

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

REGULAR MEETING OF JANUARY 21, 2005
Recessed from regular meeting conducted on January 14, 2005

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on January 21, 2005, in Courtroom #2 of the Madison County Circuit Courthouse in Canton, Mississippi, as follows, to-wit:

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

Present:

Supervisor Tim Johnson
Supervisor Andy Taggart
Supervisor Karl M. Banks
Supervisor Paul Griffin
Sheriff Toby Trowbridge
Chancery Clerk Arthur Johnston

Absent:

Supervisor Douglas L. Jones

Also in attendance:

County Administrator Donnie Caughman
County Comptroller Mark Houston
County and State Aid and LSBP Engineer Rudy Warnock
County Zoning Administrator Brad Sellers
County Road Manager Prentiss Guyton
Board Secretary Cynthia Parker
Board Attorney Edmund L. Brunini, Jr.

The President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Sheriff Toby Trowbridge opened the meeting with a prayer and Chancery Clerk Arthur Johnston led the members and the audience in the Pledge of Allegiance to the Flag of the United States of America.

***In re: Review of Tax Exemption from Ad Valorem Taxes
on Madison County Publishing Company,
d/b/a Madison County Journal***

WHEREAS, on January 14, 2005, the Board entered an order closing the public hearing on the matter of withdrawing the tax exemption previously awarded to Madison County Publishing Company, d/b/a Madison County Journal, and took under advisement the recommendation of the Tax Assessor to withdraw said exemption and continued the matter until Friday, January 21, 2005 at the hour of 9:00 a.m., and

WHEREAS, said date and time having arisen, Supervisor Tim Johnson did request that the matter be continued again due to the fact that Supervisor Douglas L. Jones was absent from this meeting and desired to be present during the consideration hereof,

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to continue consideration of the question of withdrawing said exemption until Monday, February 7, 2005. The vote on the matter being as follows:

President's Initials: _____

Date Signed: _____

Supervisor Douglas L. Jones	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and the request to revoke the ad valorem tax exemption previously granted unto Madison County Publishing Company, d/b/a Madison County Journal pursuant to Miss. Code Ann. § 27-31-101 *et seq.* was and is continued until February 7, 2005.

SO ORDERED this the 14th day of January, 2005.

In re: Petition of Richard Ambrosino and Parkway Development, Inc. to Re-zone Certain Property

**ORDINANCE BY THE BOARD OF SUPERVISORS
OF MADISON COUNTY, MISSISSIPPI,
AMENDING THE MADISON COUNTY ZONING ORDINANCE**

WHEREAS, the Board of Supervisors had previously advertised its intent to conduct a public hearing concerning the request of Richard Ambrosino and Parkway Development, Inc. to re-zone certain R-2 residential use property to a PUD District in Sections 5 and 6, T7N-R2E in Madison County, and to amend the Zoning Maps adopted pursuant thereto, and

WHEREAS, the Board authorized the publication of notice in the *Madison County Herald*, a newspaper of general circulation in Madison County, and directed that the Zoning Administrator publish notice in said paper, the same having been accomplished on December 2, 2004, and

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

WHEREAS, on December 17, 2004, the Board declared open the public hearing on said request but took the matter, as well as the public hearing, under advisement, and

WHEREAS, the Board President declared said public hearing to be open as noticed and as continued from said original hearing date, and

WHEREAS, County Zoning Administrator Brad Sellers did appear before the Board and again presented said Petition, together with certain proposed covenants and did report that the Planning and Zoning Commission did recommend approval of the request, and

WHEREAS, Mr. Blake Mendrop did appear before the Board on behalf of the petitioner and submitted said proposed covenants, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, the Planning and Zoning Commission did recommend approval of the request, and

WHEREAS, no one appeared in opposition thereto, despite the giving of full and proper notice hereof,

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to

President's Initials: _____

Date Signed: _____

close the public hearing and grant the request and adopt the following Ordinance, to-wit:

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI, AS FOLLOWS, TO WIT:

1. That appropriate public need and change in character of the neighborhood having been demonstrated, the following described tract of real property be, and the same is hereby, rezoned from its present R-2 residential use property to a PUD District:

Begin at a found 2 inch iron pipe marking the NW corner of Section 5, T7N-R2E, Madison County, Mississippi and run thence N 89 degrees 53 minutes 50 seconds E for 774.39 feet, more or less, to a point lying on the west bank of Bear Creek; thence run on and along said west Bank the following courses and distances; thence S 09 degrees 28 minutes 08 seconds W for 169.33 feet; thence S 12 degrees 45 minutes 38 seconds E for 172.57 feet; thence S 08 degrees 46 minutes 39 seconds for 271.42 feet; thence, leaving said creek, run S 89 degrees 37 minutes 17 seconds E for 421.57 feet to a set 5/8 inch rebar lying along the southerly property line of the Phillips property as described in Deed Book 164, Page 473 in the office of the Chancery Clerk of said County; thence continue along said property line S 00 degrees 44 minutes 17 seconds W for 81.50 feet to a set 5/8 inch rebar; thence continue along said property S 89 degrees 15 minutes 43 seconds E for 200.40 feet to a set 5/8 inch rebar; thence continue along said property line S 00 degrees 30 minutes 17 seconds W for 225.10 feet; thence continue along said property line S 89 degrees 29 minutes 43 seconds E for 570.00 feet to a found 3/8 inch rebar marking the SE corner of said Phillips property; thence run S 00 degrees 19 minutes 19 seconds W for 1176.50 feet to the SW corner of the Hendley property as recorded in Deed Book 484, Page 305; thence run along a fence along the south line of said Hendley property S 89 degrees 43 minutes 15 seconds E for 666.98 feet to a set 5/8 inch rebar; thence run S 00 degrees 34 minutes 05 seconds W for 652.46 feet to a found 3/8 inch rebar marking the intersection of the south line of Countryside Plantation Part Two as shown on the plat thereof in the office of the Chancery Clerk of Madison County in Plat Cabinet D, Slide 9 and the North line of North Place of Madison, Part 5 as shown on the plat thereof recorded in the same office in Plat Cabinet C, Slide 98; thence run S 88 degrees 49 minutes 44 seconds W along said north line for 1310.66 feet to a point where said line intersects the west bank of Bear Creek Tributary; thence run N 13 degrees 44 minutes 55 seconds W for 51.04 feet; thence run along the northerly property line of the Sunnybrook Children's Home, Inc. Property as described in Deed Book 239, Page 469 in the office of the

President's Initials: _____

Date Signed: _____

Chancery
 Clerk of said County; thence continue along a fence along the north line of said Sunnybrook Children's Home Inc. property S 89 degrees 48 minutes 44 seconds W for 2089.35 feet; thence run along a curve to the left, said curve having a radius of 1637.27 feet, a curve length of 1131.69 feet, a chord bearing of N 17 degrees 53 minutes 25 seconds E, and a chord distance of 1109.30 feet; thence run N 02 degrees 50 minutes 30 seconds W for 378.92 feet; thence run along a curve to the right, said curve having a radius of 2769.75 feet, a curve length of 1381.96 feet, a chord bearing of N 17 degrees 55 minutes 45 seconds E, and a chord distance of 1367.67 feet back to the point of Beginning, containing 139.14 acres, more or less, and situated in the NW 1/4 of Section 5 and the Eastern 1/2 of the NE 1/4 of Section 6, T7N-R2E, Madison County, Mississippi.

2. That the Madison County Zoning Ordinance be and the Zoning District Map be and the same are hereby amended so as to reflect the foregoing change in the zoning of the above described real property.

ORDAINED, ADOPTED AND APPROVED by the Board of Supervisors of Madison County, Mississippi, at a meeting thereof held on the 21st day of January, 2005.

The foregoing the question having been called on the foregoing motion, and the foregoing Ordinance having been first reduced to writing was read, considered and approved, section by section, and then as a whole and was submitted to the Board of Supervisors for passage or rejection on roll call vote, said vote being as follows, to wit:

Supervisor Douglas L. Jones	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and the Petition of Richard Ambrosino was and is hereby approved, the subject property was and is hereby re-zoned, and the County zoning ordinance and map are amended accordingly.

SO ORDERED this the 21st day of January, 2004.

In re: Request of Jerry Wayne Brasher to Rezone Certain Property From R-1 Residential to I-1 Industrial

**ORDINANCE BY THE BOARD OF SUPERVISORS
 OF MADISON COUNTY, MISSISSIPPI,
AMENDING THE MADISON COUNTY ZONING ORDINANCE**

WHEREAS, the Board of Supervisors had previously advertised its intent to conduct a public hearing concerning the petition of Jerry Wayne Brasher seeking rezoning of property, pursuant to the Zoning Ordinance of Madison County, MS, and to amend the Zoning Maps adopted pursuant thereto, by requesting property be rezoned from R-1 Residential District to a I-1 Industrial District.

President's Initials: _____

Date Signed: _____

WHEREAS, the Board authorized the publication of notice in the *Madison County Herald*, a newspaper of general circulation in Madison County, the same having been accomplished on January 6, 2005, and

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

WHEREAS, the hour of 9:00 a.m. did arise and County Zoning Administrator Brad Sellers and Mr. Jerry Wayne Brasher did appear before the Board for a public hearing seeking to rezone a certain R-1 Residential District to an I-1 Industrial District, and

WHEREAS, the Board President declared said public hearing to be open as noticed, and

WHEREAS, Mr. Brasher did explain that he intends to build a facility for the manufacture of strength equipment which would involve metalworking and fabrication, and

WHEREAS, the Planning and Zoning Commission did recommend approval of the request, and

WHEREAS, no one appeared in opposition thereto, despite the giving of full and proper notice hereof,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to close the public hearing, grant the request and adopt the following Ordinance, to-wit:

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI, AS FOLLOWS, TO WIT:

1. That appropriate public need and change in character of the neighborhood having been demonstrated, the following described tract of real property be, and the same is hereby, rezoned from its present R-1 Residential District to a Technical Industrial Park District, rather than I-1 classification with a right of enforcement in the county for a period of 15 years and provided the covenants proposed by Mr. Brasher which are to be filed with the Chancery Clerk will be extended for a period of 15 years from the date hereof:

Starting at the NW corner of Section 14, T8N-R2E, Madison County, Mississippi, proceed southerly along section line 1320.0 feet more or less to a point; thence S 89 degrees 56 minutes E, 1230.0 feet more or less to a point; thence S00 degrees 03 minutes W, 1320.0 feet more or less to the point of beginning; thence N 89 degrees 56 minutes W, 978.6 feet more or less to an iron pin being on the east right-of-way of U. S. Highway No. 51; thence N 23 degrees 39 minutes E, 234.6 feet more or less, along said right-of-way to an iron pin; thence S 89 degrees 56 minutes E 885.5 feet more or less to an iron pin; thence S 00 degrees 03 minutes W, 215.0 feet more or less to the point of beginning, containing 4.5 acres more or less.

2. That the Madison County Zoning Ordinance be and the Zoning District Map be and the same are hereby amended so as to reflect the foregoing change in the zoning

President's Initials: _____

Date Signed: _____

of the above described real property.

ORDAINED, ADOPTED AND APPROVED by the Board of Supervisors of Madison County, Mississippi, at a meeting thereof held on the 21st day of January, 2005.

The foregoing the question having been called on the foregoing motion, and the foregoing Ordinance having been first reduced to writing was read, considered and approved, section by section, and then as a whole and was submitted to the Board of Supervisors for passage or rejection on roll call vote, said vote being as follows, to wit:

Supervisor Douglas L. Jones	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and the Jerry Wayne Brasher was and is hereby approved, provided, however, that the property be and the same is hereby re-zoned to a Technical Industrial classification rather than an I-1 District, and the County zoning ordinance and map are amended accordingly.

SO ORDERED this the 21st day of January, 2005.

In re: Request of G & S LLC to Rezone Certain Property From C-1 Commercial to C-2 Commercial

**ORDINANCE BY THE BOARD OF SUPERVISORS
OF MADISON COUNTY, MISSISSIPPI,
AMENDING THE MADISON COUNTY ZONING ORDINANCE**

WHEREAS, the Board of Supervisors had previously advertised its intent to conduct a public hearing concerning the petition of G & S LLC seeking rezoning of certain property, pursuant to the Zoning Ordinance of Madison County, MS, and to amend the Zoning Maps adopted pursuant thereto, by requesting property be rezoned from its present C-1 Commercial to a C-2 Commercial District, and

WHEREAS, the Board authorized the publication of notice in the *Madison County Herald*, a newspaper of general circulation in Madison County, the same having been accomplished on January 6, 2005, and

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

WHEREAS, the hour of 9:00 a.m. did arise and County Zoning Administrator Brad Sellers and Mr. Bucky Gideon did appear before the Board for a public hearing seeking to rezone a certain C-1 Commercial District to a C-2 Commercial District, and

WHEREAS, the Board President declared said public hearing to be open as noticed, and

WHEREAS, the Planning and Zoning Commission did recommend approval of the request, and

WHEREAS, no one appeared in opposition thereto, despite the giving of full and proper notice hereof,

Following discussion, Mr. Andy Taggart did offer and Mr. Karl M. Banks did second a motion to close the public hearing, grant the request and adopt the following Ordinance, to-wit:

President's Initials: _____

Date Signed: _____

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI, AS FOLLOWS, TO WIT:

1. That appropriate public need and change in character of the neighborhood having been demonstrated, the following described tract of real property be, and the same is hereby, rezoned from its present C-1 Commercial District to a C-2 Commercial District:

A parcel of land containing 1.88 acres, more or less, being situated in the NE 1/4 of Section 29, T8N-R2E, Madison County, Mississippi, and being more particularly described as follows:

Commence at a found iron pin marking the intersection of the Eastern line of said Section 29 with the South right-of-way line of Gluckstadt Road; run thence along said Eastern line of Section 29 S 00 degrees 22 minutes 30 seconds E for a distance of 1494.19 feet to the POINT OF BEGINNING for the parcel herein described; thence continue S 00 degrees 22 minutes 30 seconds E for a distance of 267.65 feet; thence leave said Eastern line and run North 88 degrees 41 minutes 15 seconds W for a distance of 310.56 feet to the southwest corner of the parcel described in Book 402 Page 681 of the Madison County Land Records; thence North for a distance of 260.35 feet to a point on an existing fence line; thence run along said fence line N 89 degrees 58 minutes 00 seconds E for a distance of 308.73 feet to the POINT OF BEGINNING.

2. That the Madison County Zoning Ordinance be and the Zoning District Map be and the same are hereby amended so as to reflect the foregoing change in the zoning of the above described real property.

ORDAINED, ADOPTED AND APPROVED by the Board of Supervisors of Madison County, Mississippi, at a meeting thereof held on the 21st day of January, 2005.

The foregoing the question having been called on the foregoing motion, and the foregoing Ordinance having been first reduced to writing was read, considered and approved, section by section, and then as a whole and was submitted to the Board of Supervisors for passage or rejection on roll call vote, said vote being as follows, to wit:

Supervisor Douglas L. Jones	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and the petition of G & S LLC was and is hereby approved and the County zoning ordinance and map are amended accordingly.

SO ORDERED this the 21st day of January, 2005.
In re: Request of Brook Highland Developers, LLC

President's Initials: _____

Date Signed: _____

to Rezone Certain Property From C-1 Commercial to C-2 Commercial

**ORDINANCE BY THE BOARD OF SUPERVISORS
OF MADISON COUNTY, MISSISSIPPI,
AMENDING THE MADISON COUNTY ZONING ORDINANCE**

WHEREAS, the Board of Supervisors had previously advertised its intent to conduct a public hearing concerning the petition of Brook Highland Developers, LLC seeking rezoning of certain property, pursuant to the Zoning Ordinance of Madison County, MS, and to amend the Zoning Maps adopted pursuant thereto, by requesting property be rezoned from its present R-2 Residential District to R-5 Residential District, and

WHEREAS, the Board authorized the publication of notice in the *Madison County Herald*, a newspaper of general circulation in Madison County, the same having been accomplished on January 6, 2005, and

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

WHEREAS, the hour of 9:00 a.m. did arise and County Zoning Administrator Brad Sellers and Mr. Bucky Gideon did appear before the Board for a public hearing seeking to rezone a certain R-2 Residential District to R-5 Residential District, and

WHEREAS, the Board President declared said public hearing to be open as noticed, and

WHEREAS, Mr. Richard Skinner appeared in support of said petition, stating that the purpose thereof was to allow certain upscale patio homes to exist in Belle Terre subdivision, and

WHEREAS, the Planning and Zoning Commission did recommend approval of the request, and

WHEREAS, no one appeared in opposition thereto, despite the giving of full and proper notice hereof,

Following discussion, Mr. Andy Taggart did offer and Mr. Karl M. Banks did second a motion to close the public hearing, grant the request and adopt the following Ordinance, to-wit:

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI, AS FOLLOWS, TO WIT:

1. That appropriate public need and change in character of the neighborhood having been demonstrated, the following described tract of real property be, and the same is hereby, rezoned from its present R-2 Residential District to R-5 Residential District:

A parcel or tract of land containing 6.802 acres, more or less, lying and being situated in the West 1/2 of the East 1/2 of Section 30, T8N-R2E, Madison County, Mississippi and being more particularly described as follows:

COMMENCING at the SE corner of the West 1/2 of the East 1/2 of said Section 30, T8N-R2E, Madison County, Mississippi; run thence North 00 degrees 01 minutes 00 seconds East along the Easterly boundary of the West 1/2 of the East « of said Section 30 for a distance of 5231.55 feet to an iron pin, said point lying at the intersection of the Easterly boundary of the West 1/2 of the

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East 1/2 of said Section 30, T8N-R2E with the Southerly Right-of-Way of Gluckstadt Road, as it existed in November, 2004; thence South 89 degrees 21 minutes 32 seconds West along the Southerly Right-of-Way of said Gluckstadt Road for a distance of 1194.67 feet to an iron pin, said point lying on the Easterly Right-of-Way of Bozeman Road; thence along the Easterly Right-of-Way of said Bozeman Road to iron pins at each of the following calls; South 54 degrees 18 minutes 33 seconds West for a distance of 163.71 feet; thence South 00 degrees 23 minutes 35 seconds West for a distance of 300.38 feet; thence 541.15 feet along the arc of a 1217.41 foot radius curve to the right, said arc having a 536.70 foot chord which bears South 13 degrees 07 minutes 38 seconds West; thence leaving said Easterly Right-of-Way of said Bozeman Road, run South 71 degrees 50 minutes 00 seconds East for a distance of 353.92 feet to an iron pin; thence South 02 degrees 03 minutes 00 seconds East for a distance of 87.53 feet to an iron pin; thence South 18 degrees 49 minutes 45 seconds East for a distance of 198.88 feet to an iron pin; thence South 40 degrees 42 minutes 38 seconds East for a distance of 50.64 feet to an iron pin; thence South 29 degrees 08 minutes 10 seconds East for a distance of 220.96 feet to an iron pin and POINT OF BEGINNING of the herein described property; thence North 63 degrees 21 minutes 00 seconds East for a distance of 140.00 feet; thence South 25 degrees 36 minutes 15 seconds East for a distance of 146.58 feet to the Northerly Right-of-Way of a street; thence along said Northerly Right-of-Way of said street to points at each of the following calls; North 64 degrees 23 minutes 45 seconds East for a distance of 45.23 feet; thence 118.11 feet along the arc of a 175 foot radius curve to the left, said arc having a 115.88 foot chord which bears North 45 degrees 03 minutes 40 seconds East; thence North 25 degrees 43 minutes 40 seconds East for a distance of 65.41 feet; thence 14.26 feet along the arc of a 225 foot radius curve to the right, said arc having a 14.26 foot chord which bears North 27 degrees 32 minutes 35 seconds East; thence leaving said Northerly Right-of-Way of said street, run North 38 degrees 11 minutes 45 seconds West for a distance of 178.33 feet; thence North 70 degrees 56 minutes 00 seconds East for a distance of 36.87 feet to an iron pin; thence North 59 degrees 12 minutes 00 seconds East for a distance of 95.00 feet to an iron pin; thence North 64 degrees 10 minutes 00 seconds East for a distance of 85.00 feet to an iron pin; thence North 71 degrees 31 minutes 00 seconds East for a distance of 102.00 feet to an iron pin; thence North 79 degrees 12 minutes 00 seconds East for a

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Date Signed: _____

distance of 93.00 feet to an iron pin; thence North 86 degrees 26 minutes 00 seconds East for a distance of 89.68 feet to an iron pin, said point lying on the Westerly Right-of-Way of a street; thence South 00 degrees 04 minutes 42 seconds West along said Westerly Right-of-Way of said street for a distance of 332.23 feet; thence leaving said Westerly Right-of-Way of said street, run North 89 degrees 55 minutes 20 seconds West for a distance of 70.00 feet; thence South 83 degrees 33 minutes 15 seconds West for a distance of 70.07 feet; thence South 37 degrees 49 minutes 00 seconds West for a distance of 238.41 feet; thence South 49 degrees 33 minutes 45 seconds West for a distance of 112.39 feet; thence South 64 degrees 23 minutes 45 seconds West for a distance of 420.00 feet to the Easterly Right-of-Way of a street; thence North 32 degrees 00 minutes 40 seconds West along the Easterly Right-of-Way of said street for a distance of 173.60 feet; thence 154.50 feet along said Easterly Right-of-Way of said street and the arc of a 370.02 foot radius curve to the right, said arc having a 153.38 foot chord which bears North 20 degrees 02 minutes 55 seconds West; thence leaving said Easterly Right-of-Way of said street, run North 63 degrees 21 minutes 00 seconds East for a distance of 211.01 feet to the POINT OF BEGINNING of the above described parcel or tract of land.

2. That the Madison County Zoning Ordinance be and the Zoning District Map be and the same are hereby amended so as to reflect the foregoing change in the zoning of the above described real property.

ORDAINED, ADOPTED AND APPROVED by the Board of Supervisors of Madison County, Mississippi, at a meeting thereof held on the 21st day of January, 2005.

The foregoing the question having been called on the foregoing motion, and the foregoing Ordinance having been first reduced to writing was read, considered and approved, section by section, and then as a whole and was submitted to the Board of Supervisors for passage or rejection on roll call vote, said vote being as follows, to wit:

Supervisor Douglas L. Jones	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and the petition of Brook Highland Developers, LLC was and is hereby approved and the County zoning ordinance and map are amended accordingly.

SO ORDERED this the 21st day of January, 2005.

**In re: Request of Billy Johnson to Rezone Certain Property
From T-1 Mobile Home Park to R-2 Residential District**

President's Initials: _____

Date Signed: _____

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**ORDINANCE BY THE BOARD OF SUPERVISORS
OF MADISON COUNTY, MISSISSIPPI,
AMENDING THE MADISON COUNTY ZONING ORDINANCE**

WHEREAS, the Board of Supervisors had previously advertised its intent to conduct a public hearing concerning the petition of Mr. Billy Johnson seeking rezoning of certain property, pursuant to the Zoning Ordinance of Madison County, MS, and to amend the Zoning Maps adopted pursuant thereto, by requesting property be rezoned from its present T-1 Mobile Home Park to R-2 Residential Use District, and

WHEREAS, the Board authorized the publication of notice in the *Madison County Herald*, a newspaper of general circulation in Madison County, the same having been accomplished on January 6, 2005, and

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

WHEREAS, the hour of 9:00 a.m. did arise and County Zoning Administrator Brad Sellers and Mr. Bucky Gideon did appear before the Board for a public hearing seeking to rezone a certain its present T-1 Mobile Home Park to R-2 Residential Use District, and

WHEREAS, the Board President declared said public hearing to be open as noticed, and

WHEREAS, no one appeared in opposition thereto, despite the giving of full and proper notice hereof,

Following discussion, the Board President did offer and Mr. Karl M. Banks did second a motion to close the public hearing, grant the request and adopt the following Ordinance, to-wit:

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI, AS FOLLOWS, TO WIT:

1. That appropriate public need and change in character of the neighborhood having been demonstrated, the following described tract of real property be, and the same is hereby, rezoned from its present T-1 Mobile Home Park to R-2 Residential Use District:

That certain lot or parcel of land in Section 22, T8N-R3E, more particularly described as beginning at Natchez Trace Parkway Monument No. P-269, which monument is located at or near the intersection of the North right-of-way line of Robinson Road and the East right-of-way line of Mississippi State Highway No. 43, and run thence S 54 degrees 36 minutes W, 2.8 feet to the East right-of-way line of Mississippi State Highway No. 43; thence N 40 degrees 40 minutes W, along the East right-of-way line of Mississippi State highway No. 43, a distance of 1,083.0 feet to the point of beginning of the property herein described; thence North 40 degrees 40 minutes W along the East right-of-way line of Mississippi State Highway No. 43, a distance of 90.0 feet; thence North 56 degrees 55 minutes E, 232.1 feet; thence South 40 degrees 28 minutes E, 90 feet; thence South 56 degrees 56 minutes W, 231.8 feet to the point of beginning.

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AND:

Commence at Natchez Parkway Monument No. P-269 in Section 22, T8N-R3E, and run thence South 54 degrees 36 minutes W a distance of 2.8 feet to the East right-of-way line of Mississippi state Highway no. 43; run thence North 40 degrees 40 minutes W along the East right-of-way line of said Highway No. 43 a distance of 1173 feet to the point of beginning of the property herein described; continue thence North 40 degrees 40 minutes W along the East right-of-way line of said highway No. 43 a distance of 90 feet; run thence North 57 degrees 08 minutes E a distance of 232.4 feet; run thence South 40 degrees 28 minutes E a distance of 90 feet; run thence South 56 degrees 55 minutes W a distance of 232.1 feet to the point of beginning and all lying and being situated in Section 22, T8N-R3E, Madison County, Mississippi; LESS AND EXCEPT all of that part of the above described property lying North of the ditch.

2. That the Madison County Zoning Ordinance be and the Zoning District Map be and the same are hereby amended so as to reflect the foregoing change in the zoning of the above described real property.

ORDAINED, ADOPTED AND APPROVED by the Board of Supervisors of Madison County, Mississippi, at a meeting thereof held on the 21st day of January, 2005.

The foregoing the question having been called on the foregoing motion, and the foregoing Ordinance having been first reduced to writing was read, considered and approved, section by section, and then as a whole and was submitted to the Board of Supervisors for passage or rejection on roll call vote, said vote being as follows, to wit:

Supervisor Douglas L. Jones	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and the petition of Mr. Billy Johnson was and is hereby approved and the County zoning ordinance and map are amended accordingly.

SO ORDERED this the 21st day of January, 2005.

In re: Approval of Consent Agenda Items

WHEREAS, President Griffin did announce that he and County Administrator Donnie Caughman had conferred in advance of the meeting as to certain matters denominated "Consent Items" which bear Item numbers (6) through (10) 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

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Date Signed: _____

WHEREAS, no supervisor requested that any item be removed therefrom, and

WHEREAS, the following items were taken up as "Consent Items," to-wit:

(6) Authorization for Early Partial Payment – Mississippi Development Bank, Madison County Hospital Refunding Project

WHEREAS, Chancery Clerk Arthur Johnston did appear before the Board and informed the Board that the Madison County Nursing Home desired to tender an early partial payment in the amount of \$500,000 toward those certain Taxable Special Obligation Bonds, Series 2002 (Madison County Hospital Refunding Project) through the Mississippi Development Bank, and

WHEREAS, Mr. Johnston did present the Board with that certain "Certificate of Authorization" and requested that the Board authorize the Board President to execute the same and any and all other documents necessary on behalf of the county in order to allow said payment to be made, and

WHEREAS, a true and correct copy of said "Certificate of Authorization" is attached hereto as Exhibit F, spread hereupon, and incorporated herein by reference, and

WHEREAS, the Board does concur with said request and does desire to and does hereby authorize and approve said request for early partial payment of said bonded indebtedness and does desire to and does hereby authorize the Board President to execute said "Certificate of Authorization" and any and all other documents as may be necessary to effectuate the payment aforesaid.

(7) Authorization to Set Date for Public Hearings

The public hearings referenced in that certain Memorandum dated January 21, 2005 which is attached hereto as Exhibit G, spread hereupon, and incorporated herein by reference were and are hereby set for Friday, February 25, 2005 at 9:00 a.m. and County Zoning Administrator Brad Sellers was and is hereby authorized and directed to cause appropriate notice thereof to be issued and published as required by law and by the County Zoning Ordinances.

(8) Acknowledgment of Monthly Financial Report

The Clerk of the Board Report for the month of December, 2004, submitted in accordance with Miss. Code Ann. § 19-11-23 (1972) was reviewed by the Board and was and is hereby acknowledged received, and a true and correct copy thereof may be found in the Miscellaneous Appendix to these Minutes.

(9) Approval to Pay Invoice From Fox Everett, Inc. – Self-Insured Health Plan

The Invoice from Fox-Everett, Inc. referenced in Exhibit H which is attached hereto, spread hereupon, and incorporated herein by reference was and is hereby approved, authorized and hereby ordered paid by the Chancery Clerk.

(10) Acknowledgment of Hiring Director of Information Technology

Mr. Don Dean, whose resume may be found in the Miscellaneous Appendix to these Minutes, was and is hereby acknowledged by the Board as the county's new Director of Information Technology effective January 24, 2005, at a salary of \$5,416.66 per month, Mr. Dean having been hired by County Administrator Donnie Caughman in accordance with the authority previously vested in him by this Board.

Thereafter, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to approve, adopt and authorize each of the above and foregoing matters, the same being numbered Items (6)

President's Initials: _____

Date Signed: _____

through (10) herein above. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and each item was and is approved, adopted and authorized.

SO ORDERED this the 21st day of January, 2005.

In re: Request of J. C. Leamon for an Emergency Permit to Allow Water and Sewer Service

WHEREAS, Reverend Bill Washington did appear before the Board on behalf of Mr. and Mrs. J. C. Lemons whose mobile home was recently destroyed by fire, requesting that said individuals be allowed an emergency permit to occupy a replacement mobile home on the premises and allow water and sewer service to be provided,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to authorize and approve the issuance of an emergency permit unto Mr. and Mrs. J. C. Leamons to allow said individuals to occupy and maintain a mobile home on their property on Charles Road and to allow water and sewer service thereto. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and said emergency permit was and is hereby authorized and approved to be issued unto Mr. and Mrs. J. C. Lemons.

SO ORDERED this the 21st day of January, 2005.

In re: Alleged Zoning Violation by Mr. Tony McBride

WHEREAS, County Zoning Administrator Brad Sellers did appear before the Board and presented the matter of the fine to be imposed upon Mr. Tony McBride for certain zoning violations previously acknowledged by this Board,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to suspend the fine which would otherwise be imposed upon Mr. McBride but to assess a permit fee in an amount double that of the usual permit fee up to \$1,000 in accordance with county building codes. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and Mr. McBride was and is hereby so

President's Initials: _____

Date Signed: _____

assessed.

SO ORDERED this the 21st day of January, 2005.

In re: Consideration of General Services Contract with Warnock & Associates, LLC

WHEREAS, County and State Aid and LSBP Engineer Rudy Warnock did appear before the Board and present a General Services Contract to the Board for its consideration, a true and correct copy of which is attached hereto as Exhibit I, spread hereupon, and incorporated herein by reference,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to approve said contract and authorize the Board President to execute the same on behalf of the county. Thereafter, and following further discussion, Mr. Andy Taggart did offer an amendment to the motion, which Mr. Karl M. Banks did second, to modify the contract in question so as to (a) include a printed copy of that certain email dated from Mr. Warnock as an addendum to and as a part of said contract and (b) reduce the dollar figure set forth in paragraph 8.3 thereof from \$7,500 to \$2,500. The vote on the amendment to the motion being as follows:

Supervisor Douglas L. Jones	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and the General Services Contract with Warnock & Associates, LLC was and is hereby amended accordingly.

SO ORDERED this the 21st day of January, 2005.

Thereafter, and following further discussion, Mr. Andy Taggart did offer another amendment to the motion to strike the references to “clerical” and “computer aided design” and their corresponding hourly rates from the Standard Hourly Billing Rates appended to said contract and to preclude Warnock & Associates from charging the county for such services under said contract. The amendment failed for lack of a second.

Thereafter, the question was called on the original motion to approve said contract as amended, and the vote on the matter being was follows:

Supervisor Douglas L. Jones	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	No
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by a majority (3-1) vote of the Board, and said General Services Contract with Warnock & Associates, LLC was and is hereby approved as amended and the Board President was and is hereby authorized to execute the same on behalf of the county.

SO ORDERED this the 21st day of January, 2005.

In re: Authorizing County Engineer to Provide Additional Assistance to the Cities of Madison and Ridgeland in Connection with the McClellan-Ridgecrest Bridge Project

President's Initials: _____

Date Signed: _____

WHEREAS, the county has previously committed to assisting the Cities of Ridgeland and Madison in connection with the McClellan-Ridgecrest Bridge project, and

WHEREAS, the cities have requested additional assistance above and beyond the resources and commitments previously made, in particular, county assistance is needed in paving the hub and the approaches to the hub of said bridge,

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to authorize and direct County and State Aid and LSBP Engineer Rudy Warnock under and pursuant to the General Services Contract previously approved by the Board, to provide whatever engineering assistance is needed by said municipalities in with the paving of said hub and the approaches thereto. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	No
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by a majority (3-1) vote of those present and the County Engineer and his firm were and are hereby so authorized and directed.

SO ORDERED this the 21st day of January, 2005.

***In re: Approval to Retain Services of Burns Cooley Dennis, Inc.
To Perform Geotechnical Services as to Problem on Bozeman Road***

WHEREAS, County and State Aid and LSBP Engineer Rudy Warnock did appear before the Board and reported that he had investigated the buckling issue involving Bozeman Road between Highway 463 and Reunion Parkway and now believed that the problem stems from certain geological issues, and

WHEREAS, Mr. Warnock did recommend that the Board, pursuant to the county's June 7, 2002 contract with the firm of Burns Cooley Dennis, direct said firm to assess the situation and offer a detailed recommendation to the Board as to a permanent solution to the problem,

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to authorize the firm of Burns Cooley Dennis, Inc. to perform an assessment of that portion of Bozeman Road which has been experiencing buckling issues and make a recommendation to the Board as to a permanent solution thereto, such authorization being contingent upon said firm receiving a written request to perform such assessment from the City of Madison. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	No
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by a majority (3-1) vote of those present and said firm was and is so authorized pending receipt of a written request from the City of Madison.

SO ORDERED this the 21st day of January, 2005.

***In re: Request to Correct Water Channel
on Kearney Park Road***

President's Initials: _____

Date Signed: _____

WHEREAS, County Road Manager Prentiss Guyton did appear before the Board and reported that water traversing a ditch along Kearney Park Road was repeatedly overflowing and cascading across said road at various points, and

WHEREAS, Mr. Guyton did further report that such overflowing and cascading was causing serious erosion and deterioration of the road's shoulder and the county's right of way, and was creating a traffic hazard in the area, and

WHEREAS, Mr. Guyton did further report that in his estimation, clearing of said water channel and diverting all such water to the south side of Kearney Park Road was necessary to protect said road and right of way, and

WHEREAS, Mr. Guyton did further state that, on the advice of counsel and in his best judgment, encroachment of certain private property was necessary in order to address the problem, and that Willie Steen Battle had executed documentation necessary to authorize such encroachment,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to authorize the Road Manager to correct the overflow problem and to enter and encroach upon private property as necessary, acting upon the advice of counsel and with the intention of protecting the county road and the right of way thereto. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and the Road Manager was and is so authorized.

SO ORDERED this the 21st day of January, 2005.

***In re:* Approval of School Bus Turnarounds**

WHEREAS, the Board did review that certain correspondence dated January 12, 2005 from Michael D. Kent, Superintendent of Schools for Madison County together with a list of locations which had been designated by the Madison County School Board as school bus turnarounds, a true and correct copy of which list is attached hereto as Exhibit J, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to approve the aforesaid list of school bus turnarounds as submitted by the Superintendent. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	No
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by a majority vote (3-1) of the Board and said school bus turnarounds were and are hereby approved.

SO ORDERED this the 21st day of January, 2005.

President's Initials: _____

Date Signed: _____

In re: Approval of Culvert Installations on Public Rights of Way

WHEREAS, County Road Manager Prentiss Guyton appeared before the Board of Supervisors and requested approval of a certain work order pertaining to the installation of culverts along public rights of way and not on private property on the following date and at the following location:

<u>Date</u>	<u>Work Order</u>	<u>Reason</u>	<u>Location</u>	<u>Checked by</u>
1/12/05	22605	Protect county ROW	Ratliff Ferry Rd	Earl McDuffy

WHEREAS, the Board hereby finds that the installation of such culvert is needed on the road listed to protect, preserve, and maintain the road and the county right of way thereon.

WHEREAS, the Board does desire to and does hereby approve the same on the date and at the location listed above,

Following discussion, Mr. Karl M. Banks did offer and Mr. Andy Taggart did second a motion to approve the installation of the above culvert on the date and at the location set forth above. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and said culvert installation request was and is hereby approved.

SO ORDERED this the 21st day of January, 2005.

In re: Approval of Additional Culvert Installations on Public Rights of Way

WHEREAS, County Road Manager Prentiss Guyton appeared before the Board of Supervisors and requested approval *ore tenus* of additional work orders pertaining to the installation of culverts along public rights of way and not on private property on the following dates and at the following locations:

<u>Date</u>	<u>Work Order</u>	<u>Reason</u>	<u>Location</u>	<u>Checked by</u>
1/12/05	22626	Protect county ROW	E. Sowell Rd	Pat Diamond
1/19/05	22636	Protect county ROW	Old Hwy. 16	Cornelius Bacon

WHEREAS, the Board hereby finds that the installation of each such culvert is needed on the road listed to protect, preserve, and maintain the road and the county right of way thereon.

AND WHEREAS, Supervisor Paul Griffin did request that a culvert be placed at 1845 Rocky Hill Road, contingent upon the Road Manager's review of said location and his determination that the same is necessary for the protection of the public right of way,

WHEREAS, the Board does desire to and does hereby approve the same on the dates and at the locations listed above,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to approve the installations of culverts on the dates and at the locations set forth above. The vote

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Date Signed: _____

on the matter being as follows:

Supervisor Douglas L. Jones	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	No
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by a majority vote (3-1) of the Board and additional said culvert installation requests were and are hereby approved.

SO ORDERED this the 21st day of January, 2005.

In re: Approval of Contribution Agreement Relative to the Parkway East South Public Improvement District

WHEREAS, Jet Hollingsworth, Esq. of the law firm of Butler Snow O'Mara Stevens & Cannada, PLLC did appear before the Board and presented a certain Contribution Agreement between the county and the Parkway South Public Improvement District for consideration by the Board, and

WHEREAS, a true and correct copy of said agreement containing the amendments approved below, is attached hereto as Exhibit K, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Andy Taggart did offer a motion to amend said agreement by inserting the phrase "with all construction expenses associated with any District Project to be privately financed and with any county expenditures relative thereto to be reimbursed in full" following the word "satisfaction" in the introductory phrase of the first sentence of paragraph 3 on page 3 of said agreement. The motion failed for lack of a second.

Thereafter, Mr. Andy Taggart did offer another motion to amend said agreement by inserting the phrase "with all construction expenses associated with any District Project to be privately financed" following the word "satisfaction" in the introductory phrase of the first sentence of paragraph 3 on page 3 of said agreement. The motion failed for lack of a second.

Thereafter, Mr. Andy Taggart did offer another motion to amend said agreement by striking the word "pay" in the last sentence of paragraph 6 on page 5 of said agreement and inserting in its place the word "advance" and by inserting the phrase "all costs of such appraisal to be promptly reimbursed to the county by Parkway South" at the end of the last sentence of said paragraph. Mr. Karl M. Banks did second the motion, and, following discussion, the vote on the matter was follows:

Supervisor Douglas L. Jones	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and the Contribution Agreement was and is hereby amended accordingly.

SO ORDERED this the 21st day of January, 2005.

Thereafter, Mr. Andy Taggart did offer a motion to amend said agreement by affixing copies of those certain items of correspondence dated December 3, 2004 and December 8, 2004 from Mr. Dick Ambrosino to Mr. Taggart to said agreement. The motion failed for lack of a second.

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Date Signed: _____

For Searching Reference Only: Page 19 of 23 (01/21/05)

Thereafter, and following additional discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to approve the Contribution Agreement and authorize the Board President to execute the same on behalf of the county. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	No
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by a majority (3-1) vote of those present and said Contribution Agreement was and is hereby approved as amended and the Board President was and is hereby authorized to execute the same on behalf of the county.

SO ORDERED this the 21st day of January, 2005.

Thereafter, Mr. Andy Taggart did offer and Mr. Karl M. Banks did second a motion to spread those certain items of correspondence dated December 3, 2004 and December 8, 2004 from Mr. Dick Ambrosino to Mr. Taggart upon the minutes of the Board. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Not Present and Not Voting
Supervisor Tim Johnson	No
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	No

the motion failed to garner a majority vote of the Board and therefore failed.

SO ORDERED this the 21st day of January, 2005.

In re: Appointment to Intermodal Technical Committee – Central Mississippi Planning & Development District

WHEREAS, County Administrator Donnie Caughman did appear before the Board and suggested that since Mr. Rudy Warnock had been selected to replace Mr. Mike McKenzie as the County Engineer for Madison County then the Board should consider substituting Mr. Warnock as the county's representative on the Intermodal Technical Committee of the Central Mississippi Planning & Development District,

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to substitute Mr. Rudy Warnock in place of Mr. Mike McKenzie as the county's representative on the Intermodal Technical Committee of the Central Mississippi Planning & Development District, Mr. Warnock's service to be at no additional charge to the county. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	No
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by a majority (3-1) vote of the Board and Mr. Warnock was and is so designated.

SO ORDERED this the 21st day of January, 2005.

President's Initials: _____

Date Signed: _____

In re: Authorization of County Engineer to Perform Work to Develop a County-wide Heavy Haul Permit

WHEREAS, County and State Aid and LSBP Engineer Rudy Warnock did recommend that the Board authorize him to work with County Administrator Donnie Caughman and Board Attorney Edmund L. Brunini to finalize a heavy haul permit and permitting process for Madison County,

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to authorize County and State Aid and LSBP Engineer Rudy Warnock to work with County Administrator Donnie Caughman and Board Attorney Edmund L. Brunini to finalize a heavy haul permit and permitting process for Madison County, Mr. Warnock's services to be charged at the rate of \$70.00 and with such work not to exceed ten (10) hours. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	No
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by a majority (3-1) vote of the Board and Mr. Warnock was and is hereby so authorized.

SO ORDERED this the 21st day of January, 2005.

In re: Termination of Contract with Intrado

WHEREAS, County Administrator Donnie Caughman did appear before the Board and suggested that in light of the difficulties and shortcomings associated with the Intrado early warning system and in view of the high cost of said system as compared to the limited and low calling capabilities, the county should consider exercising its right to terminate its contract with said company and provide Intrado the ninety (90) day notice required thereunder,

Following discussion, Mr. Andy Taggart did offer and Mr. Tim Johnson did second a motion to direct County Administrator Donnie Caughman to prepare correspondence necessary to give the ninety (90) day written notice to Intrado as required by the county's contract with said firm. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and the County Administrator was and is so directed.

SO ORDERED this the 21st day of January, 2005.

In re: Authorization to Pay Claim of S & S Dragline in the Amount of \$1,596.00

WHEREAS, County Comptroller Mark Houston did appear before the Board and

President's Initials: _____

Date Signed: _____

presented an invoice from S & S Dragline Service, Inc. dated October 15, 2004 pertaining to concrete work performed on the McClellan Ridgecrest Bridge project in the amount of \$1,683.00, a true and correct copy of which is attached hereto as Exhibit L, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Houston did recommend that the Board pay said invoice but only in the amount of \$1,596.00 which represented the 24 yards of concrete referenced in the invoice at the 6 month bid price of \$66.50 per yard,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to authorize and direct the Chancery Clerk to issue a pay warrant unto S & S Dragline Service, Inc. in the amount of \$1,596.00. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	No
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by a majority (3-1) vote of the Board and the Chancery Clerk was and is hereby directed accordingly.

SO ORDERED this the 21st day of January, 2005.

***In re: Authorization to Pay Claim of Hansen Pipe & Products, Inc.
In the Amount of \$5,816.00***

WHEREAS, County Comptroller Mark Houston did appear before the Board and presented an invoice from Hansen Pipe & Products, Inc. dated September 17, 2004 pertaining to barrier rail work performed on the McClellan Ridgecrest Bridge project in the amount of \$5,816.00, a true and correct copy of which is attached hereto as Exhibit M, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Houston did recommend that the Board pay said invoice,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to authorize and direct the Chancery Clerk to issue a pay warrant unto Hansen Pipe & Products, Inc. in the amount of \$5,816.00. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and the Chancery Clerk was and is hereby directed accordingly.

SO ORDERED this the 21st day of January, 2005.

***In re: Request to Erect Light Pole
at the Intersection of Highway 463 and Livingston Road***

WHEREAS, Supervisor Andy Taggart did suggest that lighting was needed at the intersection of Highway 463 and Livingston Road, and

President's Initials: _____

Date Signed: _____

WHEREAS, the Board has determined that such lighting is needed in the interest of public safety and for the protection of property, and

WHEREAS, such lighting can be secured from Entergy at a very small monthly cost to the county

Following discussion, Mr. Andy Taggart did offer and Mr. Tim Johnson did second a motion to request County Administrator Donnie Caughman to issue a written request to Entergy to install lighting at the Intersection of Highway 463 and Livingston Road, the monthly cost of which shall be borne by the county. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	No

the matter carried by a majority (3-1) vote of the Board and Mr. Caughman was and is so authorized.

SO ORDERED this the 21st day of January, 2005.

In re: Authorization of County Engineer to Prepare Feasibility and Cost Analysis on Certain County Roads

WHEREAS, County and State Aid and LSBP Engineer Rudy Warnock did appear before the Board and requested that he be authorized to prepare a detailed feasibility and cost analysis as to the five (5) roads listed on that certain Memorandum dated January 20, 2005 from County Road Manager Prentiss Guyton, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to authorize Mr. Warnock to conduct said study. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

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

SO ORDERED this the 21st day of January, 2005.

In re: Request of the Tax Assessor to Advertise for Taking Applications for Homestead Exemptions

WHEREAS, the Board received that certain Memorandum dated January 20, 2005 from Emily Anderson, Homestead Director for Tax Assessor Gerald Barber requesting that the Tax Assessor be authorized to publish a notice announcing that homestead exemption applications are being accepted,

Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to authorize and approve the publication of said notice. The vote on the matter being as follows:

President's Initials: _____

Date Signed: _____

Supervisor Douglas L. Jones	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and the publication of said notice was and is hereby approved.

SO ORDERED this the 21st day of January, 2005.

***In re: Authorization to Give Notice of a Public Hearing
Pertaining to a Hazard Mitigation Plan for Madison County***

WHEREAS, representatives of Central Mississippi Planning and Development District did submit a proposed public hearing notice, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, said notice sets a public hearing seeking input as to the development of a hazard mitigation plan for the county,

Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to approve said notice and authorize the publication thereof with certain corrections as to the location of the hearing (Canton, not Terry, Mississippi) and as to the spelling of the newspaper in which publication is to occur. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and the hearing notice was and is hereby approved as corrected.

SO ORDERED this the 21st day of January, 2005.

In re: Consideration of Certain Budget Amendments

WHEREAS, County Comptroller Mark Houston did appear before the Board and requested that the Board consider certain budgetary amendments to allow for the repair of certain damage county vehicles,

Following discussion concerning the nature of said repairs, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to increase Fund 001-200-915 from \$75,000 to \$90,000 and increase Fund 001-200-542 from \$35,000 to \$37,000 to allow for such repairs. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	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 the county budget was and is hereby amended accordingly.

SO ORDERED this the 21st day of January, 2005.

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor Tim Johnson and seconded by Supervisor Karl M. Banks and approved by the unanimous vote of those present, the January, 2005 term of the Board of Supervisors was adjourned.

Paul Griffin, President
Madison County Board of Supervisors

Date signed: _____

ATTEST:

Arthur Johnston, Chancery Clerk

President's Initials: _____

Date Signed: _____

President's Initials: _____

Date Signed: _____