

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

REGULAR MEETING OF APRIL 25, 2005
Recessed from regular meeting conducted on April 18, 2005

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on April 25, 2005, in the Law Library on the second floor of the Madison County Circuit Courthouse in Canton, Mississippi, as follows, to-wit:

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

Present:

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

Absent:

None

Also in attendance:

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

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

***In re: Request of Randy L. Knouse/Todd Sandridge/
Charles Kemp Enterprises to Rezone Certain Property
From R-1 Residential Use Classification to
R-2 Residential Use Classification***

_____ WHEREAS, the Board of Supervisors had previously advertised its intent to conduct a public hearing concerning the petition of Randy L. Knouse, Todd Sandridge, and Charles Kemp Enterprises 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, said property is described as follows, to wit:

Being situated in the NE 1/4 of Section 23, T8N-R2E, Madison County, Mississippi, and being more particularly described by metes and bounds as follows, to-wit:

Commence at the SE corner of the said section 23 and run due West for a distance of 2,207.70 feet; thence run due North for a distance of 15.31 feet to an iron pin which marks the northern right-of-way line of Yandell Road and also marks the Point of Beginning for the parcel herein

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described; thence due North for a distance of 3,284.69 feet to an iron pin; thence due East for a distance of 778.90 feet to a point on the western right-of-way of Smith Carr Road; thence South 05 degrees 52 minutes 02 seconds West for a distance of 67.77 feet along the western right-of-way line; thence South 00 degrees 21 minutes 11 seconds West for a distance of 115.78 feet along the said western right-of-way line; thence South 00 degrees 21 minutes 52 seconds East for a distance of 614.40 feet along the said western right-of-way line; thence South 00 degrees 17 minutes 42 seconds East for a distance of 770.30 feet; thence South 00 degrees 20 minutes 08 seconds West for a distance of 380.31 feet; thence South 00 degrees 17 minutes 42 seconds East for a distance of 727.03 feet; thence South 00 degrees 30 minutes 39 seconds East for a distance of 367.97 feet; thence run 47.43 feet along the arc of a 186.69 foot radius curve to the right along the said western right-of-way line, said arc having a 47.30 foot chord which bears South 06 degrees 46 minutes 01 seconds West; thence leave said western right-of-way line of Smith Carr Road and run West for a distance of 124.96 feet along the northern line of the Mount Zion Church; thence run South for a distance of 96.25 feet along the western line of the said Mount Zion Church to the said western right-of-way line of Smith Carr Road; thence South 50 degrees 22 minutes 24 seconds West for a distance of 25.72 feet along the said western right-of-way line; thence run 93.57 feet along the arc of a 105.50 foot radius curve to the left along the said western right-of-way line, said arc having a 90.54 foot chord which bears South 24 degrees 57 minutes 46 seconds West to the said northern right-of-way line of Yandell Road; thence run 38.08 feet along the arc of a 32,150.73 foot radius curve to the right along the said northern right-of-way line, said arc having a 33.08 foot chord which bears South 89 degrees 31 minutes 24 seconds West; thence run 562.31 feet along the arc of a 29,254.18 foot radius curve to the right along the said northern right-of-way line, said arc having a 562.30 foot chord which bears north 89 degrees 57 minutes 57 seconds West to the Point of Beginning, containing 57.9834 acres, more or less., 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 April 7, 2005, and

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

WHEREAS, 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 of property from its present R-1 Residential District to R-2 Residential District, and

WHEREAS, Mr. John Lockett did also appear and requested additional time to address certain issues associated with the rezoning request, and

WHEREAS, Mr. Jim Martin did also appear before the Board representing the Smith Carr Road Homeowners Association and indicated, *inter alia*, that his clients had no opposition to the request for additional time, and

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

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

Following discussion, Mr. Douglas L. Jones did offer and Mr. Karl M. Banks did second a motion to continue the public hearing until May 23, 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

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the matter carried unanimously and the public hearing on the petition of Randy L. Knouse, Todd Sandridge, and Charles Kemp Enterprises seeking rezoning of certain property was and is hereby continued to May 23, 2005.

SO ORDERED this the 25th day of April, 2005.

In re: Request of George A. Wilkinson to Re-zone Certain Property from A-1 Agricultural District to C-1 Commercial District

**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 George A. Wilkinson 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 Use District to C-1 Commercial Use District, and

WHEREAS, the Board authorized the publication of notice in the *Madison County Herald*, a newspaper of general circulation in Madison County, the same having been accomplished on April 7, 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 of property from its present A-1 Agricultural District to a C-1 Commercial District, and

WHEREAS, Cassandra B. Walter, Esq. of the law firm of Gore Kilpatrick, Purdie, Metz, and Adcock appeared before the Board on behalf of the petitioner and explained that the zoning request was to go to a lesser zoning and was to allow the property to be used as a small engine repair shop, and

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

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

WHEREAS, Ms. Matilda Dodge did appear in opposition to the request, expressing her concern, *inter alia*, that storm water runoff and a survey had not been provided for,

Following discussion, Mr. Karl M. Banks did offer and Mr. Douglas L. Jones did second a motion to close the public hearing, grant the request subject to the requirement that the petitioner submit and file covenants providing, at a minimum, a prohibition against alcohol sales and adult bookstores, 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 C-1 Commercial Use District

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Classification, to wit:

Being situated in the SW 1/4 of Section 3, T8N-R2E, Madison County, Mississippi, and being more particularly described by metes and bounds as follows, to-wit:

Commence at the SW corner of the said Section 3 and run South 87 degrees 46 minutes 27 seconds East for a distance of 2,112.86 feet to a concrete right-of-way marker which marks the intersection of the southern right-of-way line of Ragsdale Road and the western right-of-way line of interstate Highway No. 55; thence north 30 degrees 23 minutes 00 seconds East for a distance of 804.16 feet along the said western right-of-way line of Interstate highway No. 55 to a point; thence leave said western right-of-way line and run North 86 degrees 25 minutes 00 seconds West for a distance of 33.61 feet to an iron pin which marks the western right-of-way line of Hawkins Lane and also marks the Point of Beginning for the parcel herein described; thence South 30 degrees 23 minutes 00 seconds West for a distance of 164.32 feet along the said western right-of-way line of Hawkins Lane; thence leave said western right-of-way line of Hawkins Lane and run north 23 degrees 19 minutes 05 seconds West for a distance of 164.46 feet; thence South 86 degrees 25 minutes 00 seconds East for a distance of 148.50 feet to the Point of Beginning, containing 0.2500 acres, more or less.

2. That the Madison County Zoning Ordinance be and the Zoning District Map and the County Land Use Plan be and the same are hereby amended so as to reflect the foregoing change in the zoning of the above described real property, provided, however, that the petitioner submit and file covenants associated with said property so as to, at a minimum, prohibit alcohol sales and adult bookstores.

ORDAINED, ADOPTED AND APPROVED by the Board of Supervisors of Madison County, Mississippi, at a meeting thereof held on the 25th day of April, 2005.

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

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

the matter carried unanimously and the Petition of George A. Wilkinson seeking rezoning of certain property, pursuant to the Zoning Ordinance of Madison County, Mississippi, and to amend the Zoning Maps adopted pursuant thereto, and to amend the County Land Use Plan by requesting said property be rezoned from its present A-1 Agricultural District to C-1 Commercial 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 25th day of April, 2005.

In re: Request of M&H Properties to Rezone Certain Property From A-1 Agricultural to I-1 Industrial

____ WHEREAS, the Board of Supervisors had previously advertised its intent to conduct a public hearing concerning the petition of M & H Properties 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 said property be rezoned from its present A-1 agricultural Use District Classification to an I-1 Industrial Use District Classification; and

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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 April 7, 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 of property from its present A-1 Agricultural District to an I-1 Industrial Use District, and

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

WHEREAS, Mr. W. Gary Hawkins appeared before the Board on behalf of the petitioners and explained that the zoning request was to allow for future development, noting that the access road in the area would need to be improved in advance of any such development, and

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

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

WHEREAS, Ms. Matilda Dodge did appear in opposition to the request, expressing her concern, inter alia, that storm water runoff and a survey had not been provided for, and that the access road in the area was not sufficient to handle anticipated traffic, and

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

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

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

1. That appropriate public need and change in character of the neighborhood having been demonstrated, reflecting a light industrial development area, and that the following described tract of real property be, and the same is hereby, rezoned from its present A-1 Agricultural Use District Classification to an I-1 Industrial Use District Classification, to wit:

A parcel of land containing 19.8451 acres (864,450.58 square feet) more or less, (usable land less right-of-way of Hawkins Thompson Lane, being 19.1851 acres) being situated in the S1/2 of the NE1/4 of Section 3, T8N-R2E, Madison County, Mississippi, and being more particularly described by metes and bounds as follows:

Commence at a concrete monument marking the intersection of the n line of the S1/2 of the NE1/4 of Section 3 and the Western right-of-way of Interstate 55, said monument also being the Point of Beginning for the parcel herein described; run thence along said right-of-way of Interstate 55 1394.13 feet along the arc of a 11,325.75 foot radius curve to the right, said arc having a 1393.25 foot chord which bears South 22 degrees 47 minutes 00 seconds West; thence leave said right-of-way and run South 89 degrees 03 minutes 00 seconds West for a distance of 286.90 feet to the centerline of Hawkins Lane; thence run along said centerline the following calls:

North 15 degrees 31 minutes 00 seconds East for a distance of 143.61 feet;

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thence North 10 degrees 38 minutes 00 seconds East for a distance of 204.00 feet; thence North 04 degrees 31 minutes 00 seconds East for a distance of 83.57 feet; thence North 08 degrees 12 minutes 00 seconds West for a distance of 85.31 feet; thence North 32 degrees 21 minutes 00 seconds West for a distance of 60.35 feet; thence North 45 degrees 42 minutes 00 seconds West for a distance of 73.62 feet; thence North 48 degrees 16 minutes 00 seconds West for a distance of 159.04 feet; thence North 50 degrees 39 minutes 00 seconds West for a distance of 115.12 feet; thence North 38 degrees 36 minutes 00 seconds West for a distance of 59.00 feet; thence North 09 degrees 40 minutes 00 seconds West for a distance of 66.56 feet; thence North 01 degrees 59 minutes 00 seconds West for a distance of 225.91 feet; thence North 00 degrees 37 minutes 00 seconds East for a distance of 50.28 feet; thence North 02 degrees 39 minutes 00 seconds East for a distance of 119.40 feet; thence leave said centerline and run along the North line of the S1/2 of the NE1/4 South 89 degrees 42 minutes 00 seconds East for a distance of 1,098.45 feet to the Point of Beginning.

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

ORDAINED, ADOPTED AND APPROVED by the Board of Supervisors of Madison County, Mississippi, at a meeting thereof held on the 25th day of April, 2005.

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

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

the matter carried unanimously and the Petition of M & H Properties seeking rezoning of certain property, pursuant to the Zoning Ordinance of Madison County, Mississippi, and to amend the Zoning Maps adopted pursuant thereto, and to amend the County Land Use Plan by requesting said property be rezoned from its present A-1 Agricultural District to I-1 Industrial 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 25th day of April, 2005.

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

WHEREAS, the Board of Supervisors had previously advertised its intent to conduct a public hearing concerning the request of Kenneth Hootsell for a Special Exception to Conduct a Surface Mining Operation in an A-1 Agricultural Use District on a tract of property situated in the NE 1/4 of the SE 1/4 of Section 19, T8N-R2E, bearing parcel # 82D-19-4/02, 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 April 7, 2005, and

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Date Signed: _____

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

WHEREAS, the date and hour as advertised did arrive and the Board President declared open the public hearing to consider the request of Kenneth Hootsell for a Special Exception to conduct surface mining in an A-1 Agricultural Use District, and

WHEREAS, Mrs. Kenneth Hootsell did appear before the Board in support of her husband's request, and stated that he desired to construct a small pond on the property and trade the excavated material for construction costs, and

WHEREAS, the Planning and Zoning Commission did recommend approval of the request subject to a six (6) month limitation, and certain limitations with regard to hours of operation, and

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

Following discussion, Mr. Karl M. Banks did offer and Mr. Andy Taggart did second a motion to close the public hearing and grant the special exception for a period of six (6) months subject to the hours of operation as submitted by the petitioner and as recommended by the Planning and Zoning Commission. The vote on the matter being as follows:

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

the matter carried unanimously and the Special Exception sought by Kenneth Hootsell was and is hereby granted subject to a six (6) month limitation, and subject to the hours of operation as submitted by the petitioner and as recommended by the Planning and Zoning Commission.

SO ORDERED this the 25th day of April, 2005.

Thereafter, Mr. Andy Taggart did offer and Mr. Karl M. Banks did second a motion to require that the matter be brought before the Board at the time the dirt hauling contractor makes his application to the Road Department for a heavy hauling permit, for review of the proposed hauling route. 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 motion carried.

SO ORDERED this the 25th day of April, 2005.

In re: Request of Kenneth King for a Special Exception to Place Mobile Home in an R-2 District

WHEREAS, the Board of Supervisors had previously advertised its intent to conduct a public hearing concerning the request of Kenneth King for a Special Exception to place a mobile home on property zoned R-2 Residential, Lot 1, Block J, Part 5, Magnolia Heights Subdivision, in

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Section 20, T9N-R1W, further identified as Tax Parcel # 61I-20C-023, 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 April 7, 2005, and

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

WHEREAS, the date and hour as advertised did arrive and the Board President declared open the public hearing to consider the request of Kenneth King for a Special Exception to place a mobile home on property zoned R-2 Residential, and

WHEREAS, Mr. King did appear before the Board in support of his request, and stated that he desired to place a mobile home on his property in Magnolia Heights Subdivision in Flora, and that he did not know that the original permit had expired, and

WHEREAS, Mr. Sellers reported that in 1999 Mr. King submitted a similar petition which was approved, conditioned upon a street being constructed to front said property and that said street was never constructed and no building permit was ever issued, and

WHEREAS, the Planning and Zoning Commission did recommend denial of the request, indicating that the same was not consistent with this Board's prior ordinance prohibiting additional mobile homes in the area, the former permit having expired, and

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

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to close the public hearing and grant the special exception for a period of three (3) years. 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) vote of the Board and the Special Exception sought by Kenneth King was and is hereby granted subject to a three (3) year limitation.

SO ORDERED this the 25th day of April, 2005.

In re: Request of James B. Collins for a Special Exception to Place a Mobile Home in an R-1 District

WHEREAS, the Board of Supervisors had previously advertised its intent to conduct a public hearing concerning the request of James B. Collins for a Special Exception to replace an existing mobile home with another one on property zoned R-1 Residential, located at 727 Robinson Springs Road, Flora, MS, 39071, in Section 32, T8N-R1E, further identified as Tax Parcel # 81I-32-006, 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 April 7, 2005, and

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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 date and hour as advertised did arrive and the Board President declared open the public hearing to consider the request of James B. Collins for a Special Exception to place a mobile home on property zoned R-2 Residential, and

WHEREAS, Ms. Anderson did appear before the Board in support of her daughter's request, and

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

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

Following discussion, Mr. Andy Taggart did offer and Mr. Karl M. Banks did second a motion to close the public hearing and grant the special exception for the remainder of Mr. Collins' life, provided he resides in the mobile home which is the subject hereof and subject to the requirement that the lot be cleaned and debris removed such that the county's zoning ordinance be complied with. The vote on the matter being as follows:

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

the matter carried unanimously and the Special Exception sought by James B. Collins was and is hereby granted for the remainder of Mr. Collins' life, provided he resides in the mobile home which is the subject hereof and subject to the requirement that the lot be cleaned and debris removed such that the county's zoning ordinance be complied with.

SO ORDERED this the 25th day of April, 2005.

In re: Request of Foshee Construction Company for Special Exception to Establish and Operate a Class II Rubbish Facility in an A-1 Agricultural District

WHEREAS, the Board of Supervisors had previously advertised its intent to conduct a public hearing concerning the request of Foshee Construction Company for a Special Exception to operate a Class II rubbish facility in an A-1 Agricultural District on property lying and being situated in Madison County, MS, to wit: 40 acres out of a tract of land located in Sections 17 and 18, T8N-R1E, Madison County Mississippi, further identified by Parcel No. 81D-17-5, 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 April 7, 2005, and

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

WHEREAS, the date and hour as advertised did arrive and the Board President declared open the public hearing to consider the request of Foshee Construction Company for a Special Exception operate a Class II rubbish facility in an A-1 Agricultural District, and

WHEREAS, Mr. Larry Harkins did appear before the Board in support of petitioner's

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request, and

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

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

Following discussion, Mr. Andy Taggart did offer and Mr. Karl M. Banks did second a motion to close the public hearing and grant the special exception subject to annual review by the board of Supervisors. The vote on the matter being as follows:

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

the matter carried unanimously and the Special Exception sought by Foshee Construction Company was and is hereby granted subject to annual review by the Board of Supervisors.

SO ORDERED this the 25th day of April, 2005.

In re: Request of Bear Creek Water Association for a Special Exception to Replace an Existing Water Well, and Associated Facilities, on Property Zoned R-1 Residential

WHEREAS, the Board of Supervisors had previously advertised its intent to conduct a public hearing concerning the request of Bear Creek Water Association seeking to replace an existing water well, and associated facilities, with a new well on property zoned R-1 Residential, located on Bozeman Road, in Section 31, T8N-R2E, further identified as Tax Parcel # 82I-31-001, 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 April 7, 2005, and

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

WHEREAS, the date and hour as advertised did arrive and the Board President declared open the public hearing to consider the request of Bear Creek Water Association for a Special Exception to replace an existing water well, and

WHEREAS, Mr. Tony McMullan did appear before the Board in support of petitioner's request, and

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

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

Following discussion, Mr. Andy Taggart did offer and Mr. Douglas L. Jones did second a motion to close the public hearing and grant the special exception conditioned upon Bear Creek's

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agreement to perform construction work on said well only during daylight hours. The vote on the matter being as follows:

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

the matter carried unanimously and the Special Exception sought by Foshee Construction Company was and is hereby granted conditioned upon Bear Creek's agreement to perform construction work on said well only during daylight hours.

SO ORDERED this the 25th day of April, 2005.

In re: Request to Demand Cleaning or Take Legal Action Against Bill Ratliff Relative to Vehicles & Equipment Stored in A-1 District on Waldrop Road

WHEREAS, County Zoning Administrator Brad Sellers did appear before the Board and requested that the Board consider and take action against the owner of certain property requiring him to clean said property, the same being owned by Bill Ratliff, last known address 281 Waldrop Road, Flora, MS 39071, located in Madison County, Mississippi, more particularly described to-wit: Property located on Waldrop Road, Sections 17 and 18, T8N-R2W, Madison County, Mississippi, further identified by Tax Parcel No. 52D-17-1/04 and Tax Parcel No.52D-18-1/03, and

WHEREAS, Mr. Ratliff did appear before the Board and presented photos which he claimed supported the fact that no violation existed,

Following discussion, Mr. Karl M. Banks did offer and Mr. Andy Taggart did second a motion to direct Mr. Sellers to return to the property in advance of the next meeting of the Board of Supervisors and specify the violations which have not been corrected and to continue the public hearing on said request until May 2, 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 Mr. Sellers was and is hereby instructed accordingly and the public hearing on this matter was and is hereby continued until May 2, 2005.

SO ORDERED this the 25th day of April, 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 (9) through (19) on the Agenda and that the same appeared to be routine, non-controversial matters on which all Supervisors were likely to agree, and

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

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WHEREAS, no supervisor requested the removal of any item, and

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

(9) Authorization to Purchase Furniture – Justice Court

The request to purchase furniture pursuant to state contract for the new Justice Court facility as set forth in that certain Memorandum dated April 20, 2005 from Purchase Clerk Hardy Crunk, a true and correct copy of which, together with the attachments thereto, is attached hereto as Exhibit I, was and is hereby approved.

(10) Recommendation to Purchase Court Benches – Justice Court

The low bid submitted by Custom Church Interiors Inc. of \$16,436 to supply courtroom pews for the new Justice Court facility was and is hereby accepted as requested by Purchase Clerk Hardy Crunk in that certain Memorandum dated April 19, 2005, a true and correct copy of which is attached hereto as Exhibit J, spread hereupon, and incorporated herein by reference.

(11) Recommendation to Accept Term Bid, Washed Limestone – Martin Marietta Aggregates

The term bid for #7 and #57 washed limestone submitted by Martin Marietta Aggregates in the amount of \$16 per ton FOB Letourneau Road, Vicksburg, Mississippi and freight charges of \$.11 per mile as recommended by County Purchase Clerk Hardy Crunk via that certain memorandum dated April 19, 2005, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, was and is hereby accepted and approved.

(12) Authorization to Secure Business Reply Mail Permit – Election Commission

County Purchase Clerk Hardy Crunk was and is hereby authorized to secure a Business Reply by Mail Permit through the U. S. Postal Service for use by the Madison County Election Commission. In addition, Chancery Clerk Arthur Johnston was and is hereby authorized to issue payment for said permit in the amount of \$150.00 and, upon receipt thereof, the Chancery Clerk is further authorized to make such deposit with the U. S. Postal Service as may be necessary to anticipated charges associated with said permit.

(13) Approval of Polling Lease Agreement – Harvest Free Will Baptist Church

That Certain Polling Lease Agreement between harvest Free Will Baptist Church and Madison County, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes was and is hereby approved and the Board President was and is hereby authorized and directed to execute the same.

(14) Authorization of Date for Public Hearings – May 23, 2005

Public hearings on those matters set forth in that certain memorandum dated April 25, 2005 from County Administrator Donnie Caughman, a true and correct copy of which is attached hereto as Exhibit K, spread hereupon, and incorporated herein by reference, were and are hereby set, and County Zoning Administrator Brad Sellers was and is hereby directed to publish notice of the same forthwith.

(15) Request to Transfer Vehicle – MCEDA to Road Department

That certain 2001 Chevrolet Impala vehicle bearing inventory number 2939 was and is hereby transferred from 676 Madison County Economic Development Authority to 300 Road Department, and Inventory Control Clerk Barry Parker was and is hereby directed to adjust county inventory records accordingly.

President's Initials: _____

Date Signed: _____

**(16) Authorization for Grounds Maintenance Historic Courthouse –
Rotolo Consultants Inc.**

Rotolo Consultants, Inc. were and are hereby authorized and approved to maintain the grounds of the historic courthouse on the Canton Square as outlined in the certain correspondence from Keith Rotolo to Barry Parker dated April 15, 2004, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, at a total cost not to exceed \$10,967.

**(17) Approval of Administrative Contract – Sample & Associates Inc.
2004 CDBG Economic Development Project, Creative Logistics Inc.**

That certain Administrative Contract with Sample & Associates, a true and correct copy of which is attached hereto as Exhibit L, spread hereupon and incorporated herein by reference, was and is hereby approved and the Board President was and is authorized to execute the same.

**(18) Approval of Engineering Services Contract – Williford Gearhart & Knight Inc.
2004 CDBG Economic Development Project, Creative Logistics Inc.**

That certain “Agreement Between Owner and Engineer for Professional Engineering Services” between Williford Gearhardt & Knight and Madison County, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, was and is hereby approved and the Board President was and is authorized to execute the same.

(19) Acknowledgment of Clerk’s Monthly Financial Report

In accordance with Miss. Code Ann. § 19-11-23 (1972), the Monthly Financial Report presented by the Clerk of the Board and County Comptroller Mark Houston was and is hereby acknowledged, and a true and correct copy thereof may be found in the Miscellaneous Appendix to these Minutes.

Thereafter, Mr. Andy Taggart did move and Mr. Karl M. Banks did second a motion to approve, adopt and authorize each of the above and foregoing matters, the same being numbered Items (9), through (19) 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 approved, adopted and authorized.

SO ORDERED this the 25th day of April, 2005.

***In re: Request of Budget Transfer for FY 2005
for the Madison County Election Commission***

WHEREAS, Kakey Chaney, Chairman, Madison County Election Commission appeared before the Board requesting approval to transfer \$15,000.00 for travel and training expenses, a true and correct copy of which request 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 authorize the transfer of said funds but only in the amount of \$7,500 for FY 2005 and authorized each member of the Election Commission to attend one national seminar and workshop for the current fiscal year. The vote on the matter being as follows:

President’s Initials: _____

Date Signed: _____

For Searching Reference Only: Page 13 of 26 (04/25/05)

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 county budget was and is hereby amended accordingly.

SO ORDERED this the 25th day of April, 2005.

In re: Request to Abandon Old Bozeman Road and to Approve Certain Work Thereon by Entergy

WHEREAS, Marlin Mullins, PE of Entergy appeared before the Board requesting approval to abandon and close Old Bozeman Road, and

WHEREAS, Mr. Mullins informed the Board of Entergy's desire to make improvements along its property on Old Bozeman Road at the intersection of Old Bozeman and Gluckstadt Roads,

Following discussion, Mr. Andy Taggart did offer and Mr. Karl M. Banks did second a motion to commence abandonment proceedings of Old Bozeman 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 request to abandon Old Bozeman Road was and is hereby approved.

SO ORDERED this the 25th day of April, 2005.

Thereafter, Mr. Mullins further requested permission to make repairs to and to re-block Old Bozeman Road and make other repairs to the road bed thereon pursuant to certain correspondence from Entergy dated April 19, 2005, 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 approve and authorize the proposed work by Entergy on Old Bozeman 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 request to allow necessary repairs to Old Bozeman Road was and is hereby approved.

SO ORDERED this the 25th day of April, 2005.

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

President's Initials: _____

Date Signed: _____

WHEREAS, Ms. Shirley Brown on behalf of County Road Manager Prentiss Guyton appeared before the Board 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 following dates and at the following locations:

<u>Date</u>	<u>Call Number</u>	<u>Address</u>
4/13/05	434	Hunters Cove
4/13/05	444	2172 Hwy 51 S
4/13/05	475	206 Virgin Mary Road
4/18/05	559	906 Livingston Vernon Road

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.

Following discussion, Mr. Douglas L. Jones did offer and Mr. Tim Johnson did second a motion to approve the installations of culverts on the dates and at the locations and for the reasons set forth above. 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) and said culvert installation requests were and are hereby approved and authorized.

SO ORDERED this the 25th day of April, 2005.

In re: Request for Survey of Trails End Drive (Weeks End Subdivision)

WHEREAS, Ms. Shirley Brown on behalf of Road Manager Prentiss Guyton requested approval for a survey of Trails End Drive in Weeks End Subdivision due to the fact the the owner thereof intended to erect a fence thereon,

Following discussion, Mr. Karl M. Banks did offer and Mr. Andy Taggart did second a motion to direct County Administrator Donnie Caughman to correspond with the appropriate landowner(s) in Weeks End Subdivision explaining that proposed fence appears to be on county right of way and said owner(s) will have to provide proof in form of a survey to demonstrate otherwise. 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 hereby so authorized.

SO ORDERED this the 25th day of April, 2005.

In re: Approval to Correct Storm Water Flow at 128 Beaver Bend

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 15 of 26 (04/25/05)

WHEREAS, Ms. Shirley Brown requested approval to correct drainage problem at 128 Beaver Bend,

Following discussion, Mr. Douglas L. Jones did offer and Mr. Karl M. Banks did second a motion to authorize the Road Department to make necessary changes to correct the drainage problem if the landowner does not and assess the landowner therefor. 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 Manager was and is so instructed.

SO ORDERED this the 15th day of April, 2005.

In re: Request to Close Catlett Road to Truck Traffic

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to temporarily close Catlett Road to truck and heavy hauling traffic from its intersection with Stribling Road to Highway 22, provided, however, that Hemphill Construction Company be allowed to complete an alternate road for Mr. Waymon Sowell. Said motion further directed that the Road Department post notice of said closure. 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 aforementioned stretch of Catlett Road was and is hereby temporarily closed to truck and heavy hauling traffic.

SO ORDERED this the 25th day of April, 2005.

In re: Authorize Road Manager to Supplement Priority Road List

Following discussion, Mr. Andy Taggart did offer and Mr. Karl M. Banks did second a motion to instruct County Road Manager Prentiss Guyton to supplement the priority road list by adding cost, length of segment, proposed surface type and scope of work as to each road thereon. 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 County Road Manager was and is hereby so instructed.

SO ORDERED this the 25th day of April, 2005.

In re: Approval of Contract With Nichols & Sons Trucking, Inc.

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 16 of 26 (04/25/05)

Following a discussion initiated by Mike McKenzie of Williford, Gearhart & Knight, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to authorize the Board President to execute a contract to transport clay gravel with Leothas E. Nichols, II of Nichos & Sons Trucking, Inc. at a cost of \$4.10 per ton, the same representing the low quote through June 30, 2005, a true and correct copy of a bid sheet reflecting said quote 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 Board President was and is hereby authorized to execute said contract.

SO ORDERED this the 25th day of April, 2005.

In re: Authorization of State-Aid Engineer to Proceed with Bridge Replacement Program

Following a presentation by State Aid and LSBP Engineer Keith O'Keefe, Mr. Andy Taggart did offer and Mr. Karl M. Banks did second a motion to authorize Mr. O'Keefe to proceed with Option 1, as set forth in that certain handout presented by Mr. O'Keefe, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes. Said motion directed that the projects reflected thereon be completed by year end and specifically did not include any recommendation or authority with regard to Simpson Road. Said motion also authorized Mr. O'Keefe to 1) swap LSBP monies for SAP funds as reflected in said Option 1; 2) move forward with Madison Avenue Bridge project, the same being priority via term bidder; 3) expedite Yandell Road project; and 4) investigate options regarding Simpson Road and return to Board with a recommendation thereon. 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. O'Keefe was and is hereby authorized.

SO ORDERED this the 25th day of April, 2005.

In re: Approval to Relocate Traffic Pole on Reunion Parkway

WHEREAS, Mr. Mike McKenzie of Williford, Gearhart & Knight appeared before the Board and requested approval of a change order to the county's contract with Hemphill Construction to allow for the relocation of a traffic signal pole on Reunion Parkway, Phase I, a true and correct copy of correspondence detailing the nature and amount of said change order may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Andy Taggart did offer and Mr. Douglas L. Jones did second a motion to authorize the aforesaid change order and approve the relocation of said traffic signal pole. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye

President's Initials: _____

Date Signed: _____

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 25th day of April, 2005.

In re: Request for Estimates for Camden Fire Station

Following a discussion initiated by the Board President, the Board President did offer and Mr. Tim Johnson did second a motion to authorize Engineer Mike McKenzie to ascertain price estimates to add a brick exterior to the Camden Fire Station. 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. McKenzie was and is hereby so authorized and instructed.

SO ORDERED this the 25th day of April, 2005.

In re: Approval of Certain Budget Amendments for FY 2005

WHEREAS, Chancery Clerk Arthur Johnston appeared before the Board and presented a check in the amount of \$39,627, representing fees in excess of the statutory salary cap in effect for Chancery Clerks and office expenses, and

WHEREAS, Mr. Johnston did express his deep appreciation to the Board for its support of his office during the past 16 months and did attribute this surplus to such support and the hard work of his dedicated staff, and

WHEREAS, Mr. Johnston did ask that this money be used to increase the budget of the Department of Information Technology so as to provide improved technological services throughout the county,

Following discussion, Mr. Douglas L. Jones did offer and Mr. Karl M. Banks did second a motion to increase the budget of the Department of Information Technology by \$39,627 for FY 2005. 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) and said budget amendment was and is hereby approved.

SO ORDERED this the 25th day of April, 2005.

President's Initials: _____

Date Signed: _____

***In re: Authorize Board President to Execute
Right of Way Documents for Calhoun Station Parkway,
Rice Road and Phillips Road***

WHEREAS, Board Attorney Edmund Brunini, Jr. appeared before the Board and requested authorization for the Board President to execute right of way documents for Calhoun Station Parkway, Rice Road, and Phillips Road, and

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

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to authorize the Board President to execute right of way documents for Calhoun Station Parkway, Rice Road, and Phillips 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 the Board President was and is hereby authorized to execute said documents.

SO ORDERED this the 25th day of April, 2005.

***In re: Consideration of Resolution Approving an
Amendment to and Supplement of that Certain
Bond Parameter Sale Resolution of the County
Dated and Adopted by the County on March 11, 2005
(The "Prior Sales Resolution"), in Connection with the
Madison County, Mississippi General Obligation Refunding
Bonds, Series 2005; and for Related Purposes***

The Board of Supervisors of Madison County, Mississippi (the "County") took up for further consideration the matter of approving an amendment to a prior resolution of the County in connection with General Obligation Refunding Bonds of said County previously authorized to be issued by the County. After a discussion of the subject, Supervisor Tim Johnson offered and moved the adoption of the following resolution:

**RESOLUTION APPROVING AN AMENDMENT TO AND SUPPLEMENT
OF THAT CERTAIN BOND PARAMETER SALE RESOLUTION OF THE
COUNTY DATED AND ADOPTED BY THE COUNTY ON MARCH 11,
2005 (THE "PRIOR SALES RESOLUTION"), IN CONNECTION WITH
THE MADISON COUNTY, MISSISSIPPI GENERAL OBLIGATION
REFUNDING BONDS, SERIES 2005; AND FOR RELATED PURPOSES.**

RECITALS:

A. In order to provide for the sale and issuance of the County's General Obligation Refunding Bonds, Series 2005, in the principal amount not to exceed Nineteen Million Dollars (\$19,000,000), the Board of Supervisors of the County adopted on March 11, 2005 the following resolution (the "Prior Sales Resolution"): RESOLUTION OF THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI (THE "COUNTY") AUTHORIZING AND APPROVING THE EXECUTION AND DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT FOR THE SALE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2005 (THE "BONDS") OF THE COUNTY; AUTHORIZING AND APPROVING

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 19 of 26 (04/25/05)

THE ISSUANCE OF THE BONDS; APPROVING THE FORM OF AND EXECUTION OF A BOND PURCHASE AGREEMENT FOR THE SALE OF THE BONDS; APPROVING AND AUTHORIZING THE FORM OF, EXECUTION AND DISTRIBUTION OF AN OFFICIAL STATEMENT PERTAINING TO THE BONDS; AND FOR RELATED PURPOSES.

B. In order to provide for a change in a parameter regarding certain savings to be realized by the County upon the issuance of the Bonds pursuant to the Prior Sales Resolution, the County desires to amend and supplement the Prior Sales Resolution with this resolution (the "First Supplement to Sales Resolution").

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE BOARD OF SUPERVISORS OF THE COUNTY, ACTING FOR AND ON BEHALF OF THE COUNTY, AS FOLLOWS:

That the parties hereto, intending to be legally bound hereby and in consideration of the mutual covenants hereinafter contained, do hereby agree as follows:

SECTION 1. The terms used herein, unless the context hereof shall require otherwise, shall have the same meaning as given them in the Prior Sales Resolution, as supplemented hereby.

SECTION 2. Section 1 of the Prior Sales Resolution is hereby deleted in its entirety, and replaced with the following:

SECTION 1. That the Governing Body of the County hereby authorizes the President of the Governing Body and the Chancery Clerk of the County, Government Consultants, Inc., Jackson, Mississippi, as Financial Advisor, and Butler, Snow, O'Mara, Stevens & Cannada, PLLC, Jackson, Mississippi, Bond Counsel, to negotiate the terms for the sale of the Bonds to the Underwriter and approves the form of the Bond Purchase Agreement attached hereto as EXHIBIT A to this Resolution; EXHIBIT M to these Minutes and authorizes the execution by the President of the Governing Body and Chancery Clerk of the County of the Bond Purchase Agreement in substantially the same form, for and on behalf of the County, with such completions, changes, insertions and modifications as shall be approved by the officers executing and delivering the same (the execution thereof shall constitute conclusive evidence approval of any such completions, changes, insertions and modifications), under the following conditions: (1) the size of the Bonds will not exceed Nineteen Million Dollars (\$19,000,000); (2) the net interest cost of the Bonds will not exceed four and one-half percent (4.50%); (3) the Bonds will mature no later than March 1, 2026; (4) the issuance of the Bonds will result in (a) an overall present value cash flow savings of at least \$400,000 over the Refunded Bonds, and (b) an overall net present value savings to maturity of not less than two percent (2%) on the Refunded Bonds, which overall net present value savings to maturity on the Refunded Bonds of not less than two percent (2%) meets or exceeds the requirements of Section 31-27-13 of the Refunding Act; (5) the costs of issuance of the Bonds will not exceed one and seventy hundredths percent (1.70%) of the par amount of the Bonds, which amount shall not include the premium, if any, for municipal bond insurance or the Underwriter's discount; and (6) terms and provisions of the Bonds in compliance with the Refunding Act.

SECTION 3. This First Supplement to Sales Resolution shall inure to the benefit of and shall be binding upon the Issuer and the County and their respective successors and assigns.

SECTION 4. In the event any provisions of this First Supplement to Sales Resolution shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 20 of 26 (04/25/05)

SECTION 5. The provisions of this First Supplement to Sales Resolution and all rights and obligations of the parties hereunder shall be governed by and construed in accordance with the laws of the State of Mississippi and to the extent they preempt such laws, the laws of the United States.

SECTION 6. This First Supplement to Sales Resolution is adopted pursuant to the Refunding Act.

SECTION 7. The President, Board of Supervisors, and/or Clerk, Board of Supervisors, are further authorized and directed to execute and deliver such additional documents and certificates which are required in connection with this First Supplement to Sales Resolution.

SECTION 8. All orders, resolutions or proceedings of the Board of Supervisors in conflict with any provision hereof shall be, and the same are hereby, repealed, rescinded and set aside, but only to the extent of such conflict. For cause, this First Supplement to Sales Resolution shall become effective upon the adoption hereof.

Following the reading of the foregoing Resolution, Supervisor Karl M. Banks seconded the motion for its adoption. The President put the question to a roll call vote, and 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 the members present, the President declared the motion carried and this resolution adopted, on this the 25th day of April, 2005.

SO ORDERED this the 25th day of April 2005.

In re: Acknowledge Receipt of Paying Agent Funds

WHEREAS, County Comptroller Mark Houston requested the Board acknowledge receipt of outstanding interest check bearing check # 2483 in the amount of \$455.00 payable to Vernon J. McBride received of and from First National Bank of Clarksdale, Mississippi, the paying agent on said bonds, and

WHEREAS, Mr. Houston explained that such funds represented interest or principal due Mr. McBride and that the county could be called upon in the future to remit these sums to him,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to acknowledge receipt of said funds. 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 request was and is hereby approved.

SO ORDERED this the 25th day of April, 2005.

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 21 of 26 (04/25/05)

In re: Approval of Inter-fund Transfer to Sheriff's Department

WHEREAS, County Comptroller Mark Houston appeared before the Board and requested approval of an inter-fund transfer in the amount of \$10,000.00 from Grand Gulf Fund # 013-100-951 to Self Insured Fund # 682-000-387 for the Sheriff's Department.

Following discussion, Mr. Tim Johnson did move and Mr. Douglas L. Jones did second a motion to authorize and approve the inter-fund transfer as requested. 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 inter-fund transfer was and is hereby approved, and the county budget was and is hereby amended accordingly.

SO ORDERED this the 25th day of April, 2005.

In re: Widening and Four-Laning of Highway 463

Following discussion, Mr. Andy Taggart did move and Mr. Tim Johnson did second a motion to adopt and spread upon the Minutes the following Resolution, to-wit:

RESOLUTION

WHEREAS, State Highway 463 in Madison County from its intersection with Annandale/Reunion Parkway southward to the end of the current section of four-lane has experienced a substantial surge in traffic flow since the construction of two (2) new schools in the area and several additional commercial and residential developments, and

WHEREAS, the widening of said stretch of highway is essential for future development in the area, and for the public safety and convenience,

WHEREAS, there will be no widening North of Annandale/Reunion Parkway

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of Madison County, Mississippi that:

1. In the interest of public safety and convenience, the Mississippi Department of Transportation (MDOT) should proceed forthwith with the four-laning of State Highway 463 in Madison County from its intersection with Annandale/Reunion Parkway southward to the end of the current section of four-lane.
2. No widening North of Annandale/Reunion Parkway
3. County Administrator Donnie Caughman should advise MDOT of the Board's finding and request in this regard.

After additional discussion, the matter was put to a roll call vote, the result of which was as follows:

Supervisor Douglas L. Jones	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 said Resolution was and is hereby adopted.

SO ORDERED this the 25th day of April 2005.

In re: Official Designation of Mannsdale Community of Madison County, Mississippi

Following discussion, Mr. Andy Taggart did offer and Mr. Karl M. Banks did second a motion (1) to designate the “Mannsdale Community” as that certain geographical area encompassing the currently existing “Mannsdale-Livingston Heritage Preservation District” previously established by this Board and (2) to request the Mississippi Department of Transportation (MDOT) to erect appropriate signage reflect such designation. 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 Mannsdale Community was and is hereby so designated and MDOT so requested.

SO ORDERED this the 25th day of April 2005.

In re: Approval of Payment of Law Enforcement Liability Insurance Invoices

WHEREAS, County Comptroller Mark Houston did appear before the Board and presented two invoices dated February 28, 2005 from the county’s insurance agent of record, Bryson & Company, the first bearing invoice # 18078 in the amount of \$139,301.98 and the second bearing invoice # 18074 in the amount of \$2,018.00, both of which represent premiums due for law enforcement liability insurance coverage, and

WHEREAS, true and correct copies of said invoice may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Douglas L. Jones did offer and Mr. Karl M. Banks did second a motion to approve the payment of said invoices and to direct the Chancery Clerk to issue pay warrants 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 the Chancery Clerk was and is hereby authorized and directed to pay said invoices accordingly.

SO ORDERED this the 25th day of April 2005.

President’s Initials: _____

Date Signed: _____

In re: Authorization of County Surveyor to Survey County Owned Property Located at the Intersection of Highways 17 and 43

Following discussion, the Board President did offer and Mr. Andy Taggart did second a motion to authorize and direct the County Surveyor, Rick Simpson, to perform a survey of certain county owned property located at the intersection of Highways 17 and 43 in Madison County and to present the same to the Board at his earliest opportunity. 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 County Surveyor was and is so instructed.

SO ORDERED this the 25th day of April 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 confidential matters related to the acquisition of certain real estate,

Following discussion and pursuant to the terms of Miss. Code Ann. § 25-41-7, as amended, Mr. Tim Johnson did move and Mr. Karl M. Banks did second a motion to make a closed determination upon the issue of whether or not to declare an Executive Session for the purpose of discussing litigation matters and matters related to the acquisition of certain real estate 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 Sheriff Toby Trowbridge. 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) and the Board took up the matter of entering into Executive Session.

SO ORDERED this the 25th day of April 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 he wished the Board to discuss certain litigation matters involving the construction and design defects associated with the Circuit Courthouse and Board Attorney Edmund L. Brunini, Jr. informed the Board that he wished to discuss certain confidential negotiations regarding the acquisition of real estate,

President’s Initials: _____

Date Signed: _____

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

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

the matter carried by a majority vote (4-1) of the Board and President Griffin declared the Board of Supervisors to be in Executive Session for the consideration of such matters and the Sheriff announced to the public the purpose for the Executive Session.

SO ORDERED this the 25th day of April 2005.

Following discussion, Mr. Tim Johnson did move and Mr. Andy Taggart did second a motion to authorize the law firm of Brunini Grantham Grower & Hewes to retain the firm of Burns Cooley & Dennis in order to serve as geo-technical experts and to assess the nature and cause of the structural defects presently existing in the Circuit Courthouse. 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 law firm was and is hereby authorized to retain said firm to serve as experts.

SO ORDERED this the 25th day of April 2005.

Thereafter, Mr. Douglas L. Jones did offer and Mr. Karl M. Banks 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	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously. President Griffin then reopened the meeting and Mr. Brunini informed the public of the nature of the action taken in executive session.

SO ORDERED this the 25th day of March, 2005.

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor Douglas L. Jones and

President's Initials: _____

Date Signed: _____

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seconded by Supervisor Karl M. Banks and approved by the unanimous vote of those present, the meeting of the April, 2005 term of the Board of Supervisors was adjourned.

Paul Griffin, President
Madison County Board of Supervisors

Date signed: _____

ATTEST:

Arthur Johnston, Chancery Clerk

President's Initials: _____

Date Signed: _____

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