

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

REGULAR MEETING OF DECEMBER 5, 2005
Being the first day of the December Term of the Board of Supervisors

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on December 5, 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
Zoning Administrator Brad Sellers
Chief Deputy Tax Assessor Kent Hawkins
Deputy Tax Assessor Dollye Fisher
County Road Manager Prentiss Guyton
County Purchase Clerk Hardy Crunk
Board Secretary Cynthia Parker
Board Attorney Edmund L. Brunini, Jr.

The President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Mr. Andy Taggart 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: Approval of Minutes From November, 2005 Term

WHEREAS, Chancery Clerk Arthur Johnston did present the Board with the Minutes of the previous meetings of the Board of Supervisors during the November 2005 term, said meetings having been conducted on November 7, November 21, and November 28, 2005 and the Special Meeting of November 14, 2005,

Following discussion, Mr. Douglas L. Jones did offer and Mr. Andy Taggart did second a motion to approve the Minutes as presented with certain amendments which were read in open session, and to authorize the President to sign said Minutes after said corrections have been made. The vote on the matter being as follows:

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

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Supervisor Karl M. Banks
Supervisor Paul Griffin

Aye
Aye

the matter carried unanimously and the Minutes for the November 2005 term and the Minutes of the Special Meeting of November 14, 2005 of the Board of Supervisors of Madison County were and are hereby approved as amended.

SO ORDERED this the 5th day of December, 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 (2) through (11) on the Agenda and that the same appeared to be routine, non-controversial matters on which all Supervisors were likely to agree, and

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

Following discussion, Mr. Tim Johnson did offer and Mr. Douglas L. Jones did second a motion to approve, adopt, and authorize each of the following matters, the same being numbered Items (2) through (11) herein below, to-wit:

2. **Acknowledgement of November Monthly Report - Road Department**
(Miscellaneous Appendix)
3. **Acknowledgement of November Closed Call Analysis - Road Department**
(Miscellaneous Appendix)
4. **Acknowledgement of December Service Call Schedule - Road Department**
(Miscellaneous Appendix)
5. **Approval of Utility Agreement**
(Miscellaneous Appendix)
6. **Authorization of Tax Refund, Parcel 114G-26-031/00.00 - Assessed in Error**
The Board approves a refund in the amount of \$314.61 for the above-captioned parcel since a mobile home was assessed on that property in error.
7. **Approval of *En Masse* Petition for Reduction of Assessments, Real Property, 2005**
(Exhibit A, attached hereto)
8. **Approval of Notices to Increase Assessments of Real Property, 2005**
(Exhibit B, attached hereto)
9. **Approval of Petition for Reduction of Assessments, Personal Property, 2005**
(Exhibit C, attached hereto)
10. **Approval of Petitions to Adjust Exemptions on Homestead Exemption Supplemental Roll, 2005**
(Miscellaneous Appendix)
11. **Authorization to Advertise for Director of Information Technology**
(Miscellaneous Appendix)

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The vote on the matter being as follows:

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

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

SO ORDERED this the 5th day of December, 2005.

In re: Junkyard Speedway on Lottville Road

WHEREAS, Mr. Dwight Luckett did appear before the Board and voiced complaints and concerns about the operation of the Junkyard Speedway-Racetrack on Lottville Road, and

WHEREAS, Mr. Luckett submitted correspondence dated October 21, 2005, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, detailing his concerns,

Following discussion, Mr. Tim Johnson did offer and Mr. Andy Taggart did second a motion to authorize and direct Board Attorney Edmund L. Brunini, Jr. to prepare a revised Ordinance to incorporate a schedule and an enforcement penalty regarding the hours of operation of said 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 the Board Attorney was and is so instructed.

SO ORDERED this the 5th day of December, 2005.

Thereafter, and following further discussion, Mr. Tim Johnson did offer and Mr. Andy Taggart did second a motion to clarify section F of that certain Order of the Board of Supervisors dated July 14, 2000 found at Book BZ-1, Page 1067 so as to limit Mr. James K. Smith to the operation of three (3) special days of unmuffled drag races from March through November of each year, such special days to occur on Saturdays only and to be limited to the hours of 6:00 pm to 12:30 am with one (1) week's advance written notice to the County Zoning Administrator and to incorporate this interpretation in the Ordinance to be prepared by Mr. Brunini. 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	No
Supervisor Paul Griffin	Aye

the matter carried by a majority vote (4-1) of the Board and said section was and is so clarified.

SO ORDERED this the 5th day of December, 2005.

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Date Signed: _____

In re: Approval of Resolution Petitioning Legislature to Amend Mississippi Code Section 9-9-11(4)(1) Setting Salary of County Court Judges Automatically

WHEREAS, County Court Judge William Agin did appear before the Board and requested approval of the following Resolution Petitioning Legislature to Amend Mississippi Code Section 9-9-11(4)(1) to set the salary of County Court Judges automatically in relation to that of Circuit and Chancery Judges and other related purposes, to-wit:

RESOLUTION OF THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI PETITIONING THE LEGISLATURE OF THE STATE OF MISSISSIPPI TO AMEND MISSISSIPPI CODE SECTION 9-9-11(4)(1) TO SET THE SALARY OF THE COUNTY COURT JUDGES AUTOMATICALLY IN RELATION TO THAT OF CIRCUIT AND CHANCERY JUDGES AND OTHER RELATED PURPOSES

WHEREAS, the Board of Supervisors of Madison County, Mississippi, in order to protect and promote the principle of an independent judiciary, does hereby determine and conclude that the salary of the county court judges should hereafter be automatically tied to and set by the salary paid to the circuit and chancery judges of this state.

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

1. That the Board of Supervisors of Madison County, Mississippi, hereby requests that the Mississippi Legislature, at its 2006 Regular Session, enact legislation to amend Mississippi Code Section 9-9-11(4)(1) to set the annual salary of the county court judges of Madison County, Mississippi, at one thousand dollars (\$1,000) less than the salary which is now or shall hereafter be paid to the circuit and chancery judges of this state, a draft copy of such proposed legislation being attached hereto and incorporated herein by this reference; and

2. That the Clerk of the Board of Supervisors is hereby directed to provide certified copies of this Resolution to those Senators and Representatives representing Madison County, or any portion thereof, for introduction, supervision and passage by the Mississippi Legislature.

Following discussion, Mr. Tim Johnson did offer and Mr. Douglas L. Jones did second a motion to approve and adopt the foregoing Resolution and to authorize the Board President to execute 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 Resolution was and is hereby approved and the Board President was and is hereby authorized to execute same.

SO ORDERED this the 5th day of December, 2005.

In re: Report on Network Assessment

WHEREAS, Ms. Jill Beneke, CEO of Pileum Corporation did appear before the Board and presented a detailed report on the county's network assessment, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, Ms. Beneke did offer recommendations to the Board including fire

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suppression and prevention and security entry,

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to accept the recommendations presented by Ms. Beneke and to authorize Mr. Donnie Caughman to implement her firm’s recommendations immediately including the fire suppression, safety measures and security locks to the IT area. The vote on the matter being as follows:

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

the matter carried unanimously and Mr. Caughman was and is hereby instructed.

SO ORDERED this the 5th day of December, 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 on November 21, 2005, and presented a recommendation, cost estimates and a proposed “Special Service Arrangement Agreement” to allow 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. Karl M. Banks did offer and Mr. Andy Taggart 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, and authorized the Board President to execute same. The vote on the matter being as follows:

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

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

SO ORDERED this the 5th day of December, 2005.

In re: Approval of Supplemental Covenants on Timbers of Ashbrooke

WHEREAS, Mr. Bucky Gideon did appear before the Board on behalf of Gideon & Shoemaker, LLC and presented a certain instrument captioned “Supplement to Declaration of Covenants, Conditions and Restrictions for Ashbrooke Annexing Additional Property – The Timbers of Ashbrooke” (hereinafter “Supplemental Covenants”) recorded in the office of the Chancery Clerk of Madison County, Mississippi at Book 1967, Page 503, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, Mr. Gideon did point out that said Supplemental Covenants contained the correct setback dimensions for the lots in The Timbers of Ashbrooke subdivision, but that the face of the Plat of said subdivision found in the office of the Chancery Clerk of Madison County,

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Mississippi in Plat Cabinet D, Slot 196 did not reflect the correct setbacks, and

WHEREAS, Mr. Gideon did request that the Board consider and approve said Supplemental Covenants and direct that the Chancery Clerk note the fact of the filing of the same on the face of the aforesaid plat of the Timbers of Ashbrooke subdivision in order to give proper notice of the existence of said Supplemental Covenants and in order to reflect the correct setbacks,

Following discussion, Mr. Andy Taggart did offer and Mr. Karl M. Banks did second a motion to approve the Supplemental Covenants as presented pertaining to the Timbers of Ashbrooke subdivision and direct the Clerk to note the fact of the filing thereof and this Board's approval thereof on face of said plat. The vote on the matter being as follows:

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

the matter carried unanimously and said Supplemental Covenants were and are hereby approved and the Clerk was and is hereby directed and instructed accordingly.

SO ORDERED this the 5th day of December, 2005.

***In re: Request to Contract with Geotechnical Engineer
on Circuit Courthouse Issues***

WHEREAS, Board Attorney Edmund L. Brunini, Jr. did appear before the Board and presented an Agreement for Professional Services for Geotechnical Engineering Services from Soil Tech Consultants, Inc. pertaining to ongoing issues concerning shifting and damage to the Circuit Court Building, and

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

WHEREAS, Mr. Brunini reported that the services of such a firm as expert witnesses were needed in order to investigate and proceed with the county's claims against the contractor and/or other professionals, and

Following discussion, Mr. Andy Taggart did offer and Mr. Tim Johnson did second a motion to approve said agreement and authorize 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 agreement was and is approved and the geotechnical engineer was and is hereby authorized to proceed accordingly under the direction of Board Attorney Edmund L. Brunini, Jr.

SO ORDERED this the 5th day of December, 2005.

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In re: Acknowledge Additional Cleaning Costs on Pisgah Bottom Road

WHEREAS, County Road Manager Prentiss Guyton did appear before the Board and presented a spreadsheet containing an additional cost of \$326.28 for cleaning of property on Pisgah Bottom Road bearing parcel number 102G-36-004/00, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, and

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to authorize the Clerk to forward said fee and any additional landfill tipping fees incurred by the county for cleaning of said property to the Tax Collector to be assessed to the property owner. 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 Clerk was and is hereby authorized to forward said fees to the Tax Collector and the Tax Collector was and is instructed accordingly.

SO ORDERED this the 5th day of December, 2005.

In re: Approval of the Erection of 3-Way Stop Signs at the Intersection of Camden Court, Caroline Blvd., and South Glen Drive in Madison County

WHEREAS, County Road Manager Prentiss Guyton did appear before the Board and requested authorization to place 3-way stop signs at the intersection of Camden Court, Caroline Blvd., and South Glen Drive in Madison County, and

Following discussion, Mr. Karl M. Banks did offer and Mr. Andy Taggart did second a motion to direct County Road Manager Prentiss Guyton to erect stop signs at said locations. 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 ¹
Supervisor Paul Griffin	Aye

the matter carried unanimously and the County Road Manager was and is so instructed.

SO ORDERED this the 5th day of December, 2005.

In re: Approval of Lowest and Best Bid on Contract for Bozeman Road Reconstruction

WHEREAS, County Engineer Rudy Warnock appeared before the Board of Supervisors and presented a bid tabulation for Bozeman Road Reconstruction Project, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, Mr. Warnock recommended that the Board accept the bid of Bulldog

¹After casting his vote on this matter, Mr. Banks excused himself from the meeting.

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Construction Co. as the lowest and best bid received in response to the advertisement for the Bozeman Road Reconstruction Project and award the contract accordingly.

Following discussion, Mr. Andy Taggart did offer and Mr. Tim Johnson did second a motion to accept the low bid of Bulldog Construction Co. as the lowest and best bid and award said contract to 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	Not Present and Not Voting
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and said low bid was and is hereby accepted for reconstruction of Bozeman Road awarded to Bulldog Construction Co.

SO ORDERED this the 5th day of December, 2005.

In re: Acknowledge Receipt of Pay Estimate Nos. One (1) and Two (2) - Parkway East South (Sethi)

WHEREAS, County Engineer Rudy Warnock did appear before the Board and presented the Board with periodic pay estimate numbers 1 and 2, pertaining to Parkway East South project (Sethi), a true and correct copy of which, together with a statement of work and a material inventory, may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, Mr. Warnock did report that said estimates and related documents had received his approval,

Following discussion, Mr. Andy Taggart did offer and Mr. Tim Johnson did second a motion to acknowledge receipt of said pay estimates on Parkway East South (Sethi). The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and pay estimates 1 and 2 for the Parkway East South project (Sethi) were and are hereby acknowledged.

SO ORDERED this the 5th day of December, 2005.

In re: Approval of Final Plat of Ridgefield Part 4 Subdivision

WHEREAS, County Engineer Rudy Warnock appeared before the Board of Supervisors and presented the final plat for Ridgefield, Part 4 Subdivision and requested the Board to approve same, indicating and representing that the same met with all appropriate and applicable county requirements, and that an appropriate performance bond had been posted, and

WHEREAS, Mr. Warnock did also advise the Board that the roads listed on said plat are to be accepted as public roads as follows:

Bradfield Road	Wayfield Cove
Muirfield Place	Crescent Ridge Drive
Parkfield Drive	

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Following discussion of this matter, Mr. Andy Taggart did offer and Mr. Tim Johnson did second a motion to **(1)** 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 a majority 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)** accept the above listed roads as public roads, and direct the Clerk to accept and retain the aforesaid bond. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and the final plat of Ridgefield, Part 4 Subdivision was and is hereby approved with the aforesaid proviso, said roads were and are hereby accepted as public and the developer's bond accepted and ordered retained by the Clerk.

SO ORDERED this the 5th day of December, 2005.

In re: Consideration of Plat of Wind Dance Phase I-A

WHEREAS, County Engineer Rudy Warnock appeared before the Board of Supervisors and presented a 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,

Following discussion of this matter, Mr. Andy Taggart did offer and Mr. Tim Johnson did second a motion to approve the plat of Wind Dance, Phase 1-A Subdivision. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and the plat of Wind Dance, Phase 1-A was and is hereby approved.

SO ORDERED this the 5th day of December, 2005.

In re: Establishment of Just Compensation and Authorization to Purchase Property Regarding Loring Road Bridge Project Parcel 1 – Lillian Winfield

WHEREAS, Mr. Woody Sample of Sample & Associates did appear before the Board and reported that Ms. Lillian Winfield was now agreeing to accept the sum of \$1,000 for two (2) temporary easements totaling .83 acres on Loring Road pertaining to the bridge project to take place thereon,

Following discussion, Mr. Andy Taggart did offer and Mr. Douglas L. Jones did second a motion to establish just compensation as to said parcel and approve the payment of \$1,000 for two (2) temporary easements from Ms. Lillian Winfield totaling .83 acres for the implementation of the bridge replacement on Loring Road. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye

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Supervisor Andy Taggart
Supervisor Karl M. Banks
Supervisor Paul Griffin

Aye
Not Present and Not Voting
Aye

the matter carried by the unanimous vote of those present and the acquisition of such easements was and is so authorized and just compensation established.

SO ORDERED this the 5th day of December, 2005.

***In re: Acquisition of Right of Way from Cardinal Health and Wenstar Properties
Pertaining to the Gluckstadt Road Improvement Project***

WHEREAS, Mr. Woody Sample of Sample & Associates did appear before the Board and reported that in order to proceed with the Gluckstadt Road Improvement Project, the county will need to acquire .13 acres of right of way, .41 acres of temporary easements and related improvements from Cardinal Health, and

WHEREAS, Mr. Sample reported that the Board has previously authorized the sum of \$25,744.00 to purchase all such interests from Cardinal Health based on an appraisal by Mr. Jerry Mask, which sum has been offered and rejected by Mr. John Gallant, Director of Project Development for Cardinal Health, and

WHEREAS, Mr. Sample stated, however, that Cardinal Health was willing to accept the sum of \$33,000 for such interests, such figure being based upon his firm's recent purchase of the entirety of the affected property, and

WHEREAS, a true and correct copy of a memorandum from Mr. Woody Sample dated November 28, 2005 detailing the acquisition and the need therefor 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 increase the county's offer to \$28,000, establish just compensation accordingly and, if accepted by Cardinal Health, direct the Chancery Clerk to issue a pay warrant accordingly, and, if refused, to direct the Board Attorney to file suit for the acquisition of said right of way through the appropriate condemnation proceedings. The vote on the matter being as follows:

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

Aye
Aye
Aye
Not Present and Not Voting
Aye

the matter carried by the unanimous vote of those present and Mr. Sample was and is hereby directed to make said offer, just compensation was and is established accordingly, and, upon acceptance by Cardinal Health, the Clerk was and is so authorized and instructed, and, upon rejection by Cardinal health, the Board Attorney was and is so authorized and instructed.

SO ORDERED this the 5th day of December, 2005.

Thereafter, Board Attorney Edmund Brunini, Jr. announced that his firm was unable to represent the county in its efforts to acquire rights of way and other interests/easements from Wenstar Properties for the same Glusckstadt Road Improvements Project due to a conflict of interest. Mr. Brunini recommended that the Board consider retaining Eric Hamer, Esq. to negotiate for the acquisition of such interests and, if necessary, undertake condemnation proceedings against Wenstar.

Following discussion, Mr. Andy Taggart did offer and Mr. Tim Johnson did second a motion to retain the services of Eric Hamer, Esq. to negotiate for the acquisition of all rights of way and

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easements from Wenstar and its affiliated companies as may be necessary for the completion of the Gluckstadt Road Improvements project and, if necessary, undertake condemnation proceedings against Wenstar 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	Not Present and Not Voting
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and Mr. Hamer was and is hereby so retained and authorized.

SO ORDERED this the 5th day of December, 2005.

In re: Request for Payments - CDBG Grants 1122-05-045-ED-01 and 1121-04-045-ED-01

WHEREAS, Mr. Woody Sample of Sample & Associates did appear before the Board and requested the Board approve cash request #3 on CDBG Project #1122-05-045-ED-01 and cash request #4 on CDBG Project #1121-04-045-ED-01 and authorize the Board President to execute the necessary requisition forms, a true and correct copy of all of which may be found in the Miscellaneous Appendix to these Minutes,

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

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

the matter carried by the unanimous vote of those present and said cash requests were and are hereby approved and the Board President was and is hereby authorized to execute same.

SO ORDERED this the 5th day of December, 2005.

In re: Approval of Claims Docket for December 5, 2005

WHEREAS, the Board reviewed the claims docket for December 5, 2005; and

WHEREAS, the Chancery Clerk did assure the Board of Supervisors that all claims had been properly documented and where necessary, purchase orders were obtained in advance as required by law; and

WHEREAS, the following is a summary of all claims and funds from which said claims are to be paid:

Fund	Claim Nos.	No. of Claims	Amount
001	482 to 578, 580 to 630	148	426,609.83
012	37 to 44	8	19,285.07
095	3 to 4	2	17,899.68
096	2 to 2	1	1,230.00
097	48 to 61	14	29,789.32
105	10 to 13	4	125,401.22
113	12 to 16	5	17,247.00

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115	6 to 6	1	375.00
116	6 to 6	1	68.76
120	17 to 20	4	331.55
121	6 to 7	2	148.17
137	4 to 4	1	76.76
150	166 to 196	31	82,826.22
160	25 to 26	2	4,345.26
170	2 to 2	1	14,667.02
190	19 to 28	10	7,502.59
401	9 to 9	1	13,574.07
682	11 to 11	1	106,966.66
690	3 to 4	2	11,112.91
691	3 to 4	2	5,675.63
TOTAL ALL FUNDS		241	885,132.72

REJECTED CLAIM

Payee	Fund	Transaction #	Claim #	Amount
Whisper Lake Country Club	001	194668	579	\$300.00

Following discussion, Mr. Andy Taggart did offer and Mr. Tim Johnson did second a motion to approve the aforesaid claims docket as presented, less and except the rejected claim as noted above. Said motion directed that invoice numbers should be attached to each claim on the claims docket and further directed the Chancery Clerk to publish the Summary of Claims as required by law and to authorize the Board President to sign and approve the Claims Docket, a copy of which is found in the Miscellaneous Appendix to these Minutes together with a separate Resolution approving payment of said claims, which Resolution is attached hereto as Exhibit D, spread hereupon, and incorporated herein by reference. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye ²
Supervisor Paul Griffin	Aye

the matter carried unanimously and said Claims Docket was and is hereby approved, less and except the rejected claim noted herein above, and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 5th day of December, 2005.

In re: Lease Purchase of AMR Video Display

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to reduce the number of AMR video display units previously authorized by this Board to be purchased with certain earmarked grant funds from 6 to 4 and to lease-purchase the 4 units contingent upon opinion of the Board Attorney that the county has the authority to enter into such arrangement. 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 the lease purchase of 4 units was and

²Mr. Banks returned prior to the consideration of this matter.

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is hereby approved subject to the receipt of an opinion letter from the Board Attorney.

SO ORDERED this the 5th day of December, 2005.

In re: Discussion of Lake Caroline PUD Zoning

Following discussion, Mr. Karl M. Banks did offer and Mr. Douglas L. Jones did second a motion to direct Board Attorney Edmund L. Brunini, Jr. and Zoning Administrator Brad Sellers to confer with counsel for Lake Caroline, Inc. on various issues related to PUD zoning and certain of the provisions contained in the Lake Caroline covenants. The vote on the matter being as follows:

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

the matter carried unanimously and the Board Attorney and the Zoning Administrator were and are hereby so instructed.

SO ORDERED this the 5th day of December, 2005.

In re: Approval of Final Plat of North Shore of Caroline, Part IV Subdivision

WHEREAS, County Engineer Rudy Warnock appeared before the Board of Supervisors and presented the final plat for North Shore of Caroline, Part IV 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 advise the Board that the roads listed on said plat, are to be accepted as public roads as follows:

Northshore Pointe
Northshore Place
Northshore Way

Following discussion, Mr. Karl M. Banks did offer and Mr. Douglas L. Jones did second a motion to approve said final plat, subject to the requirement that approval of the Madison County Board of Supervisors would be required on any changes to said plat and/or the accompanying covenants until such time as a majority 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 North Shore of Caroline, Part IV Subdivision was and is hereby approved with the aforesaid proviso.

SO ORDERED this the 5th day of December, 2005.

President's Initials: _____

Date Signed: _____

***In re: Authorization of Board Members to Travel to
Mississippi Association of Supervisors' Mid-Winter Conference;
the 2006 NACo Legislative Conference, and the NRCR***

WHEREAS, County Administrator Donnie Caughman informed the Board that the Mississippi Association of Supervisors' Mid-Winter Conference is scheduled for January 9-11, 2006, at the Hilton Hotel in Jackson, Mississippi; the 2006 NACo Conference is scheduled for March 4-8, 2006, in Washington, D.C.; and the National Association of County Recorders, Election Officials and Clerks Conference is scheduled for March 3-5, 2006, in Washington, D.C.

WHEREAS, the Board does desire to approve the payment of travel and related expenses for any Board member, the Circuit and Chancery Clerks, the County Administrator, and the County Comptroller to attend said conferences, the Board finding that such expenses are in the best interest of the county,

Following discussion, Mr. Tim Johnson did offer and Mr. Andy Taggart did second a motion to authorize the payment of travel, lodging and food expenses of any Board member, the Circuit and Chancery Clerks, the County Administrator, and the County Comptroller to attend said conferences. 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 approval was and is hereby granted.

SO ORDERED this the 5th day of December, 2005.

***In re: Acknowledge Receipt of State Tax Commission's
"Summary of Audit" Forms Regarding the Tax Assessor***

Following discussion, Mr. Tim Johnson did offer and Mr. Andy Taggart did second a motion to acknowledge receipt of certain "Summary of Audit" forms from the State Tax Commission regarding the Tax Assessor, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes. The vote on the matter being as follows:

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

the matter carried unanimously and the receipt of said forms were and are hereby acknowledged.

SO ORDERED this the 5th day of December, 2005.

***In re: Retention of Counsel to Defend Justice Court Judge Carol Davis
in a Matter Pending Before the Mississippi Commission on Judicial Performance***

WHEREAS, Board Attorney Edmund L. Brunini, Jr. did appear before the Board and reported that Justice Court Judge Carol Davis has been notified of the pendency of certain proceedings against her before the Mississippi Commission on Judicial Performance and was requesting that the county retain counsel to represent her in that matter and in any appeals therefrom, and

President's Initials: _____

Date Signed: _____

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WHEREAS, Chancery Clerk Arthur Johnston did advise the Board that he had informally consulted with representatives of the Technical Services Division of the State Department of Audit and had been assured that the Board had the legal authority to retain and pay for the services of counsel to represent a judicial official in such proceedings,

Following discussion, Mr. Tim Johnson did offer and Mr. Douglas L. Jones did second a motion to retain the law firm of Brunini Grantham Grower & Hewes to represent and defend Justice Court Judge Carol Davis in that certain matter presently pending before the Mississippi Commission on Judicial Performance and any appeal therefrom. 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 firm was and is so retained, authorized and directed.

SO ORDERED this the 5th day of December, 2005.

In re: Approve First Amendment to Memorandum of Understanding with Reunion, Inc.

Following discussion, Mr. Andy Taggart did offer and Mr. Karl M. Banks did second a motion to approve the First Amendment to Memorandum of Understanding with Reunion, Inc. between Madison County and Reunion, Inc., Annandale Investors, L.P. and Cypress Brake Properties, L.P., a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes. The vote on the matter being as follows:

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

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

SO ORDERED this the 5th day of December, 2005.

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor Douglas L. Jones and seconded by Supervisor Andy Taggart and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Monday, December 19, 2005 for the purpose of consideration of a Claims Docket and any other business which may properly come before the Board.

Paul Griffin, President
Madison County Board of Supervisors

Date signed: _____

ATTEST:

Arthur Johnston, Chancery Clerk

President's Initials: _____

Date Signed: _____

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President's Initials: _____

Date Signed: _____

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President's Initials: _____

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