

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

REGULAR MEETING OF SEPTEMBER 19, 2005
Recessed from regular meeting conducted on September 15, 2005

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on September 15, 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
Board Secretary Cynthia Parker
Board Attorney Edmund L. Brunini, Jr.

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

***In re: Designation of MMC Materials, Inc. as Sole Source
for No. 7 and No. 57 Washed Limestone***

WHEREAS, County Purchase Clerk Hardy Crunk did appear before the Board and presented that certain memorandum dated September 19, 2005, a true and correct copy of which, together with a quote from MMC Materials, Inc. is attached hereto as Exhibit A, spread hereupon and incorporated herein by reference, and

WHEREAS, the county's term bidder, Martin Marietta, did not have any No. 7 or No. 57 Washed Limestone in stock, and said materials are immediately needed by the County Road Department to continue the Sutherland and Stump Bridge Roads project,

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to find, determine and declare that MMC Materials, Inc. was and is the sole source vendor of No. 7 and No. 57 Washed Limestone. 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
Supervisor Paul Griffin

Aye
Aye

the matter carried unanimously and MMC Materials, Inc. was and is hereby determined and declared to be a sole source vendor of No. 7 and No. 57 Washed Limestone.

SO ORDERED this the 19th day of September, 2005.

***In re: Petition of Pat Russell and Russell Trucking
for a Special Exception to the Zoning Ordinance of Madison
County to Allow Surface Mining in an A-1 Residential District***

WHEREAS, County Zoning Administrator Brad Sellers and Mr. Pat Russell did appear before the Board for a public hearing on Mr. Russell's request for a Special Exception to allow surface mining until May 1, 2008, in and on certain property owned by him on the corner of Virillia and Stokes Roads in section 20, T9N-R2E 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 July 7, 2005, and

WHEREAS, the matter having been originally set for hearing on July 27, 2005, then by order of this Board continued until August 18, 2005, and, on that date, continued until today, and

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

WHEREAS, the Planning Commission did recommend denial of said Petition, and

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to close the public hearing and deny the Special Exception request due to safety issues. 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 the public hearing on the petition of Pat Russell and Russell Trucking seeking to conduct surface mining on the corner of Virillia and Stokes Roads in section 20, T9N-R2E in Madison County, Mississippi was and is hereby closed and said request was and is hereby denied.

SO ORDERED this the 19th day of September, 2005.

***In re: Petition of Klaas Plantation LLC to Rezone
Property on Yandell Road From R-1 to R-2***

**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 Klaas Plantation LLC seeking rezoning of certain property, pursuant to the Zoning Ordinance of Madison County, MS, and to amend the Zoning

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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 September 1, 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 did appear before the Board on behalf of the Petitioners for a public hearing seeking to rezone a certain tract from its present R-1 Residential District to R-2 Residential District, and

WHEREAS, Mr. Horace Lester and Mr. Darryl Breland did appear before the Board and urged the approval of the request, and

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

Following discussion, Mr. Karl M. Banks did offer and Mr. Douglas L. Jones did second a motion to close the public hearing, approve the petitioner's request and adopt the following Ordinance, to-wit:

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

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

Commence at the intersection of the north right-of-way line of Yandell Road and the west line of the East Half of the East Half of the Southeast Quarter of the Southwest Quarter of Section 23, Township 8 North, Range 2 East, Madison County, Mississippi. Said right-of-way line is the north boundary of that certain 70' wide strip of land conveyed to Madison County and described in the Warranty Deed filed for record in the office of the Chancery Clerk of Madison County, Mississippi, in Deed Book 276 beginning at Page 541, reference to which is hereby made for all purposes. The west line of said East Half of the East Half of the Southeast Quarter of the Southwest Quarter of Section 23 is marked on the ground by a long established fence line running northerly from Yandell Road along a line which is 990 feet, more or less, east of the west line of said Southeast Quarter of the Southwest Quarter of said Section 23.

From said point of commencement, run thence North 00° 15' 25" West along the fence line marking the west line of said East Half of the East Half of the Southeast Quarter of the Southwest Quarter of Section 23 for a distance of 520.51' to an iron pin at the fence corner marking the southwest corner of that certain 1 acre parcel of land conveyed by Warranty Deed filed for record in the office of said Chancery Clerk in Book 332 beginning at Page 180 thereof, reference to which is hereby made for all purposes; continue thence North 00° 15' 25" West along the fence line marking the west line of said East Half of the East Half of the Southeast Quarter of the Southwest Quarter of Section 23 for a distance of 435.6' to the point of beginning of the parcel of land described as follows, to-wit:

Continue thence North 00° 15' 25" West for a distance of 2,968.37' to a point; run thence North 89° 52' 52" East for a distance of 330.00' to a point; run thence South 00° 15' 25" East for a distance of 660.00' to a point; run thence North 89° 52' 52" East for a distance of 460.26' to a point; run thence South 00° 15' 07" East for a distance of 1,778.50' to a point; run thence South 89° 50' 11" West for a distance of 171.90' to a point on the west boundary of that certain 6 acre

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parcel of land conveyed by and described in that certain Warranty Deed filed for record in the office of said Chancery Clerk in Book 242 beginning at Page 474 thereof, reference to which is hereby made for all purposes; run thence South 00° 09' 49" East along the west boundary of said 6 acre parcel for a distance of 1,487.75' to a point on said north right-of-way line of Yandell Road as follows: run thence North 89° 31' 21" West for a distance of 54.87' to the point of curvature of a curve to the left subtending a partial central angle of 00° 53' 30" and having a radius of 19,311.70 feet; continue along said curve to the left counterclockwise for an arc distance of 300.54' (chord bearing and distance: North 89° 58' 06" West, 300.54') to a point; run thence South 89° 35' 09" West for a distance of 160.38' to a point; leaving said north right-of-way line of Yandell Road, run thence North 00° 15' 25" West along a line which is 100' east of and parallel to the fence line marking west line of said East Half of the East Half of the Southeast Quarter of the Southwest Quarter of Section 23 for a distance of 957.73' to a point; run thence South 89° 44' 35" West for a distance of 100.00' to the point of beginning.

The above described parcel of land is situated in the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4), in the Northeast Quarter (NE1/4) of the Southwest Quarter (SW1/4), in the Southeast Quarter (SE1/4) of the Northwest Quarter (NW1/4), in the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4), in the Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4) and in the Southwest Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section 23, Township 8 North, Range 2 East, Madison County, Mississippi, and contains 56.124 acres, more or less. Bearings used in this description refer to the State Plane Coordinate System (Transverse Mercator Projection) for the West Zone of Mississippi North American Datum 1983. Grid North is 00° 08' 17" clockwise of True North.

2. That the Madison County Zoning Ordinance, 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 subject to the provisos set forth herein above.

ORDAINED, ADOPTED AND APPROVED by the Board of Supervisors of Madison County, Mississippi, at a meeting thereof held on the 19th day of September, 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	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and the Petition of Klaas Plantation LLC 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 19th day of September, 2005.

In re: Petition of Stribling Lake LLC to Rezone Certain Property on Stribling Road From A-1 to R-1B w/PUD Overlay

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

President's Initials: _____

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REZONING AND RECLASSIFYING REAL PROPERTY

WHEREAS, Stribling Lake LLC did file an Application to rezone certain property from its present A-1 Agricultural Use District Classification to a R-1B Residential Use Classification with a Planned Unit Development (PUD) Overlay, 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 September 1, 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 did appear before the Board on behalf of the Petitioners for a public hearing seeking to rezone a certain tract from its present A-1 Agricultural District to a R-1B Residential Use District with Planned Unit Development Overlay, and

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

WHEREAS, Mr. Horace Lester and Mr. Ken Primos did appear before the Board representing the petitioner and explained that Stribling Lake LLC proposes to mirror the two developments on the south side of Stribling Road on the north west., and

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

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to close public hearing 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 Use District Classification to a R-1B Use District with Planned Unit Development Overlay, to wit:

A parcel of land containing 148.63 acres (6,474,284.54 square feet), more or less, (usable land being 146.56 acres, more or less), being situated in Section 15, North of Stribling Road, Township 8 North, Range 1 East, Madison County, Mississippi, and being more particularly described by metes and bounds as follows:

Commence at a set iron pin 1335.20 feet South and 2153.17 feet East of the Northwest corner of Section 15, per that deed recorded in Book 535 Page 644 of the Madison County Land Records, said pin being on the Western top bank of a ditch and also being the POINT OF BEGINNING for the parcel herein described; thence run along said western bank of ditch the following calls:

South 53 degrees 39 minutes 04 seconds West for a distance of 143.50 feet; South 36 degrees 37 minutes 50 seconds West for a distance of 372.99 feet; South 35 degrees 00 minutes 49 seconds West for a distance of 230.98 feet; South 45 degrees 09 minutes 27 seconds West for a distance of 371.98 feet; South 44 degrees 55 minutes 04 seconds West for a distance of 195.60 feet; South 36 degrees 06 minutes 20 seconds West for a distance of 101.51 feet; South 18 degrees 39 minutes 31 seconds West for a distance of 165.36 feet; South 20 degrees 20 minutes 30 seconds West for a distance of 143.06 feet; South 03 degrees 19 minutes 44 seconds West for a distance of 177.38 feet; South 04 degrees 15 minutes 25 seconds East for a distance of 193.00 feet; South 01 degrees 58 minutes 37

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seconds East for a distance of 258.80 feet; South 08 degrees 50 minutes 19 seconds East for a distance of 175.48 feet; South 35 degrees 44 minutes 43 seconds East for a distance of 96.50 feet; South 43 degrees 40 minutes 59 seconds East for a distance of 152.71 feet to the Northern Right of Way line of Stribling Road; thence leave said western bank of ditch and run along said right of way North 63 degrees 28 minutes 52 seconds East for a distance of 1752.44 feet; thence run 921.49 feet along the arc of a 1367.46 foot radius curve to the right, said arc having a 904.15 foot chord bearing North 82 degrees 47 minutes 10 seconds East; thence South 77 degrees 54 minutes 32 seconds East for a distance of 282.11 feet; thence North 12 degrees 05 minutes 28 seconds East for a distance of 15.00 feet; thence run 526.25 feet along the arc of a 4357.33 foot radius curve to the left, said arc having a 525.93 foot chord bearing South 81 degrees 22 minutes 08 seconds East; thence leave said right of way and run North 00 degrees 15 minutes 04 seconds East for a distance of 1691.82 feet; thence North 89 degrees 43 minutes 06 seconds West for a distance of 1795.27 feet; thence North 89 degrees 43 minutes 06 seconds West for a distance of 1306.58 feet to the POINT OF BEGINNING.

2. That the Madison County Zoning Ordinance, 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, provided, however, that approval of the Board of Supervisors must be obtained prior to any changes to the master plan, the covenants associated with said property, and the architectural guidelines submitted in connection with this zoning request until such time as the homeowners in the development have control over the architectural review committee, and provided, however, that as to the latter, a public hearing be held.

ORDAINED, ADOPTED AND APPROVED by the Board of Supervisors of Madison County, Mississippi, at a meeting thereof held on the 19th day of September, 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	Aye
Supervisor Andy Taggart	No
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by a majority vote (4-1) of the Board and the public hearing on the petition of Stribling Lake LLC seeking rezoning of that 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 R-1B Residential District with Planned Unit Development Overlay 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 19th day of September, 2005.

In re: Petition of Jerry Sumrall to Rezone Certain Property From A-1 to R-2 on Brown Road East

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

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_____ WHEREAS, the Board of Supervisors had previously advertised its intent to conduct a public hearing concerning the petition of Jerry Sumrall 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 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 September 1, 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 on behalf of the Petitioners for a public hearing seeking to rezone a certain tract from its present A-1 Agricultural District to R-2 Residential District, and

WHEREAS, Mr. Jerry Sumrall did appear before the Board in support of said request, pointing out that the Board had previously, on July 18, 2005, approved the use of EnviroFilter Model C system as the means of wastewater treatment for purposes of proceeding through the zoning application process subject to the Mississippi State Department of Health providing temporary permits as to each location and subject to the certification of backup systems by the County Engineer, limited to this one circumstance as a test and subject to a maximum of twenty (20) acres, and

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

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to close the public hearing, approve the petitioner's 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 R-2 Residential District, said property is described as follows, to wit:

A parcel of land situated in Section 13, T10N-R2E, Madison County, Mississippi, being more particularly described as follows:

The NW 1/4 of the SE 1/4, Section 13, T10N-R2E, and the NE 1/4 of the SE 1/4 of Section 13, T10N-R2E, Madison County, Mississippi,

2. That the Madison County Zoning Ordinance 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 Board approval be required in order to effectuate any change in the covenants associated with said development until such time as 50% or more of the lots in said development have sold to individual owners.

ORDAINED, ADOPTED AND APPROVED by the Board of Supervisors of Madison County, Mississippi, at a meeting thereof held on the 19th day of September, 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

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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

the matter carried unanimously and the Petition of Jerry Sumrall seeking rezoning of certain property, pursuant to the Zoning Ordinance of Madison County, Mississippi, and to amend the Zoning Maps adopted pursuant thereto by requesting said property be rezoned from its present A-1 Agricultural 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 19th day of September, 2005.

***In re: Petition of Tom Miller to Rezone Certain Property
From A-1 to R-2 w/PUD Overlay on King Ranch Road***

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

WHEREAS, Mr. Tom Miller and Mr. Joe Farb did file an Application to rezone certain property from its present A-1 Agricultural Use District Classification to a R-2 Residential Use Classification with a Planned Unit Development (PUD) Overlay, 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 September 1, 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 on behalf of the Petitioners for a public hearing seeking to rezone a certain tract from its present A-1 Agricultural District to a R-2 Residential Use District with Planned Unit Development Overlay, and

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

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

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to close public hearing 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 Use District Classification to a R-2 Use District with Planned Unit Development Overlay, to wit:

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A parcel or tract of land containing 48 acres, more or less, lying and being situated in the SE 1/4 of section 14, T9N-R2E, Madison County, MS, and being more particularly described as follows:

Beginning at the NE corner of the SE 1/4 of said Section 14, T9N-R2E; run thence S 00 degrees 11 minutes 00 seconds West along the Easterly boundary of the Se 1/4 of said Section 14 for a distance of 910.60 feet; thence leaving said Easterly boundary of said SE 1/4, run north 89 degrees 55 minutes West for a distance of 2382 feet, more or less, to the Easterly right-of-way of interstate Highway 55; thence Northerly along said Easterly right-of-way of Intestate highway 55 to the Northerly boundary of the SE 1/4 of said Section 14; thence leaving said Easterly right-of-way of said interstate Highway 55, run easterly along the Northerly boundary of the SE 1/4 of said Section 14 to the Point of Beginning of the above described parcel or tract of land.

2. That the Madison County Zoning Ordinance, 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, provided, however, that the covenants be amended to the satisfaction of County Zoning Administrator Brad Sellers so as to require the developer to maintain a buffer zone along the ditch depicted on the master plan and so as to provide for the maintenance of said ditch and the drainage and runoff associated therewith.

ORDAINED, ADOPTED AND APPROVED by the Board of Supervisors of Madison County, Mississippi, at a meeting thereof held on the 19th day of September, 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	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and the public hearing on the petition of Tom Miller and Mr. Joe Farb seeking rezoning of that 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 R-2 Residential District with Planned Unit Development Overlay 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 19th day of September, 2005.

***In re: Petition of Lessie Warren for Emergency
Permit for Mobile Home in an R-2 District***

WHEREAS, County Zoning Administrator Brad Sellers did appear before the Board and presented the request of Ms. Lessie Warren seeking an emergency permit for placing a mobile home in an R-2 Residential District, and

WHEREAS, Ms. Warren appeared before the Board and explained that her home in Magnolia Heights was destroyed by Hurricane Katrina and she desired to replace her home with another mobile home,

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Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to approve the issuance of an emergency permit allowing Ms. Lessie Warren to erect a mobile home in an R-2 District in Magnolia Heights for a period of three (3) years. 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. Warren was and is hereby granted an emergency permit to erect a mobile home in an R-2 District for a period not to exceed three (3) years.

SO ORDERED this the 19th day of September, 2005.

In re: Petition of Sarah Guild for an Emergency Permit for Mobile Home in an R-1 District

WHEREAS, County Zoning Administrator Brad Sellers did appear before the Board and presented the request of Ms. Sarah Guild seeking an emergency permit for placing a mobile home in an R-1 Residential District, and

WHEREAS, Ms. Guild appeared before the Board and explained that she desired to place a temporary mobile home on her property so as to allow her daughter, who was displaced from New Orleans due to Hurricane Katrina, to have a temporary place to live,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to approve the issuance of an emergency permit allowing Ms. Sarah Guild to erect a mobile home in an R-1 District for a period of three (3) years. 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. Warren was and is hereby granted an emergency permit to erect a mobile home in an R-1 District for a period not to exceed three (3) years.

SO ORDERED this the 19th day of September, 2005.

In re: Request of Tim Walker for Exemption to Haul Dirt Aaron Lane

WHEREAS, County Zoning Administrator Brad Sellers did appear before the Board together with Mr. Tim Walker seeking an exemption from the county's surface mining requirements so as to allow Mr. Walker to haul dirt from Aaron Lane in District 3,

Following discussion, Mr. Andy Taggart did offer and Mr. Karl M. Banks did second a motion to allow the hauling requested by Mr. Walker, provided, however, that the route to be used for such hauling be limited to Aaron Lane, Hickory Road west on Lake Castle to Livingston Road, with no traffic to travels east on Lake Castle, with all such work to be complete within three (3) weeks. The vote on the matter being as follows:

President's Initials: _____

Date Signed: _____

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 request was and is hereby granted subject to the foregoing limitations as to route and duration.

SO ORDERED this the 19th day of September, 2005.

In re: Approval of Preliminary Plat of Belle Terre Part II Subdivision

WHEREAS, County Zoning Administrator Brad Sellers appeared before the Board of Supervisors and presented a preliminary plat for Belle Terre Part II Subdivision and requested the Board to approve said preliminary plat,

Following discussion of this matter, Mr. Andy Taggart did offer and Mr. Karl M. Banks did second a motion to approve said preliminary plat. 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 unanimously and the preliminary plat of Belle Terre Part II Subdivision was and is hereby approved.

SO ORDERED this the 19th day of September, 2005.

In re: Approval of Preliminary Plat of The Shores at Caroline Subdivision

WHEREAS, County Zoning Administrator Brad Sellers appeared before the Board of Supervisors and presented a preliminary plat for The Shores at Caroline Subdivision and requested the Board to approve said preliminary plat,

Following discussion of this matter, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to approve said preliminary plat. 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 unanimously and the preliminary plat of the Shores at Caroline Subdivision was and is hereby approved.

SO ORDERED this the 19th day of September, 2005.

President's Initials: _____

Date Signed: _____

In re: Approval of Hourly Contract for FEMA Flood Map Modernization for Madison County with Billy E. Colson, P. E. (Aqua Engineering Services, Ltd.)

WHEREAS, County Zoning Administrator Brad Sellers did appear before the Board and presented a proposed contract with Billy E. Colson, P. E. with Aqua Engineering, Ltd for hydraulic and hydrologic engineering consultation related to the flood map modernization for Madison County, and

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

Following discussion, Mr. Karl M. Banks did offer and Mr. Andy Taggart did second a motion to authorize and approve said letter agreement and authorize and direct the Board President 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	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said contract was and is hereby approved.

SO ORDERED this the 19th day of September, 2005.

In re: Approval and Hiring of Adolescent Offender Program Director

WHEREAS, County Judge William Agin did appear before the Board together with County Judge Cynthia L. Brewer and recommended that the Board hire Ms. Shelia Denise Thomas as Director of the Madison County Adolescent Offender Program effective September 26, 2005 at a salary of \$35,000 per year,

Following discussion, Mr. Karl M. Banks did offer and Mr. Andy Taggart did second a motion to approve the hiring of Ms. Shelia Denise Thomas as Director of the Madison County Adolescent Offender Program effective September 26, 2005 at a salary of \$35,000 per year. 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. Thomas was and is hired.

SO ORDERED this the 19th day of September, 2005.

In re: Consideration of a Juvenile Detention Center

Following discussion, and at the suggestion of County Judge William Agin, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to direct that Ms. Kathy Mangalardi with Dean & Dean Architects appear before the Board at a later date to discuss with the Board a design for a juvenile detention center and potential locations thereof within Madison County.

President's Initials: _____

Date Signed: _____

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. Mangalardi was and is so directed.

SO ORDERED this the 19th day of September, 2005.

In re: Approval of Re-Plat of Bradshaw Ridge, Part Three Subdivision (Amended)

WHEREAS, William C. Smith, III of the law firm of Watkins & Eager did appear before the Board and reported that due to certain errors found on the original plat of Bradshaw Ridge, Part Three Subdivision (Amended), approved and filed on August 1, 2005, the developers had requested that the Board consider and approve a revised plat thereof and presented the same to the Board, and

WHEREAS, County Engineer Rudy Warnock indicated and represented that the same met with all appropriate and applicable county requirements, and advised that the Letter of Credit previously presented to the Board would suffice as security and that the roads previously accepted by the Board would remain as public roads,

Following discussion of this matter, Mr. Douglas L. Jones did offer and Mr. Karl M. Banks did second a motion to approve said re-plat. 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 re-plat of Bradshaw Ridge, Part Three Subdivision (Amended) was and is hereby approved.

SO ORDERED this the 19th day of September, 2005.

In re: Request to Alter or Amend Plat of Ashbrooke Subdivision, Phase B, Part 2 Pursuant to Miss. Code Ann. § 17-1-23(4)

WHEREAS, William C. Smith, III of the law firm of Watkins & Eager did appear before the Board and reported that due to certain errors found on the original plat of Ashbrooke Subdivision, Phase B, Part 2, approved and filed on August 15, 2005, it was necessary that the Board authorize and approve certain corrections to be made on the face of said plat, and

WHEREAS, Mr. Smith presented an Order to Alter or Amend Plat of Ashbrooke Subdivision, Phase B, Part 2, a true and correct copy of which is attached hereto as Exhibit G, spread hereupon and incorporated herein by reference and requested the Board's adoption thereof, and

Following discussion of this matter, Mr. Andy Taggart did offer and Mr. Karl M. Banks did second a motion to adopt said Order and approve said re-plat. The vote on the matter being as

President's Initials: _____

Date Signed: _____

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 aforesaid Order was and is hereby adopted and the proposed amendments allowed.

SO ORDERED this the 19th day of September, 2005.

In re: Approval of Consent Agenda Items

WHEREAS, the Board President announced that he and County Administrator Donnie Caughman had conferred in advance of the meeting as to certain matters denominated “Consent Items” which bear Item numbers (6) through (11) 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 Andy Taggart did request that Item (10) be removed from the consent agenda and addressed separately, and

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

(6) Authorization to Engage Jerry Mask and Robert Crook for Appraisal Review Loring Road Bridge Project

As requested by Mr. Woody Sample in his Memorandum dated September 8, 2005 to County Administrator Donnie Caughman, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, Mr. Jerry Mask was and is hereby retained to appraise the easements set forth in said memorandum for the sum of \$500 and Mr. Robert Crook was and is retained to do the review appraisal for the sum of \$250.

(7) Approval of Temporary Construction Easement - Loring Road Bridge Project

As requested by Mr. Woody Sample in his Memorandum dated September 7, 2005 to County Administrator Donnie Caughman, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, the sum of \$100 was and is hereby established as just compensation for the temporary easement described in said memorandum, and said sum was and is hereby authorized and directed to be paid unto Pamela Brock Haley for such temporary construction easement.

(8) Acceptance of Contract Agreement - Brunini Law Firm

The contract of employment with the Brunini Law Firm, a true and correct copy of which is attached hereto as Exhibit H, spread hereupon and incorporated herein by reference, was and is hereby approved.

(9) Approval of Date for Public Hearings - October 24, 2005, 9:00 a.m.

The following zoning matters were and are hereby set for public hearing on October 26, 2005 at 9:00 am in the Law Library on the second floor of the Circuit Courthouse in Canton, Mississippi:

President's Initials: _____

Date Signed: _____

Kerry Howell - Petition to Rezone R-1 to R-2/Yandell Road
Suzanne Ellis - Petition for Variance to Side Setback/Lot D-33, Vinings of Reunion
Precious Jewel Masonic Lodge - Petition for Special Exception/Lake Castle Road
New Beginning M. B. Church - Petition for Special Exception/Highway 16 East.

Planning and Zoning Administrator Brad Sellers was and is authorized to publish notice of same in the *Madison County Herald*.

(11) Authorization to Accept Bids for Park and Playground Equipment – Camden

Upon the recommendation of County Purchase Clerk Hardy Crunk as set forth in that certain memorandum dated September 14, 2005, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, the bid of Play Power LT-Farmington, Inc. for the purchase and installation of park and playground equipment for Camden in the amount of \$25,241 was and is hereby accepted as the lowest and best bid received in response to the advertisement for same opened on September 13, 2005.

Thereafter, Mr. Karl M. Banks 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 (6) through (9) and (11) 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 19th day of September, 2005.

***In re:* Ratification of Emergency Purchase Declaration and Approval of Emergency Purchases**

WHEREAS, Chancery Clerk Arthur Johnston did appear before the Board and reported that, pursuant to the authority previously granted unto him by the Board under Miss. Code Ann. § 31-7-13, he had issued a second Emergency Purchase Declaration on September 3, 2005, due to the effects of Hurricane Katrina, a true and correct copy of which is attached hereto as Exhibit I, spread hereupon and incorporated herein by reference, and

WHEREAS, County Purchase Clerk Hardy Crunk did appear before the Board and presented certain purchase orders and invoices issued pursuant to said Emergency Declaration, a true and correct copy of all of which may be found in the Miscellaneous Appendix to these Minutes, and

Following discussion, Mr. Andy Taggart did offer and Mr. Karl M. Banks did second a motion to cancel and withdraw Purchase Order No. 74910 issued to Petroleum Equipment Company of Richland, Mississippi on September 9, 2005, finding that the purchase of two (2) 5,000 gallon double walled tanks and fueling system were not needed as a result of the emergency but should be purchased through usual channels, if at all. 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

President's Initials: _____

Date Signed: _____

Supervisor Paul Griffin

Aye

the matter carried unanimously and said Purchase Order No. 74910 was and is hereby cancelled and withdrawn.

SO ORDERED this the 19th day of September, 2005.

Thereafter, and following further discussion, Mr. Andy Taggart did offer and Mr. Karl M. Banks did second a motion to declare the emergency which is the subject of said Declaration to be ended as of 5:00 pm, September 17, 2005. 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 emergency was and is hereby declared ended.

SO ORDERED this the 19th day of September, 2005.

Thereafter, and following further discussion, Mr. Andy Taggart did offer and Mr. Karl M. Banks did second a motion to acknowledge, affirm and ratify said Declaration, together with the acts taken by the Chancery Clerk and others pursuant thereto, with the exception of Purchase Order No. 74910 as noted 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 said Declaration, together with the acts taken by the Clerk and others pursuant thereto, were and are hereby acknowledged, affirmed and ratified.

SO ORDERED this the 19th day of September, 2005.

In re: Approval of Application and Appointment of Selection Committee for a Proposed CDBG Public Facilities Project for the West Madison Utility District

WHEREAS, County Administrator Donnie Caughman did appear before the Board and requested that the Board adopt and approve a Resolution indicating the Board's intent to apply for a Community Development Block Grant to benefit the West Madison Utility District for purposes of water improvements, and

WHEREAS, Mr. Caughman did inform the Board of Supervisors that they needed to appoint three (3) people to serve as the Selection Committee for the evaluation of various aspects of said project,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to adopt said Resolution, a true and correct copy of which is attached hereto as Exhibit J, spread hereupon and incorporated herein by reference. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye

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Date Signed: _____

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

the matter carried unanimously and said Resolution was and is hereby adopted.

SO ORDERED this the 19th day of September, 2005.

Thereafter, and following further discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to advertise for public hearings to be held in conjunction with said project and to appoint County Administrator Donnie Caughman, Comptroller Mark Houston, and Chancery Clerk Arthur Johnston to comprise a Selection Committee to recommend a grant administrator, project engineer and project counsel. 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 advertisement was and is hereby authorized, and said committee was and is hereby appointed.

SO ORDERED this the 19th day of September, 2005.

In re: Authorizing a Public Hearing for the Abandonment of a Public Road

WHEREAS, County Road Manager Prentiss Guyton did appear before the Board of Supervisors and requested that the Board begin the process of abandoning Gray Hill Road from the Pearl River Valley Water Supply District gate to the end of said road, and

WHEREAS, Mr. Guyton represented that the right-of-way as it is no longer needed for county purposes, and

WHEREAS, Mississippi law requires that the Board of Supervisors first advertise and conduct a public hearing on this matter prior to taking any action, and

WHEREAS, the Board of Supervisors desires to set this matter for a public hearing on November 28, 2005 at 9:00 am in the Law Library on the second floor of the Circuit Courthouse in Canton, Mississippi, and

WHEREAS, the Board further desires and directs the Chancery Clerk and the Board Attorney to prepare the appropriate notice, comply with statute, and to do any and all other things necessary to place this matter before the Board for consideration on that date,

Following discussion, Mr. Douglas L. Jones did offer and Mr. Karl M. Banks did second a motion to set a public hearing to consider the abandonment of Gray Hill Road for November 28, 2005 at 9:00 am in the Law Library on the second floor of the Circuit Courthouse in Canton, Mississippi, and to direct the Clerk and the Board Attorney accordingly. 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

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Date Signed: _____

the matter carried unanimously and said public hearing was and is hereby set and the Chancery Clerk and the Board Attorney were and are hereby directed accordingly.

SO ORDERED this the 19th day of September, 2005.

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

WHEREAS, County Road Manager Prentiss Guyton appeared before the Board of Supervisors and requested approval of certain work orders pertaining to the installation of culverts along public rights of way and not on private property on the dates and at the locations set forth in that certain spreadsheet attachment, a true and correct copy of which is attached hereto as Exhibit K, spread hereupon and incorporated herein by reference, and

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

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

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to approve the installations of culverts on the dates and at the locations set forth on said Exhibit M. 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 (4-1) of the Board and said culvert installation requests were and are hereby approved.

SO ORDERED this the 19th day of September, 2005.

In re: Leveda Burks Drainage Problem - Sharon and Robinson Roads

WHEREAS, Mr. Mike McKenzie, an engineer with the firm of Williford Gearhart & Knight Inc. did appear before the Board and presented his report to the Board concerning the request of Leveda Burks for reimbursement for certain expenses incurred by her in the removal of certain debris and the clearing of a ditch, and

WHEREAS, a true and correct copy of said report may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Andy Taggart did offer and Mr. Tim Johnson did second a motion to authorize and direct the County Road Department to remove county debris and clean up the property in question with no refund or remittance to be made unto Ms. Burks. 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

President's Initials: _____

Date Signed: _____

the matter carried unanimously and the County Road Department was and is so authorized.

SO ORDERED this the 19th day of September, 2005.

In re: Presentation of Bids - ProMax/DeBeukelaer CDBG Project

WHEREAS, Mr. Mike McKenzie, an engineer with the firm of Williford Gearhart & Knight Inc. did appear before the Board and announced the receipt and opening of competitive bids for CDBG Project No. 1122-05-045-ED-01, the DeBeukelaer/Promax Roadway and Drainage Improvement Project, said opening occurring on September 13, 2005, and

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

WHEREAS, Mr. McKenzie did announce that in his estimation, Southern Rock, Inc. of Brandon, Mississippi was the low bidder and should be awarded the contract, and

WHEREAS, Mr. McKenzie did announce that Southern Rock's bid in the amount of \$484,153.54 was substantially over-budget and that, as a result, Mr. McKenzie recommended the Board award the bid in conjunction with approving Change Order No. 1 reducing the contract price by \$97,251.60, and

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

Following discussion, Mr. Andy Taggart did offer and Mr. Tim Johnson did second a motion to accept the bid of Southern Rock, Inc. as the lowest and best bid received in response to the advertisement for same, award the contract to said firm, and authorize and approve Change Order No. 1 thereto. 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 was bid was and is hereby accepted, said contract awarded, and said Change Order approved.

SO ORDERED this the 19th day of September, 2005.

In re: Construction of Camden Fire Station and Consideration of Change Order No. 1

WHEREAS, Mr. Mike McKenzie, an engineer with the firm of Williford Gearhart & Knight Inc. did appear before the Board and requested that the Board consider an approve a Change Order dated July 12, 2005 submitted by Ralph McKnight & Son Construction in the amount of \$12,270.48 with respect to the Camden Fire Station, and

WHEREAS, a true and correct copy of said Change Order which may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Andy Taggart did offer and Mr. Tim Johnson did second a motion to approve and authorize said Change Order and to acknowledge receipt of an additional change order dated September 19, 2005 pertaining to ADA compliance issues but to withhold

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consideration of the latter until such time as the county can ascertain whether grant funds will be available to reimburse the county for the cost thereof. 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 Change Order was and is hereby approved.

SO ORDERED this the 19th day of September, 2005.

In re: Request of County Road Department to Issue Specifications for the Purchase of One (1) 5,000 Gallon Diesel Fuel Tank and Erection of Concrete Pads to Support Same

WHEREAS, County Road Department Business Manager Bill Murphy did appear before the Board and requested authority to prepare specifications and advertise for bids for the purchase of one (1) 5,000 gallon diesel fuel tank to be installed at the County Road Department and authorize Bulldog Construction Company to erect a concrete pad to support the same,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to authorize the Road Department to prepare specifications and advertise for bids for the purchase of one (1) 5,000 gallon diesel fuel tank to be installed at the County Road Department and authorize Bulldog Construction Company to erect two (2) concrete pads to support 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	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and the Road Department was and is so authorized.

SO ORDERED this the 19th day of September, 2005.

In re: Acknowledgment of Receipt of Way Road Right of Way Plats and Description

WHEREAS, County Engineer Rudy Warnock did appear before the Board and presented a certain plat and description representing his firm's best assessment of the county's right of way on the length of Way Road, 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 the Board President did second a motion to acknowledge receipt of said plat and description. 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

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the matter carried unanimously and said plat and description were and are hereby acknowledged.

SO ORDERED this the 19th day of September, 2005.

In re: Acknowledgment of Receipt of Reunion Phase II Geotechnical Report

WHEREAS, County Engineer Rudy Warnock did appear before the Board and presented a Geotechnical Report submitted by Burns Cooley Dennis, Inc. as to the Reunion Phase II project, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Andy Taggart did offer and Mr. Karl M. Banks did second a motion to acknowledge receipt of said report. 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 19th day of September, 2005.

In re: Horizontal Alignment for Cotton Blossom Lane

WHEREAS, County Engineer Rudy Warnock did appear before the Board and presented a plat depicting a proposed realignment of Cotton Blossom Lane and requested the Board's direction as to the same, and

WHEREAS, a true and correct copy of said plat may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Karl M. Banks did offer and Mr. Andy Taggart did second a motion to confirm the realignment as presented by the County Engineer and as depicted on said plat and to designate the route thereon so that right of way acquisition can commence. 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 realignment was and is hereby confirmed and the route established in accordance with said plat.

SO ORDERED this the 19th day of September, 2005.

In re: Authorization of County Engineer to Perform Work Outlined in the Annandale Proposal

WHEREAS, County Engineer Rudy Warnock did appear before the Board and presented correspondence dated September 7, 2005 outlining his proposal as to Annandale Subdivision

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street repairs, together with a total cost estimate in the amount of \$33,660.00, such total including the estimate from the geotechnical engineering firm of Burns Cooley Dennis in the amount of \$23,000, and

WHEREAS, a true and correct copy of each of said items may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Andy Taggart did offer and Mr. Karl M. Banks did second a motion to authorize and direct Mr. Warnock and the Burns Cooley Dennis firm to proceed as outlined in said proposal. 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 and Burns Cooley Dennis were and are hereby so authorized.

SO ORDERED this the 19th day of September, 2005.

In re: Authorization of Request to State Tax Commission to Expend the Avails of One Mill Reappraisal Trust Fund

WHEREAS, Chancery Clerk Arthur Johnston appeared before the Board of Supervisors and requested approval of that certain "Application for Certification to Expend the Avails of One Mill Reappraisal Trust Fund," pursuant to Miss. Code Ann. §27-39-329(b), and

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

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to adopt and approve said Application and direct the Clerk to forward the same to the Mississippi State Tax Commission in accordance with statute. 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 Application was and is hereby adopted and approved.

SO ORDERED this the 19th day of September, 2005.

In re: Authorization to Advertise for Bids for Chancery Clerk's Imaging Project

WHEREAS, Chancery Clerk Arthur Johnston did appear before the Board and requested that the Board authorize and approve the advertisement for competitive bids to carry out an imaging and scanning project pertaining to records filed in his office prior to January 1, 2000, and

WHEREAS, a true and correct copy of the Notice and Invitation to Bid, together with a

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set of Project Requirements, 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 authorize and direct the Chancery Clerk to advertise for bids in accordance with said Notice and Project Requirements. 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 so authorized and directed.

SO ORDERED this the 19th day of September, 2005.

In re: Acknowledgment of Receipt of Check Paid to Chancery Clerk in Redemption of Taxes Received From LTQ, Inc. Returned for Insufficient Funds

WHEREAS, Chancery Clerk Arthur Johnston did appear before the Board and presented check no. 7970 drawn on account no. 0034477500 with AmSouth Bank paid to his office in redemption of certain delinquent taxes owed by LTQ, Inc. and D. A. Walker, and

WHEREAS, Mr. Johnston did point out that the payment of bad checks in the redemption of taxes posed a substantial problem both for his office and for the county as a whole in that his office is required to make various settlements by the 20th of each month and the funds purported to be conveyed to his office by means of a bad check are paid to tax purchasers and are therefore no longer available; hence, the bad check will likely cause the Chancery Clerk's redemption account itself to have insufficient funds, an eventuality for which the Clerk himself can be held personally responsible and liable,

Following discussion, Mr. Tim Johnson did offer and Mr. Douglas L. Jones did second a motion to acknowledge the Clerk's receipt of said bad check and acknowledge the Clerk's decisions (1) to turn the matter over to the District Attorney for swift prosecution, and (2) to void the redemption in question and advise the effected parties accordingly. 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 bad check and the actions of the Clerk were and are hereby acknowledged.

SO ORDERED this the 19th day of September, 2005.

In re: Approval of Designation of Applicant Agent Form for the Mississippi Emergency Management Agency

WHEREAS, County Engineer Rudy Warnock did appear before the Board and presented a Designation of Applicant Agent Form which he indicated was necessary in order for the county to comply with MEMA requirements, and

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WHEREAS, a true and correct copy of said form may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to adopt and approve said Form and authorize and direct all Board members 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	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said Form was and is hereby adopted and approved and all Board members and the Chancery Clerk were and are directed accordingly.

SO ORDERED this the 19th day of September, 2005.

In re: Approval of Certain 16th Section Leases

WHEREAS, the Madison County School Board has approved the following 16th Section leases and forwarded them 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: Elton H. Sims and wife Jan R. Sims
Description: Lot 151, Sherbourne Subdivision, Part 5
Lease Term: 40 years

<u>Year</u>	<u>Annual Rent</u>
1 - 5	\$ 256.66
6 - 10	\$ 279.99
11 - 15	\$ 303.32
16 - 20	\$ 326.65
21 - 25	\$ 349.98
26 - 30	\$ 373.31
31 - 35	\$ 396.64
36 - 40	\$ 419.97

Lessees: Angela Calvin
Description: Lot 148, Sherbourne Subdivision, Part 5
Lease Term: 40 years

<u>Year</u>	<u>Annual Rent</u>
1 - 5	\$ 256.66
6 - 10	\$ 279.99
11 - 15	\$ 303.32
16 - 20	\$ 326.65
21 - 25	\$ 349.98
26 - 30	\$ 373.31
31 - 35	\$ 396.64
36 - 40	\$ 419.97

AND WHEREAS, a true and correct copy of said Leases may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Tim Johnson did offer and Mr. Douglas L. Jones did second a motion

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to approve the 16th Section Leases as set forth 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 said Leases were and are hereby approved.

SO ORDERED this the 19th day of September, 2005.

In re: Approval of Second Renewal and Extension of 16th Section Development Lease Contract

WHEREAS, the Madison County School Board has approved a Second Renewal and Extension of 16th Section Development Lease Contract to Calumet Development LLC regarding lots 2, 3, 4, 5, 6, 7, and 8 of Calumet Professional Park, and forwarded the same to the Board for review and approval, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, said Renewal incorporates a change in the annual lease fee based on an appraisal, a true and correct copy of which was made available to and reviewed by Board members but otherwise kept under seal by the Clerk of the Board, and

WHEREAS, said Renewal provides for annual rentals in the amount of \$1,839.80 (\$200 per acre) beginning August 5, 2005 and incorporates other modifications,

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to approve the aforesaid Second Renewal and Extension of 16th Section Development Lease Contract to Calumet Development LLC as set forth above, as submitted by the Madison County School Board. 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 Second Renewal and Extension was and is hereby approved.

SO ORDERED this the 19th day of September, 2005.

Thereafter, and following additional discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to direct County Administrator Donnie Caughman to request that County Schools Superintendent Mike Kent, Ms. Letitia Reeves, and members of the Madison County Board of Education appear before the Board of Supervisors and submit all information supporting the aforesaid Second Renewal and Extension of 16th Section Development Lease Contract to Calumet Development LLC and any and all other development leases presently under consideration or shortly to come up for renewal before said Board of Education. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye

President's Initials: _____

Date Signed: _____

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

the matter carried unanimously and Mr. Hammack and Mr. Parker were and are hereby directed accordingly.

SO ORDERED this the 19th day of September, 2005.

In re: Selection of New Director of the County Emergency Management Agency, E-911 Office and Department of Homeland Security

WHEREAS, the Board of Supervisors has budgeted the position of full-time County Fire Coordinator as well as a E-911 Director, Emergency Management Director and Homeland Security Director and a Deputy E-911 Director, Emergency Management Director and Homeland Security Director, and

WHEREAS, the Board is of the opinion that the County is in need of an overall Director of Emergency Services to coordinate all aspects of the county’s emergency response needs, including fire fighting, E-911, homeland security and general emergency management,

Following discussion, Mr. Douglas L. Jones did offer and Mr. Karl M. Banks did second a motion to authorize and direct County Administrator Donnie Caughman (1) to establish the position of “Director of Emergency Services,” said position to encompass county fire coordination, overall emergency management coordination, E-911 Director and Homeland Security and (2) to establish the position of “Deputy Director of Emergency Services,” said position to encompass primarily Emergency Management, E-911, and Homeland Security, and (3) begin a search process to fill both positions as soon 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 Mr. Caughman was and is so directed.

SO ORDERED this the 19th day of September, 2005.

In re: Acknowledgment of Receipt of Certain Checks Received by Sheriff Toby Trowbridge

WHEREAS, Sheriff Toby Trowbridge did appear before the Board and presented the following checks received by his department as reimbursement for feeding and housing prisoners:

(1)	Mid South Auction	\$ 2,560.00
(2)	City of Canton	\$ 2,248.00
(3)	City of Madison	\$ 589.50

Following discussion, Mr. Tim Johnson did offer and Mr. Andy Taggart did second a motion to did second a motion to acknowledge receipt of said funds. The vote on the matter being as follows:

President’s Initials: _____

Date Signed: _____

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 receipt of said funds was and is hereby acknowledged.

SO ORDERED this the 19th day of September, 2005.

In re: Approval of Claims Docket for September 19, 2005

WHEREAS, the Board reviewed the claims docket for September 19, 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	1157 to 1159, 1162, 1164, 4456 to 4570	120	908,649.53
012	250 to 262, 1163	14	12,480.29
097	304 to 323	20	15,429.20
105	78 to 80	3	131,722.62
113	45 to 46	2	547.50
114	18 to 18	1	999.03
115	32 to 32	1	175.00
116	35 to 35	1	69.69
120	95 to 96	2	298.11
121	19 to 19	1	71.50
150	1139 to 1156, 1160 to 1161, 1231, 1234 to 1290, 1292 to 1309	96	393,293.75
160	132, 147 to 165	20	281,583.73
190	243 to 244	2	2,115.00
210	3 to 3	1	780.71
226	12 to 12	1	849.25
302	39 to 39	1	2,600.00
401	31 to 33	3	3,719.53
682	29 to 29	1	38,129.95
	TOTAL ALL FUNDS	290	1,793,514.39

HELD CLAIM

Fund	Claim No.	Payee	Amount
150	1291	Warnock & Associates	\$1,448.30

Following discussion, Mr. Tim Johnson did offer and Mr. Douglas L. Jones did second a motion to approve the aforesaid claims docket as presented, less and except the held claim as noted above. Said motion directed that invoice numbers should be attached to each claim on the claims docket and further directed the Chancery Clerk to publish the Summary of Claims as required by law and to authorize the Board President to sign and approve the Claims Docket, a copy of which 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 R, spread hereupon, and incorporated herein by reference. The vote on the matter being as follows:

President's Initials: _____

Date Signed: _____

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, less and except the held claim noted herein above, and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 19th day of September, 2005.

In re: Authorization for the Chancery Clerk to Issue Quarterly Allotments to the Madison County Economic Development Authority

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to authorize and direct the Chancery Clerk to issue quarterly allotments to the Madison County Economic Development Authority (MCEDA) of the revenues generated by the separate millage levied for the use and benefit of MCEDA until further order of the Board. 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 so authorized and directed.

SO ORDERED this the 19th day of September, 2005.

In re: Approval of CDBG Invoices Pertaining to the Promax/De Beukelaer Corp. CDBG project (CDBG Project NO. 1122-05-045-ED-01)

WHEREAS, County Comptroller Mark Houston did appear before the Board and presented a series of invoices, true and correct copies of which are attached hereto as Collective Exhibit S, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Houston did represent that such invoices were proper and appropriate and in accordance with law,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to authorize and direct the payment of each of said invoices by the Chancery Clerk and authorize and direct the Board President to execute reimbursement forms and submit the same to the MDA for reimbursement. 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 invoices were and are hereby approved for payment, the board President was and is authorized to execute and submit the associated requisition forms, and

President's Initials: _____

Date Signed: _____

the Chancery Clerk was and is hereby directed to issue pay warrants accordingly.

SO ORDERED this the 19th day of September, 2005.

***In re: Renewal of Sheriff's Department
Health Service Agreement - NaphCare***

WHEREAS, Sheriff Toby Trowbridge did appear before the Board and requested authority to renew the Sheriff's Department's contract with Naphcare, Inc. to provide for nursing and health care services for the jail, and

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

Following discussion, Mr. Douglas L. Jones did offer and Mr. Karl M. Banks did second a motion to authorize and approve the renewal of the Sheriff's Department Health Services Contract with Naphcare, Inc. 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 said contract was and is hereby renewed.

SO ORDERED this the 19th day of September, 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 Supervisor Karl M. Banks and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Friday September 30, 2005 to consider certain fiscal year end budget amendments, and any other business which may properly come before the Board.

Paul Griffin, President
Madison County Board of Supervisors

Date signed: _____

ATTEST:

Arthur Johnston, Chancery Clerk

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 30 of 30 (9/19/05)