

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

REGULAR MEETING OF OCTOBER 15, 2012
Recessed from a regular meeting conducted on October 1, 2012

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on October 15, 2012 at 6:00 pm, in the Board Room on the first floor of the Chancery/Administrative Building, 125 West North Street, Canton, Mississippi, as follows, to-wit:

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

Present:

Absent:

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

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
Emergency Management and E-911 Director Butch Hammack
Purchase Clerk Hardy Crunk
County Engineer Rudy Warnock
Assistant Comptroller and Deputy Chancery Myrtis Sims
County Road Manager Lawrence Morris
Chief Deputy Tax Assessor Kent Hawkins
Zoning Administrator Brad Sellers
Director of Information Technology Duane Thompson

The President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Principal of Germantown High School Ted Poore offered an opening prayer and Director of Information Technology Duane Thompson lead the members and the audience in the Pledge of Allegiance to the colors of the United States of America.

***In re: Approval of Increases of Assessment of 2009, 2010 and 2011
Real Property Pursuant to Miss. Code Ann. § 27-35-147 et seq.***

WHEREAS, on September 17, 2012, the Board determined that October 15, 2012 would be an appropriate date for a public hearing on the matter of increasing certain real/personal property assessments for various tax years 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

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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, no one did appear to contest or protest said assessment increases,

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

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

SO ORDERED this the 15th day of October, 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 **(1)** Item No. 18 being Authorization to Close Calhoun Station Parkway on Thursday, October 18, 2012, **(2)** Item No. 19 being Approval of Personnel Matters - Youth Services/Juvenile Court, **(3)** Item No. 19 being Approval of Personnel Matters - Tax Assessor, and **(4)** Item No. 19 being Approval of Personnel Matters - Tax Collector, each and all be added to the Consent Agenda, and

WHEREAS, the Board Attorney requested that a certain 16th Section lease associated with Item 7 (said lease being in the name of Joel Shows) be withheld from consideration due the fact that his office was investigating the request of the lessee to forego certain payments, and

Thereafter, Mr. Gerald Steen did offer and Mr. Paul Griffin 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 B, spread hereupon and incorporated herein by reference.)
- 3. Declare the 2010 Tax Sale of Parcel 072H-33D-033/15.00 Void AND the 2009, 2010, and 2011 Tax Sale of Parcel 092F-13C-076 Void.**
(A true and correct copy of that certain memorandum dated October 15, 2012 from Chancery Clerk Arthur Johnston requesting the Board void the 2010 tax sale of the 2009

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ad valorem taxes of parcel # 072H-33D-033/15.00 is attached hereto as Exhibit C, spread hereupon and incorporated herein by reference. A true and correct copy of that certain memorandum dated October 15, 2012 from Chancery Clerk Arthur Johnston requesting the Board void the 2009, 2010, and the 2011 tax sales of parcel # 092F-13C-076 is attached hereto as Exhibit D, spread hereupon and incorporated herein by reference.)

4. Approve Purchase of Taser and Supplies for Constable.

(A true and correct copy of that certain memorandum dated October 1, 2012 from Purchase Clerk Hardy Crunk requesting permission to purchase a new taser and supplies for Constable Will Weisenberger and listing the same is attached hereto as Exhibit E, spread hereupon and incorporated herein by reference.)

5. Acknowledge and Approve Personnel Matters - Justice Court and Adult Drug Court.

(A true and correct copy of that certain memorandum from the Justice Court and the Adult Drug Court setting forth certain changes and/or additions in personnel is attached hereto as Exhibit F, spread hereupon and incorporated herein by reference.)

6. Approve Maintenance Agreement - Tallega Software.

(A true and correct copy of said Agreement is attached hereto as Exhibit G, spread hereupon and incorporated herein by reference. The Board President is authorized to execute same. The Chancery Clerk is authorized to issue pay warrant(s) accordingly.)

7. 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 Robert Joseph Barlow and wife, Kelly Goetz Barlow, regarding Lot 5, Calumet Subdivision, Part 1; Stephen E. Street and wife Christy M. Street, regarding Lot 57, Madison Oaks Subdivision, Part 3; Phan Q. Ngo, regarding Lot 56, Sherbourne Subdivision; Sacia Dear, regarding Lot 6 Madison Village Estates Subdivision (Revised) may be found in the Miscellaneous Appendix to these Minutes.)

8. Approve Utility Permit. The following permit allowing use and occupancy for the construction or adjustment of a utility within certain roads or highway rights of way were and are hereby approved, and the application for the same is attached hereto as Exhibit H, spread hereupon, and incorporated herein by reference:

- (1) Entergy - seeking to install single phase overhead primary line along Pisgah Bottom Road.

9. Approve Sublease Agreement - WIN Job Center.

(A true and correct copy of that certain sublease agreement covering the period of October 1, 2012 through September 30, 2013 with the WIN Job Center is attached hereto as Exhibit I, spread hereupon and incorporated herein by reference.)

10. Approve Damage Claim Reimbursement - Greater Murphy Chapel.

(A true and correct copy of that certain explanatory memorandum dated October 8, 2012 from E911 Director Butch Hammack recommending the Board approve the reimbursement of claim for damages in the amount of \$256.66 to Greater Murphy Chapel is attached hereto as Exhibit J, spread hereupon and incorporated herein by reference.)

11. Approve *En Masse* Petitions for Increase of Assessments of Real Property for Various Tax Years as Accepted by Tax Payers.

(A true and correct copy of said Petition along with a true and correct copy of its spreadsheet attachment are attached hereto as Collective Exhibit K, spread hereupon and incorporated herein by reference.)

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12. **Acknowledge Petition for Increase of Assessment of Real Property for the 2011 Year Not Accepted by Taxpayer and Set Date for Public Hearing.** (A true and correct copy of said Petition and its spreadsheet attachment is attached hereto as Collective Exhibit L, spread hereupon and incorporated herein by reference, and a public hearing is set for November 19, 2012.)
13. **Approve Amended and Deleted Homestead Applications - 2012 Tax Year.** (A true and correct copy of that certain memorandum dated October 9, 2012 from Homestead Director Emily Anderson is attached hereto as Exhibit M, spread hereupon and incorporated herein by reference.)
14. **Approve End of Fiscal Year Inventory Report.** (A true and correct copy of the end of the fiscal year inventory report as of September 30, 2012 from Inventory Control Clerk Loretta Phillips is attached hereto as Exhibit N, spread hereupon and incorporated herein by reference.)
15. **Appoint Committee to Review RFP's - CDBG West Madison Utility District Grant.** (A true and correct copy of that certain memorandum dated October 12, 2012 from County Administrator David Overby requesting the Board appoint Comptroller Shelton Vance, Chancery Clerk Arthur Johnston, and himself to review Request for Proposals on the CDBG West Madison Utility District Grant is attached hereto as Exhibit O, spread hereupon and incorporated herein by reference.)
16. **Approve Purchase of Bullet Proof Vests for Constables.** (A true and correct copy that certain memorandum dated October 10, 2012 from Purchase Clerk Hardy Crunk requesting permission to purchase bullet proof vests for Constable Will Weisenberger and Constable Matt Shackelford is attached hereto as Exhibit P, spread hereupon and incorporated herein by reference.)
17. **Authorize Board President to Execute Contract - Richard Womack Construction, LLC for the Construction of the Valley View Fire Station.** (A true and correct copy of which is attached hereto as Exhibit Q, spread hereupon and incorporated herein by reference. The Board President was authorized to execute same.)
18. **Approve Request to Close South Bound Lane of Calhoun Station Parkway on Thursday, October 18, 2012 from 5:30 until 6:30 p.m. on Thurs., October 18, 2012.**
19. **Approve Personnel Matters - Youth Services/Juvenile Drug Court.** (A true and correct copy of that certain Personnel form for Avis Stringer may be found in the Miscellaneous Appendix to these Minutes.)
20. **Approve Personnel Matters - Sheriff's Office.** (A true and correct copy of that certain memorandum dated October 10, 2012 from Major Chuck McNeal for employee Corporal Robert Cooper may be found in the Miscellaneous Appendix to these Minutes.)
21. **Approve Personnel Matters - Tax Assessor Gerald Barber.** (A true and correct copy of that certain Tax Assessor Personnel Budget for personnel changes may be found in the Miscellaneous Appendix to these Minutes.)
22. **Approve Personnel Matters - Tax Collector Kay Pace.** (A true and correct copy of that certain Tax Collector Salary Change for Tax Collector personnel may be found in the Miscellaneous Appendix to these Minutes.)

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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 15th day of October, 2012.

In re: Presentation of Findings on West Nile Virus

The Biomedical Research class of Germantown High School appeared before the Board and gave an informative presentation of their findings while studying the West Nile Virus. Among the attendees and presenters were: Robert Martinez, Keranna Torrey, Jason Smith, Zach Waters, Tyler Clarkes, Summer Johnson, Vanessa ElShammey, Lauren Lesch, Sal Spinks, Jessica Bourn, Dylan Rae, Percy Field and James Hoye.

The Board expressed its appreciation for the fine work of the group.

In re: Consideration of Certain Zoning Violations, 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 and Proceed with Legal Action

WHEREAS, Zoning Administrator Brad Sellers appeared before the Board and presented certain zoning violations on the cleaning of the private property owned by the following individuals:

- (1) James A. and Shirley T. Williams
Description: 299 Tithelo Road, Canton
Parcel No. 103E-15-006/00.00

WHEREAS, Mr. Sellers did report to the Board that he had issued notice by certified mail to the owner advising of the continued violations and warning that if he failed to clean up said property the county would take over clean up efforts and place a cleaning assessment against his property tax bill as allowed by statute, and

WHEREAS, Mr. Sellers reported that the debris was causing drainage issues on adjacent property,

WHEREAS, no one did appear before the Board to contest or protest said action,

Mr. Paul Griffin did offer and Mr. Ronny Lott did second a motion to **(1)** find, adjudicate and determine that said property was and is in such a state of uncleanliness as to be a menace to the public health and safety of the community, **(2)** direct that the County Road Department proceed to have the land cleaned by cutting weeds, removing rubbish, and other debris, therefrom, **(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, and **(4)** authorize Planning & Zoning Attorney Andy Clark to proceed with legal action if necessary. The vote on the matter

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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 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 15th day of October, 2012.

Thereafter, Mr. Sellers presented certain zoning violations related to the cleaning of certain additional private property and recommended legal action be taken on the following individual:

(1) Hadi Hajiazimi
Description: 146 Lake Trail Lane, Flora
Parcel No. 081D-18-002/02.15

WHEREAS, Mr. Sellers did report to the Board that he had issued notice by certified mail to the owner advising of the continued violations and warning that if he failed to clean up said property the county would take over clean up efforts and place a cleaning assessment against his property tax bill as allowed by statute, and

WHEREAS, Mr. Sellers reported that Mr. Hajiazimi appeared to be selling and/or detailing automobiles from his home,

WHEREAS, no one did appear before the Board to contest or protest said action,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize and direct Mr. Sellers and Planning & Zoning Attorney Andy Clark to proceed with the necessary legal action as to the owner of parcel no.081D-18-002/02.15 provided the property is not within county zoning ordinance within seven (7) days. 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 Mr. Sellers and Mr. Clark were and are hereby authorized.

SO ORDERED this the 15th day of October, 2012.

***In re: Acknowledge Board Order and
Letter of Acceptance for SAP-45(5)M - Cox Ferry Road Project***

WHEREAS, County Engineer & State Aid/LSBP Engineer Rudy Warnock appeared before the Board and requested the Board adopt and enter that certain "Order of the Board of Supervisors of Madison County Accepting the Contract for State Aid Project No. SAP-45(5)M, a true and correct copy of which is attached hereto as Exhibit R, spread hereupon and incorporated herein by reference, and thereby releasing the contractor for SAP-45(5)M on the

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Cox Ferry Road Project from further maintenance responsibilities under the contract; and to acknowledge the letter of acceptance, a true and correct copy of which is attached hereto as Exhibit S, spread hereupon and incorporated herein by reference, giving notice of the same; Following discussion, Mr. Karl M. Banks did offer and Mr. Gerald Steen did second a motion to adopt and enter the aforesaid Order and acknowledge the letter of acceptance and authorize the Board President to execute same. The vote on the matter being as follows:

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

the matter carried unanimously and the said Order was and is hereby adopted and entered and the letter of acceptance was and is hereby acknowledged and the Board President was and is hereby authorized.

SO ORDERED this the 15th day of October, 2012.

***In re: Consideration of Resolution Authorizing the
Setting of a Public Hearing for Angeline by the Lake TIF Plan***

RESOLUTION OF THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI, DETERMINING THE NECESSITY FOR AND INVOKING THE AUTHORITY GRANTED TO COUNTIES BY THE LEGISLATURE WITH RESPECT TO TAX INCREMENT FINANCING AS SET FORTH IN CHAPTER 45 OF TITLE 21, MISSISSIPPI CODE OF 1972, AS AMENDED, DETERMINING THAT THE ANGELINE BY THE LAKE COMMUNITY PROJECT, MADISON COUNTY, MISSISSIPPI, 2012 IS A PROJECT ELIGIBLE FOR TAX INCREMENT FINANCING UNDER THE LAWS OF THE STATE, THAT A PUBLIC HEARING BE CONDUCTED IN CONNECTION WITH THE TAX INCREMENT FINANCING PLAN, AND FOR RELATED PURPOSES.

WHEREAS, the Board of Supervisors of Madison County, Mississippi, (the "Governing Body" of the "County"), acting for and on behalf of the County, hereby finds, determines and adjudicates as follows:

1. The Mississippi "Tax Increment Financing Act", Title 21, Chapter 45, Mississippi Code of 1972, as amended (the "Act"), authorizes municipalities and counties in the State of Mississippi to undertake and carry out redevelopment projects as defined therein with the use of Tax Increment Financing ("TIF") as set forth in detail in the Act.

2. The Governing Body has previously conducted a hearing on and approved and adopted the Tax Increment Redevelopment Plan of July 2004, (or as amended) Madison County, Mississippi (the "Redevelopment Plan") for the County. The Redevelopment Plan constitutes a qualified plan under the Act.

3. Angeline Development #1, LLC, (the "Developer") is proposing to develop a project to be known as the *Angeline By The Lake Community Project, Madison County, Mississippi 2012* (the "Project") in the County of Madison Mississippi and in the proposed TIF District as such term is defined in the attached tax incentive finance plan. The County pursuant to the Act proposes to support the Project and by issuance of the tax incentive finance bonds (the "TIF Bonds") to be finance all or part of the cost of public infrastructure to support the Project. These costs will not exceed the sum of THREE-MILLION DOLLARS (\$3,000,000). The Developer is requesting the assistance of the County in providing the funding for the certain public infrastructure by the

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utilization of TIF.

4. The Redevelopment Plan previously adopted by the Governing Body includes all land and real property located within the boundaries of the County. The Project appears to be a project of economic significance within the County and to qualify as a project eligible for TIF under the Redevelopment Plan; and the participation on the part of the County is necessary and would be in the public interest and would benefit the economic and financial well-being and the public health, safety and welfare of the County.

5. It is anticipated that there will be substantial increases in ad valorem tax revenues within the TIF District within the next few months and years as a result of the construction of the Project and that TIF bonds may be sold and issued at a time or times in the reasonably near future in support of such development. The Governing Body has been presented with a tax increment financing plan entitled "Tax Increment Financing Plan, Angeline By The Lake Community Project, Madison County, Mississippi 2012", (the "TIF Plan"), which has attached as exhibits the survey land map and legal description of the land included in the proposed TIF District. It appears to the Governing Body that the TIF District should be established by the Governing Body as described in the TIF Plan.

6. The Governing Body, acting on behalf of the County, proposes to issue one or more series of the TIF Bonds in which will be secured solely by a pledge, by the County of up to fifty percent (50%) of the increased ad valorem taxes on the real and personal property generated by the construction and development of the Project within the TIF District, which funds will be used to pay all or a portion of the cost of construction and installation of various public infrastructure improvements in connection with the Project, including, but not limited to, installation of utilities such as water, sanitary sewer, and natural gas lines; relocation of utilities; installation and relocation of electrical services; installation of storm drainage; construction of roadways with curb and gutter, sidewalks; parking, installation of traffic signalization and signage; grading; lighting and landscaping of rights-of-way; capitalized interest; expenses such as engineering; TIF Plan preparation fees; other incidental costs; and other related professional fees (the "Infrastructure Improvements").

The construction of the aforementioned Infrastructure Improvements will be undertaken to provide for the public convenience, health, and welfare. A more detailed scope of work, along with budgets, will be identified in a security and reimbursement agreement with the Developer. It is the intent of this TIF Plan that the County will pledge up to and no more than fifty percent (50%) of the increase in real and personal property ad valorem taxes generated by the Project within the TIF District. If deemed necessary and appropriate, the County may require additional security from the developers of the project.

7. The County may exercise its authority as authorized by Section 21-45-3 of the Act.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the County, as follows:

SECTION ONE: That the Governing Body of the County does hereby declare its intention to approve and adopt the TIF Plan and establish the TIF District as described in the TIF Plan and to issue the TIF Bonds in one or more series for the purpose of providing funds necessary to pay for the Infrastructure Improvements.

SECTION TWO: When and if issued, the TIF Bonds shall be secured solely by a pledge by the County of up to fifty percent (50%) of the incremental increase in ad valorem tax revenues on real and personal property generated by construction and development in the TIF District. The Bonds shall NOT be secured by the full faith, credit, and taxing power of the County nor create any other pecuniary liability on the part of the County other than the pledge of fifty percent (50%) of the incremental increase in ad valorem taxes heretofore set forth. If deemed necessary and appropriate, the County may require additional security from the developers of the project.

SECTION THREE: A public hearing shall be held with respect to the TIF Plan in the regular meeting place of the Governing Body in the Board Room of the Madison County Chancery

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and Administrative Building at 125 West North Street, First Floor (1st), Canton, Mississippi, at 6:00 P.M. on Monday, the 5th day of November 2012.

SECTION FOUR: The Chancery Clerk is hereby directed to publish a notice of the public hearing in the *Madison County Herald*, a newspaper in which the County is authorized to publish legal notices, one (1) time not less than ten (10) days nor more than twenty (20) days prior to the date set forth in paragraph 4 hereof, pursuant to and in compliance with the requirements of Section 21-45-11 of the Act.

The foregoing Resolution, having first been reduced to writing, was read by the Clerk, and motion was made by Supervisor Karl M. Banks did offer and Supervisor Gerald Steen did second a motion to approve, and upon a call for a vote, the following was recorded:

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

The motion having received the affirmative vote of a majority of the members present, the President declared the motion carried and the resolution adopted this, the 15th day of October, 2012.

SO ORDERED this the 15th day of October, 2012.

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

WHEREAS, County Administrator David Overby appeared before the Board and reported that the Parkway South Public Improvement District has advised the county through correspondence from its bond paying agent addressed to the Chancery Clerk and the Board Attorney, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, that the District has failed to collect special assessments sufficient to make its debt service payment due November 1, 2012, and that, consequently, the county has been called upon to make up the shortfall under and pursuant to that certain Contribution Agreement between the PID and the county previously approved by the Madison County Board of Supervisors on January 21, 2005 found at Minute Book 2005, Page 154, as corrected and clarified by said Board on June 18, 2007 at Book 2007 Page 608, and

WHEREAS, Mr. Overby further reported that the Parkway East Public Improvement District has advised the county through correspondence from its bond paying agent addressed to the Chancery Clerk, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, that the District has failed to collect special assessments sufficient to make its debt service payment due November 1, 2012, and that, consequently, the county has been called upon to make up the shortfall under and pursuant to that certain Contribution Agreement between the PID and the county previously approved by the Madison County Board of Supervisors on February 18, 2005 found at Minute Book 2005, Page 278, and

WHEREAS, Mr. Overby further reported that based on the advice of the county's special bond counsel, Butler Snow, O'Mara Stevens and Cannada, PLLC, the Board should consider making the requested shortfall payment of Parkway South PID in the amount of \$186,983.19 and shortfall payment of Parkway East PID in the amount of \$518,401.44,

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

(1) approve the payment of the sum of \$186,983.19 to the Parkway South Public Improvement District or to the bond trustee, Trustmark National Bank or its designee, under and

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pursuant to paragraph 3 of that certain Contribution Agreement previously approved by the Madison County Board of Supervisors on January 21, 2005 found at Minute Book 2005, Page 154, as corrected and clarified by said Board on June 18, 2007 at Book 2007 Page 608, and

(2) approve the payment of the sum of up to \$518,401.44 to the Parkway East Public Improvement District or to the bond trustee, Hancock Bank or its designee, under and pursuant to paragraph 3 of that certain Contribution Agreement previously approved by the Madison County Board of Supervisors on February 18, 2005 found at Minute Book 2005, Page 278;

(3) direct that such payments be made from the county general fund by wire transfer if necessary; and

(4) to further find, determine and declare that the payment contemplated and authorized herein is being made pursuant to the aforesaid Contribution Agreement in full reliance on the advice of special counsel, Butler Snow, O'Mara Stevens and Cannada, PLLC, as that advice was submitted via correspondence dated October 14, 2011, addressed to Board Attorney Eric Hamer, and its opinion of July 27, 2005, a true and correct copy of both of which may be found under seal in the Miscellaneous Appendix to the Minutes of this Board from its meeting of October 24, 2011, together with that certain correspondence dated April 21, 2010, a true and correct copy of which may be found under seal in the Miscellaneous Appendix to these Minutes from its meeting of October 24, 2011. 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 payment in the amount of \$186,983.19 to the Parkway South Public Improvement District or to the bond trustee, Trustmark National Bank or its designee was and is hereby approved by wire transfer if necessary; said payment in the amount of \$518,401.44 to the Parkway East Public Improvement District or to the bond trustee, Hancock Bank or its designee was and is hereby approved; said payments from the county general fund were and are hereby approved by wire transfer if necessary; and the Chancery Clerk was and is hereby so authorized and directed.

SO ORDERED this the 15th day of October, 2012.

***In re: Adoption of Final, Amended Budget for
Fiscal Year Ending September 30, 2012***

WHEREAS, County Comptroller and Deputy Chancery Clerk Shelton Vance appeared before the Board and recommended the Board amend the 2012 budget to the final actual receipts and final actual expenditures for the fiscal year ended September 30, 2012,

Following discussion, Mr. Karl M. Banks did offer and Mr. Gerald Steen did second a motion to (1) amend the 2012 budget to the final actual receipts, including beginning cash as budgeted, after posting of all transactions for the fiscal year ending September 30, 2012, and (2) amend the 2012 budget to the final actual expenditures after payment of all approved claims, payrolls for the fiscal year ending September 30, 2012, the final amended budget document to be presented and spread upon the Minutes of this Board during the October 2012 term. The vote on the matter being as follows:

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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 said 2012 budget was and is hereby so amended.

SO ORDERED this the 15th day of October, 2012.

In re: Approval of Windham and Lacey, PLLC Contract

WHEREAS, County Comptroller and Deputy Chancery Clerk Shelton Vance appeared before the Board and presented that certain engagement letter from Windham and Lacey, PLLC and requested the Board’s consideration of same, a true and correct copy of which is attached hereto as Exhibit T, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Vance reported that said letter of engagement was for the compilation of financial statements,

Following discussion, Mr. Karl M. Banks did offer and Mr. Ronny Lott did second a motion to approve said letter of engagement with Windham and Lacey, PLLC, and to authorize the Board President to execute same. The vote on the matter being as follows:

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

the matter carried unanimously and said letter of engagement was and is hereby so approved and the Board President was and is hereby authorized.

SO ORDERED this the 15th day of October, 2012.

In re: Approval of Claims Dockets for October 15, and 10, 2012

WHEREAS, the Board reviewed the claims dockets for October 15, and 10, 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 October 15, 2012:

Fund	Claim Nos.	No. of Claims	Amount
001	3 to 160	158	439,474.92
012	2 to 12	11	17,144.87
015	2 to 4	3	181,762.37
095	1 to 2	2	56,424.57
097	4 to 11	8	22,326.80
105	2 to 13	12	32,442.44
115	1 to 5	5	515.64
116	1 to 3	3	1,310.70
120	1 to 4	4	364.99
121	1 to 1	1	17.18
150	5 to 29, 31 to 48	43	97,948.08

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160	2 to 7	6	11,533.50
190	1 to 1	1	111.01
191	1 to 5	5	462.96
306	1 to 1	1	2,181.11
401	1 to 2	2	24,918.87
402	1 to 1	1	9,740.00
690	1 to 2	2	52,733.69
691	1 to 2	2	53,484.51
TOTAL ALL FUNDS		270	1,004,898.21

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	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Not Present and Not Voting ¹
Supervisor Paul Griffin	Aye

the matter carried unanimously and said Claims Docket was and is hereby approved, and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 15th day of October, 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	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Not Present and Not Voting ²
Supervisor Karl M. Banks	Not Present and Not Voting
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 15th day of October, 2012.

¹Prior to consideration of this item of business, Mr. Banks excused himself from the meeting, departed the meeting room and did not participate in discussion of deliberation of this matter whatsoever.

²Prior to consideration of this item of business, Mr. Steen excused himself from the meeting, departed the meeting room and did not participate in discussion of deliberation of this matter whatsoever. Following the vote on the next succeeding item, Mr. Steen and Mr. Banks returned to the meeting.

President's Initials: _____

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In re: Authorization of County Comptroller to Attend Conference

WHEREAS, County Comptroller and Deputy Chancery Clerk Shelton Vance appeared before the Board requested permission to attend an Ethics and Professional Conduct Conference on Friday, October 19, 2012 without incurring leave time,

Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to authorize Mr. Vance to attend said conference without incurring leave time. 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. Vance was and is hereby so authorized.

SO ORDERED this the 15th day of October, 2012.

In re: Discussion of 2013 Road Plan (Amendment to 2012 Road Plan)

WHEREAS, Supervisor Gerald Steen appeared before the Board and presented that certain spreadsheet entitled “2013 Road Plan (Amendment to 2012 Road Plan),” and requested the Board’s consideration of same, a true and correct copy of which is attached hereto as Exhibit W, spread hereupon and incorporated herein by reference, and

Following discussion, Mr. Gerald Steen did offer and Mr. Paul Griffin did second a motion to adopt said road plan as presented and referenced in Exhibit W. Thereafter, and prior to the call of the question on the motion, Mr. John Bell Crosby did offer a motion in the nature of a substitute to table the matter for further consideration. The substitute motion failed for lack of second.

Thereafter, the question was called on the original motion to adopt said road plan as set forth on Exhibit W. The vote on the matter being as follows:

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

the matter carried by a majority vote (4-1) of the Board and said road plan was and is hereby approved and adopted.

SO ORDERED this the 15th day of October, 2012.

In re: Discussion of Memorandum of Understanding - Roads in the City of Madison

Following discussion, Mr. Gerald Steen did offer and Mr. Karl M. Banks did second a motion to direct County Administrator David Overby to request that the Mayor and Board of Aldermen of the City of Madison provide a Memorandum of Understanding (MOU) defining the details associated with the construction, improvement, and financing of roads within the city as a part of the county’s “2013 Road Plan (Amendment to 2012 Road Plan),” and direct that said MOU be presented to the Board of Supervisors by the next scheduled board meeting, otherwise the funds will be re-allocated to other road projects.

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Thereafter, and prior to the call of the question on the motion, Mr. Ronny Lott did offer and Mr. John Bell Crosby did second a motion in the nature of a substitute to postpone setting a deadline on the City of Madison for the submission of said MOU. Upon call of the question on the substitute motion, the vote was as follows:

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

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

SO ORDERED this the 15th day of October, 2012.

Thereafter, the question was called on the original motion to direct County Administrator David Overby to request that the Mayor and Board of Aldermen of the City of Madison provide a Memorandum of Understanding (MOU) defining the details associated with the construction, improvement, and financing of roads within the city as a part of the county's "2013 Road Plan (Amendment to 2012 Road Plan)," and direct that said MOU be presented to the Board of Supervisors by the next scheduled board meeting, otherwise the funds will be re-allocated to other road projects. The vote on the matter being as follows:

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

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

SO ORDERED this the 15th day of October, 2012.

In re: Discussion of Long Range Road Plan

Following a lengthy discussion, Mr. Gerald Steen did offer and Mr. Karl M. Banks did second a motion to authorize County Engineer Rudy Warnock to perform design work only on the following road projects in an amount up to \$550,000.00:

- 1) Rice Road (St. Augustine to Old Canton Road)
- 2) Wheatley Street (School Street to County Line Road)
- 3) Cedar Hill Road
- 4) Church Road
- 5) King Ranch Road

Thereafter, and prior to the call of the question on the motion, Mr. John Bell Crosby did offer and Mr. Ronny Lott did second a motion in the nature of a substitute to authorize County Engineer Rudy Warnock to perform design work only on the following road projects in an amount up to \$550,000.00:

- 1) Rice Road (St. Augustine to Old Canton Road)
- 2) Wheatley Street (School Street to County Line Road)
- 3) Cedar Hill Road
- 4) Church Road
- 5) King Ranch Road, **and**
- 6) Clarkdell Road from North Old Canton Road to Yandell Road

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The vote on the substitute motion being as follows:

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

the matter carried unanimously and Mr. Warnock was and is hereby so authorized.

SO ORDERED this the 15th day of October, 2012.

In re: Discussion of Road Projects to be Funded as a Part of the County's Settlement Agreement with the Mississippi Department of Transportation

As part of the county's settlement with the Mississippi Department of Transportation (MDOT) as approved and allocated on July 16, 2012, Mr. Gerald Steen did offer and Mr. Karl M. Banks did second a motion to direct that:

- (1)** funds originally allocated to the Hoy Road Project be re-allocated as follows:
- (a) \$1 million to be applied to Yandell Road (from North Old Canton to Highway 43)
 - (a) \$1 million to be applied to Highland Colony Parkway South, and

(2) any funds remaining from the \$1.5 million previously allocated to the Reunion Parkway project be applied to Highland Colony Parkway South.

Thereafter, and prior to the call of the question on the motion, Mr. John Bell Crosby did offer and Mr. Ronny Lott did second a motion in the nature of a substitute to move the \$2 million from the Hoy Road Project to the Madison Avenue Project if there was a chance of federal funding being lost. Upon call of the question on the substitute motion, the vote was as follows:

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

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

SO ORDERED this the 15th day of October, 2012.

Thereafter, the question was called on the original motion by Mr. Steen as modified to direct that, as part of the county's settlement with the Mississippi Department of Transportation (MDOT) as approved and allocated on July 16, 2012:

- (1)** funds originally allocated to the Hoy Road Project be re-allocated as follows:
- (a) \$1 million to be applied to Yandell Road (from North Old Canton to Highway 43)
 - (b) \$1 million to be applied to Highland Colony Parkway South, and

(2) any funds remaining from the \$1.5 million previously allocated to the Reunion Parkway project be applied to Highland Colony Parkway South;

(3) state that the county remains committed to a total of \$2 million associated with the Madison Avenue Project; and

(4) direct County Administrator David Overby to request that the Mayor and Board of Aldermen

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of the City of Madison provide a Memorandum of Understanding (MOU) for a period up to five (5) years defining the details associated with the construction, improvement, and financing of the Madison Avenue Project, with said MOU to be structured in a manner similar to that which presently exists between the county and the City of Ridgeland associated with the Lake Harbour Reconstruction Project.

The vote on the matter being as follows:

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

the matter carried by a majority vote (4-1) of the Board and said distribution of the \$2 million previously allocated to the Hoy Road project was and is hereby re-distributed accordingly, subject to the aforementioned provisos and Mr. Overby was and is hereby so directed.

SO ORDERED this the 15th day of October, 2012.

In re: Awarding Term Bid for Bridge Construction and Repair to Key, LLC

WHEREAS, Purchase Clerk Hardy Crunk appeared before the Board and requested the Board award the bid for bridge construction and repair to Key, LLC, and

WHEREAS, Mr. Crunk further reported that Key, LLC was the only bid received for said term bid for the period of October 15, 2012 through September 30, 2013, and

WHEREAS, Mr. Crunk's explanatory memorandum dated October 15, 2012, together with his written recommendation is attached hereto as Exhibit X, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Karl M. Banks did offer and Mr. Gerald Steen did second a motion to (1) accept and award the sole term bid of Key, LLC as the only bid received for bridge construction and repair for a period of October 15, 2012 through September 30, 2013. 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 bid of Key, LLC was and is hereby awarded and accepted.

SO ORDERED this the 15th day of October, 2012.

In re: Entering into "Closed Session" to Determine Whether or not the Board Should Declare an Executive Session

WHEREAS, the Board of Supervisors, after beginning the meeting in open session, determined that it was necessary to enter into closed session for a brief discussion to ascertain whether an Executive Session was needed as to discuss potential and pending litigation, personnel matters and real estate acquisition,

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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 and motion to make a closed determination upon the issue of whether or not to declare an Executive Session for the purpose of discussing potential, threatened, and pending litigation, with the following persons deemed necessary for Board discussions, deliberations, and recording of such Executive Session, to wit: members of the Board, Chancery Clerk Arthur Johnston, County Administrator David Overby, County Comptroller and Deputy Chancery Clerk Shelton Vance, Board Secretary and Deputy Chancery Clerk Cynthia Parker, Board Attorney Mike Espy, and County Engineer Rudy Warnock. The vote on the matter being as follows:

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

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

SO ORDERED this the 15th day of October, 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 and pending litigation, personnel matters and real estate acquisition. The vote on the matter being as follows:

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

the matter carried unanimously and President Crosby declared the Board of Supervisors to be in Executive Session for the consideration of such matters and Board Secretary and Deputy Chancery Clerk Cynthia Parker announced to the public the purpose for the Executive Session.

SO ORDERED this the 15th day of October, 2012.

During Executive Session, Mr. Ronny Lott did offer and Mr. Karl M. Banks did second a motion to authorize Chancery Clerk Arthur Johnston to draft, and cause to be published a notice for sale of the Parkway East Public Improvement District land owned by the County *via* a tax patent with bids to be opened and presented to the Board no sooner than thirty (30) days after the date of the first publication, with terms of such notice by publication to be developed by Board Attorney Mike Espy and the Chancery Clerk. 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. Johnston and Mr. Espy were and are hereby so authorized.

SO ORDERED this the 15th day of October, 2012.

President's Initials: _____

Date Signed: _____

Thereafter and following discussion, Mr. Karl M. Banks did offer and Mr. Ronny Lott did second a motion to authorize Board Attorney Mike Espy to prepare an Interlocal Agreement between Madison County and the Madison County District Attorney Michael Guest to compensate the District Attorney's office for services rendered to Tax Collector Kay Pace in serving personal property warrants with funds to finance said agreement to come out of the Tax Collector's budget. The vote on the matter being as follows:

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

the matter carried by a majority vote (4-1) of the Board and Mr. Espy was and is hereby so authorized.

SO ORDERED this the 15th day of October, 2012.

Thereafter, Mr. Karl M. Banks did offer and Mr. Ronny Lott did second a motion to adjourn the Executive Session and direct the Chancery Clerk to announce to the public the action taken therein. The vote on the matter being as follows:

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 15th day of October, 2012.

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor Gerald Steen and seconded by Supervisor Ronny Lott and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Tuesday, October 16, 2012 at 9:00 a.m. for purposes of hearing presentations from representatives of Tamerica Management Company, the Madison County Economic Development Authority, the Madison County Foundation, and the Madison County Business League, and others regarding a strategic plan for Madison County, and for purposes of participating in discussions related thereto, as well as 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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