

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

REGULAR MEETING OF SEPTEMBER 17, 2004  
Recessed from regular meeting conducted on September 7, 2004

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on September 17, 2004, at the Madison County Chancery/Administrative Building in Canton, Mississippi, as follows, to-wit:

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

Present:

Absent:

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

Also in attendance:

- County Administrator Donnie Caughman
- County Comptroller Mark Houston
- County Road Manager Prentiss Guyton
- County Zoning Administrator Brad Sellers
- Board Secretary Cynthia Parker
- Board Attorney Edmund L. Brunini, Jr.

The President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Mr. Arnold Jackson opened the meeting with a prayer and County Road Manager Prentiss Guyton led the members and the audience in the Pledge of Allegiance to the Flag of the United States of America.

***In re: Approval of Consent Agenda Items***

WHEREAS, President Jones did report that he and County Administrator Donnie Caughman had conferred in advance of the meeting as to certain matters denominated "Consent Items" on the Agenda and that the same appeared to be routine, non-controversial items with which all Supervisors were likely to agree, and

WHEREAS, Mr. Caughman 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, the Supervisor Andy Taggart did request that the following matters be removed from the Consent Agenda and be addressed separately, to-wit: Item (A) "Appointment of ADA {Americans with Disabilities Act} Coordinator," and Item (D) "Madison County Cultural Center Deed to City of Madison," and

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

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

**(B) Authorize Computer Software Support Agreement – Delta Computer Systems, Inc.**

WHEREAS, County Administrator Donnie Caughman did submit that certain “Computer Software Support Agreement, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes and did recommend Board approval thereof, and

WHEREAS, the Board has and does hereby determine that said agreement and the execution thereof is in the best interest of the county and serves the public good, and

WHEREAS, the Board does desire to and does hereby approve said agreement, together with the addendum thereto and authorize and direct Mr. Caughman and/or the Board President to execute the same on behalf of the county, and

**(C) Adoption of Resolution – Round Five of Rural Fire Truck Acquisition for Camden**

WHEREAS, the State of Mississippi has made available funds for improvement of rural fire protection through the Rural Fire Truck Acquisition Assistance Program, and

WHEREAS, the community of Camden, Madison County, Mississippi, has organized a volunteer fire department and is currently providing fire protection in the northern area of Madison County, Mississippi,

NOW THEREFORE, BE IT RESOLVED that the Madison County Board of Supervisors hereby authorize an application for participation in round five (5) of the Rural Fire Truck Acquisition program through the State of Mississippi for the purpose of providing the Camden Volunteer Fire Department with a new fire truck.

**(E) Soil and Water Conservation District – Request to Publish Newsletter**

WHEREAS, the Board is in receipt of correspondence dated September 15, 2004, from Jim Harreld, Chairman of the Madison Soil and Water Conservation District requesting approval to publish the Commission’s newsletter in the *Madison County Herald*, a true and correct copy of which correspondence may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, the Board does desire to and does hereby approve said request,

Mr. Andy Taggart did move and Mr. Paul Griffin did second a motion to approve, adopt and authorize each of the above and foregoing matters, the same being numbered items (B), (C), and (E) herein above. 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	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 17<sup>th</sup> day of September, 2004.

**President’s Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

***In re: Appointment of ADA {Americans with Disabilities Act} Coordinator***

WHEREAS, County Administrator Donnie Caughman did appear before the Board and reported that the United States Department of Justice has mandated that an ADA Coordinator be appointed for Madison County, and

WHEREAS, the Board does desire to appoint County Administrator Donnie Caughman as the ADA Coordinator for Madison County,

Following discussion, Mr. Andy Taggart did move and Mr. Paul Griffin did second a motion to designate and appoint County Administrator Donnie Caughman as the county's ADA Coordinator. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye <sup>1</sup>
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Not Present Not Voting
Supervisor Paul Griffin	Aye

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

SO ORDERED this the 17<sup>th</sup> day of September, 2004.

***In re: Madison County Cultural Center Deed to Madison County***

WHEREAS, Board Attorney Edmund L. Brunini did present unto the Board a "Special Warranty Deed" prepared by Madison City Attorney John Hedglin conveying the county's interest the Madison County Cultural Center and related property unto the City of Madison, and

WHEREAS, a true and correct copy of said "Special Warranty Deed" may be found in the Miscellaneous Appendix to the Minutes,

Following discussion, Mr. Andy Taggart did move and Mr. Karl M. Banks did second a motion to amend the proposed "Special Warranty Deed" by adding the following sentence to the final paragraph thereof, to-wit: "The City of Madison also agrees and covenants that it will appoint a board of directors to manage and oversee the aforesaid facilities and the programs held therein, the members of which shall be drawn from Madison County at large." The vote on the matter being as follows:

Supervisor Douglas L. Jones	No
Supervisor Tim Johnson	No
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye <sup>2</sup>
Supervisor Paul Griffin	Aye

the matter carried by a majority (3-2) vote of the Board and the amendment to said "Special Warranty Deed" was and is hereby approved.

SO ORDERED this the 17<sup>th</sup> day of September, 2004.

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<sup>1</sup>Mr. Johnson arrived prior to the call of the question.

<sup>2</sup>Mr. Banks arrived prior to the call of the question.

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

Thereafter, Mr. Tim Johnson did move and Mr. Paul Griffin did second a motion to approve the aforesaid "Special Warranty Deed" as amended herein above and authorize and direct the Board President and the Chancery Clerk to execute the same and deliver the same unto the City of Madison upon receipt of consideration therefor. The vote on the matter being as follows:

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

the matter carried by a majority (3-2) vote of the Board and said "Special Warranty Deed" was and is hereby approved as amended and the Board President and the Chancery Clerk were and are hereby authorized to execute the same and deliver the same unto the City of Madison upon receipt of consideration therefor.

SO ORDERED this the 17<sup>th</sup> day of September, 2004.

***In re: Consideration of Resolution Concerning the Creation of Parkway South Public Improvement District, et al***

The Board of Supervisors (the "Governing Body") of Madison, Mississippi (the "County"), took up for consideration the matter of the Petition for the creation of Parkway South Public Improvement District and the restructuring of Parkway East Public Improvement District. After a full consideration and discussion of the matter, Supervisor Andy Taggart offered and moved the adoption of the following resolution:

**RESOLUTION OF THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI, ACKNOWLEDGING RECEIPT OF THE PETITION AND AGREEMENT FOR THE CREATION OF PARKWAY SOUTH PUBLIC IMPROVEMENT DISTRICT AND THE RESTRUCTURING OF PARKWAY EAST PUBLIC IMPROVEMENT DISTRICT (THE "PETITION"), AUTHORIZING A PUBLIC HEARING REGARDING THE PETITION BE HELD PURSUANT TO THE PUBLIC IMPROVEMENT DISTRICT ACT, CODIFIED AT SECTIONS 19-31-1, ET SEQ., OF THE MISSISSIPPI CODE ANNOTATED (1972, as amended) ("ACT"); AND FOR RELATED PURPOSES.**

WHEREAS, the Act authorizes the creation of public improvement districts and also establishes the procedures necessary to create and restructure such public improvement districts;

WHEREAS, the first step established under the Act in creating a public improvement district or restructuring a public improvement district is for the submission of a petition to the public body in which such public improvement district is to be created or restructured; and

WHEREAS, the Governing Body of the County is in receipt of the Petition, a copy of which is attached to this Resolution as EXHIBIT A (but which may be found in the Miscellaneous Appendix to these Minutes), which is a petition for the creation of Parkway South Public Improvement District ("Parkway South PID") and the restructuring of Parkway East Public Improvement District ("Parkway East PID") pursuant to the Act, and such Petition requests the Governing Body to hold a public hearing and publish notice of such public hearing concerning the creation of the Parkway South Pill and the restructuring of the Parkway East Pill.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE COUNTY, AS FOLLOWS:

SECTION 1. That receipt of the Petition is hereby acknowledged.

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

SECTION 2. Pursuant to the Act, a public hearing shall be held with respect to the Petition at the regular meeting place of the Governing Body in the Board Room of the Board of Supervisors Office in Canton, Mississippi at 9:00 a.m. on the 15th day of October, 2004.

SECTION 3. That the President of the Governing Body is hereby directed to publish the Legal Notice, attached to this Resolution as EXHIBIT B but which may be found in the Miscellaneous Appendix to these Minutes) in the *Madison County Herald*, a newspaper having a general circulation in the County and in which the County is authorized to publish legal notices, once a week for four (4) weeks prior to the date set forth in paragraph 2 hereof.

SECTION 4. For cause, this resolution shall become effective immediately upon the adoption thereof.

Supervisor Karl M. Banks seconded the motion to adopt the foregoing resolution, and the question being put to a roll call vote, the result was as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Not Present and Not Voting <sup>3</sup>
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye.

The motion having received the affirmative vote of a majority of the members present, the President declared the motion carried and the resolution adopted, on this the 17th day of September, 2004.

SO ORDERED this the 17<sup>th</sup> day of September, 2004.

***In re: Acquisition of Certain Right of Way Pertaining to the Proposed Calhoun Station Parkway***

WHEREAS, State Aid and LSBP Engineer Rudy Warnock did appear before the Board and requested that the Board authorize Mr. Woody Sample of Sample & Associates to begin the process of acquiring rights of way along, pertaining to, and associated with, the proposed Calhoun Station Parkway and designate Mr. Sample as the acquisition agent for said project,

Following discussion, Mr. Karl M. Banks did move and Mr. Paul Griffin did second a motion to retain Mr. Woody Sample of Sample & Associates under the contract currently in effect with the county to begin the process of acquiring certain rights of way along, pertaining to, and associated with, the proposed Calhoun Station Parkway and designate Mr. Sample as the acquisition agent for said 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	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and Mr. Sample was and is so retained, authorized and designated.

SO ORDERED this the 17<sup>th</sup> day of September, 2004.

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<sup>3</sup>Prior to the call of the question, Mr. Johnson briefly excused himself from the meeting and returned immediately thereafter.

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**Date Signed:** \_\_\_\_\_  
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***In re: Calhoun Station Parkway, Phase One***

WHEREAS, State Aid and LSBP Engineer Rudy Warnock did appear before the Board and presented a proposed advertisement for bids for engineering services relative to the construction phase of Calhoun Station Parkway, Phase One and requested approval thereof, and

WHEREAS, the Board does desire to forego the advertisement process and award said contract to Mr. Warnock and his firm in light of fact that Mr. Warnock has prepared the design plans for said project and could carry out the construction phase more easily and economically,

Following discussion, Mr. Karl M. Banks did move and Mr. Paul Griffin did second a motion to name Warnock & Associates as the construction engineer relative to said project on financial terms satisfactory to the County Administrator and the Board of Supervisors,

Following discussion, Mr. Karl M. Banks did move and Mr. Paul Griffin did second a motion to retain and authorize Rudy Warnock of the firm Warnock and Associates to perform engineering services as to the construction phase of Calhoun Station Parkway Phase One and to direct the Board Attorney to draft a contract accordingly, subject to financial terms satisfactory to the County Administrator and the Board of Supervisors. The vote on the matter being as follows:

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

the matter carried by the majority (4-1) vote of the Board, and Mr. Warnock was and is hereby so retained and authorized pending the drafting and execution of a contract pertaining to said project to be prepared by the Board Attorney and subject to financial terms satisfactory to the County Administrator and the Board of Supervisors.

SO ORDERED this the 17th day of September, 2004.

***In re: Request Payment to S & S Dragline for the McLellan-Ridgecrest Bridge Project***

WHEREAS, Purchase Clerk Hardy Crunk did appear before the Board and presented request for payment from S & S Dragline for work done on McLellan-Ridgecrest Bridge Project totaling \$137,137.50,

Following discussion, Mr. Tim Johnson did move and Mr. Karl M. Banks did second a motion to approve request for payment to S & S Dragline in the amount of \$137,137.50. The vote on the matter being as follows:

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

the matter carried unanimously and the Chancery Clerk was directed to submit payment to S & S Dragline in the amount of \$137,137.50.

SO ORDERED this the 17<sup>th</sup> day of September, 2004.

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

***In re: Consideration of Request to Pave Dry Creek Road***

WHEREAS, County Road Manager Prentiss Guyton did appear before the Board and presented the written request of a citizen, Teresa Lockett-Ware to pave Dry Creek Road, and

WHEREAS, such request reflects that Ms. Ware’s son has “moderate persistent allergic rhinitis” as well as intermittent asthma and that the dust generated by the present condition of Dry Creek Road worsens those conditions,

Following discussion Mr. Paul Griffin did move and Mr. Karl M. Banks did second a motion to direct County Road Manager Prentiss Guyton to pave Dry Creek Road using DBST during this season if possible. The vote on the matter being as follows:

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

the matter carried by a majority (3-2) vote of the Board and the Road Manager was and is so instructed.

SO ORDERED this the 17<sup>th</sup> day of September, 2004.

***In re: Authorization of Sale of Old Nursing Home Property, being lots 1-4, Shadow Lawn Addition Located on S. Liberty Street, Canton, Mississippi to the Asset Company***

WHEREAS, County Purchase Clerk Hardy Crunk did appear before the board and reported that a total of three (3) bids and been received in response to the county’s advertisement for bids for the sale of the Old Nursing Home Property as described above and previously authorized by the Board, and

WHEREAS, said bids were as follows: (1) The Asset Company \$33,500; (2) Chris Manning \$31,500; (3) Edward E. Whitehead \$15,000, and

WHEREAS, County Administrator Donnie Caughman did report that the Tax Assessor had performed an appraisal of said property which estimated the value of said property at \$40,000; however, Mr. Caughman pointed out that said appraisal apparently did not take into account that removal or abatement of asbestos would be necessary as to the improvement on said property, and

WHEREAS, Mr. Caughman did point out that the Board had previously declared said property as surplus property of the county and that the sale of said property to the Asset Company would be consistent with the Board’s aim of being good neighbors to area businesses and citizens owning property near or adjacent to county owned property and would return said property to the county tax roll since the highest bidder has announced plans to construct professional office facilities on said property,

Following discussion, Mr. Paul Griffin did move and Mr. Tim Johnson did second a motion to accept the bid of the Asset Company as the highest and best bid received for the sale of said property and find and determine that \$33,500 was and is the fair market value thereof. 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 bid was and is hereby accepted, fair market value of said property was and is hereby determined to be \$33,500, and the Asset Company was and is direct to prepare and submit a deed of conveyance to the county to effectuate the sale thereof.

SO ORDERED this the 17<sup>th</sup> day of September, 2004.

***In re: Petition of Denbury On Shore, LLC  
Seeking a Special Exception to Allow a Dehydrator  
Facility to be Located in Sections 35 and 36,  
Township 8 North, Range 2 East***

WHEREAS, on the 17th day of September, 2004, Mr. Arnold Jackson with Denbury Onshore, LLC ("Denbury") appeared before the Board to discuss the location of dehydration equipment on a drilling unit for a CO2 well which Denbury has drilled in Madison County, Mississippi and suggested the adoption of the following Resolution:

**RESOLUTION**

WHEREAS, Denbury previously brought a Petition before the Board for an exception for a parcel of land not within the CO2 unit that was zoned "residential"; and

WHEREAS, Denbury has received a valid permit to drill, complete, and operate this well from the Mississippi State Oil & Gas Board and the dehydration equipment is located next to the Well on a tract of land zoned "agricultural" (See Exhibit "A" to this Resolution which may be found in the miscellaneous Appendix to these Minutes, site survey); and

WHEREAS, Denbury believes that it does not need a special exception to Zoning Ordinance to operate the equipment associated with that well since the equipment will be located on the unit with the well and is simply part of the facilities necessary to produce the Well under the valid Oil & Gas Board permit; and

WHEREAS, neither the Board nor Denbury agrees with the position of the other party regarding the need, or lack thereof, of a zoning exception; and

WHEREAS, the Board and Denbury, being advised of each of their respective positions have agreed to enter this resolution as hereinafter set forth; and

IT IS THEREFORE RESOLVED as follows:

1.

The parties acknowledge that the purpose of the Zoning Ordinance is to protect the safety, well being, and peaceful use of property subject only to those restrictions reasonably necessary to protect the integrity of each developed and undeveloped land area according to the plans of the zoning ordinance.

2.

In compliance with the spirit of the Zoning Ordinance, Denbury does hereby agree to the

**President's Initials:**\_\_\_\_\_

**Date Signed:**\_\_\_\_\_



following terms and conditions regarding its drilling, production, and operation activities on the lands in question:

- A. Denbury agrees to use the ANSI Standard to do a sound survey after the dehydration equipment is constructed and fully operational;
- B. Record db levels at a minimum of one every year at a total of 18 locations within 100 and 300 yards of the dehydration equipment and report said findings to the Board of Supervisors.
- C. Denbury will attempt to maintain background sound readings under normal operating conditions of 65 db or less at the perimeter of the dehydration site.
- D. Denbury agrees to install muffler type equipment to reduce noise levels at the equipment and at the perimeter. Although this equipment is not normally installed in such equipment, Denbury agrees to install such equipment to minimize noise.
- E. Denbury acknowledges that it will occasionally need to release pressure at the equipment so that repairs can be made which cannot be made while the equipment is operational. This procedure requires a release of pressure through a pressure release valve. Denbury will use its best efforts to notify the Board 30 days prior to a planned pressure release. To the extent possible, it will also contact the Board as soon as it learns that an emergency release may be necessary.
- F. Denbury will place and maintain a 12 foot high wood fence around the perimeter of the equipment in order to further buffer any sound it produces. This fence will be installed prior to operations of the dehydration equipment.
- G. Denbury will landscape and maintain the area outside the fenced perimeter area, trees natural to the are designed to further to absorb sound levels produced by the equipment.

3.

All parties agree that the entry of this Resolution does not affect the ability of the Board to review future dehydration equipment sites and make independent determinations.

WHEREAS, the matter was presented to the Board of Supervisors, and after discussion thereof, Mr. Tim Johnson did move and Mr. Paul Griffin did second a motion to adopt the above and foregoing Resolution. The vote on the matter being as follows:

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

the matter carried unanimously and said Resolution was and is hereby adopted.

SO ORDERED this the 17<sup>th</sup> day of September, 2004.

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

WHEREAS, County Road Manager Prentiss Guyton appeared before the Board of Supervisors 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

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

following locations:

<u>Date</u>	<u>Work Order</u>	<u>Name</u>	<u>Address</u>
9/14/04	21150	Bowers, Bill	106 Enterprise Drive
9/10/04	21496	Watson, Andy	153 Sonny's Road

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

WHEREAS, the Board does desire to and does hereby approve the same on the dates and at the locations listed above,

Following discussion, Mr. Paul Griffin did move and Mr. Tim Johnson did second a motion to approve the installations of culverts on the dates and at the locations set forth above. The vote on the matter being as follows:

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

the matter carried unanimously and said culvert installation requests were and are hereby approved.

SO ORDERED this the 17<sup>th</sup> day of September, 2004.

***In re: Approval of Preliminary Plat of Commercial Park***

WHEREAS, County Zoning Administrator Brad Sellers appeared before the Board of Supervisors and presented a preliminary plat for Commercial Park and requested the Board to approve said preliminary plat,

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

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

the matter carried unanimously and the preliminary plat of Commercial Park was and is hereby approved with the aforesaid provisions.

SO ORDERED this the 17<sup>th</sup> day of September, 2004.

***In re: Approval of Preliminary Plat of Bradshaw Ridge Subdivision***

WHEREAS, County Zoning Administrator Brad Sellers appeared before the Board of Supervisors and presented a preliminary plat for Bradshaw Ridge Subdivision and requested the Board to approve said preliminary plat,

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

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

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

the matter carried unanimously and the preliminary plat of Bradshaw Ridge Subdivision was and is hereby approved with the aforesaid provisions.

SO ORDERED this the 17<sup>th</sup> day of September, 2004.

***In re: Approval of Proposed Covenants for B & B Nursery, Inc.***

WHEREAS, County Zoning Administrator Brad Sellers appeared before the Board of Supervisors and presented a proposed covenants for B & B Nursery, Inc. and requested the Board to approve said proposed covenants,

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

Following discussion of this matter, Mr. Karl M. Banks did move and Mr. Tim Johnson did second a motion to approve said proposed covenants for B & B Nursery, Inc., subject to the requirement that approval of the Madison County Board of Supervisors would be required on any changes to said plat and/or the accompanying covenants until such time as fifty percent (50%) of the lots in the subdivision are sold to individuals and subject to zoning ordinances that the Board finds will be applicable upon adoption thereof in the future. The vote on the matter being as follows:

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

the matter carried unanimously and the proposed covenants for B& B Nursery, Inc. was and is hereby approved with the aforesaid provisions.

SO ORDERED this the 17<sup>th</sup> day of September, 2004.

***In re: Request to Extend Moratorium on Application for Mobile Homes in Residential Districts***

WHEREAS, County Zoning Administrator Brad Sellers appeared before the Board of Supervisors and presented a request from the Madison County Planning and Zoning Commission requesting approval to extend the moratorium previously placed by this Board on applications for mobile homes in residential districts until further order of the Board,

Following discussion, Mr. Paul Griffin did move and Mr. Tim Johnson did second a motion to approve the Planning Commission's request to extend moratorium on application for mobile

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homes in residential districts. 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 request was and is approved and the moratorium was and is hereby extended.

SO ORDERED this the 17<sup>th</sup> day of September, 2004.

***In re: Authorizing the Giving of Public Notice of the Intent of the Board of Supervisors to Conduct a Public Hearing On Petitions to Amend/Change the Official Zoning Ordinances and/or Official Zoning Map of Madison County, Mississippi***

WHEREAS, County Zoning Administrator Brad Sellers did present the Board of Supervisors with the following petitions to amend/change the Official Zoning Ordinances and/or Official Zoning Map of Madison County, Mississippi, as follows and recommended that the Board authorize the giving of public notice of its intent to conduct public hearings on said petitions at 9:00 a. m. on the 22<sup>nd</sup> day of October, 2004, to-wit:

**Bald Hill, LLC** - Petition for Special Exception to conduct surface mining in I-1 District.  
*Location:* North County Line Road, Section 30, T7N, R1E, Parcel #71I-30-1/01  
*Data:* Petitioner requests a conditional use to conduct surface mining on 82 acres. Bald Hill, LLC was approved in June, 2004 to mine 10 acres of this site, this petition extends this mining site to 92 acres. Reclamation plan filed, and MDEQ permit application provided.

**Kenneth Barnes** - Petition for Special Exception to conduct surface mining in R-1 District.  
*Location:* Robinson Springs Road, Section 29, T7N, R1E, Parcel #71I-29-6/07  
*Date:* Petitioner requests a conditional use to mine 4 acres at this site. Reclamation will be a pond. Exempt permit from MDEQ provided. Hours of operation provided.

**Herman Sutton** - Petition for Special Exception to conduct a surface mining in A-1 District.  
*Location:* Sharon Road, Section 13, T10N, R3E, Parcel #103F-13-6/01  
*Data:* Petitioner wishes to excavate and redesign an existing pond. Cost of work would be offset by fill material. This will be phase two (2) of Sunburst Subdivision.

WHEREAS, the Board does desire to set each of said matters for public hearing on the date and time set forth above and does desire to authorize Mr. Sellers to issue notices accordingly,

Mr. Tim Johnson did move and Mr. Karl M. Banks did second a motion to set the above and foregoing matters for public hearing on the 22<sup>nd</sup> day of October, 2004 in the Board Room of the Chancery Building 146 West Center Street, Canton, Mississippi, beginning at 9:00 a.m. and to authorize Mr. Sellers to give public notice thereof by publication. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	No

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Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said public hearings were and are hereby set and Mr. Sellers was and is hereby so instructed.

SO ORDERED this the 17<sup>th</sup> day of September, 2004.

***In re: Authorizing Special Hearing Dates on Madison County Comprehensive Plan***

WHEREAS, County Zoning Administrator Brad Sellers appeared before the Board of Supervisors and presented a request from the Planning Commission requesting approval to set two (2) public hearing dates as required by law relative to the Madison County Comprehensive Plan as proposed by the Central mississippi Planning and development District, and

WHEREAS, Mr. Sellers did request the dates be set for October 20 and October 27, 2004, before the Planning Commission not the Board of Supervisors,

Following discussion, Mr. Tim Johnson did move and Mr. Karl M. Banks did second a motion to approve the request and set dates for the public hearings on the proposed Madison County Comprehensive Plan for October 20 and October 27, 2004 before the Planning 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 public hearings were and are hereby set and Mr. Sellers was and is hereby so instructed.

SO ORDERED this the 17<sup>th</sup> day of September, 2004.

***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,

Following this discussion and pursuant to the terms of Miss. Code Ann. § 25-41-7, as amended, Mr. Karl M. Banks did move 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 certain pending or threatened litigation related to delays and cost overruns incurred by Southern Rock, LLC on the Church Road improvements Project (CDBG Project # 01-045-ED-01) with the following persons deemed necessary for board discussions, deliberations, and recording of such executive session, to-wit: members of the Board, Board Attorney Edmund L. Brunini, Jr., Sheriff Toby Trowbridge, County Administrator Donnie Caughman, and County Comptroller Mark Houston. 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:** \_\_\_\_\_



<u>Year</u>	<u>Annual Rent</u>
01-05	\$ 256.66
06-10	\$ 279.99
11-15	\$ 303.32
16-20	\$ 326.65
21-25	\$ 349.98
26-30	\$ 373.31
31-35	\$ 396.64
36-40	\$ 419.97

Mr. Tim Johnson did move and Mr. Paul Griffin did second a motion to approve the 16th Section Lease as set forth above, as submitted by the Madison County School Board. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	No
Supervisor Karl M. Banks	Not Present Not Voting <sup>4</sup>
Supervisor Paul Griffin	Aye

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

SO ORDERED this the 17<sup>th</sup> day of September, 2004.

***In re: Proposed Lake Caroline Fire Station***

WHEREAS, County Fire Coordinator Tom Lariviere did appear before the Board of Supervisors and informed them that the Mississippi Fire Rating Bureau has accepted the documents placing the Lake Caroline area into the South Madison Fire District, and

WHEREAS, Mark Evans of Lake Caroline, Inc. has reaffirmed that Lake Caroline Inc. will donate 0.61 acres of land near Lake Caroline to be used as a site for a new fire station,

Following discussion, Mr. Tim Johnson did move and Mr. Andy Taggart did second a motion to authorize County Administrator Donnie Caughman to retain an architect to develop plans for the new fire station which would be acceptable to both the Lake Caroline Inc. Board of Directors and Madison County Board of Supervisors under the supervision of the County Fire Coordinator and County Administrator and to also direct the architect to give the county a cost analysis of the new building and architectural fees. 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 Not voting
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and the County Administrator was and is directed to obtain an architect and to proceed with the building of the new fire station at Lake Caroline.

SO ORDERED this the 17<sup>th</sup> day of September, 2004.

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<sup>4</sup>Prior to the call of the question, Mr. Banks excused himself from the meeting.

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

***For Searching Reference Only: Page 15 of 21 (9/17/04)***

***In re: Authorization of Board Members to Travel to Mississippi Transportation Institute Conference***

WHEREAS, County Administrator Donnie Caughman informed the Board that the Mississippi Transportation Institute Conference was scheduled November 7-10, 2004 at the Beau Rivage in Biloxi, and

WHEREAS, the Board does desire to approve the payment of travel and related expenses for any Board member, elected official or appointed department head to attend said conference, the Board finding that such expenses are in the best interest of the county,

Following discussion, Mr. Tim Johnson did move and Mr. Andy Taggart did second a motion to authorize the payment of travel, lodging and food expenses of any Board member, elected official or appointed department head to attend said conference. 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 Not Voting
Supervisor Paul Griffin	Aye

the matter carried unanimously by those present and such approval was and is hereby granted.

SO ORDERED this the 17<sup>th</sup> day of September, 2004.

***In re: Appointment of Selection Committee for CDBG Economic Development Public Improvement Grant***

WHEREAS, County Administrator Donnie Caughman did inform the Board of Supervisors that they needed to appoint three (3) people to serve as the Selection Committee for the evaluation of various aspects of the Canton Industrial Park CDBG grant,

Following discussion, Mr. Tim Johnson did move and Mr. Andy Taggart did second a motion to appoint County Administrator Donnie Caughman, Comptroller Mark Houston, and Chancery Clerk Arthur Johnston to comprise said committee. 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 Not Voting
Supervisor Paul Griffin	Aye

the matter carried unanimously by those present and said committee was and is hereby appointed.

SO ORDERED this the 17<sup>th</sup> day of September, 2004.

***In re: Approval of St. Francis of Assisi Catholic Church as a New Polling Place for Madison 2 Precinct***

WHEREAS, County Administrator Donnie Caughman did inform the Board that St. Matthews United Methodist Church would no longer allow its facility on Old Canton Road to serve as a polling place for the Madison 2 Precinct, and

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**Date Signed:** \_\_\_\_\_



WHEREAS, Mr. Caughman did announce that the Madison County Election Commission reported that St. Francis of Assisi Catholic Church on Tidewater Lane was willing to offer its facility in such capacity,

Following discussion, Mr. Tim Johnson did move and Mr. Andy Taggart did second a motion to approve St. Francis of Assisi Catholic Church as a new polling place for Madison 2 Precinct. 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 St. Francis of Assisi Catholic Church on Tidewater Lane was and is so designated.

SO ORDERED this the 17<sup>th</sup> day of September, 2004.

***In re: Authorization of County Surveyor to Perform Survey of Certain Property on Catlett Road***

WHEREAS, County Administrator Donnie Caughman did appear before the Board and announced that a survey of certain property owned by Mr. John Pace on Catlett Road was necessary in order to perform certain road maintenance and repairs, and

WHEREAS, Mr. Caughman did recommend that the County Surveyor be authorized and directed to carry out said survey,

Following discussion, Mr. Tim Johnson did move and Mr. Paul Griffin did second a motion to authorize and direct the County Surveyor to perform a survey on property owned by Mr. John Pace on Catlett Road, finding a public need and necessity therefor. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and the County Surveyor was and is so directed.

SO ORDERED this the 17<sup>th</sup> day of September, 2004.

***In re: Nominees to the Board of Directors of the Pearl River Valley Water Supply District***

WHEREAS, on May 21, 2004, the Madison County Board of Supervisors directed that the names of Greg Copeland, Robert D. Webb, and Robert “Bob” Williams be submitted to the Governor to be considered as the representative of Madison County on the Pearl River Valley Water Supply District, and

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**Date Signed:** \_\_\_\_\_

WHEREAS, the Board has yet to receive word as to the pleasure of the Governor with respect thereto and does desire that Madison County have a current representative thereon as previously recommended,

Following discussion, Mr. Tim Johnson did move and Mr. Paul Griffin did second a motion to direct the Chancery Clerk to prepare correspondence to the Governor respectfully requesting that he act on the matter of said nominees. 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 Chancery Clerk was and is hereby so directed.

SO ORDERED this the 17<sup>th</sup> day of September, 2004.

***In re: Approval of Budget Amendment and Authorization to Transfer Funds***

WHEREAS, County Comptroller Mark Houston did appear before the Board and requested an inter-fund transfer of funds from Fund 137 (Economic Development Fund) to Fund 150 (Road Department) in order to reimburse the Road Fund for the cost of parking lot repairs at Oxford Automotive, and

WHEREAS, the Board finds that such inter-fund transfer and budgetary amendment was and is in the public interest and necessary in order to reimburse the Road Fund for the cost of parking lot repairs at Oxford Automotive,

Following discussion, Mr. Paul Griffin did move and Mr. Tim Johnson did second a motion to authorize and approve the above and foregoing inter-fund transfer and budgetary amendment. The vote on the matter being as follows:

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

the matter carried unanimously and the above and foregoing inter-fund transfer and budgetary amendment was and is hereby approved.

SO ORDERED this the 17<sup>th</sup> day of September, 2004.

***In re: Authorization Pay Request to Dickerson & Bowen for Partial Paving of Deerfield Club Drive***

WHEREAS, Comptroller Mark Houston did inform the Board after extensive research he was of the opinion that the county should pay Dickerson & Bowen for the public portion of Deerfield Club Drive which had been paved by said firm, and

WHEREAS, the Board does desire that County Engineer Mike McKenzie determine what portion of the road is deemed public,

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**Date Signed:** \_\_\_\_\_

Following discussion, Mr. Paul Griffin did move and Mr. Tim Johnson did second a motion to request the County Engineer to determine what portion of Deerfield Club Drive is public and to authorize the Chancery Clerk to pay Dickerson & Bowen for the paving of that portion of the road that is deemed public. 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 <sup>5</sup>
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and the County Engineer was and is directed to determine the public portion of Deerfield and the Chancery Clerk was and is hereby so directed to pay Dickerson & Bowen for the paving work done on the public portion of the road.

SO ORDERED this the 17<sup>th</sup> day of September, 2004.

***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 upon the request of Board Attorney Edmund L. Brunini, Jr., and

WHEREAS, Mr. Brunini stated that certain personnel matters, including the question of whether to transfer certain employees from the Solid Waste Department necessitated the closed session.

Following this discussion and pursuant to the terms of Miss. Code Ann. § 25-41-7, as amended, Mr. Karl M. Banks did move and Mr. Andy Taggart did second a motion to make a closed determination upon the issue of whether to transfer certain employees from the Solid Waste Department with the following persons deemed necessary for board discussions, deliberations, and recording of such executive session, to-wit: members of the Board, Sheriff Toby Trowbridge, Chancery Clerk Arthur Johnston, County Administrator Donnie Caughman, County Comptroller Mark Houston, the Board Attorney and County Road Manager Prentiss Guyton. The vote on the matter being as follows:

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

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

SO ORDERED this the 17<sup>th</sup> day of September, 2004.

***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 wished to discuss certain personnel matters including the question of whether to transfer certain employees from the Solid Waste

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<sup>5</sup>Prior to the call of the question, Mr. Banks returned to the meeting.

**President’s Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

Department,

Following a discussion, Mr. Karl M. Banks did move and Mr. Andy Taggart did second a motion to enter into Executive Session to discuss said personnel 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 Paul Griffin	Aye
Supervisor Karl M. Banks	Aye

the matter carried unanimously and President Jones declared the Board of Supervisors to be Executive Session for the consideration of such matters.

SO ORDERED this the 17<sup>th</sup> day of September, 2004.

Following a discussion, Mr. Tim Johnson did move and Mr. Paul Griffin did second a motion to come out of Executive Session with no action being taken and to direct the Chancery Clerk to so announce to the public. The vote on the matter being as follows:

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

the matter carried unanimously and President Jones then reopened the meeting and Chancery Clerk Arthur Johnston informed the public that no action was taken.

SO ORDERED this the 17<sup>th</sup> day of September, 2004.

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor Paul Griffin and seconded by Supervisor Karl Banks and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Friday, September 24, 2004 at 9:00 a.m. for the purpose of considering Petition of Dr. S. L. Sethi to Re-zone Certain Property in Madison County and any other business which may properly come before the Board.

\_\_\_\_\_  
Douglas L. Jones, President  
Madison County Board of Supervisors

Date signed: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Arthur Johnston, Chancery Clerk

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_