

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

REGULAR MEETING OF MAY 23, 2005
Recessed from regular meeting of May 16, 2005

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on May 23, 2005, in the Law Library on the second floor of the Madison County Circuit Courthouse in Canton, Mississippi, as follows:

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
Chancery Clerk Arthur Johnston

Absent:

Supervisor Karl M. Banks
Sheriff Toby Trowbridge

Also in attendance:

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

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

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

_____ WHEREAS, the Board of Supervisors had previously advertised its intent to conduct a public hearing concerning the petition of Randy L. Knouse, Todd Sandridge, and Charles Kemp Enterprises seeking rezoning of certain property, pursuant to the Zoning Ordinance of Madison County, MS, and to amend the Zoning Maps adopted pursuant thereto, by requesting property be rezoned from its present R-1 Residential District to R-2 Residential District, said property is described as follows, to wit:

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

Commence at the SE corner of the said section 23 and run due West for a distance of 2,207.70 feet; thence run due North for a distance of 15.31 feet to an iron pin which marks the northern right-of-way line of Yandell Road and also marks the Point of Beginning for the parcel herein described; thence due North for a distance of 3,284.69 feet to an iron pin; thence due East for a

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

WHEREAS, the Board authorized the publication of notice in the *Madison County Herald*, a newspaper of general circulation in Madison County, the same having been accomplished on April 7, 2005, and

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

WHEREAS, on April 25, 2005 the Board considered this matter and entered an order continuing this matter until 9:00 a.m. May 23, 2005, and

WHEREAS, the hour of 9:00 a.m. did arise and County Zoning Administrator Brad Sellers did appear before the Board on behalf of the Petitioners for a public hearing seeking to rezone a certain tract from its present R-1 Residential District to R-2 Residential District, and

WHEREAS, Supervisor Douglas L. Jones did announce that due to the absence of District 4 Supervisor Karl M. Banks, the matter ought to be continued again until June 27, 2005,

Following discussion, Mr. Douglas L. Jones did offer and Mr. Tim Johnson did second a motion to continue the public hearing until June 27, 2005. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and the public hearing on the petition of Randy L. Knouse, Todd Sandridge, and Charles Kemp Enterprises seeking rezoning of certain property was and is hereby continued until June 27, 2005.

SO ORDERED this the 23rd day of May, 2005.

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In re: Request of Ron Hutchison and John Harreld to Re-zone Certain Property from R-1 Residential District to C-2 Commercial District

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

WHEREAS, Ron Hutchinson and John Harreld did file an Application to rezone certain property from its present R-1 Residential Use District Classification to a C-2 Commercial Use District Classification; and

WHEREAS, the Board authorized the publication of notice in the *Madison County Herald*, a newspaper of general circulation in Madison County, the same having been accomplished on April 28, 2005, and

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

WHEREAS, the hour of 9:00 a.m. did arise and County Zoning Administrator Brad Sellers did appear before the Board on behalf of the Petitioners for a public hearing seeking to rezone a certain tract from its present R-1 Residential District to a C-2 Commercial District, and

WHEREAS, Mr. Ron Hutchinson appeared before the Board on behalf of himself and Mr. John Harreld and explained that the zoning request was to construct a new office, showroom, and warehouse for Mississippi Tent & Party Rental, LLC, and

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

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

Following discussion, Mr. Andy Taggart did offer and Mr. Douglas L. Jones did second a motion to close the public hearing, grant the request subject to petitioners agreement to amend the proposed covenants so as to reflect that any changes thereto must be submitted to the Madison County Board of Supervisors rather than the Planning and Zoning Board, 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 Use District Classification to C-2 Commercial Use District Classification, to wit:

A parcel of land containing 2.97 acres (129,505.16 square feet), more or less, being situated in the N1/2 of section 21, T8N-R2E, Madison County, Mississippi, and being more particularly described by metes and bounds as follows:

Commence at a found iron pin marking the NW corner of Section 21; run thence along the N line of said section N 89 degrees 36 minutes 14 seconds E for a distance of 1200.10 feet to the Point of Beginning for the parcel herein described; thence continue N 89 degrees 36 minutes 14 seconds E for a distance of 68.56 feet; thence leave said N line and run S for a distance of 73.71 feet; thence S 89 degrees 39 minutes 14 seconds E for a distance of 151.00 feet to a point on the W line of the BellSouth property as described in Book 504 at Page 40 of the Madison County

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Land Records; thence run along said W line S 00 degrees 20 minutes 42 seconds W for a distance of 564.33 feet to the SW corner of said property; thence S 89 degrees 36 minutes 14 seconds W for a distance of 220.00 feet; thence N 00 degrees 20 minutes 42 seconds E for a distance of 640.00 feet to the Point of Beginning.

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 described real property.

ORDAINED, ADOPTED AND APPROVED by the Board of Supervisors of Madison County, Mississippi, at a meeting thereof held on the 23rd day of May, 2005.

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

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

the matter carried by the unanimous vote of those present and the Petition of Ron Hutchinson and John Harreld seeking rezoning of certain property, pursuant to the Zoning Ordinance of Madison County, Mississippi, and to amend the Zoning Maps adopted pursuant thereto, and to amend the County Land Use Plan by requesting said property be rezoned from its present R-1 Residential District to C-2 Commercial District was and is hereby granted, the subject property was and is hereby re-zoned, and the County zoning ordinance and map and the County Land Use Plan are amended accordingly.

SO ORDERED this the 23rd day of May, 2005.

In re: Request of James Bennett, Sandra Bennett, Percy Jackson, Marshall Jackson, Monroe Adams Johnson, Glenn Williams, and Letha Boyd to Re-zone Certain Property from A-1 Agricultural District to I-1 Industrial District

WHEREAS, James Bennett, Sandra Bennett, Percy Jackson, Marshall Jackson, Monroe Adams Johnson, Glenn Williams, and Letha Boyd, did file an Application to rezone certain property from its present A-1 Agricultural Use District Classification to a I-1 Industrial Use District Classification; and

WHEREAS, the Board authorized the publication of notice in the *Madison County Herald*, a newspaper of general circulation in Madison County, the same having been accomplished on April 28, 2005, and

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

WHEREAS, the hour of 9:00 a.m. did arise and County Zoning Administrator Brad Sellers did appear before the Board on behalf of the Petitioners for a public hearing seeking to rezone a certain tract from its present A-1 Agricultural District to a I-1 Industrial District, and

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WHEREAS, Ms. Sandra Bennet appeared before the Board and explained that the zoning request was prompted by the fact that surrounding property was already zoned industrial and they wish to sell 20 acres lying and being situated in Section 10, T8N, R2E in Madison County for industrial use, and

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

WHEREAS, the Board President declared said public hearing to be open as noticed, and Following discussion, Mr. Andy Taggart did offer and Mr. Douglas L. Jones did second a motion to close public hearing and table for further consideration of the matter until such time as appropriate and acceptable covenants could be developed. 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 public hearing on the petition of James Bennett, Sandra Bennett, Percy Jackson, Marshall Jackson, Monroe Adams Johnson, Glenn Williams, and Letha Boyd seeking rezoning of that certain property was and is hereby closed and consideration of the matters tabled.

SO ORDERED this the 23rd day of May, 2005.

In re: Petition of C. H. Galloway for a Special Exception to the Zoning Ordinance of Madison County to Allow Surface Mining in an A-1 Agricultural District

WHEREAS, County Zoning Administrator Brad Sellers and Mr. C. H. Galloway did appear before the Board for a public hearing on Mr. Galloway's request for a Special Exception to allow surface mining until January, 2008, in and on certain property owned by him on north side of Old Natchez Trace Road, lying and being situated in Section 15, T8N-R3E in Madison County, Mississippi, and

WHEREAS, the Board authorized the publication of notice in the *Madison County Herald*, a newspaper of general circulation in Madison County, the same having been accomplished on April 28, 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 Board President declared said public hearing to be open as noticed, and

WHEREAS, Mr. Sellers and Mr. Galloway did speak to the proposed special use and indicated that the area was remote and not surrounded by any residences and Mr. Galloway did further represent that he would be willing to adhere to the standards and guidelines -- especially as to hours of operations and number of vehicles -- previously adopted by the Board for the original Robinson Springs Road mining operation, and

WHEREAS, Mr. Jeff Putnam appeared in opposition to the Petition, expressing his concern as to an increased number of trucks along and – the potential for the destruction of –

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roadways to be traveled, and

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

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

Following discussion, Mr. Paul Griffin did offer and Mr. Andy Taggart did second a motion to close the public hearing and grant the Special Exception subject to the conditions and guidelines set forth above, the Board expressly finding that said Special Exception was and is in the best interest of the county as a whole, was and is consistent with the county's zoning ordinance, was and is an appropriate exception for land zoned A-1 Agricultural. 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 public hearing on the petition of C.H. Galloway seeking to conduct surface mining on Old Natchez Trace Road was and is hereby closed and said request was and is hereby approved.

SO ORDERED this the 23rd day of May, 2005.

In re: Revision of Federal Insurance Rate Maps

WHEREAS, County Zoning Administrator Brad Sellers did appear before the Board for a public hearing to revise Federal Insurance Rate Maps, and

WHEREAS, the Board authorized the publication of notice in the *Madison County Herald*, a newspaper of general circulation in Madison County, the same having been accomplished on April 28, 2005, and

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

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

WHEREAS, Mr. Sellers did speak to the proposed revision of the floodway and flood hazard boundary maps for Bear Creek for the reach extending upstream (south) of Interstate Highway 55 in Canton to Interstate Highway 55 near Gluckstadt, Mississippi, a distance of approximately 13 miles, and

WHEREAS, Mr. Sellers did point out that the revision includes reductions in the flood elevations in the vicinity of state Highway 22 and U.S. Highway 51 and changes in the floodway widths along bear Creek and related other pertinent information pertaining to this study as follows, to-wit:

Case No. 01-04-543P
Communities : City of Canton and Unincorporated Areas of Madison County, MS
Community Nos. 280109 and 280228, and

WHEREAS, said revised maps may be found in the Miscellaneous Appendix to these Minutes, and

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WHEREAS, Mr. Cecil Palmer appeared before the Board in support of said revision and offered certain maps and other materials to augment his comments,

Following discussion, Mr. Douglas L. Jones did offer and Mr. Andy Taggart did second a motion to close the public hearing and accept the revised maps 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	Not Present and Not Voting
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and the revised Federal Insurance Rate Maps were and are hereby accepted and adopted as presented.

SO ORDERED this the 23rd day of May, 2005.

In re: Approval of Consent Agenda Items

WHEREAS, President Griffin did announce that he and County Administrator Donnie Caughman had conferred in advance of the meeting as to certain matters denominated "Consent Items" which bear Item numbers (6) through (11) on the Agenda and that the same appeared to be routine, non-controversial matters on which all Supervisors were likely to agree, and

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

WHEREAS, Supervisor Andy Taggart did request that Item (9) be removed from the consent agenda and addressed separately, and

WHEREAS, the Douglas L. Jones did request that Items (7) and (10) be removed from the consent agenda and addressed separately, and

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

(6) Ratification of Emergency Purchase Declaration

The Emergency Purchase Declaration executed on April 25, 2005 by Chancery Clerk Arthur Johnston, a true and correct copy of which is attached hereto as Exhibit F, was and is hereby ratified and the facts set forth therein as well as the actions taken in conjunction therewith were and are hereby approved.

(8) Acknowledgment of Monthly Financial Report

The Clerk of the Board Report for the month of April, 2005, submitted in accordance with Miss. Code Ann. § 19-11-23 (1972) was reviewed by the Board and was and is hereby acknowledged received, and a true and correct copy thereof may be found in the Miscellaneous Appendix to these Minutes.

(11) Authorization for New Election Commissioners to Attend Training Session and Per Diem

The request of Sue Sautermeister, Kevin Broughton, Leroy Lacy, and Kakey Chaney to attend Orientation for New County Election Commissioners on June 24, 2005 and a \$70.00 per diem per day plus travel expenses was and is hereby approved as set forth in that certain memorandum

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dated May 17, 2005 from the Madison County Elections Commission, a true and correct copy of which, together with the attachments thereto, is attached hereto as Exhibit G.

Thereafter, Mr. Douglas L. Jones did offer and Mr. Andy Taggart did second a motion to approve, adopt and authorize each of the above and foregoing matters, the same being numbered Items (6), (8), and (11). 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 each item was and is approved, adopted and authorized.

SO ORDERED this the 23rd day of May, 2005.

In re: Approval of Lowest and Best Bid on Asphalt Milling

WHEREAS, County Purchase Clerk Hardy Crunk did appear before the Board and reported on behalf of the standing committee appointed by the Board to open and tabulate bids, that base bids and alternate bids were received on asphalt milling, and

WHEREAS, Mr. Crunk did previously recommend in his memorandum of May 20, 2005 that the Board accept the Delta Constructors, Inc. bid as the primary term bidder, and Adcamp as the alternate term bidder, a true and correct copy of which, together with the attachments thereto, is attached hereto as Exhibit H.

Mr. Andy Taggart offered and Mr. Douglas L. Jones did second a motion to table consideration of said bids until such time as County Road Manager Prentiss Guyton could be present. The vote on the matter being as follows:

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

the matter did not garner a majority vote of the Board and therefore failed.

SO ORDERED this the 23rd day of May, 2005.

Following discussion, Mr. Tim Johnson did offer and Mr. Paul Griffin did second a motion to accept Delta Constructors, Inc. bid as the primary term bidder for asphalt milling, and Adcamp as the alternate term bidder for asphalt milling. 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	Not Present and Not Voting
Supervisor Paul Griffin	Aye

the matter did not garner a majority vote of the Board and therefore failed.

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SO ORDERED this the 23rd day of May, 2005.

***In re: Request to Publish Ad for
Madison County Veterans***

WHEREAS, Veterans Service Officer Dr. Tom Logue requested permission to advertise in *The Northside Sun* and *The Madison County Herald* the services of the Veterans Affairs Office and the benefits that may be available to Madison County Veterans, and

WHEREAS, Dr. Logue did present a memorandum dated May 16, 2005 pertaining the cost of advertising , a true and correct copy of which is attached hereto as Exhibit I,

Following discussion, Mr. Andy Taggart did offer and Mr. Douglas L. Jones did second a motion to authorize the advertising request of Dr. Tom Logue with the deletion of last sentence in the ad reading "These services are provided by your Madison County Board of Supervisors." The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and request to advertise for Madison County Veterans was and is hereby approved as requested subject to the aforesaid deletion.

SO ORDERED this the 23rd day of May, 2005.

In re: Renewal of MEA Drug/Alcohol Testing Services

WHEREAS, County Administrator Donnie Caughman did appear before the Board and requested the Board approve a Letter of Understanding with MEA Medical Clinics for drug and alcohol testing services, a true and correct copy of which is attached hereto as Exhibit J,

Following discussion, Mr. Andy Taggart did offer and Mr. Douglas L. Jones did second a motion to authorize County Administrator Donnie Caughman to execute the aforesaid Letter of Understanding with MEA Medical Clinics and to approve same. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and the Letter of Understanding with MEA Medical Clinics was and is hereby approved.

SO ORDERED this the 23rd day of May, 2005.

In re: Emergency Repair of Industrial Drive Rail Crossing

WHEREAS, Helen Keller did appear before the Board on behalf of County Road Manager Prentiss Guyton requesting the Board declare an emergency in order to repair certain

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defective cross ties and rails on the Industrial Drive Rail Crossing, and

WHEREAS, Chancery Clerk Arthur Johnston reported that he had visited the scene and agreed that the situation was serious and represented a hazard to the public, both as to automobile traffic and as to the potential for derailment but that in his estimation, the repair work sought to be performed thereon was in the nature of a permanent repair or replacement and that other, more temporary means could be employed to correct the situation, and

WHEREAS, Mr. Johnston further reported that records on file in his office reflected that the rail crossing easement was owned not by the county but by Leavitt Tube Company and that in his estimation, Leavitt Tube has responsibility for making the repairs,

Following a lengthy discussion, Mr. Andy Taggart did offer and Mr. Tim Johnson did second a motion to declare an emergency so as to allow the immediate repair of the rail crossing on Industrial Drive. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present, and request to declare emergency for rail crossing on Industrial Drive was and is hereby approved.

SO ORDERED this the 23rd day of May, 2005.

Thereafter, Mr. Andy Taggart did offer and Mr. Tim Johnson did second a motion to authorize repairs on said rail crossing to be performed by McHann Railroad Services, Inc. of Mississippi, which firm submitted the low quote of \$23,839.00 and to direct Board Attorney Edmund L. Brunini, Jr. to ascertain whether Leavitt Tube Company or any other entity had responsibility for such repairs. 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 low quote to repair rail crossing was and is hereby accepted and approved and the Road Department was and is hereby directed to proceed forthwith in securing the services of said firm, and the Board Attorney was and is hereby so instructed.

SO ORDERED this the 23rd day of May, 2005.

***In re: Establish Just Compensation for
Right of Way on Gluckstadt Roadway
Improvements Project***

WHEREAS, Mr. Woody Sample with Sample & Associates did submit a certain memorandum, true and correct copy of which is attached hereto as Exhibit K, recommending that the Board establish just compensation for thirteen (13) parcels owned by various land owners in the amounts set forth in said exhibit,

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

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to establish just compensation as to said properties in accordance with said recommendations. 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 just compensation as to the parcels listed on Exhibit K was and is hereby established accordingly.

SO ORDERED this the 23rd day of May, 2005.

***In re: Approval of Proposed Change Order No. 2,
Reunion Parkway, Phase I - Contract 2***

WHEREAS, Mike McKenzie of Williford, Gearhart & Knight did appear before the Board and presented Change Order No. 2 relative to the relocation of existing signal poles and the addition of 2 Loop Detector Amplifiers (4 channel) at the intersection of Reunion Blvd. and Bozeman Road, and

WHEREAS, a true and correct copy of said proposed Change Order No. 2 is attached hereto as Exhibit L, and

Following discussion, Mr. Andy Taggart did offer and Mr. Tim Johnson did second a motion to approve said proposed Change Order No. 2. 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 Change Order No. 2 was and is hereby approved.

SO ORDERED this the 23rd day of May, 2005.

In re: Report on Deficient Bridges

WHEREAS, State Aid and LSBP Engineer Keith O'Keefe did appear before the Board and gave a report on the deficient bridges in Madison County, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes,

Following lengthy discussion, Mr. Tim Johnson did offer and Mr. Douglas L. Jones did second a motion to proceed with the recommended repair and improvements to Madison Avenue Bridge, Yandell Road Bridge, Abernathy Road Bridge, two (2) Loring Road Bridges, and McCullough Road Bridge utilizing the services of the county's term bidder, Key Constructors, LLC where applicable, and authorize Mr. O'Keefe and the Neel Schaffer firm to prepare a general services agreement encompassing said projects and present the same to Board Attorney Edmund L. Brunini, Jr. and then to the Board for approval. 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	Not Present and Not Voting
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and said bridges were and are approved for repair, the term bidder and Mr. O’Keefe were and are hereby so directed.

SO ORDERED this the 23rd day of May, 2005.

In re: Request to Revise Road Plan

Mr. Douglas L. Jones did offer and Mr. Tim Johnson did second a motion to revise the county’s road plan to include Twelve Oaks Road to where the current pavement ends. 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 request to revise road plan to include said road was and is hereby approved.

SO ORDERED this the 23rd day of May, 2005.

In re: Approval of Lowest and Best Bid on Asphalt Milling

WHEREAS, the Board President had previously called for a vote to accept the lowest and best bid on asphalt milling, and

WHEREAS, said vote had failed to garner a majority of votes and therefore failed,

However, upon reconsideration and being advised as to the purpose of and need for such asphalt milling, Mr. Paul Griffin did offer and Mr. Tim Johnson did second a motion to accept the low bid submitted by Delta Constructors, Inc. as the primary term bidder, and Adcamp as the alternate term bidder and award the bids accordingly. 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 (3-1) vote of those present, and Delta Constructors, Inc. was and is awarded the term bid for asphalt milling and Adcamp was and is hereby declared the alternate term bidder.

SO ORDERED this the 23rd day of May, 2005.

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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 of discussing litigation matters and matters involving the acquisition of real property, with the following persons deemed necessary for Board discussions, deliberations, and recording of such Executive Session, to wit: members of the Board, Chancery Clerk Arthur Johnston, Board Attorney Edmund L. Brunini, Jr., County Administrator Donnie Caughman, County Comptroller Mark Houston, and Anne Sanders, Esq, an attorney with the Brunini law firm representing Sheriff Toby Trowbridge and the Madison County Sheriff’s Department. 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 (3-1) vote of those present and the Board took up the matter of entering into Executive Session.

SO ORDERED this the 23rd day of May, 2005.

In re: Entering into Executive Session

WHEREAS, a discussion of the nature of the matters requiring Executive Session was had and the Board Attorney informed the Board that Anne Sanders, Esq., an attorney representing Sheriff Toby Trowbridge and the Madison County Sheriff’s office to discuss certain litigation matters,

Following a discussion, Mr. Douglas L. Jones did offer and Mr. Tim Johnson did second a motion to enter into Executive Session to discuss litigation matters and matters involving the acquisition of real property as provided by law. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and President Griffin declared the Board of Supervisors to be in Executive Session for the consideration of such matters and the Board Attorney announced to the public the purpose for the Executive Session.

SO ORDERED this the 23rd day of May, 2005.

Thereafter, and following a lengthy discussion, and in view of the fact that the two westbound lanes of Reunion Blvd. would need to be open and in use by the beginning of school in the Fall 2005, Mr. Andy Taggart did offer and Mr. Tim Johnson did second a motion to accept an offer

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from Sunny Development Company (“Sunny”) to convey to the county **(1)** a .41 acre strip of real property located along Bozeman Road south of its intersection with Reunion Blvd. sufficient to allow the construction of a turn lane at said intersection and **(2)** a drainage easement under and through Reunion Blvd. and Sunny’s property adjacent thereto sufficient to satisfy the county’s engineers on the Reunion project in exchange for the payment by the county of \$30,000, said motion specifically recognizing that the county’s acceptance of such offer takes into account **(a)** Sunny’s previous donation of its half of the right of way of the presently existing Reunion Blvd.; **(b)** Sunny’s previous donation of a temporary easement and right of way to allow for the construction of a temporary road giving ingress and egress to the new Madison Station Elementary School; and **(c)** that the actual value of the land to the county for the proper completion of the roadway justified the purchase price . The motion further reflected that the acceptance of said offer is conditioned upon the receipt of a follow-up report from the county’s right of way agent Woody Sample and upon the execution of instruments necessary to effectuate said conveyances on or before June 7, 2005. In the event the latter condition fails, the Board Attorney is instructed to proceed with the necessary eminent domain 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	Not Present and Not Voting
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and said offer was and is accepted for the reasons and on the terms and conditions set forth herein above.

SO ORDERED this the 23rd day of May 2005.

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

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

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

SO ORDERED this the 23rd day of May, 2005.

In re: Proposed Ad Valorem Tax Exemption Policy

WHEREAS, Chancery Clerk Arthur Johnston did appear before the Board and presented a proposed Ad Valorem Tax Exemption Policy, and

WHEREAS, Tax Assessor Gerald Barber and Madison County Economic Development Authority (MCEDA) Director Tim Coursey also appeared in support thereof, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Andy Taggart did offer and Mr. Douglas L. Jones did second a motion to adopt said policy with certain amendments which have been incorporated therein. 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	Not Present and Not Voting
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and Ad Valorem Tax Exemption Policy was and is hereby approved and adopted with amendments.

SO ORDERED this the 23rd day of May, 2005.

In re: Approval of a Certain 16th Section Lease

WHEREAS, the Madison County School Board has approved the following 16th Section lease and forwarded it to the Board for review and approval, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes:

Lessees: Stephen D. Hornaday
 Description: Lot 23, Eastbrooke Estates Subdivision
 Lease Term: 40 years

<u>Year</u>	<u>Annual Rent</u>
1 - 5	\$ 350.00
6 - 10	\$ 385.00
11 - 15	\$ 420.00
16 - 20	\$ 455.00
21 - 25	\$ 490.00
26 - 30	\$ 525.00
31 - 35	\$ 560.00
36 - 40	\$ 595.00

Mr. Tim Johnson did offer and Mr. Douglas L. Jones 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	Abstained
Supervisor Karl M. Banks	Not Present and Not Voting
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and voting and said lease was and is hereby approved.

SO ORDERED this the 23rd day of May, 2005.

In re: Approval of Memorandum of Understanding Between Madison County and Reunion Inc., Annandale Investors, L. P. and Cypress Brake Properties L. P.

WHEREAS, Board Attorney Edmund L. Brunini, Jr. Appeared before the Board and brought the Board up to date on the negotiations related to the construction of Reunion Parkway, Phase II, and

WHEREAS, Mr. Brunini reviewed the fact that the Board had previously agreed in

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principle to an arrangement that, among other things, authorized the County to reimburse the Reunion group for certain drainage improvements to the proposed right of way, and

WHEREAS, Mr. Brunini advised that the amount of the reimbursement was to be the difference between the agreed upon contribution of approximately \$325,000 from the Reunion group and the actual cost of the drainage improvements, expected to be approximately \$536,000, and

WHEREAS, the Board expressed reservations about the County's legal ability to "reimburse" for contractual work done by the Reunion group's contractor, and

WHEREAS in response to that concern, Mr. Brunini proposed to the Reunion group that they construct the total drainage improvements and subsequently convey to the County the enhanced right of way for the same amount, i.e. the difference between their contribution of approximately \$325,000 and the actual cost of the improvements, which amount would be appreciably lower than the true value of the right of way to be purchased, satisfying any issues in that respect, and

WHEREAS, Mr. Brunini reported that this revision had been accepted and that the final agreement was being prepared, a true and correct copy of which is attached hereto as Exhibit M, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Andy Taggart did offer and Mr. Tim Johnson did second a motion to approve the aforesaid agreement and authorize 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	Not Present and Not Voting
Supervisor Paul Griffin	Aye

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

SO ORDERED this the 23rd day of May, 2005.

***In re: Authorize Design Work on
Reunion Parkway, Phase 2***

Following discussion, Mr. Tim Johnson did offer and Mr. Andy Taggart did second a motion to authorize County Engineer Rudy Warnock to proceed with work on the remaining design of Reunion Parkway, Phase 2 at thirty percent (30%) of the fee of the prior project engineer. 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 County Engineer Rudy Warnock was and is hereby authorized to proceed with the remaining design of Reunion Parkway, Phase 2 at thirty (30%) of the fee of the prior project engineer.

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***In re: Authorize Assistance with Grant
Application for Voting Precincts***

Following discussion, Mr. Douglas L. Jones did offer and Mr. Tim Johnson did second a motion to authorize Mr. Joseph Orr to assist with preparation of a grant application with the U. S. Department of Justice to make county polling locations ADA compliant. 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. Orr was and is hereby authorized to assist with the preparation of grant application to the U. S. Department of Justice.

SO ORDERED this the 23rd day of May, 2005.

In re: Appointment to CMPDD Council on Aging

WHEREAS, Supervisor Douglas L. Jones does desire to appoint Dr. Charles Myers to Central Mississippi Planning and Development District's Advisory Committee on Aging,

Following discussion, Mr. Douglas L. Jones did offer and Mr. Andy Taggart did second a motion to appoint Dr. Charles Myers to said Central Mississippi Planning and Development District's Advisory Committee on Aging to represent Madison 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	Not Present and Not Voting
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and Dr. Myers was and is hereby so designated and appointed.

SO ORDERED this the 23rd day of May, 2005.

In re: Request of Budget Transfer for FY 2005

WHEREAS, County Comptroller Mark Houston appeared before the Board requesting approval to transfer funds sufficient to pay Fox Everett Invoice #2038 in the amount of \$100,152.15, and

WHEREAS, Mr. Houston requested transferring \$100,000 from Grand Gulf Fund (Fund # 013-100-951) to the Self Funded Insurance Fund (Fund 682) for the payment of said invoice, and to increase the budget for line item 013-100-951 by that same amount,

Following discussion, Mr. Tim Johnson did offer and Mr. Douglas L. Jones did second a motion to approve the transfer of \$100,000 from the Grand Gulf Fund to the Self Funded Insurance Fund, to amend the Grand Gulf budget accordingly and to thereafter authorize the payment of Fox Everett invoice #2038 in the amount of \$100,152.15. 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	Not Present and Not Voting
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and said transfer request was and is hereby approved and said invoice was and is hereby ordered paid.

SO ORDERED this the 23rd day of May, 2005.

In re: Memorial Day Proclamation

WHEREAS, Veterans Service Officer Dr. Tom Logue presented a Memorial Day Proclamation and requested its adoption by the Board, a true and correct copy of which is attached hereto as Exhibit N, spread hereupon and incorporated herein by reference,

Mr. Tim Johnson did offer and Mr. Douglas L. Jones did second a motion to approve said Proclamation. 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 Memorial Day Proclamation was and is hereby approved.

SO ORDERED this the 23rd day of May, 2005.

In re: Authorize Closing of Way Road Bridge

WHEREAS, County Engineer Rudy Warnock did appear before the and requested the approval to dump close bridge #129 on Way Road over Hagin Creek,

Following discussion, Mr. Tim Johnson did offer and Mr. Douglas L. Jones did second a motion to dump close bridge #129 on Way Road over Hagin Creek until corrective action is taken by Board of Supervisors. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and Mr. Warnock was and is authorized to dump close said bridge.

SO ORDERED this the 23rd day of May, 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 Tim Johnson and approved by the unanimous vote of the Board, the meeting of the Board of Supervisors was adjourned until Monday, June 6, 2005 at 9:00 a. m. to

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conduct any 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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