

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

REGULAR MEETING OF JUNE 27, 2005
Recessed from regular meeting of June 20, 2005

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on June 27, 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 Karl M. Banks
Supervisor Paul Griffin
Sheriff Toby Trowbridge
Chancery Clerk Arthur Johnston

Absent:

None

Also in attendance:

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

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

***In re:* Petition of James B. Collins and Michael Young
for a Special Exception to the Zoning Ordinance of Madison
County to Allow Surface Mining in an R-1 Residential District**

WHEREAS, County Zoning Administrator Brad Sellers did appear before the Board for a public hearing on the petition of James B. Collins and Mr. Michael Young for a Special Exception to allow surface mining in and on four (4) certain acres of property owned by him in Section 5, T7N-R1E and further identified by tax parcel # 71C-05B-24/00 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 May 26, 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 Board President declared said public hearing to be open as noticed, and

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WHEREAS, Mr. Sellers did announce that he had been informed by petitioner Michael Young that petitioners were no longer interested in pursuing the special exception request but reported that the petitioners were not present, and

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

Following discussion, Mr. Andy Taggart did offer and Mr. Douglas L. Jones did second a motion to close the public hearing and deny the Special Exception request. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and the public hearing on the petition of James B. Collins and Mr. Michael Young seeking to conduct surface mining on Old Natchez Trace Road was and is hereby closed and said request was and is hereby denied.

SO ORDERED this the 27th day of June, 2005.

***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***

**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 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 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

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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 B, 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, on May 23, 2005 the Board considered this matter and entered an order continuing this matter until 9:00 a.m. June 27, 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, Mr. John Lockett did appear on behalf of the petitioners and did point to certain changes to the development proposed to take place on the property in question and submitted a revised preliminary plat thereof which removed entrances on Smith-Carr Road, reflected the donation of certain greenspace to the county, the creation of a certain detention area, and the rerouting of Smith Carr Road to provide greenspace for a neighboring church, and the addition of a berm surrounding the property along Yandell Road and Smith-Carr Road, and

WHEREAS, Jim Martin, Esq. did appear on behalf of the Smith-Carr Homeowners Association and reported that he had only recently received the proposed changes submitted by the developers and had not reviewed the same but that his client remained opposed to the petition, and

WHEREAS, Mr. Ward Van Skiver did also appear in opposition to the petition, and

Following discussion, Mr. Douglas L. Jones did move and Mr. Karl M. Banks did second a motion to close the public hearing. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye ¹
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

¹Mr. Johnson arrived prior to the call of the question on this matter.

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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 closed.

SO ORDERED this the 27th day of June, 2005.

Thereafter, Mr. Douglas L. Jones did offer and Mr. Karl M. Banks did second a motion (1) to approve the petitioner's request as reflected on the revised plat and site plan, a true and correct copy of which is attached hereto as Exhibit C, conditioned upon the following:

- (a) the requirement of enclosed garages rather than carports in any covenants submitted to the Board, and a minimum construction cost of \$120,000;
- (b) the addition of an 8 foot fence along the north boundary of the property at a location at least five feet (5) from boundary line so as to preserve the trees on said property, the site plan to be revised accordingly;
- (c) that any changes in the covenants must be approved by the Madison County Board of Supervisors;
- (d) and further conditioned upon further review of the covenants by the Smith Carr Homeowners Association and its representatives with instructions that the petitioners and the homeowners agree as to the terms and present any concerns to the Board by the second meeting in July;
- (e) the revision of said site plan to include the proper location and landscaping of the berm presently depicted thereon;

and (2) to 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:

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 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

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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

2. That the Madison County Zoning Ordinance, the Zoning District Map, and the Madison County Land Use Plan be and the same are hereby amended so as to reflect the foregoing change in the zoning of the above described real property subject to the provisos set forth herein above.

ORDAINED, ADOPTED AND APPROVED by the Board of Supervisors of Madison County, Mississippi, at a meeting thereof held on the 27th day of June, 2005.

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

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

the matter carried unanimously and the Petition of Randy L. Knouse, Todd Sandridge, and Charles Kemp Enterprises seeking rezoning of certain property, pursuant to the Zoning Ordinance of Madison County, Mississippi, and to amend the Zoning Maps adopted pursuant thereto, and to amend the County Land Use Plan by requesting said property be rezoned from its present R-1 Residential District to R-2 Residential District was and is hereby granted, the subject property was and is hereby re-zoned, and the County zoning ordinance and map and the County Land Use Plan are amended accordingly, all as subject to the provisos set forth herein above.

SO ORDERED this the 27th day of June, 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

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

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

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WHEREAS, the Board authorized the publication of notice in the *Madison County Herald*, a newspaper of general circulation in Madison County, the same having been accomplished on April 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, on May 23, 2005 the Board considered this matter and entered an order continuing this matter until 9:00 a.m. June 27, 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 A-1 Agricultural District to a I-1 Industrial District, and

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. Karl M. Banks did offer and Mr. Andy Taggart did second a motion to close public hearing and adopt the following Ordinance, to-wit:

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

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

James and Sandra Bennett - Tract One

A parcel of land containing 2 acres, more or less, acquired by the grantors herein by Warranty Deed recorded at Deed Book 320, in Page 737, and fronting 268.46 feet on the East side of Interstate No. 55, lying and being situated in the SW1/4 of Section 10, T8N-R2E, Madison County, Mississippi, and more particularly described as follows:

Beginning at an iron pin on the E right-of-way of said Highway representing the NW corner of the James Bennett parcel conveyed by Deed recorded in Deed Book 136, at Page 416 in the records of the Chancery Clerk of said County, said iron pin also being the SW corner and the Point of Beginning of the property herein described; thence N 89 degrees 47 minutes E for 461.63 feet along the N line of said Bennett parcel and its extension to an iron pin; thence N 00 degrees 13 minutes W for 224.50 feet to an iron pin on the N line of the Irene Williams property conveyed by Deed recorded in Deed Book 134 at Page 605 in the records of said Chancery Clerk; thence S 89 degrees 47 minutes W along said Williams N line for 314.50 feet to an iron pin on said E right-of-way line said pin representing the NW corner of said Williams property; thence S 33 degrees 01 minutes 02.2 seconds W along the chord of the curve of said right-of-way line for 268.46 feet to the Point of Beginning.

Tract Two

A parcel of land containing 2 acres, more or less, acquired by the grantors herein by Deeds

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recorded in Deed Book 136, at Page 416, and Deed Book 320, at Page 735, and fronting 245.5 feet on the E side of Interstate Highway No. 55, lying and being situated in the SW1/4 of Section 10, T8N-R2E, and more particularly described as follows:

Beginning at an iron pin at the SW corner of the Irene Williams property as conveyed by Deed in Deed Book 134, at Page 605, in the records of the Chancery Clerk of Madison County, Mississippi, and run N 89 degrees 47 minutes E along the S line of said Williams property for 484 feet to a point; thence N 00 degrees 13 minutes W for 208.7 feet to a point; thence S 89 degrees 47 minutes W for 354.6 feet to a point on the E right-of-way line of said interstate No. 55; thence S 31 degrees 35 minutes W along the chord of the curve of said Interstate no 55 for 245.5 feet to the Point of Beginning.

Percy and Marshall Jackson - Tract One

A parcel of land containing 2.44 acres, more or less, lying and being situated in the N1/2 of the SW1/4, Section 10, T8N-R2E, Madison County, Mississippi, and being more particularly described as follows:

Beginning at the SE corner of the Irene Williams property as conveyed by deed recorded in Deed Book 134 at Page 605 in the records of the Chancery Clerk of said County, run S 89 degrees 47 minutes W along the common South line of said Williams Tract and North line of the Jackson Tract and its extension(Deed Book 448, Page 693) for 510 feet to the SE corner of the Bennett Tract (Deed Book 136, Page 416); thence N 00 degrees 13 minutes W for 208.7 feet to the NE corner of said Bennett Tract; thence N 89 degrees 47 minutes E for 510 feet to a point on the East line of said Williams Tract; thence S 00 degrees E for 208.7 feet to the point of beginning.

Grantor reserves an easement of 30 feet evenly off the East end of the above described property for access to adjacent lands.

Tract Two

A parcel of land containing 2.1 acres, more or less, lying and being situated in the N1/2 of the SW1/4, Section 10, T8N-R2E, Madison County, Mississippi, and being more particularly described as follows:

Commencing at the intersection of an East-West fence line extended, with the centerline of a county public road (said intersection being where a concrete monument marked SC16, representing the NE corner of Section 16 and the SW corner of said Section, was placed below the road surface of the Mississippi Forestry Service) and run S 89 degrees 45 minutes E along the existing fence and South line of said Section 10 for 1331 feet to an iron pin; thence North for 1346 feet to a point; thence S 89 degrees 45 minutes E for 35.4 feet to a point; thence N 00 degrees 13 minutes W for 322.4 feet to the NE corner and Point of Beginning of the property herein described; thence 89 degrees 47 minutes W for 429.7 feet to a point; thence S 00 degrees 13 minutes E for 208.7 feet to a point; thence N 89 degrees 47 minutes E for 429.7 feet to a point; thence N 00 degrees 13 minutes W for 208.7 feet to the Point of Beginning.

Grantor reserves an easement of 30 feet evenly off the East end of above described property for access to adjacent lands.

Monroe Adams Jackson

A parcel of land containing 8.5 acres, more or less, fronting 977.5 feet on the east side of Interstate highway No. 55, lying and being situated in the W1/2 of Section 10, T8N-R2E, Madison County, Mississippi, and being more particularly described as follows:

Commencing at the intersection of an East-West fence line extended, with the centerline of a

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County public Road (said intersection being where a concrete monument marked SC16, representing the NE corner of Section 16, and the SW corner of said Section 10, was placed below the road surface by the Mississippi Forestry Service); and run S 89 degrees 45 minutes E along the existing fence and South line of said Section 10 for 1331 feet to an iron pin; thence North for 1346 feet to a point; thence S 89 degrees 45 seconds E for 35.4 feet to a point; thence N 00 degrees 13 minutes W for 755.6 feet to the Point of Beginning of the property herein described; thence from said P.O.B. run N 00 degrees 13 minutes W for 824.3 feet to a point; thence S 89 degrees 47 minutes W for 192 feet to a point on the East right-of-way line of said Highway No. 55; thence S 32 degrees 18 minutes W along the chord of the curve of said East right-of-way line for 977.5 feet to a point; thence 89 degrees 47 minutes E for 717.5 feet to the Point of Beginning.

Glenn Williams

A parcel of land containing 8.5 acres, more or less, fronting 513.9 feet on the East side of Interstate highway No. 55, lying and being situated in the SW1/4 of Section 10, T8N-R2E, Madison County, Mississippi, and being more particularly described as follows:

Commencing at the intersection of an East-West fence line extended, with the centerline of a County public road (said intersection being where a concrete monument marked SC16, representing the NE corner of Section 16 and the SW corner of said Section 10, was placed below the road surface by the Mississippi Forestry Service), and run S 89 degrees 45 minutes E along the existing fence and South line of said Section 10 for 1331 feet to an iron pin; thence North for 1346 feet to a point; thence S 89 degrees 45 seconds E for 35.4 feet to a point; thence N 00 degrees 13 minutes W for 322.4 feet to the Point of Beginning of the property herein described; thence N 00 degrees 13 minutes W for 433.2 feet to a point; thence S 89 degrees 47 minutes W for 717.5 feet to the East right-of-way line of Interstate Highway No 55; thence S 32 degrees 20 minutes W along the chord of the curve of said highway for 513.9 feet to a point; thence N 89 degrees 47 minutes E for 994 feet to the Point of Beginning.

Less and Except: 6 acres, more or less, sold to others.

Letha Boyd

T8N-R2E, Section 10, Madison County, Mississippi

Commencing at the intersection of an East-West fence line extended, with the centerline of a County public road (said intersection being where a concrete monument marked SC16, representing the NE corner of Section 16 and the SW corner of said Section 10, was placed below the road surface by the Mississippi Forestry Service); thence run S 89 degrees 45 minutes E along the existing fence and South line of said Section 10 for 1331 feet to an iron pin; thence N for 1157 feet to an iron pin and the point of beginning of the property herein described; thence N for 209 feet to a point that is 1 foot South of an iron pin; thence S 89 degrees 45 minutes E along the existing fence for 209 feet to an iron pin; thence S for 209 feet to an iron pin; thence N 89 degrees 45 minutes W for 209 feet to the point of beginning, containing 1 acre, more or less, in the E1/2 of the SW1/4.

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

ORDAINED, ADOPTED AND APPROVED by the Board of Supervisors of Madison County, Mississippi, at a meeting thereof held on the 27th day of June, 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

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call vote, said vote being as follows, to wit:

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

the matter carried unanimously and the public hearing on the petition of 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 petition is granted.

SO ORDERED this the 27th day of June, 2005.

In re: Request of John Jordan/Community First Development, Inc. and Wanchal Suebhonsang to Re-zone Certain Property from R-1 Residential to R-2 Residential

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

WHEREAS, John Jordan of Community First Development, Inc. and Wanchal Suebhonsang did file an Application to rezone certain property from its present R-1 Residential Use District Classification to a R-2 Residential 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 May 16, 2005, and

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

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

WHEREAS, Mr. John Jordan appeared before the Board on behalf of himself and Mr. Wanchal Suebhonsang and explained that the zoning request was to develop a subdivision inside the City of Madison and this 8.2 acre tract is outside the corporate boundaries, 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. Karl M. Banks did second a motion to close the public hearing and grant the request, and adopt the following Ordinance, to-wit:

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

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

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Classification, to wit:

A parcel of land being situated in the SE 1/4 of the SW 1/4 of Section 2, T7N-R2E, and the NE 1/4 of the NW 1/4 of Section 11, T7N-R2E, Madison County, Mississippi, said parcel being more particularly described as follows:

Commence at a found concrete monument at a fence corner marking the SW corner of the herein described parcel, said monument also marks the NW corner of a parcel of land conveyed unto R. Hunt Bobo, et ux, as described in Deed Book 300, page 622 in the Chancery Clerk's Office of said County and State. Said concrete monument being located S 01 degrees 01 minutes 58 seconds W at a distance of 59.74 feet from the SW corner of the SE 1/4 of the SW 1/4 of said Section 2, said concrete monument also being the Point of Beginning. Thence run N 00 degrees 52 minutes 25 seconds E for 494.48 feet to an iron pin set; thence run N 89 degrees 15 minutes 04 seconds E for 719.49 feet to an iron pin set; thence run S for 491.96 feet to a point lying on the north boundary line of said R. Hunt Bobo Property; thence run along the north boundary line of said R. Hunt Bobo property S 89 degrees 03 minutes 16 seconds W for 727.98 feet back to the Point of Beginning, said parcel contains 357,020 square feet, or 8.20 acres, more or less.

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

ORDAINED, ADOPTED AND APPROVED by the Board of Supervisors of Madison County, Mississippi, at a meeting thereof held on the 27th day of June, 2005.

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

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

the matter carried unanimously and the public hearing on the petition of John Jordan/Community First Development and Wanchal Suebhonsang seeking rezoning of that certain property was and is hereby closed and petition is granted.

SO ORDERED this the 27th day of June, 2005.

In re: Request of Sidney A. Turner, John G. Horecky and D. J. Horecky to Re-zone Certain Property from R-1 Residential to C-1A Limited Commercial District

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

WHEREAS, Mr. Sidney A. Turner, Mr. John G. Horecky and Ms. D. J. Horecky did file an Application to rezone certain property from its present R-1 Residential Use District Classification to a C-1A Limited 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

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accomplished on May 16, 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 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-1A Limited Commercial District, and

WHEREAS, Ms. D. J. Horecky appeared before the Board on behalf of herself and Mr. Sidney Turner and Mr. John G. Horecky and explained that the zoning request was to develop an office park, 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. Karl M. Banks did second a motion to close the public hearing, grant the request and amend the Land Use Plan, 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-1A Limited Commercial Use District Classification, to wit:

Parcel A:

Commencing from a point at the intersection of the eastern boundary of Section 29, T8N-R2E, with the southern line of Gluckstadt Road; thence S 89 degrees 5 minutes W along the southern line of the said Gluckstadt Road for 827.88 feet to the northeast corner of the Herring tract according to Deed Book 217 at Page 243 of the Madison County, Mississippi, Chancery Clerk's Office and also the Point of Beginning of the tract herein described: thence S 89 degrees 58 minutes W and continuing along the said southern line of Gluckstadt Road for 110.26 feet to a point; thence S 00 degrees 58 minutes 30 seconds E for 177.48 feet to a point; thence S 70 degrees 04 minutes E for 117.56 feet to a point on the east line of the said Herring tract for 217.63 feet to the said Point of beginning containing 21, 780 square feet, more or less.

Parcel B:

Commencing from a point at the intersection of the eastern boundary of said Section 29, T8N-R2E with the southern line of Gluckstadt Road; thence S 89 degrees 58 minutes W along the said southern line of Gluckstadt Road for 938.14 feet to the Point of Beginning of the tract herein described; thence S 89 degrees 58 minutes W and continuing along the said southern line of Gluckstadt Road for 90.79 feet to a point; thence S 00 degrees 02 minutes E for 144.12 feet to a point; thence S 70 degrees 04 minutes E for 97.73 feet to a point; thence N 00 degrees 22 minutes 30 seconds W for 177.48 feet to the said Point of Beginning of the tract herein described containing 14,676 saquare fet, more or less. Bearings in the above description are based on bearings as shown in Deed Book 217 at Page 243 of the Madison County, Mississippi, Chancery Clerk's Office.

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Parcel C:

Commencing at the NE corner of a parcel of land described in Deed Book 217 at Page 243 of the records of the Chancery Clerk of said county, and run thence S 89 degrees 58 minutes W 201.05 feet along the N right-of-way of Gluckstadt Road to an iron bar and the Point of Beginning; thence N 89 degrees 58 minutes W 138.16 feet along said right-of-way to an iron bar; thence S 20 degrees 48 minutes E 331.09 feet to an iron bar; thence N 89 degrees 58 minutes E 223.57 feet to an iron bar; thence n 00 degrees 02 minutes 30 seconds W 91.94 feet to an iron bar; thence N 70 degrees 04 minutes W 215.29 feet to an iron bar; thence N 00 degrees 02 minutes W 144.12 feet to the point of beginning.

Parcels A, B and C containing 2.07 acres, more or less.

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

ORDAINED, ADOPTED AND APPROVED by the Board of Supervisors of Madison County, Mississippi, at a meeting thereof held on the 27th day of June, 2005.

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

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

the matter carried unanimously and the public hearing on the petition of Sidney A. Turner, John G. Horecky and D. J. Horecky seeking rezoning of that certain property was and is hereby closed and petition is granted.

SO ORDERED this the 27th day of June, 2005.

In re: Request of Madison County Schools to Re-zone Certain Property from R-1 Residential to SU-1 Special Use District

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

WHEREAS, Mr. Mike Kent Superintendent of Madison County Schools Board of Education did file an Application to rezone certain property from its present R-1 Residential Use District Classification to a SU-1 Special 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 May 16, 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

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Date Signed: _____

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 SU-1 Special Use District, and

WHEREAS, Ms. Debbie Jones appeared before the Board on behalf of Madison County Schools and explained that the zoning request was to construct a new elementary and middle schools, 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. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to close the public hearing, grant the request and amend the Land Use Plan, 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 SU-1 Special Use District Classification, to wit:

A parcel of land containing 40.0 acres, more or less, lying and being situated in the W1/2 of the SW1/4 of Section 23, T8N-R2E, Madison county, Mississippi, and being more particularly described as follows:

Commence at the SW corner of Section 23, T8N-R2E, Madison County, Mississippi and run thence N 0 degrees 15 minutes 55 seconds W a distance of 56.36 feet and due E a distance of 564.78 feet to the Point of Beginning of the parcel herein described; from the Point of Beginning continue due E along the N right-of-way of Yandell Road a distance of 751.83 feet; thence leaving the north right-of-way of Yandell road run N 0 degrees 13 minutes 46 seconds W a distance of 2,231.62 feet; thence S 52 degrees 04 minutes 21 seconds W a distance of 1,601.46 feet; thence S 0 degrees 15 minutes 55 seconds E a distance of 351.06 feet; thence due E a distance of 514.54 feet; thence S 0 degrees 15 minutes 55 seconds E a distance of 896.20 feet to the Point of Beginning.

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

ORDAINED, ADOPTED AND APPROVED by the Board of Supervisors of Madison County, Mississippi, at a meeting thereof held on the 27th day of June, 2005.

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

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

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the matter carried unanimously and the public hearing on the petition of Madison County Schools seeking rezoning of that certain property was and is hereby closed and petition is granted.

SO ORDERED this the 27th day of June, 2005.

***In re: Authorize CAP Loan Program,
Lake Caroline Fire Station***

WHEREAS, County Administrator Donnie Caughman did appear before the Board and announced the necessity for a public hearing concerning the adoption of a Resolution authorizing and approving a loan on behalf of the county from the Mississippi Development Authority for the purpose of financing the design, construction and equipping of the Madison County Fire Station No. 2, Lake Caroline, and

WHEREAS, the Board authorized the publication of notice of a hearing on said Resolution in the *Madison County Herald*, a newspaper of general circulation in Madison County, the same having been accomplished on May 16, 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 hour of 9:00 a.m. did arise and the Board President declared said public hearing to be open as noticed,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to close public hearing and authorize submission of loan application not to exceed \$750,000.00 for the purpose of completing the capital improvements for design, construction, and equipping of Lake Caroline Fire Station and to adopt and approve that certain Resolution on the subject, 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 public hearing was and is hereby closed, the submission of said loan application approved and said Resolution adopted.

SO ORDERED this the 27th day of June, 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 (8) through (15) 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 (11) be removed from the consent agenda and addressed separately, and

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

WHEREAS, County Zoning Administrator Brad Sellers did request that Item (15) be amended to include the setting of a public hearing for July 25, 2005 at 9:00 am on the amendment and/or revision of certain FEMA Flood Maps as requested by the Parkway East North Public Improvement District, and to authorize the publication of notice thereof

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

(8) Revise Just Compensation for Parcel 3 (Fleet Morris)-Gluckstadt East Road Project

The request of Woody Sample to revise just compensation for Parcel 3 (Fleet Morris) on Gluckstadt East Road Project from \$33,887.00 to \$47,120.00 was and is hereby approved as set forth in that certain memorandum dated June 21, 2005, a true and correct copy thereof may be found in the Miscellaneous Appendix to these Minutes.

(9) Courthouse Annex Asbestos Abatement

The recommendation of Purchase Hardy Crunk as set forth in that certain Memorandum dated June 21, 2005, a true and correct copy thereof may be found in the Miscellaneous Appendix to these Minutes, that the Board accept Specialty Abatement Services, Inc.'s low bid of \$17,900.00 and proceed the asbestos abatement of the Courthouse Annex was and is hereby approved.

(12) Term Bids for Period of July 1, 2005 - June 30, 2006

The recommendations of Purchase Clerk Hardy Crunk to accept the term bids referenced in that certain memorandum dated June 22, 2005, a true and correct copy of which is attached hereto as Exhibit I, spread hereupon and incorporated herein by reference, for a term period of July 1, 2005 - June 30, 2006 were and are hereby accepted and adopted.

(13) Acceptance and Approval of a Utility Agreement

The following permit allowing use and occupancy for the construction or adjustment of a utility within certain roads or highway rights of way was and is hereby approved, and a copy thereof may be found in the Miscellaneous Appendix to these Minutes:

- (1) BellSouth - seeking to place cable along the North right of way of Yandell Road

(14) Acknowledgment of Monthly Financial Report

The Clerk of the Board Report for the month of June, 2005, reflect prior month's receipts and expenditures 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.

(15) Authorization of Date for Public Hearings – July 25, 2005

Public hearings on those matters set forth in that certain memorandum dated June 27, 2005 from County Zoning Administrator Brad Sellers, a true and correct copy of which is attached hereto as Exhibit J, spread hereupon, and incorporated herein by reference, were and are hereby set for July 25, 2005 at 9:00 am in the County Law Library, Second Floor, Madison County Circuit Courthouse, and County Zoning Administrator Brad Sellers was and is hereby directed to publish notice of the same forthwith. In addition, a public hearing on said date and time concerning the amendment and/or revision of certain FEMA Flood Maps as requested by the Parkway East North Public Improvement District was and is hereby set and the publication of notice thereof authorized.

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Thereafter, Mr. Douglas L. Jones did offer and Mr. Karl M. Banks did second a motion to approve, adopt and authorize each of the above and foregoing matters, the same being numbered Items (8), (9), (12), (13), (14) and (15). The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present, and each item was and is approved, adopted and authorized.

SO ORDERED this the 27th day of June, 2005.

***In re: Renewal of FEMA Hauling Contract
with Nichols & Sons, Inc.***

WHEREAS, Purchase Clerk Hardy Crunk did appear before the Board on behalf of Road Manager Prentiss Guyton and presented a request that the Board to authorize the Board President to execute a contract with Nichols & Sons, Inc. to haul gravel for various FEMA projects, a true and correct copy of said memorandum dated June 22, 2005, may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, a true and correct copy of Hauling Contract with Nichols & Sons, Inc. is attached hereto as Exhibit K, spread hereupon, and incorporated herein by reference,

Following discussion, Mr. Douglas L. Jones did offer and Mr. Karl M. Banks did second a motion to approve contract with Nichols & Sons, Inc., provided however, that the physical address of the location of the gravel pit referenced therein be inserted, and to authorize 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 contract was and is hereby approved and Board President was and is hereby authorized to execute same.

SO ORDERED this the 27th day of June, 2005.

***In re: Approval of Burns, Cooley & Dennis, Inc.
Agreement for Professional Services for
Geotechnical and Pavement Engineering Services***

WHEREAS, County Administrator Donnie Caughman did appear before the Board and presented an Agreement for Professional Services for Geotechnical and Pavement Engineering Services from Burns, Cooley & Dennis, Inc., and

WHEREAS, Board Attorney Edmund L. Brunini, Jr. did inform the Board that he had reviewed said agreement, and recommended its approval, and

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

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Appendix to these Minutes,

Following discussion, Mr. Andy Taggart did offer and Mr. Douglas L. Jones did second a motion to approve the contract subject to the following amendments: (1) striking “Technical Typist” and “Data Analyst” under Personnel as set forth in Fee Schedule A; (2) striking the phrase “+15%” under Other Project Charges from Fee Schedule A; and (3) striking the phrase “+15%” under Equipment Rental and Special Materials from Fee Schedule B. 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 amendment to said agreement was and is hereby approved as amended.

SO ORDERED this the 27th day of June, 2005.

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

WHEREAS, Ms. Helen Keller on behalf of County Road Manager Prentiss Guyton appeared before the Board and requested approval of certain work orders pertaining to the installation of culverts along public rights of way and not on private property on the following dates and at the following locations:

Date	Call Number	Address
6/7/05	936	192 Nichols Quarters
6/8/05	950	507 Virgin Mary Road
6/9/05	970	176 Catlett Road
6/3/05	919	1242 Lowe Road
6/16/05	1023	1342 Hwy 17

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

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to approve the installations of culverts on the dates and at the locations and for the reasons set forth above. The vote on the matter being as follows:

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

the matter carried by a majority vote (4-1) and said culvert installation requests were and are hereby approved and authorized.

SO ORDERED this the 27th day of June, 2005.

In re: Authorize Board Attorney Prepare Easement

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to

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authorize Board Attorney Edmund L. Brunini, Jr. to acquire an easement from Roger Olive to haul as much dirt as needed by the County with a minimum load of 2,000 yards on Doyle Road to finish FEMA Project on Stump Bridge Road until end of calendar year at a cost of \$2,500.00. The vote on the matter being as follows:

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

the matter carried unanimously and Board Attorney was and is hereby authorized to prepare said easement, and, upon the execution of same, the Chancery Clerk is directed to issue a pay warrant accordingly.

SO ORDERED this the 27th day of June, 2005.

***In re: Approval of Williford, Gearhart & Knight, Inc.
Professional Engineering Services Agreement***

WHEREAS, Mr. Mike McKenzie of Williford, Gearhart & Knight, Inc. did appear before the Board and presented a Professional Engineering Services Agreement for the Design and Construction Phase Services of DeBeukelaer/Promax Roadway and Drainage Improvements, and

WHEREAS, Board Attorney Edmund L. Brunini, Jr. did inform the Board that he had reviewed the Professional Engineering Services Agreement from Williford, Gearhart & Knight, Inc., and

WHEREAS, Mr. Brunini did request the Board to approve the said agreement, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Andy Taggart did move and Mr. Karl M. Banks did second a motion to approve the Professional Engineering Services Agreement with Williford, Gearhart & Knight, Inc. upon written approval of Mississippi Development Authority CDBG Division and to authorize the Board President to execute same subject to deletion of certain items listed in Appendix 2 to Exhibit C to said Agreement. 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 hereby approved.

SO ORDERED this the 27th day of February, 2005.

In re: Renewal of Property and Casualty Insurance

WHEREAS, Mr. John Harless of Bryson Insurance did appear before the Board and reported that Zurich Insurance Company and Travelers/St. Paul had submitted quotes for the placement of all lines of property and casualty insurance for the county, and

WHEREAS, Mr. Harless and Mr. Sam Bryson reviewed each quote in detail with the Board and reported a substantial reduction in premiums due, in part, to the institution by Bryson

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of certain loss control measures, and

WHEREAS, Mr. Harless recommended the Board renew all lines of insurance currently in force and effect with Zurich Insurance Company due to the lower price and the likelihood of increased costs due to higher and more frequent deductibles within the quote offered by Travelers/St. Paul,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to approve the renewal of all line of insurance coverage currently in force and effect with Zurich Insurance 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	Aye

the matter carried unanimously and said request was and is hereby approved and County Administrator Donnie Caughman and the county's agent of record were and are hereby directed to place such coverage forthwith.

SO ORDERED this the 27th day of June, 2005.

In re: Homestead Exemption Tax Loss Disallowances

WHEREAS, Chancery Clerk Arthur Johnston did appear before the Board and presented certain Notices of Adjustment in Homestead Exemption Tax Loss Allowances which had been received from the Mississippi State Tax Commission and did report that in accordance with Miss. Code Ann. § 27-33-37(j), a hearing was in order on said disallowances so as to entertain any protests or complaints as to the propriety and validity of the same, and

WHEREAS, Mr. Johnston did inform the Board that, pursuant to Miss. Code Ann. § 27-33-41, as amended, he had properly and promptly notified all property owners *via* certified mail of the decision of the State Tax Commission disallowing said exemptions and did direct the Board's attention to a spreadsheet listing property owners, parcel numbers and reasons given by the Tax Commission for each disallowance, and

WHEREAS, a copy of such spreadsheet, together with a copy of each such disallowance notice, may be found in the Miscellaneous Appendix to these Minutes,

WHEREAS, Mr. Johnston did further report that although certain objections to said disallowances had been received, none were sufficiently proper to warrant reconsideration or further contest by the Board,

Mr. Douglas L. Jones did offer and Mr. Karl M. Banks did second a motion to accept the Homestead Exemption Tax Loss Allowances as presented and to have the Chancery Clerk to forward same to Mississippi State Tax 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 said disallowances were and are hereby accepted and the Chancery Clerk was and is hereby directed to forward the same to the State Tax Commission in

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accordance with statute.

SO ORDERED this the 27th day of June, 2005.

In re: Approval of Lowest and Best Bid on Creative Logistics Roadway Improvements

WHEREAS, Mr. Mike McKenzie of Williford, Gearhart & Knight, Inc. did appear before the Board and presented a tabulation of bids for Creative Logistics Roadway CDBG Project No. 1121-44-045-ED-01, a true and correct copy thereof may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, the Board authorized the advertisement of bids in the *Madison County Herald* a newspaper of general circulation in Madison County, the same having been accomplished on May 16, 2005, and

WHEREAS, Mr. McKenzie did recommend the Board award the lowest and best bid from Bulldog Construction,

Following discussion, Mr. Andy Taggart did offer and Mr. Tim Johnson did second a motion to accept the low base bid of \$262,608.45 from Bulldog Construction pending approval from Mississippi Development Authority and the availability of funds as to said CDBG project. 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 base bid was and is hereby awarded to Bulldog Construction, Inc. Subject to the provisos set forth herein above.

SO ORDERED this the 27th day of June, 2005.

In re: Consideration of Outstanding Invoices for Harreld Chevrolet

WHEREAS, County Comptroller Mark Houston did appear before the Board and presented certain claims submitted by Harreld Chevrolet Company dating back to 1998, and

WHEREAS, a spreadsheet depicting and referencing said claims is attached hereto as Exhibit L, and

WHEREAS, Mr. Houston did recommend the payment thereof, verifying that, to the best of his ability, each invoice reflected thereon was due and owing, and

WHEREAS, Board Attorney Edmund L. Brunini, Jr. did appear before the Board and reported that the county would benefit from a three (3) year statute of limitations as to several of the claims and that the Board would want to withhold payment thereof until he could investigate the matter,

Following discussion, Mr. Andy Taggart did offer and Mr. Douglas L. Jones did second a motion to pay every invoice for which reimbursement in the form of insurance payments had been previously received by the county and every invoice dated July 1, 2002 or later, such payments to be made from the county's Grand Gulf Fund. 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 said invoices were and are hereby approved, and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 27th day of June, 2005.

In re: Appointment of Bottrell Insurance Agency as Insurance Agent of Record for Madison County

WHEREAS, County Administrator Donnie Caughman did appear before the Board and reported that he and Chancery Clerk Arthur Johnston and County Comptroller Mark Houston had conferred as to the request for proposals concerning an insurance agent of record for Madison County for FY 2006, and

WHEREAS, Mr. Caughman did announce that said individuals had reviewed the proposals submitted by all those agencies submitting bids and that the top three submissions were those of Roberts Insurance Agency, the Bottrell Insurance Agency, Inc. and Bryson Insurance Agency, and

WHEREAS, the Bottrell Agency submitted the lowest proposal in the amount of \$24,000 for FY 2006 and \$25,500 for FY 2007, and

WHEREAS, the Board entertained proposals from both Bottrell and Bryson and heard from representatives of each agency, and

Following discussion, Mr. Andy Taggart did offer and Mr. Karl M. Banks did second a motion (1) to appoint the Bottrell Insurance Agency, Inc. as the county's official agent of record for purposes of all lines for the one year period commencing July 1, 2005 and ending June 30, 2006 and (2) to direct that County Administrator Donnie Caughman negotiate an additional prorated, three (3) months extension thereof to be added at the conclusion of one year under the new contract. 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	Aye
Supervisor Paul Griffin	No

the matter carried by a majority (3-2) vote of the Board and the Bottrell Insurance Agency, Inc. was and is so appointed and directed, and Mr. Caughman was and is so instructed.

SO ORDERED this the 27th day of June, 2005.

In re: Authorization of Shaw Powell & Associates to Assist the County in the Acquisition of Rights of Way for County Projects in FY 2005 through FY 2007

Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to authorize and allow Shaw Powell and Associates to assist the County in the acquisition of rights of way for the County in FY 2005 through FY 2007, as set forth in that certain item of correspondence dated

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May 24, 2005, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes. Said motion further authorized the Board President to execute the same on behalf of the county. 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 Shaw Powell & Associates was and is so authorized, and the Board President was and is authorized to execute said letter agreement.

SO ORDERED this the 27th day of June, 2005.

In re: Authorization of County Surveyor Rick Simpson to Perform Boundary Survey

WHEREAS, Purchase Clerk Hardy Crunk did appear before the Board and presented a quote for a boundary survey of parcel #105C-05-007, being one (1) acre from County Surveyor Rick Simpson of Maptech, Inc. dated May 5, 2005, 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 authorize County Surveyor Rick Simpson perform a boundary survey on said parcel at a cost of up to \$1,800.00. 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 boundary survey was and is hereby approved.

SO ORDERED this the 27th day of June, 2005.

In re: Request to Approve Lank's Auto Glass "4" Less to Install Door Glass on Private Citizen's Automobile

Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to accept and approve the low quote of \$150 submitted by Lank's Auto Glass "4" Less to install the door glass of a parked vehicle owned by a county employee at the Road Department which was broken as a result of grass being cut by a county worker. 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 Lank's Auto Glass "4" Less was and is hereby approved as the low quote of \$150.00.

SO ORDERED this the 27th day of June, 2005.

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In re: Request to Amend Road Plan

Mr. Douglas L. Jones did offer and Mr. Andy Taggart did second a motion to amend the county’s road plan to remove the following sentence found in the first paragraph of page 5 thereof which reads: “Also, the road manager in cooperation with the county engineer will decide how to best repair and maintain these roads with respect to the funding allocated to the perspective road department funds.” 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	No
Supervisor Paul Griffin	No

the matter failed to garner a majority of votes and therefore failed.

SO ORDERED this the 27th day of June, 2005.

In re: Request to Expend Funds for Drug Enforcement Training

WHEREAS, Sheriff Toby Trowbridge did appear before the Board and requested permission to expend funds from the Drug Seizure Fund in the amount of \$402.60 for narcotics investigators to attend drug enforcement training in Orlando, FL,

Mr. Andy Taggart did move and Mr. Karl M. Banks did second a motion to authorize the Sheriff to expend funds from the Drug Seizure Fund to cover expenses for deputies designated by the Sheriff to attend drug enforcement training in Orlando, FL. The vote on the matter being as follows:

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

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

SO ORDERED this the 27th day of June, 2005.

In re: Request to Repair Broken Gas Line

WHEREAS, County Purchase Clerk Hardy Crunk did appear before the Board and reported that county workers had ruptured a natural gas line at 117 Bracey Road in Madison during the grading of the road, and

WHEREAS, Mr. Crunk did announce that the property owner, Steven Brooks, has requested the county pay costs associated with the repair thereof,

Following discussion, Mr. Douglas L. Jones did offer and Mr. Tim Johnson did second a motion to authorize Purchase Clerk Hardy Crunk issue a purchase order in the amount of \$437.50 to DeRanz Building Systems for repair to the natural gas line at 117 Bracey Road. The vote on the

President’s Initials: _____
Date Signed: _____

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 Hardy Crunk was and is hereby authorized to issue purchase order accordingly.

SO ORDERED this the 27th day of June, 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. Karl M. Banks did offer and Mr. Tim Johnson 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, with the following persons deemed necessary for Board discussions, deliberations, and recording of such Executive Session, to wit: members of the Board, Chancery Clerk Arthur Johnston, Board Attorney Edmund L. Brunini, Jr., County Administrator Donnie Caughman, County Comptroller Mark Houston, and Sheriff Toby Trowbridge. The vote on the matter being as follows:

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

the matter carried by a majority (4-1) vote and the Board took up the matter of entering into Executive Session.

SO ORDERED this the 27th day of June, 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 he desired to discuss the merits of certain litigation matters involving the Sheriff’s Department,

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

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

President’s Initials: _____

Date Signed: _____

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Supervisor Paul Griffin

Aye

the matter unanimously 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 27th day of June, 2005.

Thereafter, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to authorize Anne Sanders to negotiate a settlement of up to a sum certain in an effort to settle certain litigation. 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 granted such authority.

SO ORDERED this the 27th day of June, 2005.

Thereafter, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to come out of Executive Session and direct the Board Attorney to announce to the public the action taken therein. The vote on the matter being as follows:

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

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

SO ORDERED this the 27th day of June, 2005.

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor Karl M. Banks and seconded by Supervisor Andy Taggart and approved by the unanimous vote of the Board, the meeting of the Board of Supervisors was adjourned.

Paul Griffin, President
Madison County Board of Supervisors

Date signed: _____

ATTEST:

Arthur Johnston, Chancery Clerk

President's Initials: _____
Date Signed: _____