

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

REGULAR MEETING OF DECEMBER 3, 2012
Being the first day of the December Term of the Board of Supervisors

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on December 3, 2012, in the Board Room on the first floor of the Madison County Office Complex, 125 West North Street, Canton, Mississippi, as follows, to-wit:

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

Present:

Supervisor John Bell Crosby
Supervisor Ronny Lott
Supervisor Gerald Steen
Supervisor Karl M. Banks
Supervisor Paul Griffin
Chancery Clerk Arthur Johnston
Chief Deputy Jeremy Williams on behalf of Sheriff Randy Tucker

Absent:

Also in attendance:

County Administrator David Overby
County Comptroller and Deputy Chancery Clerk Shelton Vance
Board Secretary and Deputy Chancery Clerk Cynthia Parker
Board Attorney Mike Espy
County & State Aid/LSBP Engineer Rudy Warnock
County Purchase Clerk Hardy Crunk
Zoning Administrator Brad Sellers
Interim Road Manager Cornelius Bacon
Emergency Management Director Butch Hammack

The President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Supervisor Paul Griffin opened the meeting with a prayer and County Administrator David Overby led the members and the audience in the Pledge of Allegiance to the Flag of the United States of America

In re: Approval of Minutes From November 2012 Term

WHEREAS, Chancery Clerk Arthur Johnston did present the Board with the Minutes of the previous meetings of the Board of Supervisors during the August 2012 term, said meetings having been conducted on November 5, 12, and 19, 2012,

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

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 1 of 14 (12/3/12)

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

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

SO ORDERED this the 3rd day of December, 2012.

In re: Approval of Consent Agenda Items

WHEREAS, Board President John Bell Crosby announced that he and County Administrator David Overby had conferred in advance of the meeting as to certain matters denominated "Consent Items" which bear Item numbers (2) through (20) 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, Supervisor Ronny Lott requested that Item (17) be removed from the Consent Agenda for consideration at a later date, and

WHEREAS, Supervisor Paul Griffin requested that Item (19) be removed from the Consent Agenda for consideration separately, and

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

2. **Acknowledge November 2012 Monthly Report - Road Department.**
(A true and correct copy of the November 2012 Monthly Road Department Report submitted by County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
3. **Acknowledge November 2012 Closed Call Analysis - Road Department.**
(A true and correct copy of the November 2012 Closed Call Analysis submitted by the County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
4. **Acknowledge December 2012 Service Call Schedule Report - Road Department.**
(A true and correct copy of the December 2012 Road Department Service Call Schedule submitted by County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
5. **Approve Location and Installation of Culvert Placements.**
(A true and correct copy of a spreadsheet containing dates and locations of the placement of culverts for protection of county right of way is attached hereto as Exhibit A, spread hereupon and incorporated herein by reference.)
6. **Acknowledge Parkway East Public Improvement District Invoices.**
(True and correct copies of said invoices are attached hereto as Collective Exhibit B, spread hereupon and incorporated herein by reference.)

President's Initials: _____

Date Signed: _____

7. **Acknowledge and Approve Personnel Matters - Detention Center, Tax Assessor, and County Court.**
(A true and correct copy of that certain memorandum from the Sheriff's Department setting forth certain changes and/or additions in personnel is attached hereto as Collective Exhibit C, spread hereupon and incorporated herein by reference.)
8. **Approve Petition for Increase of Assessments of Real Property for Various Tax Years as Accepted by Tax Payer.**
(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 D, spread hereupon and incorporated herein by reference.)
9. **Acknowledge Petition for Increase of Assessment of Real Property for Various Years 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 E, spread hereupon and incorporated herein by reference, and a public hearing is set for December 17, 2012.)
10. **Approve *En Masse* Petition for Reduction of Assessments of Real Property for the 2012 Tax Year.**
(A true and correct copy of said Petition and its spreadsheet attachment is attached hereto as Collective Exhibit F, spread hereupon and incorporated herein by reference.)
11. **Approve *En Masse* Petition for Reduction of Assessments of Personal Property for the 2012 Tax Year.**
(A true and correct copy of said Petition and its spreadsheet attachment is attached hereto as Collective Exhibit G, spread hereupon and incorporated herein by reference.)
12. **Approve Amended Homestead Applications - 2012 Tax Year.**
(A true and correct copy of that certain memorandum dated November 27, 2012 from Homestead Director Emily Anderson is attached hereto as Collective Exhibit H, spread hereupon and incorporated herein by reference.)
13. **Approve Monthly Credit Card Report - General County.**
(A true and correct copy of that certain memorandum dated November 19, 2012 from County Purchase Clerk Hardy Crunk is attached hereto as Exhibit I, spread hereupon and incorporated herein by reference.)
14. **Authorize Supervisors, County Administrator, Comptroller, Board Attorney, Chancery Clerk, and County Engineer to Attend the Mississippi Association of Supervisors (MAS) Mid-Winter Conference in Jackson, Mississippi January 7-9, 2013; and Approve Travel and Registration Expenses Related Thereto.**
15. **Acknowledge Notice of Proposed Amendment to the Hinds County Local Solid Waste Management Plan.**
(A true and correct copy of that certain memorandum dated November 19, 2012 from Mr. James A. "Lap" Baker, Director of Planning and Administration advising of the public hearing set for December 17, 2012 to consider a Proposed Amendment to the Hinds county Local Solid Waste Management Plan is attached hereto as Exhibit J, spread hereupon and incorporated herein by reference.)
16. **Acknowledge Redemption of Land Sold for Taxes Report - October, 2012.**
(A true and correct copy of that certain report from Chancery Clerk Arthur Johnston is attached hereto as Exhibit K, spread hereupon and incorporated herein by reference.)
18. **Approve Closure of Livingston-Vernon Road.**
(A true and correct copy of that certain email correspondence dated November 26, 2012 from Mr. Jimmy Vickers of Warnock & Associates requesting closure of Livingston-

President's Initials: _____

Date Signed: _____

Vernon road is attached hereto as Exhibit L, spread hereupon and incorporated herein by reference.)

20. Approve Tamerica Proposal.

(A true and correct copy of that certain strategic economic plan dated November 19, 2012 is attached hereto as Exhibit M, 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 by the unanimous vote of those present, and each item was and is hereby approved, ratified, adopted and authorized as described herein above.

SO ORDERED this the 3rd day of December, 2012.

In re: Consideration of Appraiser for South Madison County Annex

Following discussion, Mr. Paul Griffin did offer and Mr. Gerald Steen did second a motion to deny the request to authorize Mr. Casey W. Wingfield to perform an appraisal on the South Madison County Annex. 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	No
Supervisor Paul Griffin	Aye

the matter carried by a majority vote (3-2) and said request was and is hereby denied.

SO ORDERED this the 3rd day of December, 2012.

In re: Request to Appoint Committee to Inspect Horseshoe Lane

Following a discussion initiated by County Engineer Rudy Warnock and acting upon a petition filed by various land owners, a true and correct copy of which is attached hereto as Exhibit N, spread hereupon and incorporated herein by reference, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to appoint a committee comprised of Mr. Gerald Steen, Mr. Ronny Lott, and the County Engineer to inspect Horseshoe Lane, located in District 4, and report to the Board at their earliest convenience their assessment of its suitability to become a public road.

The vote on the matter being as follows:

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

¹Mr. Banks arrived after the call of the question on this matter.

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 4 of 14 (12/3/12)

the matter carried unanimously and said committee was and is hereby appointed.

SO ORDERED this the 3rd day of December, 2012.

In re: Approval of Final Plat of Grayhawk Subdivision , Part Three-B

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented the final plat of Grayhawk Subdivision, Part Three-B and requested the Board to approve same, indicating and representing that the same met with all applicable county requirements, and

WHEREAS, Mr. Warnock advised the Board that the streets listed on said plat are to be accepted as public roads, and added to the County Road Register to the extent such streets are depicted on said plat, to-wit:

- Quill Cove
- Wingtip Way
- Grayhawk Drive
- Tail Feather Drive

WHEREAS, Mr. Warnock further presented that certain correspondence dated November 30, 2012 from Mr. Louis B. Gideon of Acadia Properties regarding the maintenance of storm drainage ditch for said subdivision, and

WHEREAS, Mr. Warnock presented a Letter of Credit to secure the final wearing course on said streets, a true and correct copy of which 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 approve said final plat, (a) subject to the requirement that approval of the Madison County Board of Supervisors would be required on any changes to said plat and/or the accompanying covenants until such time as a majority of votes necessary to change the covenants are controlled by residents of the subdivision, (b) subject to zoning ordinances that the Board finds will be applicable upon adoption thereof in the future, (c) with the provision that the plat be held in the possession of the County Engineer and not recorded in the office of the Chancery Clerk until such time as the items listed on a certain punch list are deemed completed to the satisfaction of the County Engineer. The vote on the matter being as follows:

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

the matter carried unanimously and the final plat of Grayhawk Subdivision , Part Three-B was and is hereby approved with the aforementioned provisos.

SO ORDERED this the 3rd day of December, 2012.

In re: Approval of Interlocal Agreement with City of Madison

WHEREAS, County Administrator David Overby appeared before the Board and requested the Board approve an Interlocal Agreement with the City of Madison for the rebuilding and overlaying on Quail Run Drive and Wood Leaf Cove in the City of Madison, a true and correct copy of which is attached hereto as Exhibit O, spread hereupon, and incorporated herein by reference, and

President's Initials: _____
Date Signed: _____

Following discussion, Mr. Gerald Steen did offer and Mr. Ronny Lott did second a motion to approve said Interlocal Agreement 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 said Interlocal Agreement was and is hereby approved and the Board President was and is hereby so authorized.

SO ORDERED this the 3rd day of December, 2012.

In re: Approval of Personnel Matter

WHEREAS, County Administrator David Overby appeared before the Board and requested the Board's approval of the hiring of Ms. LaTonya Allen as County Court Administrator, and

WHEREAS, a true and correct copy of that certain personnel action form may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Gerald Steen did offer and Mr. Paul Griffin did second a motion to approve the personnel matter of Ms. LaTonya Allen as County Court Administrator. 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 new hire was and is hereby approved.

SO ORDERED this the 3rd day of December, 2012.

In re: Approval of Budget Amendments

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 documents entitled "Madison County Budget Amendments December 3, 2012," and "Madison County Budget Amendments - Road Maintenance Fund," a true and correct copy of which is attached hereto as Exhibit P and Exhibit Q, respectively, 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 budget amendments. The vote on the matter being as follows:

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

President's Initials: _____

Date Signed: _____

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

SO ORDERED this the 3rd day of December, 2012.

In re: Approval of Claims Docket for December 3 and November 27, 2012

WHEREAS, the Board reviewed the claims docket for December 3 and November 27, 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, Mr. Vance requested the Board hold the Tallega Software invoice in the amount of \$6,400.00,

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 December 3, 2012:

Fund	Claim Nos.	No. of Claims	Amount
001	441-540		
	542-931	490	\$410,786.59
012	34-43	10	\$32,810.84
015	13-14	2	\$68,022.03
095	5-6	2	\$12,406.71
097	29-32	4	\$19,144.92
105	46-60	15	\$49,183.42
113	3-3	1	\$1,505.00
114	3-3	1	\$998.28
115	16-22	7	\$12,921.32
116	9-11	3	\$3,531.73
120	9-9	1	\$167.02
121	6-6	1	\$85.01
150	162-199	38	\$89,275.93
160	16-20	5	\$32,631.44
170	1-1	1	\$13,782.29
190	14-16	3	\$2,900.00
191	17-20	4	\$400.53
228	1-1	1	\$1,000.00
306	3-3	1	\$1,127.69
401	8-9	2	\$12,549.12
402	3-3	1	\$4,870.00
690	5-6	2	\$15,163.16
691	5-6	2	\$15,151.38
Totals		597	\$800,414.41

HELD CLAIMS

All those certain claims of Fleetcor Technologies as set forth on that certain document attached hereto as Exhibit R, spread hereupon and incorporated herein by reference, were and are held for separate vote and are not included in the above. Further, the claim of Tallega Software Tallega Software in the amount of \$6,400.00 bearing transaction no. 131136 and invoice no. 1116121 was and is hereby held for consideration at a later date and is not included in the above.

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 7 of 14 (12/3/12)

Thereafter and following discussion, Mr. Gerald Steen did offer and Mr. Karl M. Banks 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 S, spread hereupon, and incorporated herein by reference. The vote on the matter being as follows:

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

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

SO ORDERED this the 3rd day of December, 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	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 3rd day of December, 2012.

WHEREAS, Mr. Vance further presented three (3) additional items to the claims docket for payment, the same being the invoices of Guardian FlexPlan in the amount of \$90.00; Court Assessment/Fine Settlements as noted; and Mississippi Department of Archives & History in the amount of \$1,378.00, all as reflected on Collective Exhibit T hereto.

Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to approve payment of those certain invoices as detailed on Collective Exhibit T. 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 invoices were and are hereby approved, and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 3rd day of December, 2012.

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 returned to the meeting.

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 8 of 14 (12/3/12)

In re: Payments in Lieu of Tax Obligation of Nissan North America, Inc. and Related Entities for 2012

**ORDER PROVIDING FOR THE PAYMENT AND DISTRIBUTION OF
PAYMENT IN LIEU OF TAXES TO BE RECEIVED
FROM NISSAN NORTH AMERICA, INC. AND FOR RELATED PURPOSES**

WHEREAS, on November 8, 2000 Madison County, together with the State of Mississippi, the City of Canton, Mississippi, and numerous other governmental bodies entered into a certain Memorandum of Understanding (“MOU”) with Nissan North America, Inc., commonly known as the “Delta I” MOU, a true and correct copy of which may be found in the Miscellaneous Appendix to the Minutes of this Board of January 31, 2005, and

WHEREAS, heretofore Madison County entered into an “Agreement to Make Payments in Lieu of Ad Valorem Taxes” (hereinafter, “PILOT Agreement”) dated April 23, 2003, said PILOT Agreement having been approved by the Madison County Board of Supervisors on March 21, 2003, a true and correct copy of which may be found in the Miscellaneous Appendix to the Minutes of this Board of January 31, 2005, and

WHEREAS, the Board finds it necessary, pursuant to Miss. Code Ann. § 27-31-104, to (1) establish the amount due from Nissan North America, Inc. in satisfaction of its PILOT obligation for 2012, and (2) provide for the payment, distribution, and apportionment of such sums as shall be remitted from Nissan North America, Inc. and related entities in satisfaction thereof,

WHEREFORE, PREMISES CONSIDERED, and pursuant to the provisions of Miss. Code Ann. § 27-31-104, and upon the advice of counsel, the Board of Supervisors of Madison County, Mississippi does find and order as follows:

1. That, based on statutory authority set forth in Miss. Code Ann. § 27-31-104, Nissan North America, Inc. has been granted a ten-year exemption from ad valorem taxation pursuant to Section 1.3(d)(I) of the “Delta I” MOU.
2. That, in exchange for said exemption, Nissan North America, Inc. is obligated to make annual payments in lieu of taxes to Madison County, and that such payments in lieu of taxes are fee payments, not ad valorem taxes or taxes of any other nature.
3. That the Madison County Board of Supervisors has the authority, pursuant to Miss. Code Ann. § 27-31-104, to determine the amount of the payment in lieu of taxes owed by Nissan North America, Inc. and to apportion said amount between Madison County and the Canton Public School District as directed in said code section and pursuant to the “Delta I” MOU and the PILOT Agreement.
4. That the Tax Assessor of Madison County has prepared and submitted to the Madison County Board of Supervisors a calculation of the amount owed by Nissan North America, Inc. as its payment in lieu of taxes for 2012, which calculation is attached hereto as Collective Exhibit A to this Order (Exhibit U to these Minutes), spread hereupon and incorporated herein by reference and which is summarized as follows, to-wit:

Payment due based upon Nissan North America, Inc.’s real property values	\$1,356,461.21
Payment due based upon Nissan North America, Inc.’s personal property values	<u>1,921,306.35</u>
Nissan amount due = \$3,277,767.56 rounded to floor of	<u>\$3,650,000.00</u>
Payment due based upon Calsonic’s real property values	\$8,462.16
Payment due based upon GCM/Visteon’s real property values	<u>22,744.68</u>
Total amount due	<u>\$3,681,206.84</u>

President’s Initials: _____

Date Signed: _____

5. That the Board hereby adopts said calculation and, in accordance therewith, the amount to be paid by Nissan North America, Inc. pursuant to said code section and Section 3, paragraphs (a) and (b) of the PILOT Agreement is \$3,681,206.84 and shall be made payable to "Madison County, Mississippi."
6. That the Chancery Clerk shall prepare invoices reflecting the above amounts and submit the same unto Nissan North America, Inc. who shall promptly deliver the aforesaid sum to the Madison County Board of Supervisors, 146 West Center Street, P.O. Box 608, Canton, Mississippi 39046, Attention Mr. Arthur Johnston, Chancery Clerk and County Treasurer.
7. That upon receipt of the balance due from Nissan, of the total PILOT payment of \$3,681,206.84, **\$2,041,965.43** is to be apportioned unto the Canton Public School District and **\$1,639,241.41** is to be apportioned unto the General Fund of Madison County to be applied to the appropriate bond fund, all applicable tax levies other than School District levies notwithstanding.
8. That the apportionment set forth in paragraph 7 is computed as follows:

Canton Public School mills	=	47.50	(47.50 ÷ 85.63 = 55.47)
General County mills	=	<u>38.13</u>	(38.13 ÷ 85.63 = 44.53)
Total Tax Levy for Project	=	85.63	
Total due Canton Public	=	\$3,681,206.84 x .5547	= <u>\$2,041,965.43</u>
Total due General County	=	\$3,681,206.84 x .4453	= <u>\$1,639,241.41</u>
Total due from Nissan	=		<u>\$3,681,206.84</u>

9. That certain real property described by parcel numbers 092G-35-001/04.00 and 092G-35-001/05.00 which are assessed separately to Calsonic and Lextron/Visteon were originally and remain included within the scope of the exemption granted unto Nissan North America, Inc. and are likewise subject to the PILOT Agreement.
10. That in exchange for said exemption, Nissan North America, Inc., on behalf of Calsonic and Lextron/Visteon, is obligated to make payments in lieu of tax as to said parcels in the following amounts respectively: \$8,462.16 as to the Calsonic parcel and \$22,744.68 as to the Lextron/Visteon parcel, which payments are included within the total payment due from Nissan North America, Inc. as set forth in paragraphs 4, 5, 7 and 8, above.
11. That, therefore, upon receipt of the entirety of said funds from Nissan North America, Inc. for 2012, the County Treasurer shall pay unto the Canton Public School District the sum of **\$2,041,965.43** and shall pay unto the General Fund of Madison County, to be directed to the appropriate bond fund, the sum of **\$1,639,241.41**.

Following discussion, Mr. Ronny Lott did offer and Mr. Karl M. Banks did second a motion to approve, adopt and enter the foregoing Order. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and the above and foregoing Order was and is hereby approved, adopted and entered.

SO ORDERED this the 3rd day of December, 2012.

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 10 of 14 (12/3/12)

In re: Awarding of County Depository for Two Year Period and Designation of Additional County Depositories

WHEREAS, Chancery Clerk Arthur Johnston appeared before the Board and presented the depository bids received on November 27, 2012, and

WHEREAS, Mr. Johnston did present to the Board the Invitation for Bid and the Notice to Prospective Depositories as published in the *Madison County Herald* on November 15 and November 22, 2012, together with the Proof of Publication pertaining thereto, said Proof of Publication being attached hereto as Exhibit V, spread hereupon, and incorporated herein by reference, and

WHEREAS, Mr. Johnston reported he had received bids from Community Trust Bank, BankPlus, Metropolitan Bank, M & F Bank, and Trustmark National Bank, and that each such institution met the qualifications set forth in statute and recommended that each be designated a county depository, and

WHEREAS, Mr. Johnston further reported he had received bids from Regions Bank and State Bank & Trust Company after the deadline for receipt of bids, and

WHEREAS, Mr. Johnston presented a tabulation reflecting the bids of each institution, together with an explanatory memorandum, a true and correct copy of which is attached hereto as Exhibit W, spread hereupon, and incorporated herein by reference, and

WHEREAS, Mr. Johnston recommended the Board take the following actions: (1) reject the bids of Regions Bank and State Bank & Trust Company as untimely; (2) designate each of the above banks as county depositories for 2013 and 2014; (3) designate Metropolitan Bank as the primary county depository for the county's operating account and direct Comptroller Shelton Vance and himself to take all steps necessary to transfer funds from the county's current operating account at M&F to Metropolitan Bank by January 1, 2013; and (4) designate M&F Bank as the county depository for the county's payroll and self-funding insurance accounts.

WHEREAS, the bids of all institutions submitting bids in response to the advertisement for same are attached hereto as Exhibit X, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Gerald Steen did offer and Mr. Paul Griffin did second a motion to (1) reject the bids of Regions Bank and State Bank & Trust Company due to their untimely submission, (2) designate each of the above banks as county depositories for 2013 and 2014, (3) designate Metropolitan Bank as the primary county depository for the county's operating account and direct the Chancery Clerk and Deputy Chancery Clerk and Comptroller Shelton Vance to take all steps necessary to transfer funds from the county's current operating account at M&F to Metropolitan Bank by January 1, 2013, (4) designate M&F Bank as the county depository for the county's payroll and self-funding insurance accounts. 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 bids of Regions Bank and State Bank & Trust Company are rejected, and each of the institutions listed on Exhibit X (less and except Regions Bank and State Bank & Trust Company) were and are hereby designated as county depositories for a two year term commencing immediately and Metropolitan Bank was and is hereby awarded the county's operating fund accounts for said two year term and M&F Bank was and is hereby designated as the county depository for the county's payroll and self-funding insurance accounts.

SO ORDERED this the 3rd day of December, 2012.

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 11 of 14 (12/3/12)

In re: Establishment of Just Compensation on Sulphur Springs Lake Park Project

WHEREAS, Mr. Jim Turner of JLT Realty, Inc. appeared before the Board and requested the Board establish just compensation required for drainage easements needed to implement the Sulphur Springs Lake Park Project, and

WHEREAS, Mr. Turner recommended the Board offer just compensation for purposes of drainage easement on approximately 0.02 acres ± on parcel 105D-17-005/01.00 to Mr. & Mrs. Edward Odom in the amount of \$185.00,

Following discussion, Mr. Paul Griffin did offer and Mr. Gerald Steen did second a motion to (1) establish just compensation for the easements needed to implement the Sulphur Springs Lake Park Project from Mr and Mrs. Edward Odom at \$185.00 and (2) authorize the Chancery Clerk to issue a pay warrant in the amount of \$185.00 to Mr. & Mrs. Edward Odom. 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 just compensation was and is hereby established and the Chancery Clerk was and is hereby authorized to issue a pay warrant accordingly.

SO ORDERED this the 3rd day of December, 2012.

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

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

Following discussion and pursuant to the terms of Miss. Code Ann. § 25-41-7, as amended, Mr. Gerald Steen did offer and Mr. John Bell Crosby did second a motion to make a closed determination upon the issue of whether or not to declare an Executive Session for the purpose of discussing pending and/or threatened litigation as well as a related public records request with the following persons deemed necessary for Board discussions, deliberations, and recording of such Executive Session, to wit: members of the Board, Chancery Clerk Arthur Johnston, County Administrator David Overby, Comptroller and Deputy Chancery Clerk Shelton Vance, Board Secretary and Deputy Chancery Clerk Cynthia Parker, County & State Aid/LSBP Rudy Warnock, Board Attorney Mike Espy, and Mr. Jim Turner. 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 3rd day of December, 2012.

President's Initials: _____

Date Signed: _____

In re: Entering into Executive Session

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

Following discussion, Mr. Gerald Steen did offer and Mr. Paul Griffin did second a motion to enter into Executive Session for the purpose of discussing pending and/or threatened litigation 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 the Board took up the matter of entering into Executive Session.

SO ORDERED this the 3rd day of December, 2012.

During Executive Session and following discussion, Mr. Paul Griffin did offer and Mr. Ronny Lott did second a motion to set just compensation at an amount greater than the \$185.00 previously set by the Board herein above as just compensation for the acquisition of certain property owned by Mr. and Mrs. Edward Odom to constitute a drainage easement associated with the Sulphur Springs Lake Park Project and authorize Mr. Jim Turner to communicate the same to the Odoms. 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 just compensation is hereby re-established in an increased amount and Mr. Turner was and is hereby so authorized.

SO ORDERED this the 3rd day of December, 2012.

During Executive Session and at the recommendation of Board Attorney Mike Espy, Mr. Ronny Lott did offer and Mr. Gerald Steen did second a motion (1) to authorize the Board Attorney (a) to draft an Agreed Order of Dismissal and submit the same to the Circuit Court of Hinds County, Mississippi in settlement of those certain claims set forth in that certain lawsuit styled "Madison County Board of Supervisors v. Dick Hall, et al bearing Civil Action, File No. 251-10-432 CIV on the docket of said Court as the result of that certain settlement entered into with the Mississippi Department of Transportation ("MDOT") and the other defendants in said civil action, subject to the concurrence and agreement of MDOT and said defendants; (b) to submit an advertisement for the hiring of engineers in compliance with and pursuant to the federal Brooks Act to MDOT; and (c) to submit, with the assistance of the County Engineer, the appropriate environmental documents to MDOT to allow the projects which are the subject of the settlement to proceed; and (2) to appoint a committee comprised of Chancery Clerk Arthur Johnston, Comptroller Shelton Vance, County Administrator David Overby, Planning & Zoning Director Brad Sellers, Board Attorney Mike Espy and Supervisor Gerald Steen to review various documents related to the settlement of said lawsuit, to oversee compliance with the aforesaid Brooks Act, and to generally facilitate and carrying out the terms of said settlement.

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 13 of 14 (12/3/12)

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 the Board Attorney was and is so authorized and the committee so appointed.

SO ORDERED this the 3rd day of December, 2012.

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

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

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

SO ORDERED this the 3rd day of December, 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 Paul Griffin and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Monday, December 17, 2012 at 6:00 p. m. for the purpose of consideration of a Claims Docket and any other business which may properly come before the Board.

John Bell Crosby, President
Madison County Board of Supervisors

Date signed: _____

ATTEST:

Arthur Johnston, Chancery Clerk

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 14 of 14 (12/3/12)