

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

REGULAR MEETING OF NOVEMBER 21, 2005
Recessed from regular meeting conducted on November 7, 2005

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on November 21, 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
Emergency Management Director Butch Hammack
County Zoning Administrator Brad Sellers
County Purchase Clerk Hardy Crunk

Special guest:

Madison County Schools Superintendent Michael D. Kent

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 Emergency Management Director Butch Hammack led the members and the audience in the Pledge of Allegiance to the Flag of the United States of America.

***In re: Petition of T. Davis Gordon to Rezone C-1 District to
C-2 District as to Certain Property on Wiesenberger Road***

**ORDINANCE REZONING AND RECLASSIFYING REAL PROPERTY
FROM CLASSIFICATION OF C-1 COMMERCIAL DISTRICT TO
CLASSIFICATION OF C-2 COMMERCIAL DISTRICT**

WHEREAS, on August 9, 2005, T. Davis Gordon on behalf of Don Holtsinger and Terry Holtsinger ("Petitioner") filed with the Board of Supervisors of Madison County, Mississippi, a Petition to Rezone and Reclassify Real Property; and

WHEREAS, in the said Petition, the Petitioner sought to rezone and reclassify a tract or parcel of land situated in Section 28, Township 8 North, Range 2 East, Madison County, Mississippi, and consisting of 2.75 acres, more or less ("subject property"), from a classification

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of C-1 Commercial District to classification of C-2 Commercial District for the purpose of developing a landscaping and farm supply/equipment center thereon; and

WHEREAS, the subject property is located generally on the northeast side of Wiesenberger Road between Gluckstadt Road and U. S. Highway 51; 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 November 3, 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 and Mr. T. Davis Gordon did appear before the Board for a public hearing seeking to rezone a certain tract from its present C-1 Commercial District to C-2 Commercial District, and

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

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

WHEREAS, the Board of Supervisors of Madison County finds that the Petitioner has proved that there has been substantial change in the character of the general area of the subject property justifying the requested rezoning; and

WHEREAS, the Board of Supervisors of Madison County further finds that there is a public need for the requested rezoning; and

WHEREAS, the Board of Supervisors of Madison County further finds that it would be in the best interest of Madison County that the subject property be rezoned to a classification of C-2 Commercial District, subject to certain conditions as more fully set forth below; and

WHEREAS, the Board of Supervisors of Madison County further finds that all legal requirements for the rezoning of the subject property have been met; and

NOW, THEREFORE, IT IS HEREBY ORDAINED AS FOLLOWS:

1. An appropriate public need and change in character of the neighborhood having been demonstrated, the subject property, as more fully described below, is hereby rezoned from classification of C-1 Commercial District to a classification of C-2 Commercial District:

A parcel of land lying and situated in the NE ¼ of the NE ¼, and in the SE ¼ of the NE ¼, Section 28, T8N-R2E, Madison County, Mississippi, more particularly described as follows:

Commence at an existing iron pin marking the NE corner of said Section 28 and run thence West for a distance of 894.49 feet to a point; run thence South for a distance of 673.14 feet to an iron pin which is the Point of Beginning of the parcel herein described. From the point of Beginning run thence South 02 degrees 10 minutes 01 seconds West for a distance of 420.66 feet to an iron pin North 87 degrees 49 minutes 59 seconds West for a distance of 270.00 feet to a point; thence run North 02 degrees 10 minutes 01 seconds East for a distance of 408.32 feet to an iron pin; thence run North 89 degrees 33 minutes 00 seconds East for a distance of 270.28 feet to the Point of beginning. This parcel contains 2.57 acres, more or less.

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

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described real property.

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

Following discussion, Mr. Karl M. Banks did offer and Mr. Douglas L. Jones did second a motion to close the public hearing on said Petitioner’s petition and grant the request and adopt the Ordinance as set forth 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 the public hearing was and is hereby closed, the request of the petitioner to rezone said property from a classification of C-1 Commercial District to a classification of C-2 Commercial District was and is hereby approved, the subject property was and is hereby re-zoned, the foregoing Ordinance was and is hereby adopted, and the County zoning ordinance and map are amended accordingly.

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

In re: Petition of Key Constructors for Special Exception to Allow Surface Mining on Highway 51

WHEREAS, the Board of Supervisors had previously advertised its intent to conduct a public hearing concerning the request of Key Constructors and Henry and Nelda Stuckey for a Special Exception to Conduct a Surface Mining Operation on property zoned A-1 agricultural use on certain property situated in Section 22, T8N, R2E and more particularly described as 23.33 acres, more or less, comprising Parcel # 82E-22-12 in Madison County, MS, 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 November 3, 2005, and

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

WHEREAS, the date and hour as advertised did arrive and the Board President declared open the public hearing to consider the request of Key Constructors for a Special Exception to conduct surface mining in an A-1 agricultural use district, and

WHEREAS, County Zoning Administrator Brad Sellers and Mr. Paul McPhail did appear before the Board and explained that the special exception was being sought in order to mine the property for a construction job in the City of Madison for MDOT Project No. STP-6947-00(001), and

WHEREAS, the Planning and Zoning Commission did recommend approval of the request, on condition that hours of operation be limited to 8:00 am until 4:30 pm for a period commencing May, 2006 and continuing through May, 2008, and

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

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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 the period reflected above and subject to the conditions 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 public hearing was and is hereby closed and the special exception sought by Key Constructors was and is hereby granted for the period reflected above and subject to the conditions recommended by the Planning and Zoning Commission.

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

***In re: Petition of Community First Development to
Rezone R-1 Residential to R-2 Residential
Certain Property on Johnson Lane***

**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 Community First Development seeking rezoning of certain property, pursuant to the Zoning Ordinance of Madison County, MS, and to amend the Zoning Maps adopted pursuant thereto, and to amend the county's Land Use Plan, 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 November 3, 2005, and

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

WHEREAS, the hour of 9:00 a.m. did arise and County Zoning Administrator Brad Sellers and developer John Jordan 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, the Planning and Zoning Commission did recommend the approval of said rezoning, and

WHEREAS, Mr. Jordan did present certain proposed Covenants which are to be applicable to the property which is the subject of said Petition, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Douglas L. Jones did offer a motion to deny the request, which motion failed for lack of a second.

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Thereafter, and following additional discussion, Karl M. Banks did offer and Mr. Andy Taggart 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:

East ½ of the Northwest 1/4 of Section 25, Township 8 North, Range 2 East, Madison County Mississippi Less and Except thirty (30) acres off the north end thereof.

Being the same property as was conveyed to T. J. Johnson and Mytris Lee Johnson, husband and wife, as joint tenants by that certain Quitclaim Deed dated January 14, 1967 recorded in Book 105 at Page 88, T. J. Johnson having died on the 3rd day of February, 1967.

2. That the Madison County Zoning Ordinance, and the Zoning District Map, and the county's 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.

3. That any changes to the Covenants presented by Community First Development, Inc. on which this Ordinance is in part based, be and they are hereby subject to the approval of this Board until such time as individual home or lot owners comprising Class A members of the Homeowners Association created by said Covenants constitute a majority of votes in said Association.

ORDAINED, ADOPTED AND APPROVED by the Board of Supervisors of Madison County, Mississippi, at a meeting thereof held on the 21st day of November, 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	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 the Petition of Community First Development seeking rezoning of that certain above-described property, pursuant to the Zoning Ordinance of Madison County, Mississippi, and to amend the Zoning Maps and county Land Use Plan adopted pursuant thereto 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, Zoning Map and Land Use Plan are amended accordingly, subject to the aforesaid provisos.

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

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**In re: Petition of Dan Morgan for Special Exception
Concerning Family Cemetery**

WHEREAS, the Board of Supervisors had previously advertised its intent to conduct a public hearing concerning the request of Dan Morgan for a Special Exception to use a .15 acre parcel of property in an A-1 District located in Section 8, T11N-R5E, Madison County, Mississippi and further described as part of Tax Parcel No. 115C-08-001 as a family cemetery as depicted on the exhibit to Mr. Morgan's petition, 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 November 3, 2005, and

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

WHEREAS, the date and hour as advertised did arrive and the Board President declared open the public hearing to consider the request of Dan Morgan for a Special Exception to use a .15 acre parcel of property in an A-1 District as a family cemetery, 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, the Board President did offer and Mr. Douglas L. Jones did second a motion to close the public hearing and grant the special exception. The vote on the matter being as follows:

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

the matter carried unanimously and the public hearing was and is hereby closed and the special exception sought by Dan Morgan was and is hereby granted.

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

**In re: Petition of Justin Adcock for Variance as to
Lot 6 Providence Subdivision**

WHEREAS, the Board of Supervisors had previously advertised its intent to conduct a public hearing concerning the request of Justin Adcock for a 5' variance to the minimum side setback for placement of home being Lot 6, Providence Part One (B) subdivision, 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 November 3, 2005, and

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

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WHEREAS, the date and hour as advertised did arrive and the Board President declared open the public hearing to consider the request of Justin Adcock for a 5' variance to the minimum side setback for placement of home being Lot 6, Providence Part One (B) subdivision, and

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

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

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

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

the matter carried unanimously and the public hearing was and is hereby closed and the special exception sought by Justin Adcock was and is hereby granted.

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

In re: Alleged Zoning Violation by Charles W. Thames

WHEREAS, County Zoning Administrator Brad Sellers did appear before the Board advising that certain property bearing parcel # 61I-32D-001/01.07, said property being located in the Woodlands subdivision and owned by Charles W. Thames stood in violation of certain provisions of the Madison County Zoning Ordinance, and required clean up and/or other legal action to rectify the same, and

WHEREAS, Mr. Sellers did report that the Board had previously authorized the giving of public notice of its intent to conduct public hearing to abate said violation and assess the costs and fines thereof to the respective record owners, with said hearing to be conducted on November 21, 2005, at 9:00 am, the same having been accomplished on November 3, 2005, and

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

WHEREAS, the date and hour as advertised did arrive and the Board President declared open the public hearing to consider the alleged zoning violation, and

WHEREAS, Mr. Sellers did report that he had made repeated efforts at notification to the record owner, to no avail, and that, in his estimation, said property constituted a nuisance and was a hazard to the area and the county, the same containing a deteriorated and "burned out" house,

Following review and discussion of this matter and upon the arrival of the appointed date and time, Mr. Karl M. Banks did offer and Mr. Andy Taggart did second a motion to find said property and the structure located thereon to be in violation of the zoning ordinances of Madison County and to direct the Zoning Administrator to demolish or otherwise remove the structures in question and to charge the expenses associated therewith to the responsible taxpayer via the tax

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roll, and to assess unto said taxpayer all fines and other penalties provided for in said ordinance and to take all necessary steps to enforce said ordinance including, if necessary, the institution of legal proceedings. 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 property and structures were and are hereby declared in violation of the zoning ordinances of Madison County and the Zoning Administrator was and is hereby directed to demolish or otherwise remove the structures in question and to charge the expenses associated therewith to the responsible taxpayer via the tax roll accordingly, to assess unto said taxpayer all fines and other penalties provided for in said ordinance and to take all necessary steps to enforce said ordinance including, if necessary, the institution of legal proceedings.

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

In re: Alleged Zoning Violation by Minnie Bell V. Taylor Estate

WHEREAS, County Zoning Administrator Brad Sellers did appear before the Board advising that certain property bearing parcel # 61I-29C-071/00, located in Magnolia Heights owned by the Minnie Bell V. Taylor Estate stood in violation of certain provisions of the Madison County Zoning Ordinance, and required clean up and/or other legal action to rectify the same, and

WHEREAS, Mr. Sellers did report that the Board had previously authorized the giving of public notice of its intent to conduct public hearing to abate said violation and assess the costs and fines thereof to the respective record owners, with said hearing to be conducted on November 21, 2005, at 9:00 am, the same having been accomplished on November 3, 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 alleged zoning violation, and

WHEREAS, representatives of said estate did appear before the Board in response to said notice and requested additional time within which to bring said property into compliance,

Following review and discussion of this matter and upon the arrival of the appointed date and time, Mr. Karl M. Banks did offer and Mr. Andy Taggart did second a motion to grant unto the owner an additional sixty (60) days from the date hereof to bring said property into compliance with County Ordinances and to direct the Zoning Administrator to monitor the ongoing cleanup efforts and issue a report to the Board upon the expiration of said time period. 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 aforesaid Estate was and is granted an additional sixty (60) days from the date hereof to bring said property into compliance with county Ordinances and the Zoning Administrator was and is hereby directed to monitor the same and issue a report to the Board accordingly.

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

In re: Alleged Zoning Violation by Willis and Bonnie Sadler

WHEREAS, County Zoning Administrator Brad Sellers did appear before the Board advising that certain property bearing parcel # 61I-29C-052/00, said property being located in Magnolia Heights subdivision and owned by Willis and Bonnie Saddler (or Sadler) stood in violation of certain provisions of the Madison County Zoning Ordinance, and required clean up and/or other legal action to rectify the same, and

WHEREAS, Mr. Sellers did report that the Board had previously authorized the giving of public notice of its intent to conduct public hearing to abate said violation and assess the costs and fines thereof to the respective record owners, with said hearing to be conducted on November 21, 2005, at 9:00 am, the same having been accomplished on November 3, 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 alleged zoning violation, and

WHEREAS, Mr. Sellers did report that he had made repeated efforts at notification to the record owner, to no avail, and that, in his estimation, said property constituted a nuisance and was a hazard to the area and the county, the same containing numerous used and/or inoperable vehicles, and it appearing to him that said property was being used as a commercial establishment,

Following review and discussion of this matter and upon the arrival of the appointed date and time, Mr. Karl M. Banks did offer and Mr. Andy Taggart did second a motion to find said property and the structure located thereon to be in violation of the zoning ordinances of Madison County and to direct the Zoning Administrator to assess unto said taxpayer all fines and other penalties provided for in said ordinance and to take all necessary steps to enforce said ordinance including, if necessary, the institution of legal proceedings to insure the clean up and compliance therewith and to charge the expenses associated therewith to the responsible taxpayer via the tax roll. 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 property and structures were and are hereby declared in violation of the zoning ordinances of Madison County and the Zoning Administrator was and is hereby directed to assess unto said taxpayer all fines and other penalties provided for in said ordinance and to take all necessary steps to enforce said ordinance including, if necessary, the institution of legal proceedings to insure the clean up and compliance therewith and to charge the expenses associated therewith to the responsible taxpayer via the tax roll.

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

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In re: Alleged Zoning Violation by Bobbie Winston

WHEREAS, County Zoning Administrator Brad Sellers did appear before the Board advising that certain property bearing parcel # 93C-07B-015/00, known as Nell’s Turning Point owned by Bobbie Winston stood in violation of certain provisions of the Madison County Zoning Ordinance, and required clean up and/or other legal action to rectify the same, and

WHEREAS, Mr. Sellers did report that the Board had previously authorized the giving of public notice of its intent to conduct public hearing to abate said violation and assess the costs and fines thereof to the respective record owners, with said hearing to be conducted on November 21, 2005, at 9:00 am, the same having been accomplished on November 3, 2005, and

WHEREAS, a true and correct copy of said Notice is attached hereto as Exhibit I, 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 alleged zoning violation, and

WHEREAS, the owner, Mr. Bobbie Winston did appear before the Board in response to said notice and requested additional time within which to bring said property into compliance,

Following review and discussion of this matter and upon the arrival of the appointed date and time, the Board President did offer and Mr. Karl M. Banks did second a motion to grant unto the owner an additional sixty (60) days from the date hereof to bring said property into compliance with County Ordinances and to direct the Zoning Administrator to monitor the ongoing cleanup efforts and issue a report to the Board upon the expiration of said time period. 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 Bobbie Winston was and is granted an additional sixty (60) days from the date hereof to bring said property into compliance with county Ordinances and the Zoning Administrator was and is hereby directed to monitor the same and issue a report to the Board accordingly.

SO ORDERED this the 21st day of November, 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 (10) through (18) 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 Items (11), (13) and (18) be removed from the Consent Agenda and addressed separately, and

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WHEREAS, the Board President did request that Item (17) be removed from the Consent Agenda and addressed separately, and

Following discussion, Mr. Douglas L. Jones did offer and Mr. Karl M. Banks did second a motion to approve, adopt, and authorize each of the following matters, the same being numbered Items (10), (12), and (14) through (16) herein below, to-wit:

- 10. Acknowledgment of Part-time Personnel Appointment – Building & Grounds**
(Exhibit J, hereto)
- 12. Acceptance of Bid for Hot Spray Paint Stripping**
(Collective Exhibit K, hereto)
- 14. Approval to Purchase Vehicles for Sheriff’s Department on State Contract**
(Collective Exhibit L, hereto)
- 15. Acknowledgment of Chancery Clerk’s Tax Sale Redemption Settlement for October 2005**
(Miscellaneous Appendix)
- 16. Approval of Utility Agreements**
(Miscellaneous Appendix)

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 of the above and foregoing matters were and are hereby approved, adopted and authorized.

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

In re: Resolution Adopting County Hazard Mitigation Plan

WHEREAS, County Administrator Donnie Caughman did appear before the Board and presented a Resolution to Adopt the Madison County Hazard Mitigation Plan, a true and correct copy of which Resolution 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 adopt and approve said Resolution. 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 Resolution was and is hereby adopted.

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

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In re: Acceptance of Bid for Multi-function Printer/Plotter/Scanner for GIS

WHEREAS, County Purchase Clerk Hardy Crunk did appear before the Board and presented a memorandum dated November 15, 2005 concerning the opening of bids for the purchase by the county of a Multifunction Printer/Plotter/Scanner for the GIS Department which were received and opened on November 15, 2005, pursuant to the publication for same as previously authorized by the Board, and

WHEREAS, a true and correct copy of Mr. Crunk's memorandum together with the bid proposals received from each responding vendor 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 (1) based upon the advice of both Mr. Crunk and the Technical Assistance Division of the State Department of Audit, reject the bid of IKON Office Solutions, Inc. due to the fact that said bid does not meet bid specifications in that said bid required a single machine and the bid submitted by said firm was in fact two separate, stand alone machines, an all-in-one unit being an essential aspect of the need for the equipment; and (2) accept the bid submitted by Environmental Systems Research Institute, Inc. (ESRI) in the total amount of \$18,500 as the lowest and best bid received in response to said advertisement and authorize and direct the purchase of the equipment described in said bid from said firm. The vote on the matter being as follows:

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

the matter carried unanimously and the bid of IKON Office Solutions, Inc. was and is hereby rejected for the reasons set forth herein above and the bid of ESRI was and is hereby accepted, and the Purchase Clerk was and is directed to proceed accordingly.

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

In re: Acknowledgment of Special Events - JunkYard #1 Speed Way

Following discussion, Mr. Karl M. Banks did offer and Mr. Douglas L. Jones did second a motion to acknowledge receipt of correspondence dated November 4, 2005 from Mr. James K. Smith, Sr. concerning the hosting of a special event on Saturday, November 12, 2005 at the JunkYard No. 1 Speedway. 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 correspondence was and is hereby acknowledged.

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

In re: Consideration of Emergency Purchase Declaration - HAVA Grant

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WHEREAS, County Purchase Clerk Hardy Crunk did appear before the Board and requested that the Board declare an emergency pursuant to Miss. Code Ann. § 31-17-13(k) for the purpose of insuring compliance with the Help America Vote Act of 2002 (HAVA) and the Americans with Disabilities Act (ADA), particularly as to the acquisition of portable ramps and other temporary access measures, so as to preserve the county's entitlement to a \$21,618.12 grant which had been awarded to Madison County by the Mississippi Secretary of State's Office and in order to meet certain deadlines with respect to said grant,

Following discussion, Mr. Douglas L. Jones did offer a motion to declare an emergency for such purpose, which motion failed for lack of a second.

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

Following additional discussion, Mr. Andy Taggart did offer and Mr. Karl M. Banks did second a motion to authorize and direct County Purchase Clerk Hardy Crunk to advertise for bids for the necessary ramps and other items and to proceed in said endeavor with all due haste. The vote on the matter being as follows:

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

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

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

In re: Request of Quandice Green to Allow Mobile Home

WHEREAS, County Zoning Administrator Brad Sellers and Ms Quandice Green did appear before the Board and requested the Board authorize and allow her to place a mobile home on certain real property owned by her on Cleo Clark Road and occupy the same during a period of construction of a new residence thereon,

Following discussion, Mr. Karl M. Banks did offer and Mr. Andy Taggart did second a motion to authorize and allow Ms. Quandice Green to (1) place a mobile home on certain real property owned by her on Cleo Clark Road for the limited purpose of allowing her to construct a new residence on said property, and (2) occupy the same during a period of such construction, not to exceed three years from the date hereof. 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. Green was and is so authorized.

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

In re: Establishment of Set Dates for Public Hearings

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Date Signed: _____

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Following discussion, Mr. Douglas L. Jones did offer and Mr. Karl M. Banks did second a motion to (1) set the following matters for public hearing before the Board of Supervisors at 9:00 am on Monday, December 19, 2005 in the Law Library of the Madison County Circuit Courthouse: (a) the Petition of Paula Mathis to Rezone Certain property on Highway 51, and (b) the Petition of Ann Washington for a Special Exception as to Certain property on Powell Road; (2) set the following matters for public hearing before the Madison County Planning Commission on December 8, 2005 at its regular meeting place: (a) an Amendment to the Master Development Plan of Reunion Subdivision; and (b) an Amendment to the Master Plan of Ashbrooke Subdivision; and (3) authorize and direct County Zoning Administrator Brad Sellers to cause to be published in the Madison County Herald an appropriate notice of 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 matters were and are hereby set for hearing accordingly, and Mr. Sellers was and is directed to cause an appropriate notice of the same to be published in the Madison County Herald as required by law and by the Madison County Zoning Ordinance.

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

Thereafter, and following additional discussion, Mr. Karl M. Banks did offer and Mr. Andy Taggart did second a motion to authorize and allow the Madison County Planning Commission to set and establish dates, times and places for all hearings required by the Madison County Zoning Ordinance to be held before it and to cause appropriate notices of the same to be published when and as required. 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 Madison County Planning Commission was and is so authorized.

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

In re: Request for Extension of Time/Surface Mining - Shan Martin

WHEREAS, Mr. Shan Martin did appear before the Board requesting an extension of a conditional use previously granted unto him for conducting surface mining on property located on Catlett Road on October 21, 2004, and

WHEREAS, Mr. Martin did present compelling reasons for said extension, repeated actions of the Road Department causing a cessation of his operations being among them,

Following discussion, Mr. Karl M. Banks did offer and the Board President did second a motion to extend the period of the original special exception/conditional use granted unto Mr. Martin for an additional twelve (12) months from the date hereof. The vote on the matter being as follows:

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

the matter carried unanimously and such extension was and is hereby granted.

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

In re: 16th Section Lease for Commercial Development in T8N, R2E west of I-55 for Gluckstadt School Properties, LLC

WHEREAS, Ms. Joy Foy with the Madison County Economic Development Authority did appear before the board on behalf of the Madison County School District and Fore Investments, LLC and presented a certain 16th Section Commercial Property Lease, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, Ms. Foy did point out that the same had received the approval of the Madison County School District and that as a result thereof, the District would receive annual rentals in the amount of \$28,000 based upon an appraisal at \$35,000 per acre,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to approve the 16th Section Commercial Property Lease between the board of Education of the Madison County School District and Fore Investments 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	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

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

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

In re: Approval of Special Service Arrangement Agreement for E911 PSAP Upgrades for Wireless Phase 2

WHEREAS, Ms. Sonya Sistrunk with BellSouth Telecommunications, Inc. did appear before the Board and presented a recommendation, cost estimates and a proposed “Special Service Arrangement Agreement” to allow for the county to undergo an upgrade of its E911 and GIS mapping capabilities within the Wireless Phase 2 framework, and

WHEREAS, a true and correct copy of said cost estimates and agreement 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 purchase the equipment referenced in said cost estimate and adopt and approve said agreement subject to a two year or 24 month term thereof, the Board recognizing that such term may result in a cost differential and Ms. Sistrunk agreeing to re-appear before the Board on December 5, 2005 to provide information as to said differential. The vote on the matter being as follows:

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

the matter carried unanimously and the purchase of said equipment was and is hereby approved and the service agreement was and is hereby approved subject to the provisos aforesaid.

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

In re: Request for Easement by RWMA Venture Company, LLC

WHEREAS, C. Alton Phillips, Esq. did appear before the Board and presented an Easement for the Board’s consideration, explaining that the county owned certain property as described in that certain Warranty Deed found at Book 195 Page 381 of the records in the office of the Madison County Chancery Clerk, and

WHEREAS, Mr. Phillips requested that the county execute said easement since the strip of land described in said deed provides a means of ingress and egress over property to be acquired by RWMA Venture Company, LLC and/or Canton Number One LLC,

Following discussion, Mr. Karl M. Banks did offer and Mr. Andy Taggart did second a motion to (1) find that the consideration for said conveyance by the county is the purchaser’s agreement to maintain the easement as a public road for the use and benefit of all county citizens, and (2) approve said easement and authorize and direct the Board President to execute the same conditioned upon the deletion of all language expressing or purporting to express any type of warranty by the county. The vote on the matter being as follows:

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

the matter carried unanimously and such consideration was and is hereby established, said easement was and is hereby approved subject to the aforesaid provisos and the Board President was and is authorized to execute the same.

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

In re: 16th Section Lease for Commercial Development in the Central Mississippi Industrial Center for Fore Investments, Inc.

WHEREAS, Madison County School District Superintendent Michael D. Kent did ppear before the board together with Engineer Horace B. Lester and presented that certain “Sixteenth Section Lease for Commercial Development Part of Section 16, T8N, R2E, Madison County, West of I-55" entered into between the Board of Education of the Madison County School District and Gluckstadt School Properties, LLC for the development of and leasing for commercial purposes of certain school trust lands west of Interstate 55 in Madison County, and

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

WHEREAS, Messrs. Kent and Lester did point out to the Board that said lease would

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result in substantial annual revenues to the school district based upon a minimum of \$750 per acre , in addition to a minimum of 5.3% of the proceeds of the sale or sublease of each parcel upon the development of the subject property

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to approve the 16th Section Commercial Property Lease between the Board of Education of the Madison County School District and Gluckstadt School Properties, 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	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

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

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

In re: Request for Culvert Placement - Road Department

WHEREAS, County Road Manager Prentiss Guyton did appear before the Board and requested the approval of culvert placements as set forth in that certain spreadsheet attached hereto as Exhibit M, and

Following discussion, Mr. Tim Johnson did offer and the Board President did second a motion to approve the request for said culvert placements. The vote on the matter being as follows:

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

the matter carried by a majority vote (3-2) of the Board and said culvert placements were and are hereby approved.

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

In re: Assessment of Property Clean Up Costs - Pisgah Bottom Road

WHEREAS, County Road Manager Prentiss Guyton did appear before the Board and requested that the Board authorize and direct the Madison County Tax Collector to assess parcel no. 102G-36-4/00.00 for property clean up costs in the total amount of \$2,758.16, together with any landfill charges incurred by the county as a result of and pursuant to the Board's Order of July 25, 2005, all in accordance with statute,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to so authorize and direct County Zoning Administrator Brad Sellers to submit all such charges to the Tax Collector and to further direct the Tax Collector to assess said costs unto said parcel in accordance with statute. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye

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

the matter carried unanimously and the Zoning Administrator and the Tax Collector were and are hereby authorized and directed accordingly.

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

In re: Authorization for County Engineer to Perform Certain Engineering Services

Following discussion, Mr. Douglas L. Jones did offer and Mr. Tim Johnson did second a motion to authorize and direct County Engineer Rudy Warnock, pursuant to his general services contract with the county, to (1) design Pine Tree Lane as to both 16th section and non-16th section land, in accordance with the Board's Orders of December 6, 2004 and May 16, 2005; (2) design the foundation for a dirt storage bin at the Madison County Road Department; and (3) design a means of watercourse redirection on Sundown Road off Tisdale Road, the water flow thereon presently flooding private property. 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 Engineer was and is so authorized.

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

In re: Request for School Bus Turnaround

WHEREAS, County Road Manager Prentiss Guyton did appear before the Board and presented a request from the Madison County School District for a school bus turnaround at 138 4-H Club Road and recommended that the board also authorize and direct the Road Department to install a 12 inch culvert on the public right of way at said location,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to (1) acknowledge, approve and designate 138 4-H Club Road as a school bus turnaround in accordance with the recommendation and request of the Road Manager and the Madison County School District as set forth in that certain item of correspondence dated November 14, 2005 from Superintendent Michael Kent and (2) authorize and direct the installation of a culvert on the public right of way at said location. 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 (3-2) vote of the Board and said location was and is hereby designated as a school bus turnaround.

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

In re: Authorization to Pay Claim of Puckett Machinery Company

WHEREAS, Road Department Business Manager Bill Murphy did appear before the Board and reported that during the course of the along-awaited and much-anticipated demolition of the Courthouse Annex, one of the county’s trackhoes fell through the basement ceiling of said Annex and became precariously lodged therein, necessitating the performance of a rescue and retrieval operation for which purpose a much larger and brand new trackhoe was loaned to the county by Puckett Machinery Company, and

WHEREAS, Mr. Murphy did further report that although the wayward trackhoe was successfully extracted with the gracious assistance of said firm’s larger trackhoe, and although (and thankfully) the operator of county’s machine emerged unscathed, during the performance of said rescue and retrieval operation, the borrowed machine sustained certain and unfortunate damage, the cost to repair the same totaled \$3,811.10 as is detailed in the attachment to that certain correspondence from Mr. Glenn Driskell, Puckett’s Rental Fleet Manager, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to approve the payment of said claim upon receipt by the county of certain additional correspondence from Puckett Machinery Company. 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	No

the matter carried by a majority (4-1) vote of the Board and the payment of said claim was and is hereby approved subject to the provisos aforesaid, and the Chancery Clerk was and is directed to issue a pay warrant, and further directed to express the county’s appreciation, to Puckett Machinery Company.

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

In re: Acceptance of Right of Way Conveyance Document for Brown Road and Way Road

WHEREAS, County Engineer Rudy Warnock did appear before the board and presented that certain warranty deed dated November 15, 2005 executed by Jerry M. Sumrall conveying a certain 1.55 acre tract of land to the county for right of way as to Brown and Way Roads,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to accept said conveyance and authorize and direct the Chancery Clerk to record the same among the records of his office. 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 conveyance was and is hereby accepted and the Chancery Clerk was and is directed accordingly.

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

In re: Approval of Final Plat of Harvey Crossing Phase IV-A Subdivision

WHEREAS, County Engineer Rudy Warnock appeared before the Board of Supervisors and presented the final plat for Harvey Crossing Phase IV-A and requested the Board to approve same, indicating and representing that the same met with all appropriate and applicable county requirements, and

WHEREAS, Mr. Warnock did also present a Letter of Credit and advised the Board that the streets listed on said plat are to be accepted as public roads, and added to the County Road Register, to the extent such streets are depicted on said plat, to-wit:

- Harvey Circle
- Harvey Crossing
- Harvey Cove
- Bankside Drive

Following discussion of this matter, Mr. Karl M. Banks did offer and Mr. Douglas L. Jones did second a motion (1) to approve said final plat, subject to the requirement that approval of the Madison County Board of Supervisors would be required on any changes to said plat and/or the accompanying covenants until such time as fifty percent (50%) of the lots in the subdivision are sold to individuals and subject to zoning ordinances that the Board finds will be applicable upon adoption thereof in the future, and (2) to adopt the above-listed streets as a public road insofar as the same is depicted on said plat and (3) to accept the Letter of Credit as presented. 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 final plat of Harvey Crossing Phase IV-A subdivision was and is hereby approved with the aforesaid provisos and said roads were and are hereby accepted as a public streets.

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

In re: Approval of Final Plat of Park View Part 2 Subdivision

WHEREAS, County Engineer Rudy Warnock appeared before the Board of Supervisors and presented the final plat for Park View Part 2 Subdivision and requested the Board to approve same, indicating and representing that the same met with all appropriate and applicable county requirements, and

WHEREAS, Mr. Warnock did also present a Letter of Credit and advised the Board that the streets depicted on said plat, King Ranch Road, was already a dedicated public road,

Following discussion of this matter, the Board President did offer and Mr. Andy Taggart did second a motion to approve said final plat, subject to the requirement that approval of the

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Madison County Board of Supervisors would be required on any changes to said plat and/or the accompanying covenants until such time as fifty percent (50%) of the lots in the subdivision are sold to individuals and subject to zoning ordinances that the Board finds will be applicable upon adoption thereof in the future. The vote on the matter being as follows:

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

the matter carried unanimously and the final plat of Park View Part 2 Subdivision was and is hereby approved with the aforesaid proviso.

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

In re: Approval of Final Plat of St. John's Way Subdivision, Phase A

WHEREAS, County Engineer Rudy Warnock appeared before the Board of Supervisors and presented the final plat for St. John's Way Subdivision, Phase A and requested the Board to approve same, indicating and representing that the same met with all appropriate and applicable county requirements, and

WHEREAS, Mr. Warnock did also present a Letter of Credit and advised the Board that the road listed on said plat, Brown Road, was already a dedicated public road,

Following discussion of this matter, the Board President did offer and Mr. Andy Taggart did second a motion to approve said final plat, subject to the requirement that approval of the Madison County Board of Supervisors would be required on any changes to said plat and/or the accompanying covenants until such time as fifty percent (50%) of the lots in the subdivision are sold to individuals and subject to zoning ordinances that the Board finds will be applicable upon adoption thereof in the future. The vote on the matter being as follows:

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

the matter carried unanimously and the final plat of St. John's Way Subdivision, Phase A was and is hereby approved with the aforesaid proviso.

SO ORDERED this the 28th day of November, 2005.

In re: Consideration of Re-plat of Wind Dance Phase I-A

WHEREAS, County Engineer Rudy Warnock appeared before the Board of Supervisors and presented a re-plat for Wind Dance Phase I-A subdivision and requested the Board to approve same, indicating and representing that the same met with all appropriate and applicable county requirements, and

Following discussion of this matter, Mr. Andy Taggart did offer and Mr. Douglas L. Jones did second a motion to take said re-plat under advisement. The vote on the matter being as follows:

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

the matter carried unanimously and the matter was and is hereby taken under advisement.

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

***In re: Approval of Claims Docket
for November 21, 2005***

WHEREAS, the Board reviewed the claims docket for November 21, 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	314 to 476	162	205,875.73
012	25 to 35	11	24,186.43
013	5 to 5	1	378,790.12
097	39 to 46	8	2477.55
105	9 to 9	1	7,744.41
113	7 to 11	5	11779.21
114	2 to 2	1	996.69
116	4 to 5	2	140.63
120	14 to 16	3	161.32
121	5 to 5	1	67.56
150	120 to 163	44	186,667.43
160	19 to 23	5	37,945.93
170	1 to 1	1	39,154.61
190	14 to 16	3	1,479.23
226	3 to 3	1	94,093.14
401	6 to 8	3	16,062.42
682	9 to 9	1	111,559.86
TOTAL ALL FUNDS		253	1,119,182.27

Following discussion, Mr. Douglas L. Jones did offer and Mr. Karl M. Banks did second a motion to approve the claims docket as presented. Said motion directed that invoice numbers should be attached to each claim on the claims docket and the supplemental 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 may be 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 N, spread hereupon, and incorporated herein by reference. The vote on the matter being as follows:

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

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Supervisor Karl M. Banks
Supervisor Paul Griffin

Not Present and Not Voting¹
Aye

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

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

In re: Approval of Budget Amendment for Chancery Clerk's Office

Following discussion, Mr. Andy Taggart did offer and Mr. Tim Johnson did second a motion to reduce Fund No. 001-101-533 Office Machine Rental to \$10,000 from \$15,000 and increase Fund No. 001-101-919 Machinery and Equipment with the budget of the Chancery Clerk so as to purchase rather than rent a copy machine. The vote on the matter being as follows:

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

the matter carried unanimously and said budget amendment was and is hereby approved.

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

In re: Approval of Various 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, true and correct copies of which may be found in the Miscellaneous Appendix to these Minutes:

1. Long Term Residential Lease Contract to Philippe P. Gaujacq and wife, Catherine L. Gaujacq, regarding Lot 23, Livingston Subdivision, Part 1.
2. Long Term Residential Lease Contract to Chad D. Morgan and wife, Kristie H. Morgan, regarding Lot 152, Sherbourne Subdivision, Part 5.
3. Long Term Residential Lease Contract to Mark S. Longgear regarding Lot 17, Livingston Subdivision, Part 1.
4. Long Term Residential Lease Contract to Kevin Wright regarding Lot 182, Sherbourne Subdivision, Part 5.
5. Long Term Residential Lease Contract to Michael B. Galatas and wife, Pamela P. Galatas, regarding Lot 141, Sherbourne Subdivision, Part 5.
6. Long Term Residential Lease Contract to Charles Knight regarding Lot 134, Sherbourne Subdivision, Part 5.
7. 16th Section Commercial Property Lease Contract to Bryan W. Estes regarding a 0.25:t acre

¹Prior to the call of the question, Mr. Banks excused himself from the meeting.

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parcel in the NW1/4 NW1/4 and SW1/4 NW1/4 of Town of Flora, Madison County, Mississippi (Tax Parcel #O51E-16B-212).

8. Amendment to 16th Section Commercial Property Lease Contract with Building to Richey Douglas regarding 0.629 +/- acre in NE1/4 SW1/4 Section 16, Township 8 North, Range 1 West, Town of Flora, Madison County, Mississippi (Tax Parcel#051E-16C-014/01).

9. Renegotiated 16th Section Other Property Lease Contract to the First Baptist Church of Flora, Inc., regarding 65 feet off S1/2 of Lot 17, Jones Addition, Town of Flora, Section 16, Township 8 North, Range 1 West, Madison County, Mississippi.

10. Long Term Residential Lease Contract to Hal T. Jones, Sterling P. Jones, Carolyn Lenoir Jones Mortimer and Sandra H. Jeffcoats regarding 5 acres in S1/2 NW1/4 and N1/2 SW1/4 Section 16, Township 8 North, Range 1 West, Town of Flora, Madison County, Mississippi.

11. Long Term Residential Lease Contract to George David Westbrook and wife, Marguerite M. Westbrook, regarding 1.75 acres in SW1/4 NW1/4 and NW1/4 SW1/4 Section 16, Township 8 North, Range 1 West, Town of Flora, Madison County, Mississippi. NOTE: Appraisal is enclosed.

12. Long Term Residential Lease Contract to Sandra H. Jeffcoats regarding 2.77 acres in SW1/4 NW1/4 and NW1/4 SW1/4 of Section 16, Township 8 North, Range 1 West, Town of Flora, Madison County, Mississippi.

13. Long Term Residential Lease Contract to Hal T. Jones, Sterling P. Jones, Carolyn Lenoir Jones Mortimer and Sandra H. Jeffcoats regarding 3.25 acres in SW1/4 NW1/4 and NW1/4 SW1/4 of Section 16, Township 8 North, Range 1 West, Town of Flora, Madison County, Mississippi.

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

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

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

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

In re: Entering into "Closed Session" to Determine Whether or not the Board Should Declare an Executive Session

WHEREAS, the Board of Supervisors after beginning the meeting in open session, determined that it was necessary to enter into closed session for a brief discussion to ascertain whether an Executive Session was needed as to certain litigation matters and,

Following discussion and pursuant to the terms of Miss. Code Ann. § 25-41-7, as amended, Mr. Tim Johnson did offer and Mr. Douglas L. Jones did second a motion to make a closed determination upon the issue of whether or not to declare an Executive Session for the purpose

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of discussing certain personnel and litigation matters, with the following persons deemed necessary for Board discussions, deliberations, and recording of such Executive Session, to wit: members of the Board, Chancery Clerk Arthur Johnston, Board Attorney Edmund L. Brunini, Jr., John A. Brunini, Esq., County Administrator Donnie Caughman, County Comptroller Mark Houston, and Board Secretary Cynthia Parker, County Fire Coordinate Tom Laravierre, City of Ridgeland Fire Chief Rick Bailey. 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 ²
Supervisor Paul Griffin	Aye

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

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

In re: Entering into Executive Session

WHEREAS, a discussion of the nature of the matters requiring Executive Session was had and County Administrator Donnie Caughman informed the Board and certain candidates for the position of County Fire Coordinator were available for interviews by the Board following his initial interviews of various candidates, and

WHEREAS, Board Attorney Edmund L. Brunini, Jr. informed the Board that he and John A. Brunini desired to discuss certain matters arising out of the matter of Board action was needed in connection with an offer to settle certain litigation to which the County was a party,

Following discussion, Mr. Tim Johnson did offer and Mr. Douglas L. Jones did second a motion to enter into Executive Session to discuss personnel and litigation matters. The vote on the matter being as follows:

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

the matter carried unanimously and President Griffin declared the Board of Supervisors to be in Executive Session for the consideration of such matters and the Chancery Clerk announced to the public the purpose for the Executive Session.

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

Thereafter, and following a lengthy discussion, Mr. Andy Taggart did offer and Mr. Karl M. Banks did second a motion to authorize the Board Attorney to offer a sum certain in addition to that authorized to be offered on October 17, 2005 in an effort to settle the matter of G. Dewayne Self vs. Madison County Medical Center, bearing cause number 2000-459 on the docket of the Madison County Circuit Court. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
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²Mr. Banks returned prior to the call of the question.

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Supervisor Tim Johnson	Not Present and Not Voting ³
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and the Board Attorney was and is hereby so authorized.

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

Thereafter, and following the Board's interview of three finalists for the position of County Fire Coordinator, and after lengthy deliberations, Mr. Andy Taggart did offer and Mr. Douglas L. Jones did second a motion to hire Mr. Jerry M. Pigg as the County's full time Fire Coordinator at a minimum annual salary of \$50,000 plus benefits. 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. Pigg was and is hereby hired.

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

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to come out of Executive Session and direct the Chancery Clerk to announce to the public the nature of 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 and the Chancery Clerk did announce to the public the action taken therein.

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

In re: Proposal for Technology Remediation

WHEREAS, County Administrator Donnie Caughman did appear before the Board and presented a brief report, *ore tenus*, of the status of the county's Information Technology Department in light of a recent server crash and data loss and did further report that the Pileum Corporation had submitted to him a detailed report together with certain recommendations for the immediate remediation and rectification of certain issues, and

WHEREAS, Mr. Caughman did report that the implementation of such recommendations would require the performance of additional services by said corporation, and

WHEREAS, Mr. Caughman presented a Services Agreement to provide for the same and

³Prior to the call of the question, Mr. Johnson excused himself from the meeting and returned immediately thereafter.

President's Initials: _____
Date Signed: _____

requested the Board's approval thereof, a true and correct copy of which is attached hereto as Exhibit O, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Andy Taggart did offer and Mr. Karl M. Banks did second a motion to (1) approve said contract, subject to (a) a total cost limitation of \$138,200 inclusive of hardware, software, labor, support and maintenance charges, and (b) the deletion of paragraph 9 thereof relating to indemnification, and (2) 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 subject to the aforesaid provisos.

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

In re: Authorization to Advertise for Term Bids for Traffic Signs, Posts, Hardware, Traffic Cones, Ramps, and Related Traffic Control and Safety Products

Following discussion, Mr. Andy Taggart did offer and Mr. Karl M. Banks did second a motion to authorize and direct County Purchase Clerk Hardy Crunk to advertise for terms bids for traffic signs, posts, hardware, traffic cones, ramps, and related traffic control and safety products for the period January 3, 2006 through June 30, 2007. The vote on the matter being as follows:

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

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

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

In re: Addition to County and Administrative Office Building

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

WHEREAS, Mr. Franco also reported that in his estimation, if the county waited until January, 2006 to let bids for said project, the prospects for receiving lower and more reasonable bids, and the prospect for receiving an increased number of bids in response to the advertisement for same would be improved,

Following discussion, Mr. Tim Johnson did offer and Mr. Douglas L. Jones did a motion to direct and instruct Mr. Franco's firm to bid said project during the month of January, 2006. The

President's Initials: _____

Date Signed: _____

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vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and J H & H was and is so authorized and instructed.

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

In re: Amendment to the Budget of the Southwest Madison Fire District

WHEREAS, County Comptroller Mark Houston did appear before the board and requested the board amend the budget of the Southwest Madison Fire district so as to increase the same by the sum of \$5,000, said sum representing millage raised by the applicable fire district levy,

Following discussion, Mr. Andy Taggart did offer and Mr. Tim Johnson did second a motion to authorize and approve said budget amendment. The vote on the matter being as follows:

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

the matter carried unanimously and the budget of the Southwest Madison Fire District was and is hereby amended accordingly.

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

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor Douglas L. Jones and seconded by the Supervisor Tim Johnson and approved by the unanimous vote of the Board members present, the meeting of the Board of Supervisors was recessed until Monday, November 28, 2005 for consideration of a Resolution in support of the establishment of new, and the relocation of existing, hospital beds in Madison County, and any other business which may properly come before the Board.

Paul Griffin, President
Madison County Board of Supervisors

Date signed: _____

ATTEST:

⁴Prior to the call of the question, Mr. Banks excused himself from the meeting.

President's Initials: _____

Date Signed: _____

Arthur Johnston, Chancery Clerk

President's Initials: _____

Date Signed: _____

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