags, and ballot bags for a special election set for September 18, 2012. The vote on the matter being as follows:

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

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the matter carried by the unanimous vote of those present and the Town of Flora was and is hereby authorized.

SO ORDERED this the 20th day of August, 2012.

***In re: Acknowledgment of Region 8 Mental Health -
Mental Retardation Commission's Annual Report***

WHEREAS, Mr. Dave Vann, Director of Region 8 Mental Health appeared before the Board and presented the annual report for his agency and the Region 8 Mental Health-Mental Retardation Commission, and further expressed his appreciation for the strong relationship between Madison County and Region 8,

Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to acknowledge receipt of the aforementioned report, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes. The vote on the matter being as follows:

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

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

SO ORDERED this the 20th day of August, 2012.

In re: Discussion of Panther Creek Connector Road

WHEREAS, County Engineer Rudy Warnock appeared before the Board and requested the Board authorize County Administrator David Overby to schedule a meeting with Mississippi Department of Transportation "MDOT" to discuss a connector Road at I-55 and Sowell Road Interchange, and

WHEREAS, a true and correct copy of that certain explanatory memorandum dated August 15, 2012 from Mr. David Foster, District Engineer with MDOT is attached hereto as Exhibit R, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Karl M. Banks did offer and Mr. Ronny Lott did second a motion to acknowledge receipt of said memorandum and authorize Mr. Overby to schedule said meeting with Mississippi Department of Transportation . The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and said memorandum was and is hereby acknowledged and Mr. Overby was and is hereby so authorized.

SO ORDERED this the 20th day of August, 2012.

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In re: Presentation of Caroline Boulevard Report

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented a detailed report of the inspection made by his office of the damage sustained on Caroline Boulevard from heavy wheel loads of equipment and trucks due to construction in the area, and

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

Following discussion, Mr. Karl M. Banks did offer and Mr. Ronny Lott did second a motion to acknowledge receipt of said report. The vote on the matter being as follows:

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

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

SO ORDERED this the 20th day of August, 2012.

In re: Presentation of Plats and Legal Description for Drainage Improvements - Kemper Creek Subdivision

WHEREAS, County Engineer Rudy Warnock appeared before the Board requested the Board authorize the Board Attorney Mike Espy to prepare legal descriptions and easement documents for temporary construction easements to address the flooding of Kemper Creek Subdivision,

Following discussion, Mr. Ronny Lott did offer and Mr. Karl M. Banks did second a motion to authorize the Board Attorney to prepare legal descriptions and easement documents associated with the flooding in Kemper Creek Subdivision. The vote on the matter being as follows:

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

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

SO ORDERED this the 20th day of August, 2012.

In re: Authorization of Utility Relocation Agreement

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented that certain document entitled "Agreement for Cash Contribution in Aid of Construction" from Entergy Mississippi, Inc. in the amount of \$3,424.44 and requested the Board's approval of same, a true and correct copy of which is attached hereto as Exhibit S, spread hereupon and incorporated herein by reference, and

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WHEREAS, Mr. Warnock reported that said agreement was for the relocation of certain utilities to construct a new drainage ditch along Kehle Road, and

Following discussion, Mr. Ronny Lott did offer and Mr. Karl M. Banks did second a motion to (1) approve said agreement with Entergy; (2) authorize the Board Vice President to execute same; and (3) authorize the Chancery Clerk to issue a pay warrant accordingly. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and said agreement was and is hereby approved; the Board Vice President was and is hereby so authorized; and the Chancery Clerk was and is hereby authorized to issue a pay warrant accordingly.

SO ORDERED this the 20th day of August, 2012.

***In re: Discussion of Zoning Violation -
John and Carolyn Gardner/Twin Lakes Subdivision***

WHEREAS, Zoning Administrator Brad Sellers appeared before the Board and advised that certain property owned by John and Carolyn Gardner was in violation of certain provisions of the Madison County Zoning Ordinance and required clean up and/or legal action to rectify the same, and

WHEREAS, Mr. Sellers reported that on May 21, 2012, the Board granted Mr. and Mrs. Gardner a sixty (60) extension to comply with county zoning ordinances and that said sixty days has expired, and

WHEREAS, Mr. Gardner appeared before the Board and reported that he had been cleaning said property and requested the Board grant him an additional sixty (60) days,

Following discussion, Mr. Paul Griffin did offer and Mr. Gerald Steen did second a motion to grant Mr. and Mrs. Gardner a sixty (60) day period to comply with county zoning ordinances and bring his property up to code on parcel nos. 083E-15C-022/00.00; 083E-15C-020/02.00; and 083E-15C-018/00.00. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and Mr. and Mrs. Gardner were and are hereby granted such extension.

SO ORDERED this the 20th day of August, 2012.

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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 August 20, 2012,” a true and correct copy of which is attached hereto as Exhibit T, spread hereupon and incorporated herein by reference, and Following discussion, Mr. Paul Griffin did offer and Mr. Ronny Lott did second a motion to approve said budget amendments and interfund transfers. The vote on the matter being as follows:

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

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

SO ORDERED this the 20th day of August, 2012.

In re: Approval of Claims Docket for August 20, 13, and 15, 2012

WHEREAS, the Board reviewed the claims docket for August 20, 13, and 15, 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 August 20, 2012:

Fund	Claim Nos.	No. of Claims	Amount
001	3708 to 3820	113	386,818.31
002	172 to 178	7	1,579.96
012	197 to 201	5	333.39
015	139 to 142	2	114,100.84
096	57 to 59	3	448.85
097	282 to 293	12	10,349.21
105	249 to 254	6	31,898.56
108	15 to 15	1	604.31
113	18 to 18	1	1,115.00
114	26 to 27	2	7,205.71
115	94 to 96	3	243.13
116	50 to 51	2	806.70
119	7 to 7	1	12.00
120	93 to 64	5	460.61
121	32 to 32	1	147.05
150	848 to 888	41	99,516.85
160	221 to 236	16	20,271.40
190	128 to 131	4	5,945.10
191	120 to 126	7	3,377.11
226	20 to 20	1	633,118.13
401	31 to 31	1	17,342.50
TOTAL ALL FUNDS		234	1,335,694.72

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HELD CLAIMS

All those certain claims of Fleetcor Technologies as set forth on that certain document attached hereto as Exhibit U, 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. Paul Griffin 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 V, spread hereupon, and incorporated herein by reference. The vote on the matter being as follows:

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

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

SO ORDERED this the 20th day of August, 2012.

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

Supervisor John Bell Crosby	Not Present and Not Voting
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Not Present and Not Voting 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 20th day of August, 2012.

***In re: Authorization to Purchase Equipment and Other Materials -
Election Commission Grant***

WHEREAS, County Comptroller Shelton Vance appeared before the Board and presented that certain explanatory memorandum dated August 20, 2012 requesting permission to make certain purchases prior to August 31, 2012 pursuant to the requirements of the Election Commission grant from the Mississippi Secretary of State's Office, and

WHEREAS, a true and correct copy of which is attached hereto as Exhibit W, spread hereupon and incorporated herein by reference,

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 this vote, Mr. Steen returned to the meeting.

President's Initials: _____

Date Signed: _____

Following discussion, Mr. Karl M. Banks did offer and Mr. Ronny Lott did second a motion to authorize Chancery Clerk Arthur Johnston to issue a pay warrants to Intab in the amount of \$4,999.79 and Inclusion Solutions in the amount of \$4,948.00 upon receipt of such merchandise. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and the Chancery Clerk was and is authorized to issue pay warrants accordingly.

SO ORDERED this the 20th day of August, 2012.

In re: Acknowledgment of Expansion of Fire District Boundaries

WHEREAS, County Fire Coordinator Mack Pigg appeared before the Board and presented two separate memoranda from the Mississippi State Rating Bureau extending the fire boundaries of Farmhaven Fire Grading District and Southwest Madison County Fire Protection District, true and correct copies of which are attached hereto as Exhibit X and Exhibit Y, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Pigg further reported that expansion of these districts does put dwellings located in said districts to a “class nine (9) premium and rate table,”

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to acknowledge receipt of the memoranda from the Mississippi State Rating Bureau extending the fire boundaries of Farmhaven Fire Grading District and Southwest Madison County Fire Protection District. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and said memoranda from the Mississippi State Rating Bureau extending the fire boundaries of Farmhaven Fire Grading District and Southwest Madison County Fire Protection District were and are hereby acknowledged.

SO ORDERED this the 20th day of August, 2012.

In re: Authorization of Vice President to Execute Certain Documents Related to the West Madison Utility District Grant

Following discussion and at the request of County Administrator David Overby, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize Board Vice President Gerald Steen to execute those certain documents related to the grant application for West Madison Utility District, true and correct copies of which is attached hereto as Exhibit Z, spread hereupon and incorporated herein by reference. The vote on the matter being as follows:

President's Initials: _____

Date Signed: _____

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

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

SO ORDERED this the 20th day of August, 2012.

In re: Authorization of Board Vice President to Execute Invoice

WHEREAS, Sheriff Randy Tucker appeared before the Board and requested the Board authorize the Board Vice President to execute an unto MDOC in the amount of \$11,971.96 for housing of prisoners,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize the Board Vice President to execute an invoice unto MDOC. The vote on the matter being as follows:

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

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

SO ORDERED this the 20th day of August, 2012.

In re: Approval of Message Monitor Location Lease Agreement

WHEREAS, Sheriff Randy Tucker appeared before the Board and requested the Board's approval of a Message Monitor Location Lease between Madison County and Message Point Media, Inc., a true and correct copy of which is attached hereto as Exhibit AA, spread hereupon and incorporated herein by reference, and

WHEREAS, Sheriff Tucker reported that said lease was for use in the Madison County Detention Center and would be in effect until December 31, 2015,

Following discussion, Mr. Ronny Lott did offer and Mr. Karl M. Banks did second a motion to approve the aforementioned lease agreement and authorize the Board Vice President to execute same. The vote on the matter being as follows:

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

President's Initials: _____

Date Signed: _____

the matter carried by the unanimous vote of those present and said lease agreement was and is hereby approved and the Board Vice President was and is hereby authorized.

SO ORDERED this the 20th day of August, 2012.

In re: Approval of Three (3) Utility Permits

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented three (3) utility permits Bear Creek Water Association, Inc. allowing use and occupancy for the construction or adjustment of a utility within certain roads or highway rights of way, and

WHEREAS, Mr. Warnock further recommended the Board approve said permits contingent on the Judge signing off the right-of-way order, and

WHEREAS, said permits were as follows:

- (1) Bear Creek Water Association, Inc. - seeking to install a new 6-inch PVC sewer forcemain along Lueberdia Road.
- (2) Bear Creek Water Association, Inc. - seeking to install a new 12-inch PVC water forcemain along Lueberdia Road.
- (3) Bear Creek Water Association, Inc. - seeking to bore and jack 54 l.f. of 18-inch steel casing to a house on Lueberdia Road.

WHEREAS, true and correct copies of which are attached hereto as Collective Exhibit BB, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Karl M. Banks did offer and Mr. Gerald Steen did second a motion to approve said utility permits contingent upon the Judge signing off the right-of-way order and authorize the Board President to execute same thereafter. The vote on the matter being as follows:

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

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

SO ORDERED this the 20th day of August, 2012.

In re: Appointment to the Madison County Citizens Service Agency Board

Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to appoint Ms. Lise Foy to the Madison County Citizens Service Agency Board filling the expired term of Mr. Eric Gilkey, with Ms. Foy's term to expire December, 2017. The vote on the matter being as follows:

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

President's Initials: _____

Date Signed: _____

the matter carried by the unanimous vote of those present and Ms. Foy was and is hereby so appointed.

SO ORDERED this the 20th 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,

Following discussion and pursuant to the terms of Miss. Code Ann. § 25-41-7, as amended, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second and motion to make a closed determination upon the issue of whether or not to declare an Executive Session for the purpose of discussing potential, threatened, and/or pending litigation, with the following persons deemed necessary for Board discussions, deliberations, and recording of such Executive Session, to wit: members of the Board, County Administrator David Overby, County Comptroller and Deputy Chancery Clerk Shelton Vance, Board Secretary and Deputy Chancery Clerk Cynthia Parker, Board Attorney Mike Espy, and County Engineer Rudy Warnock. The vote on the matter being as follows:

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

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

SO ORDERED this the 20th day of August, 2012.

In re: Entering into Executive Session

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

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to enter into Executive Session to discuss potential litigation matters. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and Vice President Steen 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 20th day of August, 2012.

President’s Initials: _____

Date Signed: _____

Thereafter, Mr. Paul Griffin 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	Not Present and Not Voting
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and the Vice President declared Executive Session declared adjourned, and the Chancery Clerk did announce to the public no action was taken therein.

SO ORDERED this the 20th day of August, 2012.

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon the above motion having been duly made by Supervisor Gerald Steen and seconded by Supervisor Ronny Lott and approved by the unanimous vote of those present, the August, 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: _____

For Searching Reference Only: Page 18 of 18 (8/20/12)