

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

REGULAR MEETING OF OCTOBER 24, 2005  
Recessed from regular meeting conducted on October 17, 2005

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on October 24, 2005 in the County Law Library located 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 Paul Griffin  
Supervisor Karl M. Banks  
Sheriff Toby Trowbridge  
Chancery Clerk Arthur Johnston

Absent:

None

Also in attendance:

County Administrator Donnie Caughman  
County Comptroller Mark Houston  
County Purchase Clerk Hardy Crunk  
County Zoning Administrator Brad Sellers

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

***In re: Approval of Increase of Assessments of 2005 Real Property  
Pursuant to Miss. Code Ann. § 27-35-147 et seq.***

WHEREAS, on October 3, 2005, the Board determined that October 24, 2005 would be an appropriate date for a public hearing on the matter of increasing real and personal 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 am, 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, the petitions listing the property owner(s), the parcel numbers, and amount of the proposed assessment increase as to each is attached hereto as collective Exhibit A, 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 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

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

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

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

Following discussion, Mr. Douglas L. Jones did offer and Mr. Andy Taggart 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 petitions. The vote on the matter being as follows:

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

the matter carried by a majority vote of those present and said assessment increases were and are hereby approved and adopted.

SO ORDERED this the 24<sup>th</sup> day of October, 2005.

***In re: Petition of Kerry Howell to Rezone Certain  
Real Property Along Yandell Road***

**ORDINANCE BY THE BOARD OF SUPERVISORS  
OF MADISON COUNTY, MISSISSIPPI,  
REZONING AND RECLASSIFYING REAL PROPERTY**

WHEREAS, the Board of Supervisors had previously advertised its intent to conduct a public hearing concerning the petition of Kerry Howell 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-1 Residential District to R-2 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 October 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 Kerry Howell did appear before the Board for a public hearing seeking to rezone a certain tract from its present R-1 Residential District to R-2 Residential District, and

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

WHEREAS, County Zoning Administrator Brad Sellers and Mr. Kerry Howell did appear before the Board for a public hearing on Mr. Howell's petition to allow the rezoning of certain property owned by him on Yandell Road in Section 25 T8N R2E in Madison County, Mississippi, and

WHEREAS, the Planning Commission did recommend approval of said petition, and

Following discussion, Mr. Douglas L. Jones did offer and Mr. Karl Banks did second a motion to close the public hearing and grant the request and adopt the following Ordinance, to-wit: The vote on the matter being as follows:

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

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

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

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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 R-1 Residential Use District Classification to R-2 Residential Use District Classification, reserving the matter of the approval of the site plan associated with this property until a later date, to wit:

A parcel of land lying and situated in the NE ¼ of Section 25, T8N-R2E, Madison County, Mississippi, more particularly described as follows:

Commence at the NW corner of the NE ¼ of said section 25 per survey by Chris A King, P.L.S. dated August 27, 1992, and run thence S 88 degrees 40 minutes 30 seconds E, along the southerly right-of-way of Yandell Road, for a distance of 240.00 feet to the NW corner of the Christine Price Cook property as per Deed Book 256 at Page 150; thence run S 88 degrees 04 minutes 08 seconds E along said southerly right-of-way, for a distance of 164.37 feet to an iron pin at the NW corner of that parcel of land described in Deed Book 533 at Page 47; thence leaving said southerly right-of-way, run S 00 degrees 00 minutes 08 seconds W along the westerly line of said parcel for a distance of 206.15 feet to an iron pin; thence run S 88 degrees 36 minutes 53 seconds E, along the westerly line of said parcel for a distance of 49.34 feet to an iron pin being the point of Beginning of the parcel herein described. From said Point of Beginning run thence S for a distance of 552.74 feet to an iron pin; thence run E for a distance of 319.91 feet to an iron pin on the westerly line of said parcel of land described in Deed Book 533 at Page 47; thence run N along the westerly line of said parcel for a distance of 545.00 feet to an iron pin; thence run N 88 degrees 36 minutes 53 seconds W along the westerly line of said parcel for a distance of 320.00 feet to the Point of Beginning, containing 4.03 acres, more or less.

2. That the Madison County Zoning Ordinance be and the Zoning District Map, and the Madison 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.

3. The property rezoned herein is to be incorporated within and subject to the covenants of Magnolia Point Subdivision.

ORDAINED, ADOPTED AND APPROVED by the Board of Supervisors of Madison County, Mississippi, at a meeting thereof held on the 24<sup>th</sup> day of October, 2005.

The foregoing 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	Not Present Not Voting
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by a majority vote of those present and the Petition of Kerry Howell 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 R-1 Residential District to R-2 Residential District was and is hereby granted, the subject property was and is hereby re-zoned, and the County zoning ordinance and map and the County Land Use Plan are amended accordingly.

SO ORDERED this the 24<sup>th</sup> day of October, 2005.

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

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

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**In re: Petition of Suzanne Ellis for Variance as to Lot 33-D, Vinings of Reunion**

WHEREAS, the Board of Supervisors had previously advertised its intent to conduct a public hearing concerning the petition of Suzanne Ellis seeking a variance to the minimum side street setback on certain property owned by her lying and being situated within a P-1 Planned Unit Development District, the same being lot 33-D of Vinings of Reunion Subdivision in Madison County, Mississippi, 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 October 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 Suzanne Ellis did appear before the Board for a public hearing, and

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

WHEREAS, County Zoning Administrator Brad Sellers and Ms. Suzanne Ellis did appear before the Board for a public hearing on Ms. Ellis' petition to allow a variance to the minimum side street setback on certain property owned by her, being lot 33-D of Vinings of Reunion Subdivision in Madison County, Mississippi, and

WHEREAS, the Planning Commission did recommend approval of said petition, and

Following discussion, Mr. Andy Taggart did offer and Mr. Douglas L. Jones did second a motion to close the public hearing and grant said variance as to the following described tract of real property:

Lot 33-D, Vinings of Reunion Subdivision further identified by Parcel No. 81F-23-087

The vote on the matter being as follows, to wit:

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

the matter carried by a majority vote of those present and the Petition of Suzanne Ellis seeking a variance to the minimum side street setback in a P-1 Planned Unit Development District, particularly Lot 33-D, Vinings of Reunion Subdivision, the same lying and being situated in Madison County, Mississippi as described herein above is hereby granted.

SO ORDERED this the 24<sup>th</sup> day of October, 2005.

**In re: Petition of Precious Jewel Masonic Lodge for Special Exception/Lake Castle Road**

WHEREAS, the Board of Supervisors had previously advertised its intent to conduct a public hearing concerning the petition of Precious Jewel Masonic Lodge for a Special Exception

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

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to construct and operate a Masonic Lodge in the R-2 Residential District located on Lake Castle Road, being in Section 15, Township 7 North, Range 1 East, of Madison County, 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 October 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 did appear before the Board for a public hearing concerning the petition of Precious Jewel Masonic Lodge for a Special Exception to construct and operate a Masonic Lodge in the R-2 Residential District located on Lake Castle Road in Madison County, and

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

WHEREAS, the Planning Commission did recommend approval of said petition, and

Following discussion, Mr. Andy Taggart did offer and Mr. Karl Banks did second a motion to close the public hearing and grant said special exception. The vote on the matter being as follows, to-wit:

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

the matter carried by a majority vote of those present and the Petition of Precious Jewel Masonic Lodge seeking a special exception to construct and operate a masonic lodge on property located at 147 Lake Castle Road in Section 15 Township 7 North Range 1 East in Madison County, Mississippi as described herein above is hereby granted.

SO ORDERED this the 24<sup>th</sup> day of October, 2005.

***In re: Petition of New Beginnings for a Special Exception as to Certain Property on Highway 16 East***

WHEREAS, the Board of Supervisors had previously advertised its intent to conduct a public hearing concerning the petition of New Beginnings M. B. Church seeking a Special Exception to construct and operate a church in the A-1 Agricultural District located at 2548 Highway 16 East in Section 7 Township 9 North Range 4 East of Madison County, Mississippi, 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 October 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 did appear before the Board for a public hearing concerning the petition of New Beginnings M.B. Church for a Special Exception, and

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

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

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

WHEREAS, the Planning Commission did recommend approval of said petition, and

Following discussion, Mr. Karl Banks did offer and Mr. Douglas L. Jones did second a motion to close the public hearing and grant said special exception. The vote on the matter being as follows, to-wit:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye <sup>1</sup>
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and the Petition of New Beginnings M.B. Church seeking a special exception to construct and operate a church in the A-1 Agricultural District located at 2548 Highway 16 in Section 7 Township 9 North Range 4 East in Madison County, Mississippi as described herein above is hereby granted.

SO ORDERED this the 24<sup>th</sup> day of October, 2005.

***In re: Amended Zoning Ordinance***

WHEREAS, the Board of Supervisors had previously advertised its intent to conduct a public hearing concerning the adoption of a proposed Amended Zoning Ordinance, 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 October 6, 2005, and

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

WHEREAS, the hour of 9:00 a.m. did arise and County Zoning Administrator Brad Sellers did appear before the Board for a public hearing concerning the proposed Amended Zoning Ordinance, and

Following discussion, Mr. Andy Taggart did offer and Mr. Douglas L. Jones did second a motion to close the public hearing and approve and adopt said Amended Zoning Ordinance including amendments as presented by the Planning Commission with certain additional clarification by Board Attorney Edmund L. Brunini, a true and correct copy of which is attached hereto as Exhibit G, 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 Amended Zoning Ordinance was and is hereby approved and adopted.

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<sup>1</sup>Mr. Johnson arrived prior to the call of the question on this matter.

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

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

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SO ORDERED this the 24<sup>th</sup> day of October, 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 (17) on the Agenda and that the same appeared to be routine, non-controversial matters on which all Supervisors were likely to agree, and

WHEREAS, the Board President did explain that any Supervisor could, in advance of the call of the question, request that any item be removed from the Consent Agenda, and

WHEREAS, Supervisor Douglas L. Jones did request that Item (11) be removed from the consent agenda and addressed separately, and

WHEREAS, Supervisor Andy Taggart did request that Item (13) be removed from the consent agenda and withheld from further consideration, and

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

**(7) Acknowledge Clerk of the Board Report**

The Clerk of the Board Report for the month of September, 2005 as presented by Chancery Clerk Arthur Johnston and Comptroller Mark Houston was and is hereby approved, and a true and correct copy thereof may be found in the Miscellaneous Appendix to these Minutes.

**(8) Approval of Maintenance Agreement on AS/400**

A three (3) year maintenance agreement with IBM pertaining to the County's AS400 computer system, a true and correct copy of which, together with that certain memorandum dated October 7, 2005 from County Purchase Clerk Hardy Crunk may be found in the Miscellaneous Appendix to these Minutes, was and is hereby approved at a cost of \$15,234.11.

**(9) Acceptance of Bid for Fuel Tank, Pump and Associated Equipment - Road Department**

The request of County Purchase Clerk Hardy Crunk to accept the lowest bid for fuel tank, pump and associated equipment in the amount of \$22,431.13 submitted by Petroleum Equipment Company was and is hereby approved. A true and correct copy of Mr. Crunk's Memorandum dated October 18, 2005 may be found in the Miscellaneous Appendix to these Minutes.

**(10) Approval of Non-Exclusive Rock Hauling Contract - Nichols and Sons**

The recommendation of County Purchase Clerk Hardy Crunk to enter into a non-exclusive rock hauling contract with Nichols and Sons at the same rate and on the same terms as the FEMA hauling contract was and is hereby approved. A true and correct copy of said contract is attached hereto as Exhibit H.

**(12) Acknowledgment of Authority to Expend One Mill Levy {27-39-329(2)}**

The certain correspondence dated October 14, 2005 from the Mississippi State Tax Commission, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, authorizing the county to expend the avails of the one (1) mill levy under the Miss. Code Ann. § 27-39-329(2) for the fiscal year 2004-2005 was and is hereby acknowledged.

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

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

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**(15) Acknowledgment and Final Approval of 2005 Assessment Rolls**

That certain Order dated October 12, 2005 from the Mississippi State Tax Commission, a true and correct copy of which is attached hereto as Exhibit I, spread hereupon and incorporated herein by reference was and is hereby acknowledged and the Chancery Clerk was and is directed to proceed in accordance with Miss. Code Ann. § 27-35-123.

**(16) Authorization to Purchase Drug Dog**

The request of Sheriff Toby Trowbridge to purchase a Belgian Malinois dog named “Shadow” from the City of Madison at a price of \$12,695 is hereby approved pursuant to Miss. Code Ann. § 19-5-3.

**(17) Authorize Check for Postage, \$5,000 - Tax Collector’s Office**

The request of County Tax Collector Kay Pace for a check in the amount of \$5,000 for the purpose of purchasing postage for the Tax Collector’s office was and is hereby authorized and approved. A copy of Ms. Pace’s memorandum dated October 19, 2005 may be found in the Miscellaneous Appendix to these Minutes.

Thereafter, Mr. Tim Johnson did offer and Douglas L. Jones did second a motion to approve, adopt, and authorize each of the above and foregoing matters, the same being numbered Items (7) through (10), Item (12) and Items (15) through (17) 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 24<sup>th</sup> day of October, 2005.

***In re: Request to Delete Certain Property From Inventory as Lost or Stolen***

WHEREAS, County Administrator Donnie Caughman did appear before the Board and presented a “Lost or Stolen Property Affidavit for Deletion” pertaining to a certain .38 Smith and Wesson pistol, bearing serial number CFK3786 together with a detailed incident report from Deputy John Hicks with the Madison County Sheriff’s Department, and

WHEREAS, a true and correct copy of said affidavit and incident report is attached hereto as Collective Exhibit J, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Caughman did request, in the absence of County Inventory Control Clerk Barry Parker, that the Board delete said pistol from the inventory of county equipment in accordance with law,

Following discussion, Mr. Douglas L. Jones did offer and Mr. Karl M. Banks did second a motion to delete said 38 Smith and Wesson pistol, bearing serial number CFK3786 from county inventory for the reasons set forth in said affidavit. 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	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	No

the matter carried by a majority vote (4-1) of the Board and that certain .38 Smith and Wesson pistol, bearing serial number CFK3786, was and is hereby deleted from county inventory.

SO ORDERED this the 24<sup>th</sup> day of October, 2005.

***In re: Approval of Invoices for Debris Removal***

WHEREAS, County Comptroller Mark Houston did appear before the Board and requested payment of Application #3 in the amount of \$358,874.00 and Application #4 in the amount of \$325,440.00 submitted by Foshee Construction Co., Inc., true and correct copies of which may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Douglas L. Jones did offer and Mr. Karl Banks did second a motion to approve the payment of said applications. 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 payments were and are hereby authorized to be made.

SO ORDERED this the 24<sup>th</sup> day of October, 2005.

***In re: Consideration of Interfund Transfers***

WHEREAS, County Comptroller Mark Houston did appear before the Board and requested that the Board consider approving certain inter-fund transfers and budget amendments as set forth on that certain document captioned "Madison County Interfund Transfers dated October 24, 2005," a true and correct copy of which is attached hereto as Exhibit K, spread hereupon and incorporated herein by reference, and

Following discussion, Mr. Tim Johnson did offer and Mr. Karl Banks did second a motion to authorize and approve said interfund transfers as set forth on Exhibit K. 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 interfund transfer as set forth in Exhibit K was and is hereby authorized and approved.

SO ORDERED this the 24<sup>th</sup> day of October, 2005.

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

**In re: Approval of Draw Down # 7 from the  
Mississippi Development Bank Loan**

The Board of Supervisors of Madison County, Mississippi (the "County") acting for and on behalf of the County, took up for consideration the matter of requesting and authorizing a Seventh Advance under the loan between the Mississippi Development Bank and the County dated July 27, 2004. After a discussion of the subject, Supervisor Karl Banks offered and moved for the adoption of the following resolution, to-wit:

**RESOLUTION OF THE BOARD OF SUPERVISORS OF MADISON COUNTY,  
MISSISSIPPI (THE "COUNTY") AUTHORIZING A SEVENTH ADVANCE  
UNDER THAT CERTAIN LOAN AGREEMENT, DATED JULY 27,2004, BY  
AND BETWEEN THE MISSISSIPPI DEVELOPMENT BANK AND THE  
COUNTY.**

WHEREAS, the Board of Supervisors of the County now finds it necessary to approve the Seventh Advance under the Loan for the purpose of paying construction and engineering fees and expenses incurred in connection with the construction of the Reunion Parkway Phase 1 Project, the Calhoun Station Parkway Project, the Reunion Phase 2 Project and the Gluckstadt 5-Lane Project (the "Project");

WHEREAS, pursuant to Mississippi Code §31-25-27, the County is authorized to request an advance under the Loan to raise money for the Project;

WHEREAS, pursuant to Section 3.02 of the Loan Agreement, the minimum Request for Advance shall be in the amount of \$100,000;

WHEREAS, on August 2, 2004, the County received the first advance under the Loan in the amount of One Hundred Sixty Thousand Five Hundred Dollars (\$160,500);

WHEREAS, on November 23, 2004, the County received the second advance under the Loan in the amount of Eight Hundred Ninety Six Thousand One Hundred Ninety Four and 48/100 Dollars (\$896,194.48);

WHEREAS, on January 21, 2005, the County received the third advance under the Loan in the amount of Six Hundred Seventeen Thousand Five Hundred Fifteen and 41/100 Dollars (\$617,515.41);

WHEREAS, on April 15, 2005, the County received the fourth advance under the Loan in the amount of Five Hundred Ninety-Three Thousand One Hundred Thirty-Eight and 84/100 Dollars (\$593,138.84);

WHEREAS, on August 3, 2005, the County received the fifth advance under the Loan in the amount of Nine Hundred Twenty-Four Thousand Two Hundred Ninety-Eight and 66/100 Dollars (\$924,298.66);

WHEREAS, on September 13, 2005, the County received the sixth advance under the Loan in the amount of One Million Seventy Four Thousand Five Hundred Nineteen and 93/100 Dollars (\$1,074,519.93)

WHEREAS, through its Resolution dated July 16, 2004, the Board of Supervisors of the County approved the substantial form of the Request for Advance to be used with each advance under the Loan.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS  
OF MADISON COUNTY, MISSISSIPPI:**

Section 1. The Board of Supervisors of the County hereby finds that it is necessary and in the

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

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

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public interest to request a Seventh advance in the amount of Nine Hundred Eighty Thousand Four Hundred Seventy Four and 53/100 Dollars (\$980,474.53) from the Loan to raise money for the Project.

Section 2. The Board of Supervisors of the County hereby authorizes and approves the Seventh Advance under the Loan in the amount of Nine Hundred Eighty Thousand Four Hundred Seventy Four and 53/100 Dollars (\$980,474.53) for the Project.

Section 3. The President of the Board of Supervisors and the Chancery Clerk are hereby authorized and directed to execute the Request for Seventh Advance on behalf of the County with such changes, completions, insertions and modifications as shall be approved by the officers executing same.

Section 4. The disbursement by the Trustee of the Seventh Advance to the County shall be noted on Schedule I of the Promissory Note. The repayment of the principal amount of the Seventh Advance shall be payable in monthly installments which shall be set forth on Schedule II of the Promissory Note. The term for repayment of amounts advanced hereunder shall not exceed nineteen (19) years.

Section 5. The Board of Supervisors hereby directs the Chancery Clerk to deposit and/or credit the proceeds of this advance into the 1999 Mississippi Development Bank Pool Loan Fund created in connection with the Loan.

Section 6. The Board of Supervisors authorizes and directs the Chancery Clerk to pay the invoice(s), submitted with the Request for Seventh Advance, within five (5) business days of receipt of the funds.

Section 7. The President of the Board of Supervisors and Chancery Clerk are hereby authorized and directed for and on behalf of the County to take any and all action as may be required by the County to carry out and give effect to the aforesaid documents authorized pursuant to this Resolution and to execute all papers, documents, certificates and other instruments that may be required for the carrying out of the authority conferred by this Resolution in order to evidence the authority.

Section 8. The Board of Supervisors hereby approves the Schedule of Principal Installments, as set forth in Exhibit A to this Resolution, for the Seventh Advance under the Loan to be attached to the Promissory Note entered into by the County on July 27, 2004.

EXHIBIT A  
to this Resolution is as follows:

SCHEDULE OF PRINCIPAL INSTALLMENTS

SCHEDULE II

SCHEDULE OF PRINCIPAL INSTALLMENTS

Draw #1 – monthly principal payments of \$674.36 for 237 months, and \$676.68 for the final month.

Draw #2 - monthly principal payments of \$3,734.14 for first 239 months with monthly principal payment of \$3,735.02 for remaining one (1) month.

Draw #3 – monthly principal payments of \$2,708.40 for first 227 months with monthly principal payment of \$2,708.61 for remaining one (1) month.

Draw #4 – monthly principal payments of \$2,601.49 for first 227 months with monthly principal payment of \$2,600.61 for remaining one (1) month.

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

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

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Draw #5 - monthly principal payments of \$4,053.94 for first 227 months with monthly principal payment of \$4,054.28 for remaining one (1) month.

Draw #6 - monthly principal payments of \$4,712.80 for first 227 months with monthly principal payment of \$4,714.33 for remaining one (1) month.

Draw #7 - monthly principal payments of \$4,300.33 for first 227 months with monthly principal payment of \$4,299.62 for remaining one (1) month.

Supervisor Mr. Douglas L. Jones seconded the motion to adopt the foregoing Resolution and, the question being put to a roll call vote, the result was 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 motion having received the affirmative vote of a majority of the members present, the President of the Board of Supervisors declared the motion carried and the Resolution adopted on this the 24th day of October, 2005.

SO ORDERED this the 24<sup>th</sup> day of October, 2005.

***In re: Presentation of Annual Inventory Report***

Following discussion, Mr. Andy Taggart did offer and Mr. Karl Banks did second a motion to accept and approve the 2005 annual inventory report, a true and correct copy of which 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 annual inventory report was and is hereby approved.

SO ORDERED this the 24<sup>th</sup> day of October, 2005.

***In re: Authorize Date for Public Hearings***

Following discussion, Mr. Tim Johnson did offer and Mr. Karl Banks did second a motion to set a public hearing on the following zoning applications and matters of alleged zoning violations for November 21, 2005 at 9:00 a.m. in the law library of the Madison County Circuit Courthouse and direct the Planning and Zoning Administrator Brad Sellers to prepare and cause to be published proper and sufficient notice thereof as required by law:

**Zoning Applications:**

Key Constructors, LLC - Petition for Special Exception/Surface Mining/Hwy 51  
T. Davis Gordon - Petition to Rezone/Weisenberger Road  
Community First Development - Petition to Rezone/Johnson Lane  
Dan Morgan - Petition for Special Exception/Family Cemetery  
Justin Adcock - Petition for Variance to side setback/Providence Sub.

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

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Zoning Violations:  
Minnie Bell V. Taylor Estate - Magnolia Heights  
Willis and Bonnie Sadler - Magnolia Heights  
Bobbie Winston - Turning Point Road  
Charles W. Thames - Woodlands Drive

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 public hearings were and are hereby set for Monday, November 21, 2005 at 9:00 a.m. in the law library of the Madison County Circuit Courthouse, and County Zoning Administrator Brad Sellers was and is hereby directed to publish notice thereof in accordance with law.

SO ORDERED this the 24<sup>th</sup> day of October, 2005.

***In re: Lake Caroline Planned Urban Development (PUD)***

WHEREAS, County Zoning Administrator Brad Sellers did appear before the Board and presented that certain Memorandum dated October 12, 2005 together with certain correspondence dated October 4, 2005 from the Lake Caroline Owners Association, Inc. (LCOA), a true and correct copy of all of which may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, Mr. Sellers did direct the Board's attention to the fact that certain new developments within the Lake Caroline PUD have been previously approved by the Board but the lots within those developments have not been "annexed" into the applicable covenants, and

WHEREAS Mr. Edwin L. Marsalis, Jr. did appear before the Board and requested that the Board require the developers of subdivisions within the PUD to immediately annex the lots within such development into the aforesaid covenants such that said lots and the owners thereof would be bound by thereby,

Following discussion, Mr. Karl Banks did offer and Mr. Tim Johnson did second a motion to require that, henceforth, (1) any plats submitted to the Board of Supervisors which lie within the Lake Caroline Planned Urban Development (PUD) be required to be "annexed" into the Lake Caroline covenants contemporaneously with the approval of this Board, and (2) that any building permits relative to lots within such developments be issued conditioned upon the developer's or builder's agreement to immediately annex such lots. 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 requirements were and are hereby adopted.

SO ORDERED this the 24<sup>th</sup> day of October, 2005.

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

***For Searching Reference Only:: Page 13 of 24 (10/24/05)***

***In re: Approval of Ratliff Crossing Subdivision***

WHEREAS, County Zoning Administrator Brad Sellers did appear before the Board and presented and requested approval of the preliminary plat of Ratliff Crossing, and

Following discussion, Mr. Karl Banks did offer and Mr. Tim Johnson did second a motion to (1) approve said preliminary plat, (2) grant an exception/variance to allow the lot size be reduced from 5 acres to 2.5 acres, and (3) allow said subdivision to be built on a private gravel road. The vote on the matter being as follows:

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

the matter carried by a majority vote (4-1) and said preliminary plat was and is hereby approved and the aforesaid exceptions/variances approved.

SO ORDERED this the 24th day of October, 2005.

***In re: Approval of Temporary Employment of Ronald D. Gross - Road Department***

WHEREAS, County Road Department Business Manager Bill Murphy did appear before the Board and requested approval of the temporary employment of Mr. Ronald D. Gross as an Inventory Control Clerk for the Road Department for a period not to exceed ninety (90) days, and

Following discussion, Mr. Tim Johnson did offer and Mr. Karl Banks did second a motion to approve the temporary employment of Mr. Ronald D. Gross. 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 said temporary employment of Mr. Ronald D. Gross was and is hereby approved.

SO ORDERED this the 24th day of October, 2005.

***In re: Evaluation and Study of County Road Department***

Following discussion, Mr. Douglas L. Jones did offer and Mr. Andy Taggart did second a motion to approve an evaluation of the Road Department and authorize Board President to execute a contract with the firm Management Analysis, Inc. in an amount not to exceed \$40,000 to carry out the same. The vote on the matter being as follows:

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

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the matter failed by a vote of two (2) in favor and (3) against.

SO ORDERED this the 24th day of October, 2005.

***In re: Approval and Acceptance of Temporary Use/Work Permit  
From Ms. Willie Steen Battle of 460 Kearney Park Road***

Following discussion, Mr. Karl Banks did offer and Mr. Tim Johnson did second a motion to approve and accept a temporary use/work permit from Ms. Willie Steen Battle pertaining to the construction of a water course relief ditch at 460 Kearney Park Road. 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 temporary use/work permit was and is hereby approved and accepted.

SO ORDERED this the 24th day of October, 2005.

***In re: Request for Culvert Placement - Road Department***

WHEREAS, County Road Department Business Manager Bill Murphy did appear before the Board and requested the approval of culvert placements as set forth in that certain spreadsheet attached hereto as Exhibit L, and

Following discussion, Mr. Tim Johnson did offer and Mr. Karl Banks did second a motion to approve the request for said culvert placements. 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
Supervisor Paul Griffin	Aye

the matter carried by a majority vote of 4-1 and said culvert placements were and are hereby approved.

SO ORDERED this the 24th day of October, 2005.

***In re: Improvements to Annandale Club Drive and the  
Posting of Said Road to Certain Traffic***

**ORDINANCE**

Following lengthy discussion and debate, Mr. Andy Taggart did offer and Mr. Tim Johnson did second a motion to **(1)** prohibit commercial truck traffic on Annandale Club Drive without a permit and to direct the Road Department to post a "No Commercial Truck Traffic Without Permit" sign thereon; and **(2)** grant discretion to the Road Department to prorate the cost for repairs among the permitted vehicles as the same may relate to the damage inflicted upon said road by said vehicles. The vote on the matter being as follows:

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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 commercial truck traffic on Annandale Club Drive was and is hereby prohibited without the issuance of a permit, and the Road Department was and is so directed accordingly.

SO ORDERED this the 24th day of October, 2005.

Thereafter, Mr. Andy Taggart did offer and Mr. Karl Banks did second a motion to impose a fine of \$250 to \$500 for violation of the aforesaid Order. 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 <sup>2</sup>
Supervisor Paul Griffin	Aye

the matter carried unanimously and said fine was and is so imposed.

SO ORDERED this the 24th day of October, 2005.

***In re: Approval of FY 2006 Bridge Inspection Program Agreement and Project Order Project Nos. BR-NBIS (065)B / BRIS-45(65) and BR-NBIS (066)B / BRIS-45(66)***

WHEREAS, County Administrator Donnie Caughman did appear before the Board on behalf of State Aid and LSBP Engineer Keith O’Keefe and presented that certain item of correspondence dated July 13, 2005 from J. Brooks Miller with the Office of State Aid Road Construction within the Mississippi Department of Transportation, together with its enclosure entitled “Program, Agreement and Project Order for Inspection of Designated Bridges in Madison County for the Fiscal Year 2006," and

WHEREAS, Mr. Caughman reported that Mr. O’Keefe had recommended the Board’s immediate consideration and approval thereof,

Following discussion, Mr. Tim Johnson did offer and Mr. Douglas L. Jones did second a motion to approve said “Program, Agreement and Project Order for Inspection of Designated Bridges in Madison County for the Fiscal Year 2006," and authorize and direct the Board President and the Chancery Clerk to execute the same. 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 document was and is hereby approved and the Board President and the Chancery Clerk were and are authorized and directed

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<sup>2</sup>After casting his vote on this matter, Mr. Banks briefly excused himself from the meeting.

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



accordingly.

SO ORDERED this the 24<sup>th</sup> day of October, 2005.

***In re: Damage to County Fire Truck on Loan to City of Canton***

WHEREAS, County Fire Coordinator Tom Lariviere did appear before the Board and explained that a county-owned fire truck on loan to the City of Canton in exchange for the City's agreement to act as a first responder to fires in certain part of the county adjacent to the City had been damaged in a recent accident and an estimate from the county's insurer would be forthcoming, and

WHEREAS, Chief Lariviere did recommend that the Board consider declaring said truck junk, selling the same assuming insurance proceeds were sufficient and then purchasing a new truck with the funds generated thereby

Following discussion, Mr. Andy Taggart did offer and Mr. Tim Johnson did second a motion to authorize County Administrator Donnie Caughman and Chief Lariviere to confer and prepare a firm recommendation to the Board on how to proceed once an insurance estimate is received. 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 Chief and Mr. Caughman were and are so authorized and directed.

SO ORDERED this the 24<sup>th</sup> day of October, 2005.

***In re: Reunion Parkway Phase II***

WHEREAS, County Engineer Rudy Warnock did appear before the Board and presented a status report on Reunion Parkway Phase II, and

WHEREAS, Mr. Warnock did request that the Board consider and approve Change Order No. 2, a true and correct copy of which is attached hereto as Exhibit M, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Warnock did further recommend that said Change Order be approved in an amount not to exceed \$343,919.50 and with an option to terminate the agreement contemplated therein in favor of using a county contractor to perform the services outlined therein should such contingency prove to be in the ultimate best interest of the county,

Following discussion, Mr. Andy Taggart did offer and Mr. Karl M. Banks<sup>3</sup> did second a motion to approve the aforesaid Change Order No. 2 upon the terms and conditions recommended by the County Engineer as set forth herein above. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye

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<sup>3</sup>Mr. Banks returned prior to offering his second to the motion.

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Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said Change Order No. 2 was and is hereby approved subject to the provisos aforesaid.

SO ORDERED this the 24<sup>th</sup> day of October, 2005.

Thereafter, and following further discussion, Mr. Andy Taggart did offer and Mr. Karl M. Banks did second a motion to authorize and direct Board Attorney Edmund L. Brunini, Jr. to prepare all necessary legal documentation to effectuate the Board's approval of Change Order No. 2 and the provisos associated therewith. 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 Attorney was and is so authorized and directed.

SO ORDERED this the 24<sup>th</sup> day of October, 2005.

***In re: Contract for Debris Removal with Foshee Construction Co., Inc.***

WHEREAS, Mr. Jim Foshee did appear before the Board for the purpose of contesting the denial by County Engineer Rudy Warnock (acting in his capacity as the county's debris removal contract administrator) of payment for certain load tickets representing numerous cubic yards of material delivered by Foshee's workers to the county's debris removal site on October 10 and October 11, 2005, such tickets representing in excess of \$12,000 in revenue to him under his company's contract with the county, and

WHEREAS, Mr. Foshee did contend that although his workers went on private property owned by Mr. Foshee himself and removed certain material therefrom and delivered the same to the county's debris removal site, this was nothing more than what would have been done for any other citizen of the county, and

WHEREAS, County Engineer Rudy Warnock together with his assistant, Mr. Warner Rice, did also appear before the Board and defended the denial of payment, reporting that it was undisputed that Mr. Foshee's workers went on Mr. Foshee's own private property and cut and removed foliage and transported the same to the county's debris removal site in violation of state law and FEMA guidelines, and

WHEREAS, Mr. Warnock did further point out that the payment of tickets for debris removed from private property as opposed to county right of way could jeopardize federal reimbursement for the project,

Following discussion, Mr. Karl M. Banks did offer and Mr. Douglas L. Jones did second a motion to uphold the decision of the contract administrator and deny payment of all such tickets, the originals of which 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

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Supervisor Karl M. Banks                      Aye  
Supervisor Paul Griffin                      Aye

the matter carried unanimously and said decision was and is upheld and payment for said tickets was and is hereby denied.

SO ORDERED this the 24<sup>th</sup> day of October, 2005.

***In re: Authorization of County Engineer to Survey and Stake Phillips Road***

Following discussion, and upon the request of County Engineer Rudy Warnock Mr. Karl M. Banks did offer and Mr. Andy Taggart did second a motion to authorize and direct Mr. Warnock and his firm to survey and stake such portions of Phillips Road as he deems necessary in order to ascertain whether it is above FEMA flood plains. 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. Warnock was and is so authorized.

SO ORDERED this the 24<sup>th</sup> day of October, 2005.

***In re: Adoption, Approval and Ratification of Emergency Purchase Declaration issued October 13, 2005***

Following discussion, Mr. Karl M. Banks did offer and Mr. Andy Taggart did second a motion to adopt, approve and ratify the Emergency Declaration concerning a power failure to POD E at the Madison County Detention Center on October 13, 2005, a true and correct copy which is attached hereto as Exhibit N, spread hereupon, and incorporated herein by reference and to ratify all actions taken in connection therewith. The vote on the matter being as follows:

Supervisor Douglas L. Jones                      Aye  
Supervisor Tim Johnson                      Not Present and Not Voting<sup>4</sup>  
Supervisor Andy Taggart                      Aye  
Supervisor Karl M. Banks                      Aye  
Supervisor Paul Griffin                      Aye

the matter carried unanimously and said Emergency Declaration was and is hereby adopted, approved and ratified.

SO ORDERED this the 24<sup>th</sup> day of October, 2005.

***In re: Acceptance of Lowest and Best Bid for Chancery Clerk's Backscanning Project and Approval and Awarding of Contract***

WHEREAS, Chancery Clerk Arthur Johnston did appear before the Board and reported that

\_\_\_\_\_

<sup>4</sup>Prior to the call of the question, Mr. Johnson briefly excused himself from the meeting and returned after the vote was taken.

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on October 18, 2005, bids were opened bids on the Chancery Clerk's imaging and scanning project pertaining to records filed in prior to January 1, 2000, the publication of the advertisement for the same having been approved on September 19, 2005 and such publication having occurred in the *Madison County Herald* on September 29, 2005 and October 6, 2005, and

WHEREAS, in response to said advertisement, bid packages were issued to the following six (6) companies:

- (1) Homeland Title – Jackson, MS
- (2) Document Imaging Solutions – Jackson, MS
- (3) Mississippi Filing Systems – Jackson, MS
- (4) Matrix Solutions – Flowood, MS
- (5) LMI – Jackson, MS
- (6) Service Specialists – Ridgeland, MS, and

WHEREAS, three (3) of said companies submitted timely and proper bids, to-wit:

- |                                |    |               |
|--------------------------------|----|---------------|
| (1) Mississippi Filing Systems | -- | \$90,000      |
| (2) Service Specialists        | -- | \$77,000      |
| (3) LMI                        | -- | \$67,025, and |

WHEREAS, Mr. Johnston reported that he and his staff had reviewed the bids submitted by each company and recommended the Board declare the bid of LMI to be the lowest and best bid received in response to said advertisement and approve a contract with said firm, and

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

Following discussion, Mr. Karl M. Banks did offer and Mr. Andy Taggart did second a motion to declare the bid of LMI as the lowest and best bid received in response to the advertisement for the same, award the contract for said project to said firm, and approve – and authorize and direct the Board President to execute – that certain contract which is attached hereto as Exhibit O. 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 LMI was and is declared the lowest and best bidder as to said project, the backscanning project contract was and is hereby awarded to said firm, and the contract which is appended hereto as Exhibit O was and is hereby approved and the Board President was and is authorized and directed to execute the same.

SO ORDERED this the 24<sup>th</sup> day of October, 2005.

***In re: Records Storage, Preservation and Restoration Plan for Madison County and Approval of Contract with the Chancery Clerk to Provide Therefor***

WHEREAS, Chancery Clerk Arthur Johnston did appear before the Board and reported that thanks to the work of four (4) summer interns in his office, Devan Strange (Camden), Devin Hood (Madison), Erin Clark (Gluckstadt), and LaFreida Garrett (Canton), the backlog in the County's Archives and Records Center was eliminated and the Center restored to an acceptable condition, and

WHEREAS, Mr. Johnston presented a general plan for on-going records management in

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Madison County as outlined in that certain memorandum dated October 21, 2005, a true and a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Karl M. Banks did offer and Mr. Douglas L. Jones did second a motion to (1) adopt said management plan as recommended by the Clerk and (2) authorize and approve a contract with the Clerk for records restoration and management, a true and correct copy of which is attached hereto as Exhibit P, 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 records management plan was and is hereby approved and the contract with the Clerk for records restoration and management was and is likewise approved and the Board President was and is authorized and directed to execute the same.

SO ORDERED this the 24<sup>th</sup> day of October, 2005.

***In re: Re-bidding Highway 463 Property***

WHEREAS, on February 18, 2005, the Board accepted the highest and best bid of Ed Kennedy for the purchase of certain county-owned property on Highway 463 following the advertisement for the acceptance of sealed bids thereon, and

WHEREAS, Chancery Clerk Arthur Johnston did appear before the Board and reported that because the advertisement for the sale of said property was published only twice instead of the statutorily required three times, the purchaser, Dr. Ed Kennedy, had encountered title problems and had been unable to secure title insurance and was therefore unable to finance the construction of certain improvements thereon,

Following discussion, Mr. Andy Taggart did offer and Mr. Karl M. Banks did second a motion to rescind the sale of said property as approved by this Board on February 18, 2005 and refund unto Dr. Kennedy the entirety of the purchase price without interest, contingent upon receipt of a deed of conveyance from Dr. Kennedy to the county. 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 sale was and is hereby rescinded and said refund was and is hereby approved.

SO ORDERED this the 24<sup>th</sup> day of October, 2005.

***In re: Hazard Mitigation Plan for Madison County***

WHEREAS, County Administrator Donnie Caughman did appear before the Board and advised that the County's hazard mitigation plan had been reviewed and accepted by MEMA and FEMA but that public notice of the same would be necessary,

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Following discussion, Mr. Douglas L. Jones did offer and Mr. Tim Johnson did second a motion to authorize and direct the publication of notice that said hazard mitigation plan is on file both in the office of the Chancery Clerk and in the office of the County Administrator. 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 authorized to issue publication of said notice.

SO ORDERED this the 24<sup>th</sup> day of October, 2005.

***In re: Addition to County and Administrative Office Building***

WHEREAS, Mr. J. Carl Franco with J H & H Architects did appear before the Board and reported that due to the escalation of material and supply prices in the aftermath of Hurricane Katrina, his firm anticipated a substantial increase in the cost of the construction of the proposed addition to the Chancery and Administrative Building, such increase totaling as much as \$787,362,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to direct and instruct Mr. Franco's firm to (1) proceed with the preparation of bid documents as originally designed, the proposed increase in cost notwithstanding and (2) bid said project as quickly as possible. 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 J H & H was and is so authorized and instructed.

SO ORDERED this the 24<sup>th</sup> day of October, 2005.

***In re: Meeting Schedule of the Madison County Board of Supervisors for the Month of November, 2005***

Following discussion, Mr. Andy Taggart did offer and Mr. Karl M. Banks did second a motion to find, determine and declare that the Board of Supervisors of Madison County will meet only on November 7, 2005 and November 21, 2005 at its regular meeting place and time due to the imposition of the Thanksgiving Holiday. 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 meeting schedule was and is hereby established.

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

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

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SO ORDERED this the 24<sup>th</sup> day of October, 2005.

***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 and,

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 that certain matter of litigation bearing Cause No. 2003-AN-00390-SCT and captioned “In the Matter of the Enlargement and Extension of the Municipal Boundaries of the City of Jackson, Mississippi . . .” on the docket of the Supreme Court of Mississippi, 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, County Comptroller Mark Houston, and Patrick Rand, Esq, an attorney with the law firm of Montgomery, McGraw, Collins & Rand, PLLC, representing the county in said cause. 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 24<sup>th</sup> day of October, 2005.

***In re: Entering into Executive Session***

WHEREAS, a discussion of the nature of the matters requiring Executive Session was had and the Chancery Clerk and Board Attorney informed the Board that Mr. Rand desired to discuss certain matters arising out of the recent decision of the Mississippi Supreme Court in the above referenced cause,

Following a discussion, Mr. Douglas L. Jones did offer and Mr. Tim Johnson did second a motion to enter into Executive Session to discuss the aforesaid litigation matters 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 unanimously and President Griffin declared the Board of Supervisors to be in Executive Session for the consideration of such matters and the Chancery Clerk announced to the public the purpose for the Executive Session.

SO ORDERED this the 24<sup>th</sup> day of October, 2005.

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

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Thereafter, and following a lengthy discussion, Mr. Andy Taggart did offer and Mr. Karl M. Banks did second a motion to authorize and direct Patrick Rand, Esq. to (1) represent the county and prepare and present to the trial court on remand an order sufficient to comply with the directives of the Mississippi Supreme Court as outlined in that Court's Opinion and Order of October 13, 2005 in that certain matter bearing Cause No. 2003-AN-00390-SCT and captioned "In the Matter of the Enlargement and Extension of the Municipal Boundaries of the City of Jackson, Mississippi . . ." and (2) conduct an investigation into whether actual fraud occurred with regard to the securing of signatures on various petitions filed prior to the trial of said cause sufficient to give rise to a motion under Rule 60(b) of the Mississippi Rules of Civil Procedure and to report on said investigation to the Board during the November term. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Not Present and Not Voting <sup>5</sup>
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 offer was and is accepted for the reasons and on the terms and conditions set forth herein above.

SO ORDERED this the 24<sup>th</sup> day of October, 2005.

Following discussion, Mr. Douglas L. Jones did offer and the Board President did second a motion to come out of Executive Session and direct the Board Attorney to announce to the public the action taken therein. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and Board Attorney Edmund L. Brunini, Jr. did announce to the public the actions taken therein.

SO ORDERED this the 24<sup>th</sup> day of October, 2005.

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor Douglas L. Jones and seconded by the Board President and approved by the unanimous vote of the Board members present, the meeting of the Board of Supervisors was adjourned.

\_\_\_\_\_  
Paul Griffin, President  
Madison County Board of Supervisors

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

ATTEST:

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

<sup>5</sup>Prior to the call of the question, Mr. Johnson excused himself from the meeting.

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

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