

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

REGULAR MEETING OF MARCH 18, 2005
Recessed from regular meeting conducted on March 11, 2005

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on March 18, 2005, in the Law Library on the second floor of the Madison County Circuit Courthouse in Canton, Mississippi, as follows, to-wit:

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

Present:

Supervisor Douglas L. Jones
Supervisor Tim Johnson
Supervisor Andy Taggart
Supervisor Karl M. Banks
Supervisor Paul Griffin
Tax Assessor Gerald Barber
Sheriff Toby Trowbridge
Chancery Clerk Arthur Johnston

Absent:

None

Also in attendance:

County Administrator Donnie Caughman
County Comptroller Mark Houston
County Zoning Administrator Brad Sellers
County Purchase Clerk Hardy Crunk
Deputy Sheriff Billy Myers
Board Secretary Cynthia Parker
Board Attorney Edmund Brunini, Jr.

The President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Mr. Andy Taggart opened the meeting with a prayer and County Comptroller Mark Houston led the members and the audience in the Pledge of Allegiance to the Flag of the United States of America.

***In re: Request of Prentiss Guyton to Re-zone Certain
Property from A-1 Agricultural District to C-2
Commercial District***

**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 Prentiss Guyton 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 A-1 Agricultural District to 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 March 3, 2005, and

President's Initials: _____

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WHEREAS, a true and correct copy of said Notice is attached hereto as Exhibit A, 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 Ms. Latitia Johnson on behalf of Mr. Prentiss Guyton did appear before the Board for a public hearing seeking to rezone a certain its present A-1 Agricultural District to C-2 Commercial District, and

WHEREAS, the Planning and Zoning Commission did recommend approval of the request, and a concomitant amendment of the County Land Use Plan, 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, Mr. Paul Griffin 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 A-1 Agricultural District to C-2 Commercial District use:

Commencing at a found iron rod at the SE corner of Section 21, T11N-R3E, thence run N 00 degrees 11 minutes 25 seconds W along the East section line of Section 21 a distance of 43.34 feet to a set iron pin, said point being on the North right-of-way line of Loring Road and said point also being the True Point of Beginning of the parcel herein described;

From said True Point of Beginning, thence run N 88 degrees 11 minutes 36 seconds W along the North right-of-way line of Loring Road a distance of 135.43 feet to a set iron pin on the East right-of-way line of U. S. Highway 51; thence run N 06 degrees 03 minutes 23 seconds E along said highway right-of-way a distance of 1130.58 feet to a set iron pin; thence leaving said highway right-of-way run S 83 degrees 59 minutes 36 seconds E a distance of 12.41 feet to a set iron pin on the East section line of Section 21; thence run S 00 degrees 11 minutes 25 seconds E along said East section line a distance of 1127.24 feet back to the True Point of Beginning, said parcel containing 1.91 acres and being located in the SE 1/4 of the SE 1/4 of Section 21, T11N-R3E, Madison County, Mississippi.

2. That the Madison County Zoning Ordinance be and the Zoning District Map and the County Land Use Plan be and the same are hereby amended so as to reflect the foregoing change in the zoning of the above described real property, provided, however, that the covenants associated with said property be and they are hereby revised to as to include the requirement that approval of the Madison County Board of Supervisors would be required on any changes thereto.

ORDAINED, ADOPTED AND APPROVED by the Board of Supervisors of Madison County, Mississippi, at a meeting thereof held on the 18th day of March, 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	Aye
Supervisor Tim Johnson	Aye

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Supervisor Andy Taggart
Supervisor Karl M. Banks
Supervisor Paul Griffin

Aye
Not Present and Not Voting
Aye

the matter carried by the unanimous vote of those present and the Petition of Prentiss Guyton seeking rezoning of certain property, pursuant to the Zoning Ordinance of Madison County, Mississippi, and to amend the Zoning Maps adopted pursuant thereto, and to amend the County Land Use Plan by requesting said property be rezoned from its present A-1 Agricultural District to C-2 Commercial District was and is hereby granted, the subject property was and is hereby rezoned, and the County zoning ordinance and map and the County Land Use Plan are amended accordingly.

SO ORDERED this the 18th day of March, 2005.

***In re: Request of John Smith to Re-zone Certain
Property from A-1 Agricultural District to C-2
Commercial District***

**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 John Smith 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 A-1 Agricultural District to 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 March 3, 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. John Smith did appear before the Board for a public hearing seeking to rezone a certain tract of real property from its present A-1 Agricultural District to C-2 Commercial District, and

WHEREAS, the Planning and Zoning Commission did recommend approval of the request, 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, Mr. Karl M. Banks¹ did offer and Mr. Tim Johnson did second a motion to 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:

¹Mr. Banks arrived prior to the conclusion of discussion on this matter.

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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 A-1 Agricultural District to C-2 Commercial District use:

Unit No. 1, on the plat of Subdivision of George H. Harvey Farm, made by M. H. James, Jr., C. E. And Surveyor, dated April 23, 1942, containing 80 acres, filed for record in the Office of the Chancery Clerk, and more particularly described as follows:

All N ½ of NW 1/4, Section 34, T9N-R2E, situated in Madison County, Mississippi: LESS AND EXCEPT 1 acre conveyed to Jonathon Bailey by Warranty Deed dated November 2, 1959, and recorded in Deed Book 75 at Page 257; LESS AND EXCEPT a lot or parcel of land conveyed to Lucille Garner by Warranty Deed dated October 1, 1966, and recorded in deed Book 103 at Page 394; LESS AND EXCEPT a lot or parcel of land conveyed to the Big Black Water District by Warranty Deed dated May 29, 1967, and recorded in Deed Book 107 at Page 132; and LESS AND EXCEPT 3.2 acres conveyed to Edward Blackmon, Jr., and Ferr Smith by Warranty Deed dated the 13th day of March, 1976, and recorded in Deed Book 144 at Page 134; containing 75.5 acres more or less;

LESS AND EXCEPT:

24 acres evenly off the South side of the property described as Unit No. 1, on the plat of Subdivision of George H. Harvey Farm, made by M. H. James, Jr., C. E. And Surveyor, dated April 23, 1942, containing 80 acres, conveyed to Edward Charles Smith by Warranty Deed dated December 13, 1999, and recorded in Deed Book 455 at Page 432;

LESS AND EXCEPT:

A parcel of land East of Old Jackson Road, containing 2.00 acres, more or less, conveyed by Warranty Deed to James W. Williams and Sarah C. Williams February 18, 2004, and recorded in Deed Book 1741P at Page 846;

LESS AND EXCEPT:

1.502 acres conveyed to the Mississippi Major Economic Impact Authority through Eminent Domain action, dated May 17, 2002, and recorded in Deed Book 511 at Page 226;

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, provided, however, that the covenants associated with said property be and they are hereby revised to as to include the requirement that approval of the Madison County Board of Supervisors would be required on any changes thereto.

ORDAINED, ADOPTED AND APPROVED by the Board of Supervisors of Madison County, Mississippi, at a meeting thereof held on the 18th day of March, 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	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

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the matter carried unanimously and the Petition of John Smith 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 A-1 Agricultural District to C-2 Commercial District was and is hereby granted, the subject property was and is hereby re-zoned, and the County zoning ordinance and map are amended accordingly.

SO ORDERED this the 18th day of March, 2005.

In re: Petition of Thaddis Carroll for a Special Exception to Conduct a Surface Mining Operation in an A-1 Agricultural Use District

WHEREAS, the Board of Supervisors had previously advertised its intent to conduct a public hearing concerning the request of Thaddis Carroll for a Special Exception to Conduct a Surface Mining Operation in an A-1 Agricultural Use District on 4 acres of a 64.5 acre tract of property situated in the NE 1/4 of the SW 1/4 of Section 31, T10N-R4E, bearing parcel # 104I-31-3/00, 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 March 3, 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 date and hour as advertised did arrive and the Board President declared open the public hearing to consider the request of Thaddis Carroll for a Special Exception to conduct surface mining in an A-1 Agricultural Use District, and

WHEREAS, Mr. Carroll did appear before the Board in support of his request, and reported that trucks using his site would not access county roads, and

WHEREAS, the Planning and Zoning Commission did recommend approval of the request subject to a four (4) year limitation, and certain limitations with regard to hours of operation, and

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

Following discussion, Mr. Paul Griffin did offer and Mr. Tim Johnson did second a motion to close the public hearing and grant the special exception for a period of four (4) years subject to the hours of operation as recommended by the Planning and Zoning Commission. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and the Special Exception sought by Thaddis Carroll was and is hereby granted subject to a four (4) year limitation, and subject to the hours of operation recommended by the Planning and Zoning Commission.

SO ORDERED this the 18th day of March, 2005.

In re: Petition of Shawn Dean for a Variance

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WHEREAS, the Board of Supervisors had previously advertised its intent to conduct a public hearing concerning the request of Shawn Dean for a variance to the minimum 25 foot front set back in an R-1 residential district, the subject property being 141 Woody Hills Road located in the NW 1/4 of the NW 1/4 of the SE 1/4 of Section 3, Township 7 North, Range 1 East, Madison County, Mississippi and authorized the publication of notice in the *Madison County Herald*, a newspaper of general circulation in Madison County, the same having been accomplished on March 3, 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 date and hour as advertised did arrive and the Board President declared open the public hearing to consider the petition of Shawn Dean for said variance, and

WHEREAS, the Board of Supervisors considered testimony and argument in support of said request from Mr. Shawn Dean who explained that the topography of the lot was such that an extreme drop off would result if the required setback is used and that the lot would be unsuitable for the construction of any improvement, and

WHEREAS, Mr. Dean also pointed out that the owner of the adjoining parcel had been granted a similar variance for the same reason, and

WHEREAS, no one appeared in opposition to said request despite the giving of full and proper notice thereof, and

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

Following discussion, Mr. Andy Taggart did offer and Mr. Tim Johnson did second a motion to close the public hearing and grant the request. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and the public hearing was and is hereby closed and Shawn Dean was and is hereby granted a variance to the minimum front setback in an R-1 District as applicable to his property.

SO ORDERED this the 18th day of March, 2005.

In re: Request of W. E. Harreld, Michael McElroy, and Joe Zorzoli to Rezone Certain Property from A-1 District to R-2 Residential District

WHEREAS, County Administrator, Donnie Caughman did appear before the Board and pointed out that the above captioned matter was the subject of a public hearing conducted by this Board on February 25, 2005, and further pointed out that although the Board closed the public hearing on Petitioner's request to rezone said property, the Board tabled consideration thereof until today, March 18, 2005, pending an opportunity for Petitioners to confer with the surrounding landowners in a effort to reach some agreement as to said request, and

WHEREAS, Mr. Caughman did report that the Petitioners were requesting an extension of time until April 25, 2005 within which to carry out such effort and were further requesting that the Board continue consideration of the Petition until said date, and

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WHEREAS, several landowners appeared in opposition to the request, including, *inter alia*, Jim Harreld and Paul Westwood, urging Board members to reject said Petition on the basis that no change in character of the neighborhood had been shown and on the basis that Petitioners had not made the first effort at contacting any of them since the date of the public hearing hereon,

Following lengthy discussion, and finding that Petitioners had failed to contact the opposing landowners, as instructed by the Board and finding that no substantial change in the character of the neighborhood had been demonstrated, and finding that said area remained a primarily agricultural use or residential estate area, and finding that the proposed use was not in conformity with the county's land use planning map. Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to deny said Petition. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
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 W. E. Harreld, Michael McElroy, and Joe Zorzoli to Rezone Certain Property from an A-1 Agricultural District to an R-2 Residential District was and is hereby denied.

SO ORDERED this the 18th day of March, 2005.

In re: Request of Joe Martin to Clarify and Correct the Minutes of the Madison County Board of Supervisors of September 13, 2002, Nunc Pro Tunc, to Correct Typographical Error so as to Reflect Certain Property then Owned by Joe Martin, Sr., Sara Jane Martin, James H. Fox and Susan M. Fox as Having Been Re-zoned From A-1 Agricultural Use to C-2 Commercial Use

WHEREAS, Zoning Administrator Brad Sellers did appear before the Board and requested that the Board correct its minutes of September 13, 2002, so as to properly reflect the actions of the Board on said date, and

WHEREAS, Mr. Sellers reported that according to his records, the Board rezoned the certain described real property from a A-1 Agricultural Use classification to a C-2 Commercial Use classification but, through a scrivener's error, failed to properly record the re-zoning, the minutes of said meeting reflecting a C-1 Commercial use classification instead, and

WHEREAS, the subject of the purported re-zoning and the subject of the Board's present action is that certain real property described as follows:

Tract One

A parcel of land lying and situated in the W ½ of Section 15, T8N-R2E, Madison County, Mississippi, more particularly described as follows:

For a Point of Beginning, commence at the SW corner of Section 15, T8N-R2E, and run thence N, along the westerly line of said Section 15, for a distance of 205.4 feet to the intersection of said westerly line with the centerline of a ditch; thence leaving said westerly line, run N 73 degrees 50 minutes E, along the centerline of said ditch, for a distance of 1902.5 feet to a point; thence run N 67 degrees 05 minutes E, along the centerline of said ditch, for a distance of 882.3 feet to a point on the easterly line of the West ½ of said Section 15; thence leaving the centerline of said ditch, run South, along said easterly line of West ½ of Section 15, for a distance of 1079.6 feet to the southeast corner of the West ½ of said Section 15, thence run

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West along the southerly line of said Section 15, for a distance of 2640.0 feet to the Point of Beginning. This parcel contains 36.7 acres, more or less, less and except any portion which lies within the rights-of-way of Old Jackson Road or Church Road.

Tract Two

Being a parcel of land situated in the NE 1/4 of Section 21, T8N-R2E, Madison County, Mississippi, and being more particularly described as follows:

Beginning at a found PK nail marking the NE corner of Section 21, T8N-R2E, Madison County, Mississippi; thence run S 00 degrees 48 minutes 22 seconds E 729.99 feet to a point; thence run S 89 degrees 11 minutes 38 seconds W, 594.54 feet to a point; thence run N 00 degrees 48 minutes 22 seconds W, 734.34 feet to a point on the N line of Section 21, T8N-R2E; thence run N 89 degrees 36 minutes 43 seconds E along said N line of Section 21, 594.56 feet to the Point of Beginning, containing 9.99 acres, more or less.

Less and Except any portion of the above described parcel of land which is situated within the existing right-of-way of Church Road and/or Old Jackson Road;

AND WHEREAS, the Board of Supervisors had previously advertised its intent to conduct a public hearing concerning the request to correct the minutes of said meeting to reflect C-2 rather than C-1 zoning and authorized and directed the publication of notice in the *Madison County Herald*, a newspaper of general circulation in Madison County, the same having been accomplished on March 3, 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 date and hour as advertised did arrive and the Board President declared open the public hearing to consider the request of said Petitioners to correct the minutes of the September 13, 2002 meeting of the Board of Supervisors of Madison County accordingly, and

WHEREAS, the Board of Supervisors considered testimony and argument in support of said request from Danny Spivey, Esq., counsel for the Petitioners, who explained that he had reviewed all materials originally submitted to the Board and the Planning and Zoning Commission and that all such documentation reflected an intent to have the property re-zoned to C-2 rather than C-1 and that an affidavit from former counsel for the Board, Dewey Hembree, Esq., also indicated that the reference to C-1 was a scrivener's error, a true and correct copy of which materials may be found in the Miscellaneous Appendix to these minutes, and

WHEREAS, no one appeared in opposition to the request despite having given due and proper notice hereof,

Following discussion, and upon review of the materials submitted by and in reliance upon the representations made by Mr. Sellers, Mr. Hembree and Mr. Spivey, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to correct, *nunc pro tunc*, the minutes of the September 13, 2002, found at Book CE Page 373 to reflect that the above described real property was and is hereby re-zoned from its former A-1 Agricultural Use Classification to a C-2 Commercial Use Classification. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and the minutes of the September 13, 2002 meeting of the Board of Supervisors of Madison County found at Minute Book CE Page 373 in the records of the

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Madison County Chancery Clerk were and are hereby corrected, *nunc pro tunc*, to reflect the rezoning of said property to C-2 Commercial Use rather than C-1.

SO ORDERED this the 18th day of March, 2005.

In re: Request of the Tax Assessor to Increase Assessments on Parcel # 71H-34D-004/01.28 and Request to Void Tax Sale on Parcel # 71H-34D-004/01.01 Pursuant to Miss. Code Ann. § 27-35-147 et seq.

WHEREAS, on February 7, 2005, the Board determined that March 18, 2005, would be an appropriate date for a public hearing on the matter of increasing real property assessments on certain individuals and businesses in the county and did set said date for said hearing to begin at the hour of 9:00 a.m., and

WHEREAS, one of the parcels which was the subject of such an increase for the tax years 2003 and 2004 was parcel # 71H-34D-004/01.28 owned by Members Exchange Credit Union (“Members Exchange”), and

WHEREAS, the Chancery Clerk did prepare and serve the appropriate notice thereof unto Members Exchange by registered mail and to its attorney, and the Board does find that said notice was sufficient, and

WHEREAS, said notice as to said parcel and amount of the proposed assessment increase is attached hereto as Collective Exhibit F, spread hereupon, and incorporated herein by reference, and

WHEREAS, the hour of 9:00 am did arise and the Board President did declare the public hearing on said proposed increase to be open, and

WHEREAS, Tax Assessor Gerald Barber appeared before the Board and announced that Members Exchange had willingly consented to said increase and had executed those certain Forms 71-027, “Notice to Increase the Assessment of Real/Personal Property,” true and correct copies of which are attached hereto as Exhibit “F”, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Barber did explain that, due to an error on the part of his office and others, parcel #71H-34D-004/01.28, on which an impressive new office building known as the Members Exchange Credit Union Building had been erected, was assessed for 2003 and 2004 for land value only and was not assessed for the substantial value of the improvement thereon (said office building) and, further, that the adjoining parcel, parcel # 71H-34D-004/01.01 owned by Two-Twenty Partnership L. P. which is vacant, agricultural use property, was erroneously assessed with the value of said improvement, and

WHEREAS, Mr. Barber did point out that the Board should reduce the assessment of parcel # 71H-34D-004/01.01 so as to remove the erroneously placed improvement value and should properly assess the value of said improvement unto Members Exchange, (parcel #071H-34D-004/101.28), and

WHEREAS, Mr. Barber did request that the Board (1) increase the assessment of parcel # 71H-34D-004/01.28 by \$242,865.00 for 2003 and 2004 respectively and thereby increase the ad valorem taxes owed by Members Exchange by \$21,214.00 for 2003 and by \$21,214.00 for 2004, said entity having escaped taxation in accordance with Miss. Code Ann. § 27-35-155; and (2) upon payment by Two-Twenty Partnership L. P. of 2003 ad valorem taxes in the amount of \$133.45 (for land value only) plus penalties and interest as required by said code section, void the tax sale as to parcel # 71H-34D-004/01.01 for 2003 taxes, and upon demand by the tax sale purchaser, issue a refund unto said purchaser in accordance with statute, and

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WHEREAS, Mr. Barber also requested that the Board direct Tax Collector Kay Pace to (a) prepare and send a tax bill for 2003 taxes to Members Exchange in the amount of \$21,214.00 plus penalties and interest as computed by the Chancery Clerk; (b) prepare and send a tax bill for 2004 taxes to Members Exchange in the amount of \$21,214.00; (c) prepare and send a tax bill for 2003 taxes to Two-Twenty Partnership in the amount of \$133.45 plus penalties and interest as computed by the Chancery Clerk; and (d) prepare and send a tax bill for 2004 taxes to Two-Twenty Partnership in the amount of \$133.45,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to (1) close the public hearing, (2) approve the increase in the assessment of parcel # 71H-34D-004/01.28 by \$242,865.00 for 2003 and 2004 respectively, and thereby increase the ad valorem taxes owed by Members Exchange by \$21,214.00 for 2003 and by \$21,214.00 for 2004, said entity having escaped taxation in accordance with Miss. Code Ann. § 27-35-155; and (3) upon payment by Two-Twenty Partnership of 2003 ad valorem taxes in the amount of \$133.45 (for land value only) plus penalties and interest as required by said code section, void the tax sale as to parcel # 71H-34D-004/01.01 for 2003 taxes, and upon demand by the tax sale purchaser, issue a refund unto said purchaser in accordance with statute, said refund to be issued by the Tax Collector from those taxes collected by her for the 2003 assessments made unto said taxpayers. Said motion also directed Tax Collector Kay Pace to (4) prepare and send a tax bill for 2003 taxes to Members Exchange in the amount of \$21,214.00 plus penalties and interest as computed by the Chancery Clerk; (5) prepare and send a tax bill for 2004 taxes to Members Exchange in the amount of \$21,214.00; (6) prepare and send a tax bill for 2003 taxes to Two-Twenty Partnership in the amount of \$133.45 plus penalties and interest as computed by the Chancery Clerk; and (7) prepare and send a tax bill for 2004 taxes to Two-Twenty Partnership in the amount of \$133.45. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and the public hearing on said increase was and is hereby closed, the increases in assessment as to parcel # 71H-34D-004/01.28 were and are hereby approved, the tax sale as to parcel # 71H-34D-004/01.01 for 2003 taxes was and is hereby declared void upon payment by Two-Twenty Partnership L. P. of \$133.45 plus penalties and interest, and Tax Collector Kay Pace was and is hereby authorized and directed in accordance with the above.

SO ORDERED this the 18th day of March, 2005.

In re: Request of the Tax Assessor to Increase Assessments on Certain Property Pursuant to Miss. Code Ann. § 27-35-147 et seq.

WHEREAS, on February 7, 2005, the Board determined that March 18, 2005, would be an appropriate date for a public hearing on the matter of increasing real property assessments on certain individuals and businesses in the county and did set said date for said hearing to begin at the hour of 9:00 a.m., and

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

WHEREAS, notices as to each increase listing, *inter alia*, the property owner(s) the parcel number, and amount of the proposed assessment increase are attached hereto as Collective Exhibit G, spread hereupon, and incorporated herein by reference, and

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WHEREAS, the hour of 9:00 am did arise and the Board President did declare the public hearing on said proposed increases to be open and directed those citizens who appeared for said hearing to consult and confer with the Tax Assessor and his staff, and

WHEREAS, no one appeared in response to said notices to contest or protest said assessment increases,

Following discussion, Mr. Karl M. Banks did offer and Mr. Douglas L. Jones did second a motion to close the public hearing and approve the assessment increases for those individuals and parcel numbers as set forth in the aforesaid spreadsheet. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said assessment increases were and are hereby approved and adopted.

SO ORDERED this the 18th day of March, 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 (7) through (14) 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, the Board President did announce that Item (7) had been previously addressed separately as reflected herein above and did request that Item (10) be removed from the Consent Agenda and addressed separately, and

WHEREAS, Supervisor Andy Taggart did request that Items (11) and (12) be removed from the consent agenda and addressed separately, and

WHEREAS, the Douglas L. Jones did request that Item (8) be removed from the consent agenda and addressed separately

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

(9) Approval of Dates for Public Hearings

The items set forth in that certain memorandum dated March 18, 2005 from County Administrator, Donnie Caughman, a true and correct copy of which may be found in the miscellaneous Appendix to these minutes were and are set down for public hearing on April 25, 2005 and May 23, 2005 respectively.

(13) Authorize Purchase of New Filing System for Justice Court

The request of Justice Court Clerk Susan McCarty to purchase a Space Saver High Density Mobile Filing System for use in the new Justice Court Building was and is hereby approved as set forth in that certain memorandum dated March 15, 2005 from Purchase Clerk Hardy Crunk, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes.

President's Initials: _____

Date Signed: _____

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Thereafter, Mr. Douglas L. Jones did offer and Mr. Tim Johnson did second a motion to approve, adopt, and authorize each of the above and foregoing matters, the same being numbered Items (9), and (13) herein above. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously, and each item was and is hereby approved, adopted and authorized.

SO ORDERED this the 18th day of March 2005.

In re: Acknowledgment of Clerk of the Board Monthly Report

WHEREAS, County Comptroller Mark Houston did appear before the Board and presented the Clerk of the Board monthly report for the month of March, 2005,

Following review thereof, Mr. Douglas L. Jones did offer and Mr. Tim Johnson did second a motion to acknowledge receipt of said report in accordance with Miss. Code Ann. § 19-11-23 (1972), a true and correct copy thereof may be found in the Miscellaneous Appendix to these Minutes. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said report was and is hereby acknowledged.

SO ORDERED this the 18th day of March, 2005.

In re: Traffic Changes at the Intersection of Highways 17 and 43

WHEREAS, District 5 Supervisor Paul Griffin did announce to the Board that a new four way stop was being erected at the intersection of Highways 17 and 43 in his district, and

WHEREAS, a press release from the Mississippi Department of Transportation announcing this development may be found in the Miscellaneous Appendix to these Minutes ,

Following discussion, Mr. Paul Griffin did offer and Mr. Tim Johnson did second a motion to acknowledge receipt of said announcement and urge motorists to use caution in the area. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said announcement was and is hereby acknowledged.

SO ORDERED this the 18th day of March, 2005.

President's Initials: _____

Date Signed: _____

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In re: Request to Advertise for Bids Regarding the Purchase of Fire Trucks for Camden/Farmhaven

WHEREAS, by memorandum dated March 15, 2005, County Purchase Clerk Hardy Crunk requested authority to advertise for bids for the purchase of a pumper truck for the Camden Fire District and a tanker truck for the Farmhaven Fire District, a true and correct copy of said memorandum may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Karl M. Banks did offer and Mr. Douglas L. Jones did second a motion to approve said request and authorize the advertisement for bids as to said equipment. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and Mr. Crunk was and is so authorized.

SO ORDERED this the 18th day of March, 2005.

In re: Awarding Annual Contract for Grass Mowing and Maintenance unto Rotolo Consultants, Inc.

WHEREAS, County Purchase Clerk Hardy Crunk did appear before the Board and directed the Board's attention to that certain memorandum dated March 16, 2005, together with his tabulation of proposals, a true and correct copy of all of which may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, Mr. Crunk did report that proposals were received in response to the Request for Proposals previously issued by the County and that such proposals were opened in public session by the standing committee appointed by the Board for such purposes, and

WHEREAS, Mr. Crunk reported that in his estimation, should the Board chose to out-source grass cutting, Rotolo Consultants Inc. submitted the lowest and best overall proposal, and

WHEREAS, Mr. Crunk did announce that, upon conferring with Buildings and Grounds Director Barry Parker, an annual savings in that department of up to \$18,947.60 could be realized by out-sourcing,

Following a lengthy discussion, and upon finding that the proposal offered by Rotolo Consultants, Inc. was the lowest and best proposal received in response to the Request for Proposals previously issued by the county for grass cutting services, Mr. Douglas L. Jones did offer and Mr. Tim Johnson did second a motion to accept the proposal offered by Rotolo Consultants, Inc. and authorize and direct the Board President to enter into a contract with said firm. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said contract was and is hereby awarded unto Rotolo Consultants, Inc., and the Board President was and is hereby authorized to enter into the same.

President's Initials: _____

Date Signed: _____

SO ORDERED this the 18th day of March, 2005.

***In re: In re: Woodland Hills Boulevard/Annandale Subdivision
Box Culvert Project***

WHEREAS, County Engineer Mike McKenzie did appear before the Board and reported that he, Chancery Clerk Arthur Johnston, Comptroller Mark Houston, and Sam Kelly, Esq. of the Brunini law firm had conferred with regard to the Woodland Hills Boulevard/Annandale Subdivision Box Culvert Project, and

WHEREAS, Mr. McKenzie did inform the Board that the firm which had been awarded the contract to carry out said project, Hemphill Construction Company was unwilling to proceed with the project at the cost originally bid, and

WHEREAS, thereafter, Sam Kelly, Esq. did appear before the Board and advised that in his opinion, a material condition to the contract had not been fulfilled, namely, the contractor had not secured "indemnity agreements with each of the adjacent and/or affected landowners in order to protect both Hemphill and the county" as required by this Board in its action of August 13, 2004 awarding the contract to Hemphill, and

WHEREAS, it was therefore Mr. Kelly's advice and counsel that the Board consider either requesting that Hemphill extend the time for issuing a notice to proceed under the original contract so as to give Hemphill the opportunity to fulfill the material condition or, failing that, to advise Hemphill that the material condition had not been fulfilled and that no contract was in force and effect,

Following discussion, Mr. Andy Taggart did offer and Mr. Douglas L. Jones did second a motion to instruct Mr. Kelly to request that Hemphill extend the time for issuing a notice to proceed under the original contract so as to give Hemphill the opportunity to fulfill the material condition or, failing that, to advise Hemphill that the material condition had not been fulfilled and that no contract was in force and effect, and to direct that County Administrator Donnie Caughman take steps necessary to begin the process of re-bidding the project should Hemphill decline the request. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and Mr. Kelly and Mr. Caughman were and are hereby so instructed.

SO ORDERED this the 18th day of March, 2005.

***In re: Approval of Lowest and Best Bid on
Camden Fire Station***

WHEREAS, County Purchase Clerk Hardy Crunk did appear before the Board and reported on behalf of the standing committee appointed by the Board to open and tabulate bids, that base bids and alternate bids were received on the construction of the Camden Fire Station on February 15, 2005, and

WHEREAS, Mr. Crunk did previously recommend in his memorandum of February 15, 2005 that the Board take said bids under advisement, but he was now of the opinion that the bid could be awarded to the lowest and best bidder, Ralph McKnight,

President's Initials: _____

Date Signed: _____

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Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to accept the low base bid of \$298,600 from Ralph McKnight and direct Project Engineer Mike McKenzie to prepare the necessary documentation to reflect this award and to proceed with the project. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said low base bid was and is hereby accepted, the project awarded to Ralph McKnight, and Mr. McKenzie was and is instructed accordingly.

SO ORDERED this the 18th day of March, 2005.

***In re: Approval of Claims Docket
for March 18, 2005***

WHEREAS, the Board reviewed the claims docket for March 18, 2005; and

WHEREAS, the Chancery Clerk 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:

Fund	Claim Nos.	No. of Claims	Amount
001	2777 to 2864	88	881,145.87
012	112 to 123	12	3,852.04
013	8 to 8	1	2,377.95
097	139 to 146	8	9,425.21
105	47 to 48	2	3,243.34
114	6 to 6	1	1005.66
115	10 to 10	1	35.79
116	18 to 18	1	27.5
120	51 to 53	3	840.67
121	7 to 7	1	64.03
137	84 to 86	3	1750.66
150	564 to 604	41	61,971.73
160	55 to 58	4	4,906.73
190	132 to 133	2	796.29
210	1 to 1	1	343,462.76
226	6 to 6	1	13,918.00
401	13 to 14	2	24,729.82
TOTAL ALL FUNDS		172	1,353,554.05

Following discussion, Mr. Andy Taggart did offer and Mr. Douglas L. Jones did second a motion to approve the claims docket with the exception of the following held claims:

HELD CLAIMS

<u>Fund</u>	<u>Claim No.</u>	<u>Payee</u>	<u>Amount</u>
150	575	Strong's Auto Parts	\$71.58
150	575	Strong's Auto Parts	\$77.28

Said motion directed that invoice numbers should be attached to each claim on the claims docket

President's Initials: _____

Date Signed: _____

and further directed the Chancery Clerk to publish the Summary of Claims as required by law and to authorize the Board President to sign and approve the Claims Docket, a copy of which is 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 H, spread hereupon, and incorporated herein by reference. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said Claims Docket was and is hereby approved with the exception of the above noted held items, and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 18th day of March, 2005.

In re: Approval of Payment of Claim of Roberts Insurance

WHEREAS, County Comptroller Mark Houston did present invoice numbers 7866 and 7957 in the amounts of \$5,191.00 and \$ 1,397.00 respectively from Roberts Insurance, which claims had been previously held by the Board for further investigation, and

WHEREAS, Mr. Houston and Chancery Clerk Arthur Johnston did announce that said claims reflected charges due and owing unto said firm for the premium and renewal thereof of the official bond of the Tax Collector as well as certain theft insurance,

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to pay invoice numbers 7866 and 7957 in the amounts of \$5,191.00 and \$ 1,397.00 respectively unto Roberts Insurance. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 18th day of March, 2005.

In re: Approval of a Certain 16th Section Lease

WHEREAS, the Madison County School Board has approved the following 16th Section lease and forwarded it to the Board for review and approval, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes:

Lessees: Karl Dee and wife, Julie Dee
Description: Lot 39, Livingston Subdivision, Part 1
Lease Term: 40 years

<u>Year</u>	<u>Annual Rent</u>
1 - 5	\$ 1,000.00
6 - 10	\$ 1,100.00

President's Initials: _____

Date Signed: _____

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11 - 15	\$ 1,200.00
16 - 20	\$ 1,300.00
21 - 25	\$ 1,400.00
26 - 30	\$ 1,500.00
31 - 35	\$ 1,600.00
36 - 40	\$ 1,700.00

Mr. Karl M. Banks did offer and the Board President did second a motion to approve the 16th Section Leases as set forth above, as submitted by the Madison County School Board. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	No
Supervisor Karl M. Banks	Aye ²
Supervisor Paul Griffin	Aye

the matter carried by a majority vote (4-1) of the Board and said leases were and are hereby approved.

SO ORDERED this the 18th day of February, 2005.

***In re: Approval of Final Plat of Park View Subdivision
Part I***

WHEREAS, County Engineer Rudy Warnock appeared before the Board of Supervisors and presented the final plat for Park View Subdivision Part I 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 did also advise the Board that all streets listed on said plat are to be accepted as private roads, to the extent such streets are depicted on said plats, to-wit:

Following discussion of this matter, Mr. Tim Johnson did offer and Mr. Douglas L. Jones did second a motion to approve said final plat, 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 fifty percent (50%) of the lots in the subdivision are sold to individuals and subject to zoning ordinances that the Board finds will be applicable upon adoption thereof in the future. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	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 final plat of Park View Subdivision Part I was and is hereby approved with the aforesaid proviso.

SO ORDERED this the 18th day of March, 2005.

In re: Authorize Board Attorney to Prepare

²After casting his vote on this matter, Mr. Banks excused himself from the meeting.

President's Initials: _____

Date Signed: _____

Easements for Gluckstadt Road Widening Project

WHEREAS, County Engineer Rudy Warnock did appear before the Board and requested the Board authorize Board Attorney Edmund Brunini, Jr. to prepare easements and other necessary documents to convey certain property located in the area of the Gluckstadt Road Widening Project, and

WHEREAS, Mr. Warnock did also request the Board authorize Woody Sample of Sample & Associates to provide services relating to and assist in the acquisition of rights of way in connection therewith,

Following discussion, Mr. Tim Johnson did offer and Mr. Andy Taggart did second a motion to authorize the Board Attorney to prepare necessary documents for the conveyance of said property and to authorize Woody Sample to acquire signatures for right-of-way. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously, the Board Attorney and Mr. Sample were and are hereby so authorized and directed.

SO ORDERED this the 18th day of March, 2005.

In re: Approval of Utility Agreement Pertaining to County Project 6047 and 6059

WHEREAS, County Engineer Rudy Warnock did appear before the Board and requested approval of that certain Utility Agreement pertaining to County Project 6047 and 6059 and further requested that the Board authorize payment unto Entergy Mississippi, Inc. in the amount of \$35,084.32 in accordance therewith, and

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

Following discussion, Mr. Tim Johnson did offer and Mr. Douglas L. Jones did second a motion to approve said Utility Agreement and authorize and direct the Board President to execute the same on behalf of the county and to direct the Chancery Clerk to issue a pay warrant forthwith. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	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 said agreement was and is hereby approved and the Board President and the Chancery Clerk were and are hereby authorized and directed accordingly.

SO ORDERED this the 18th day of March, 2005.

In re: Approval of Permit Application of Entergy of Mississippi, Inc.

President's Initials: _____

Date Signed: _____

WHEREAS, County Engineer Rudy Warnock did appear before the Board and presented a Permit Application for Use and Occupancy for the Adjustment of a Utility Within a Road or Highway Right of Way, a true and correct copy of which may be found in the Miscellaneous Appendix to these minutes, and

WHEREAS, said Permit Application requested that Entergy be allowed to install 21 light and power poles in accordance with the request of the county relative to the Gluckstadt Road Widening Project,

Following discussion, Mr. Andy Taggart did offer and Mr. Douglas L. Jones did second a motion to grant and approve the issuance of said permit subject to the requirement that lines be erected on steel poles at no additional cost to the county along the county's right of way and to direct County Administrator Donnie Caughman to correspond with Entergy and advise it of this proviso. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	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 said permit application was and is hereby granted and approved subject to the provisos aforesaid.

SO ORDERED this the 18th day of March, 2005.

***In re: Yandell Road and Gluckstadt Road
SAP Projects (Nos. SAP4554 and SAP 4553)***

WHEREAS, State Aid and LSBP Engineer Keith O'Keefe did appear before the Board and reported that there were insufficient funds remaining in the State Aid program for this fiscal year to complete both the Yandell Road and Gluckstadt Road SAP projects, and

WHEREAS, Mr. O'Keefe did suggest that one be put aside in favor of the other,

Following discussion, Mr. Andy Taggart did offer and Mr. Karl M. Banks³ did second a motion to devote all remaining State Aid SAP funds to project SAP 4554 as currently designed and programmed (so as to allow for the overlay of Yandell Road) and to delay project SAP 4553 (Gluckstadt Road), provided, however, that the County road plan be amended to include the paving of a .4 mile stretch of Gluckstadt Road from Bozeman Road west to the end of the current overlay as a top priority during this, the 2005 construction season. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and all such funds are hereby devoted to project SAP 4554 and the County Road Plan was and is hereby amended accordingly.

SO ORDERED this the 18th day of March, 2005.

³Mr. Banks returned prior to offering his second to the motion.

President's Initials: _____

Date Signed: _____

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***In re: Approval of Inter-local Agreement
Between Madison County and Yazoo County
Pertaining to State Aid Project SAP-45(15)S***

WHEREAS, County Engineer Rudy Warnock did appear before the Board and requested the approval of that certain Inter-local Agreement between Madison County and Yazoo Counties, Mississippi pertaining to State Aid Project SAP-45(15)S, and

WHEREAS, Board Attorney Edmund L. Brunini, Jr. did advise that he reviewed the same, made certain changes thereto and did now recommend approval of the same, and

WHEREAS, a true and correct copy of said Inter-local Agreement is attached hereto as Exhibit J, spread hereupon, and incorporated herein by reference,

Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to approve the same 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	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Paul Griffin	Aye
Supervisor Karl M. Banks	Aye

the matter carried unanimously and the aforesaid Inter-local Agreement was and is hereby approved and the Board President was and is hereby authorized to execute the same.

SO ORDERED this the 18th day of March, 2005.

***In re: Appointments to County Human Resource Agency Board
and Southwest Madison Fire District***

WHEREAS, District 3 Supervisor Andy Taggart did announce his desire to appoint the following individuals to represent his district on the following Boards:

- (1) Karen Livingston-Wilson to the Board of Human Resources
- (2) Richard Painter to the Board of Directors of the Southwest Madison Fire District

Following discussion, Mr. Andy Taggart did offer and Mr. Tim Johnson did second a motion to appoint Karen Livingston Wilson to the Board of Human Resources and Richard Painter to the Board of Directors of the Southwest Madison Fire District. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and Ms. Livingston-Wilson and Mr. Painter were and are hereby so designated and appointed.

SO ORDERED this the 18th day of March, 2005.

President's Initials: _____

Date Signed: _____

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In re: Request to Allow Easement Along Webster Property to be Used for Driveway Purposes

WHEREAS, District 3 Supervisor Andy Taggart did inform the Board that he had been asked to request that the Board allow that certain easement described in Deed Book 364 at Page 665 in the records of the Madison County Chancery Clerk’s office to be used by Charles Webster and his assigns for driveway purposes, and

WHEREAS, Mr. Taggart did inform the Board that such easement had been duly accepted by the county on October 13, 1995, by reference to Board Minute Book BQ Page 521 and that said easement had no useful purpose to the county otherwise,

Following discussion, Mr. Andy Taggart did offer and Mr. Karl M. Banks did second a motion to allow Mr. Charles Webster and his assigns to use the public road easement described in Deed Book 363 at Page 665 for driveway purposes, provided that the county have no maintenance responsibilities thereto and provided that said driveway be constructed in accordance with county gravel road standards. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and Mr. Charles Webster and his assigns were and are hereby allowed to use said easement for driveway purposes subject to the foregoing provisos.

SO ORDERED this the 18th day of March, 2005.

In re: Authorization of Board Members to Travel to 2005 Annual NACo Conference

WHEREAS, District 4 Supervisors Karl M. Banks informed the Board that the Annual National Association of Counties (NACo) Conference for 2005 would be held on July 15 - 19, 2005 at the Hawaii Convention Center in Honolulu, Hawaii, and that Madison County should have representation at this important national conference, and

WHEREAS, a majority of the Board does desire to approve the payment of travel and related expenses for any Board member to attend said conference, the majority of the Board finding that such expenses are in the best interest of the county,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to authorize the payment of registration, travel, lodging and food expenses of any Board member to attend said conference. The vote on the matter being as follows:

Supervisor Douglas L. Jones	No
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	No
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by a majority vote (3-2) of the Board and such approval was and is hereby granted.

SO ORDERED this the 18th day of March, 2005.

President’s Initials:_____

Date Signed:_____

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 certain litigation matters,

Following discussion and pursuant to the terms of Miss. Code Ann. § 25-41-7, as amended, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to make a closed determination upon the issue of whether or not to declare an Executive Session for the purpose of discussing litigation matters 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, Board Attorney Edmund L. Brunini, Jr., County Administrator Donnie Caughman, and Deputy Sheriff Billy Myers. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

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

SO ORDERED this the 18th day of March, 2005.

In re: Entering into Executive Session

WHEREAS, a discussion of the nature of the matters requiring Executive Session was had and the Board Attorney informed the Board that he wished to discuss certain litigation matters involving the previously held claim of Tri-State Consultants, Inc.,

Following a discussion, Mr. Douglas L. Jones did offer and Mr. Tim Johnson did second a motion to enter into Executive Session to discuss litigation matters involving the previously held claim of Tri-State Consultants, Inc. as provided by law. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
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 President Griffin declared the Board of Supervisors to be in Executive Session for the consideration of such matters and the Board Attorney announced to the public the purpose for the Executive Session.

SO ORDERED this the 18th day of March, 2005.

Following discussion, Mr. Douglas L. Jones did offer and Mr. Karl M. Banks did second a motion to come out of 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 Douglas L. Jones	Aye
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President’s Initials: _____

Date Signed: _____

Supervisor Tim Johnson
Supervisor Andy Taggart
Supervisor Karl M. Banks
Supervisor Paul Griffin

Not Present and Not Voting⁴
Aye
Aye
Aye

the matter carried unanimously.

President Griffin then reopened the meeting and the Chancery Clerk informed the public that no action was taken as the result thereof.

SO ORDERED this the 18th day of March, 2005.

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

Paul Griffin, President
Madison County Board of Supervisors

Date signed: _____

ATTEST:

Arthur Johnston, Chancery Clerk

⁴Prior to the call of the question on this matter, Mr. Johnson excused himself from the meeting.

President's Initials: _____

Date Signed: _____