

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

REGULAR MEETING OF MAY 20, 2013  
Recessed from a regular meeting conducted on May 6, 2013

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on May 20, 2013 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. Gerald Steen, presided and called the meeting to order. The following members were present that day:

Present:

Supervisor Ronny Lott  
Supervisor John Bell Crosby  
Supervisor Gerald Steen  
Supervisor Karl M. Banks  
Supervisor Paul Griffin  
Chancery Clerk Arthur Johnston  
Sheriff Randall 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  
Purchase Clerk Hardy Crunk  
County Engineer Rudy Warnock  
Emergency Management Director Butch Hammack  
Assistant Comptroller and Deputy Chancery Myrtis Sims  
County Road Manager Lawrence Morris  
Buildings and Grounds Director Barry Parker

The President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. The Board President Supervisor Gerald Steen offered an opening prayer and Mr. Will Sligh 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 April 15, 2013, the Board determined that May 20, 2013 would be an appropriate date for a public hearing on the matter of increasing certain real 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

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

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

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

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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. John Bell Crosby did second a motion to close the public hearing. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and the public hearing was and is hereby closed.

SO ORDERED this the 20<sup>th</sup> day of May, 2013.

Thereafter, Mr. Ronny Lott did offer and Mr. Gerald Steen did second a motion to 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	Not Present and Not Voting
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and the assessments of the parcels reflected thereon were and are hereby approved and adopted.

SO ORDERED this the 20<sup>th</sup> day of May, 2013.

***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 (22) 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, County Administrator David Overby requested the Board add an additional Consent Agenda item no. (23) being Approve Contract - Building Restoration Corporation, and

WHEREAS, Comptroller Shelton Vance requested the Board add an additional Consent Agenda item no. (24) being Approval of Invoice - Guardian Invoice

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

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

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

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2. **Declare Certain Inventory Items as Surplus and Delete from Inventory.**  
(A true and correct copy of that certain memorandum dated May 13, 2013 from Inventory Control Clerk Loretta Phillips listing the items to be deleted is attached hereto as Exhibit B, spread hereupon and incorporated herein by reference.)
3. **Acknowledge and Approve Personnel Matters -District Attorney's Office, Sheriff's Department, Detention Center, and Solid Waste Department.**  
(True and correct copies of those certain memoranda from the District Attorney's Office, Sheriff's Department, Detention Center, and Solid Waste Department setting forth certain changes and/or additions in personnel are attached hereto as Collective Exhibit C, spread hereupon and incorporated herein by reference.)
4. **Approve Notices to Renew 16<sup>th</sup> Section Leases and Renegotiated 16<sup>th</sup> Section Lease Contracts for Water Distribution Line Right of Way.**  
(True and correct copies of those certain Notices to Renew Residential Lease Contracts to Trevor r. Pickering and wife, Christina Pickering, regarding Lot 28, Calumet Subdivision, Part 2 and City of Madison, Mississippi, located in Section 16, T7N, R2E may be found in the Miscellaneous Appendix to these Minutes.
5. **Approve ESRI Maintenance Agreements and Authorize Payment - GIS and Tax Assessor Office.**  
(True and correct copies of said contracts are attached hereto as Collective Exhibit D, spread hereupon and incorporated herein by reference, for a term of July 19, 2013 through July 18, 2014, and payment thereof was and is hereby authorized. The Board President was and is hereby authorized to execute same.)
6. **Approve Lease Agreement - Excel by 5.**  
(A true and correct copy of said lease agreement is attached hereto as Exhibit E, spread hereupon and incorporated herein by reference, for lease of office space in the Madison County Historic Courthouse. The Board President was and is hereby authorized to execute same.)
7. **Approve Damage Claim Reimbursement - Jeff Coleman.**  
(A true and correct copy of that certain explanatory memorandum dated March 5, 2013 from Emergency Management Director Butch Hammack recommending the Board approve the reimbursement of claim for damages in the amount of \$133.75 to Mr. Daniel Minters is attached hereto as Exhibit F, spread hereupon and incorporated herein by reference.)
8. **Approve Damage Claim Reimbursement - Keowanna Kelly .**  
(A true and correct copy of that certain explanatory memorandum dated March 5, 2013 from Emergency Management Director Butch Hammack recommending the Board approve the reimbursement of claim for damages in the amount of \$641.44 to Keowanna Kelly is attached hereto as Exhibit G, spread hereupon and incorporated herein by reference.)
9. **Approve Grant of 911 Funds to - Farmhaven Volunteer Fire Department.**  
(A true and correct copy of that certain explanatory memorandum dated May 13, 2013 from Emergency Management Director Butch Hammack requesting permission to purchase five handheld radios for the Farmhaven Volunteer Fire Department is attached hereto as Exhibit H, spread hereupon and incorporated herein by reference.)
10. **Acknowledge Funds Returned to County by the Circuit Clerk.**  
(A true and correct copy of that certain memorandum dated May 13, 2013 from Circuit Clerk Lee Westbrook reflecting fees collected in excess of salaries and expenses and funds tendered to the County, is attached hereto as Exhibit I, spread hereupon and incorporated herein by reference.)

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

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

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- 11. Approve Use of Historic Courthouse Grounds.**  
(A true and correct copy of that certain reservation application from Rev. Larry Saxton, Jr. requesting permission to use the Historic Courthouse grounds for a church revival and outreach on Monday, June 24 - 26, 2013 is attached hereto as Exhibit J, spread hereupon and incorporated herein by reference.)
- 12. Approve *En Masse* Petitions for Increase of Assessments of Real Property for the 2012 Tax Year as Accepted by Tax Payers.**  
(A true and correct copy of said Petition along with a true and correct copy of its spreadsheet attachment are attached hereto as Collective Exhibit K, spread hereupon and incorporated herein by reference.)
- 13. Acknowledge Petitions for Increase of Assessment of Real Property for the 2012 Year Not Accepted by Taxpayers and Set Date for Public Hearing.**  
(A true and correct copy of said Petition and its spreadsheet attachment is attached hereto as Collective Exhibit L, spread hereupon and incorporated herein by reference, and a public hearing is set for June 17, 2013.)
- 14. Acknowledge Petitions for Increase of Assessment of Real Property for the 2011 Year Not Accepted by Taxpayers and Set Date for Public Hearing.**  
(A true and correct copy of said Petition and its spreadsheet attachment is attached hereto as Collective Exhibit M, spread hereupon and incorporated herein by reference, and a public hearing is set for June 17, 2013.)
- 15. Approve Deleted Homestead Applications - 2012 Tax Year.**  
(A true and correct copy of that certain memorandum dated May 14, 2013 from Homestead Director Emily Anderson is attached hereto as Exhibit N, spread hereupon and incorporated herein by reference.)
- 16. Approve Terrago Maintenance Agreement and Authorize Payment - Tax Assessor Office.**  
(A true and correct copy of said contract is attached hereto as Exhibit O, spread hereupon and incorporated herein by reference, for a term of August 1, 2013 through July 31, 2014, and payment thereof was and is hereby authorized. The Board President was and is hereby authorized to execute same.)
- 17. Approve Proclamation for Public Transit Day, June 14, 2013 - Madison County Citizens Services Agency.**  
(A true and correct copy of which is attached hereto as Exhibit P, spread hereupon and incorporated herein by reference. The Board President was and is hereby authorized to execute same.)
- 18. Approve Refund of Deposit to Ms. Nontangela Hawkins- Rogers Park.**  
(A true and correct copy of that certain memorandum dated May 15, 2013 from Ms. Gloria Nichols requesting a refund for Ms. Nontangela Hawkins is attached hereto as Exhibit Q, spread hereupon and incorporated herein by reference.)
- 19. Authorize Attendance & Approve Travel & Relates Expenses for all Election Commission to the Annual National Elections Conference in Savannah, GA August 13 - 17, 2013.**
- 20. Approve Advertising for Term Bids - Polyurethane Foam Applications.**  
(A true and correct copy of that certain explanatory memorandum dated January 16, 2013 from County Purchase Clerk Hardy Crunk requesting permission to advertise for term bids for the period July 1, 2013 - September 30, 2014 for those certain commodities outlined in said memorandum, is attached hereto as Exhibit R, spread hereupon and incorporated herein by reference.)

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

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

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- 21. Acknowledge Appraisal of South Madison County Annex Building.**  
(A true and correct copy of that certain appraisal from Casey W. Wingfield for the South Madison County Annex Building may be found in the Miscellaneous Appendix to these Minutes.)
- 22. 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 S, spread hereupon, and incorporated herein by reference:
- (1) Telepak, Inc - seeking to install telecommunication facilities along Petrified Forest Road and Pine View Circle
  - (2) AT&T - seeking to place 1400 feet of new 48 fiber optic cable Johnson Line Road
- 23. Approve Building Restoration Contract - Chancery/Administrative Building.**  
(A true and correct copy of which is attached hereto as Exhibit T, spread hereupon and incorporated herein by reference for the repairs to the leaks in the Chancery/Administrative Building. The Board President was and is hereby authorized to execute same.)
- 24. Approve Payment of Invoice - Guardian Insurance.**  
(A true and correct copy of which is attached hereto as Exhibit U, spread hereupon and incorporated herein by reference in the amount of \$15,030.44 for the period of June 1 - June 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	Not Present and Not Voting <sup>1</sup>
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 20<sup>th</sup> day of May, 2013.

***In re: Discussion of Revised Cost Estimate -  
Rice Road Phase 3 Reconstruction Project***

WHEREAS, County Engineer and State Aid Engineer Rudy Warnock appeared before and presented a revised cost estimate in the amount of \$2,643,497.98 for the Rice Road Phase 3 Reconstruction Project, and

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

WHEREAS, Mr. Warnock reported that said project would begin at Madison Landing to 300 feet south of St. Augustine Drive for approximately 1.69 miles, Following discussion, Mr. Gerald Steen did offer and Mr. Paul Griffin did second a motion to approve the cost estimate as represented in Exhibit V and authorize Purchase Clerk Hardy Crunk to advertise for bids for the construction thereof. Prior to the call of the question on the original

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<sup>1</sup>Mr. Banks arrived after the call of the question on this matter.

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

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motion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion in the nature of a substitute to revise the project to simply level and overlay Rice Road from Post Road to St. Augustine Drive.

Thereafter, and prior to the call of the question on either the original motion or the substitute motion, Mr. Ronny Lott did offer and Mr. Gerald Steen did second another substitute motion to authorize the County Engineer to present the Board of Supervisors with three different options for the reconstruction of Rice Road, Phase 3, ranging in cost from \$750,000.00 to \$2.6 million. The vote on the second 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 second substitute motion as offered by Mr. Lott carried unanimously and Mr. Warnock is hereby authorized and directed to present the Board of Supervisors with three different options for the reconstruction of Rice Road, Phase 3, ranging in cost from \$750,000.00 to \$2.6 million.

SO ORDERED this 20<sup>th</sup> day of May, 2013.

***In re: Acceptance and Award of Lowest and Best Bids for South Madison County Annex Building***

WHEREAS, County Administrator David Overby appeared before the Board and reported that bids had been received and opened for the removal and replacement of fifteen (15) aluminum clad wood windows on the South Madison County Annex building, a true and correct copy of which bids may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, Mr. Overby then reported that bids had also been received and opened for repairs to the roof and replacement of gutters and down spouts to the South Madison County Annex building, a true and correct copy of which bids may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, Mr. Overby reported that England Enterprises, Inc. had submitted the lowest and best bid in the amount of \$27,461.95 for the removal and replacement of fifteen (15) aluminum clad wood windows, and

WHEREAS, Central Roofing had submitted the lowest and best bid in the amount of \$8,250.00 for roof repairs and \$1,950.00 to replace the gutters and down spouts,

Following discussion, Mr. Gerald Steen did offer and Mr. Paul Griffin did second a motion to accept and award the lowest and best bid (1) to England Enterprises, Inc. in the amount of \$27,461.95 for the removal and replacement of fifteen (15) aluminum clad wood windows and (2) to Central Roofing in the amount of \$8,250.00 for roof repairs and \$1,950.00 to replace the gutters and down spouts.

Prior to call of the question on said motion, Mr. John Bell Crosby did offer and Mr. Karl M. Banks did second a motion in the nature of a substitute to not accept said bids on the South Madison County Annex building. The vote on the substitute motion being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	No
Supervisor Gerald Steen	No

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Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	No

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

SO ORDERED this the 20<sup>th</sup> day of May, 2013.

The Board President then called the question on the motion as originally offered by himself and seconded by Mr. Paul Griffin. The vote on the original motion 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) of the Board and (1) the bid of England Enterprises, Inc. was and is hereby accept and awarded for the removal and replacement of fifteen (15) aluminum clad wood windows and (2) the bid of Central Roofing for roof repairs and replacing the gutters and down spouts was and is hereby accepted and awarded.

SO ORDERED this the 20<sup>th</sup> day of May, 2013.

***In re: Approval of Claims Dockets for May 20, 10, and 15, 2013***

WHEREAS, the Board reviewed the following claims dockets for May 20, 10, and 15, 2013:

- (1) General Claims Docket, dated May 20, 2013
- (2) Payroll Claims Docket No. 1, dated May 10, 2013
- (3) Payroll Claims Docket No. 2, dated May 15, 2013

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 General Claims Docket dated May 20, 2013:

Fund	Claim Nos.	No. of Claims	Amount
001	2328 to 2428	101	170,973.59
012	155 to 156	2	381.67
015	58 to 59	1	98,042.47
095	17 to 17	1	340.56
097	117 to 119	3	17,713.02
105	253 to 269	17	22,746.61
120	45 to 45	1	45.75
150	591 to 619	29	34,315.46
160	89 to 91	3	876.84
191	68 to 68	1	236.69
192	16 to 18	3	812.24
226	17 to 17	1	2,000.00
306	18 to 18	1	65,586.10
401	34 to 35	2	15,889.33
402	10 to 10	1	4,870.00
655	8 to 8	1	82,509.72
672	8 to 8	1	1,551.75
675	8 to 8	1	5,673.00

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

690	17 to 17	1	318.28
691	17 to 17	1	318.28
694	1 to 1	1	1,741.53
TOTAL ALL FUNDS		173	526,942.89

Thereafter and following discussion, Mr. Karl M. Banks did offer and Mr. Gerald Steen did second a motion to approve each respective claims docket as presented and as listed herein above. Said motion directed that invoice numbers should be attached to each claim on the claims dockets 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 same, copies 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 Y, spread hereupon, and incorporated herein by reference. The vote on the matter being as follows:

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

the matter carried unanimously and said General Claims Docket, Payroll Claims Docket No.1, and Payroll Claims Docket No. 2 were and are hereby approved and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 20<sup>th</sup> day of May, 2013.

***In re: Approval of Claims of Fleetcor Technologies***

Thereafter, Mr. Vance presented a supplemental claims docket also dated May 20, 2013 containing the claims of Fleetcor Technologies and requested the Board’s approval thereof.

Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to approve that certain supplementary claims docket containing the claims of Fleetcor Technologies. Said motion directed that invoice numbers should be attached to each claim listed on the supplemental docket and further directed the Chancery Clerk to include said claims in the Summary of Claims to be published as required by law and to authorize the Board President to sign and approve the same, a 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	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Not Present and Not Voting <sup>2</sup>
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of the 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 20<sup>th</sup> day of May, 2013.

***In re: Homestead Exemption Tax Loss Disallowances***

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<sup>2</sup>Prior to consideration of this item of business, Mr. Steen excused himself from the meeting, departed the meeting room and did not participate in discussion of deliberation of this matter whatsoever.

**President’s Initials:** \_\_\_\_\_  
**Date Signed:** \_\_\_\_\_



WHEREAS, Chancery Clerk Arthur Johnston appeared before the Board and presented certain Notices of Adjustment in Homestead Exemption Tax Loss Allowances which had been received from the Mississippi Department of Revenue and did report that in accordance with Miss. Code Ann. § 27-33-37(j), a hearing was in order on said Disallowances so as to entertain any protests or complaints as to the propriety and validity of the same, and

WHEREAS, Mr. Johnston did inform the Board that, pursuant to Miss. Code Ann. § 27-33-41, as amended, he had properly and promptly notified all property owners of the decision of the Mississippi Department of Revenue disallowing said exemptions, and

WHEREAS, Mr. Johnston did further report that certain objections to said Disallowances had been received, and, in his estimation, the same were valid and legitimate such that the Board ought to accept and affirm said objections and request that, of the Disallowances submitted, those marked with an objection should not be disallowed and those taxpayers should be allowed to retain their homestead exemptions for the reasons set forth in the spreadsheet and the additional supplementary materials submitted by those objecting taxpayers, a true and correct copy of which materials may be found in the Miscellaneous Appendix to these Minutes, and

Following discussion, Mr. Karl M. Banks did offer and Mr. Gerald Steen did second a motion to (1) accept the Homestead Exemption Tax Loss Disallowances as presented subject to the listed objections; (2) direct the Chancery Clerk to forward same to Mississippi Department of Revenue with the objections as noted on said spreadsheet affirmed; (3) direct the Tax Collector to re-assess each such parcel in the amount of the exemption disallowed in the time and manner allowed by law, but not as to those parcels to which an objection is hereby interposed; and (4) direct the Clerk to request of the Department of Revenue that each such Disallowance to which an objection was received not be effectuated. 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 Disallowances were and are hereby accepted and the parcels hereby re-assessed, except for those to which an objection was timely filed as noted on said spreadsheets, the Tax Collector and the Chancery Clerk were and are hereby directed accordingly.

SO ORDERED this the 20<sup>th</sup> day of May, 2013.

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

WHEREAS, Sheriff Randy Tucker requested the Board authorize the Board President to execute that certain invoice for submission to the Mississippi Department of Corrections for feeding and housing of state prisoners, and

WHEREAS, Sheriff Tucker further requested the Board amend the phone service through Securas Technologies to purchase prepaid phone service through the canteen funds,

Mr. Ronny Lott did offer and Mr. Karl M. Banks did second a motion to authorize the Board President to execute said invoice and authorize the Sheriff to amend the contract with Securas Technologies to purchase prepaid phone service through the canteen funds. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye

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Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and the Board President was and is hereby authorized.

SO ORDERED this the 20<sup>th</sup> day of May, 2013.

***In re: Approval of Final Plat of Charlton Place, Part Two***

WHEREAS, County & State Aid/LSBP Engineer Rudy Warnock appeared before the Board and presented a preliminary plat for the purpose of filing the final plat of Charlton Place, Part Two and requested the Board to approve same, indicating and representing that the same met with all appropriate and applicable county requirements, and

WHEREAS, Mr. Warnock pointed out that the streets listed on said plat were public and should be accepted as public streets, to wit:

Chantry Lane  
Churchill Place  
Devon Pointe  
Windermere Blvd.

WHEREAS, Chancery Clerk Arthur Johnston has on file Performance Bond no. 43BSBFY5699 in the amount of \$502,560.00 for the surface course and,

WHEREAS, Mr. Johnston expressed concern that this subdivision plat was in fact an alteration or change in a prior plat or plats involving this same real property and that the adjoining land owners needed to join in said petition and further questioned whether all those having an interest, ownership or otherwise, in said property were properly before the Board as required by statute, and further expressed his concern that the document before the Board today was not an original plat document in the proper format but, rather, was a copy of a purported plat

Following discussion of this matter, Mr. Karl M. Banks did offer and Mr. Gerald Steen did second a motion to **(1)** approve said final plat, contingent on final review by the County Engineer and the Board Attorney and receipt of review fees (a) subject to the requirement that approval of the Madison County Board of Supervisors would be required on any changes to said plat and/or the accompanying covenants until such time as a majority of votes necessary to change the covenants are controlled by residents of the subdivision, (b) subject to zoning ordinances that the Board finds will be applicable upon adoption thereof in the future, and **(2)** accept the above listed roads as public roads, and **(3)** direct the Chancery Clerk to accept and retain the aforesaid Performance Bond. The vote on the matter being as follows:

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

the matter carried by majority vote (3-2) of the Board and the final plat of Charlton Place, Part Two was and is hereby approved and said roads were and are accepted as public streets with the aforementioned provisos.

SO ORDERED this the 20<sup>th</sup> day of May, 2013.

***In re: Authorization to Advertise for Bids for the West Madison Utility District Sewer Sanitary Sewer Rehabilitation Project***

President's Initials: \_\_\_\_\_  
Date Signed: \_\_\_\_\_

At the request of County & State Aid/LSBP Engineer Rudy Warnock, Mr. Karl M. Banks did offer and Mr. Gerald Steen did second a motion to authorize the advertising for bids in conjunction with the West Madison Utility District Sanitary Sewer Rehabilitation Project for July 2, 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 Mr. Warnock was and is hereby authorized.

SO ORDERED this the 20<sup>th</sup> day of May, 2013.

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

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

Following discussion and pursuant to the terms of Miss. Code Ann. § 25-41-7, as amended, Mr. 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 Shelton Vance, Board Secretary and Deputy Chancery Clerk Cynthia Parker, and Board Attorney Mike Espy. 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 Executive Session.

SO ORDERED this the 20<sup>th</sup> day of May, 2013.

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

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

the matter carried unanimously and President Steen declared the Board of Supervisors to be in

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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 20<sup>th</sup> day of May, 2013.

During Executive Session, Mr. Karl M. Banks did offer a motion to direct that Board Attorney Mike Espy to take a minimal role, that is a neutral role, in connection with the county's involvement as a party defendant in that certain lawsuit pending on the docket of the Circuit Court of Madison County, Mississippi styled *Robinson et al v. Lost Rabbit Public Improvement District et al*, bearing Civil Action, File No. 2012-009. The motion failed for lack of second.

SO ORDERED this the 20<sup>th</sup> day of May, 2013.

Thereafter, Mr. Ronny Lott 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 that no action was 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 adjourned and the Chancery Clerk did announce to the public no action was taken therein.

SO ORDERED this the 20<sup>th</sup> day of May, 2013.

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor John Bell Crosby and seconded by Supervisor Gerald Steen and approved by the unanimous vote of those present, the May, 2013 term of the Madison County Board of Supervisors was adjourned.

\_\_\_\_\_  
Gerald Steen, President  
Madison County Board of Supervisors

Date signed: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Arthur Johnston, Chancery Clerk

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

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

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