

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

REGULAR MEETING OF SEPTEMBER 24, 2004
Recessed from regular meeting conducted on September 17, 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 24, 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. and Chris Walker, Esq.

The President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. The Board President opened the meeting with a prayer and County Comptroller Mark Houston led the members and the audience in the Pledge of Allegiance to the Flag of the United States of America.

***In re: Petition of Dr. S. L. Sethi to Re-zone
Certain Property***

**ORDINANCE BY THE BOARD OF SUPERVISORS
OF MADISON COUNTY, MISSISSIPPI,
AMENDING THE MADISON COUNTY ZONING ORDINANCE**

WHEREAS, the Board of Supervisors had previously advertised its intent to conduct a public hearing concerning the request of Dr. S. L. Sethi to re-zone certain A-1 agricultural use property to C-2 commercial use property in Section 35, T10N-R2E in Madison County, and authorized the publication of notice in the *Madison County Herald*, a newspaper of general circulation in Madison County, and directed that the Zoning Administrator publish notice in said paper, the same having been accomplished on September 2, 2004, 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 date and hour as advertised did arrive and the Board President declared open the public hearing to consider the request of Dr. S. L. Sethi to re-zone certain A-1

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agricultural use property to C-2 commercial use property in Section 35, T10N-R2E, and

WHEREAS, County Zoning Administrator Brad Sellers did appear before the Board and presented the Petition of Dr. S. L. Sethi the Miler Banks Estate, and did report that the Petitioner claimed that the property was re-zoned in 1991 to C-2, but no record thereof could be found, and

WHEREAS, the Planning and Zoning Commission did recommend approval of the request with covenants that include solid wood fencing around storage and maintenance facility and planting of evergreens to prevent visibility, and

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

Following discussion, Mr. Paul Griffin did move and Mr. Karl M. Banks did second a motion to close the public hearing and approve the re-zoning 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 A-1 Agricultural District to a C-2 Commercial District, more particularly described, to wit:

Begin at the point of intersection of the South right-of-way line of Pisgah Bottom Road with the west right-of-way line of Interstate Highway No. 55 (F.A.P. No. I-55-2(26)118), in Section 35, T10N, R2E, Madison County, Mississippi, and run thence S 3 degrees 44 minutes 22 seconds W along the west right-of-way line of said Interstate Highway No. 55 for a distance of 682.00 feet to a point; run thence W a distance of 339.27 feet to a point; run thence S for a distance of 66.00 feet to a point; run thence W for a distance of 231.00 feet to a point; run thence N 0 degrees 30 minutes 18 seconds E for a distance of 812.62 feet to a point on the South right-of-way line of Pisgah Bottom road; run thence southeasterly along said right-of-way line of Pisgah Bottom Road as follows: run thence S 80 degrees 41 minutes 53 seconds E, a distance of 279.92 feet to a point; run thence South 86 degrees 24 minutes 31 seconds E, a distance of 332.00 feet to the point of beginning.

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

ORDAINED, ADOPTED AND APPROVED by the Board of Supervisors of Madison County, Mississippi, at a meeting thereof held on the 24th day of September, 2004.

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 Dr. S. L. Sethi to re-zone certain A-1 agricultural use property to C-2 commercial use property in Section 35, T10N-R2E in Madison

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County was and is hereby approved, the subject property was and is hereby re-zoned, and the County zoning ordinance and map are amended accordingly.

SO ORDERED this the 24th day of September, 2004.

In re: Petition of Sammy Brown for a Special Exception to Conduct a Surface Mining Operation

WHEREAS, the Board of Supervisors had previously advertised its intent to conduct a public hearing concerning the request of Mr. Sammy Brown for a Special Exception to Conduct a Surface Mining Operation on property zoned A-1 agricultural use on certain property situated in Section 35, T10N, R3E

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 September 2, 2004, and

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

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

WHEREAS, Mr. Brown did appear before the Board and explained that the special exception was being sought in order to expand the size of an existing pond and trade the excavated materials for work proposed and that an exempt permit has been issued by the MDEQ, and that reclamation will be accomplished by expanding and creating a pond, and

WHEREAS, the Planning and Zoning Commission did recommend approval of the request, with the hours of operation being 7 a.m. to 7 p.m. daylight savings time and 7 a.m. to 5 p.m. otherwise, for a period not to exceed three (3) years, and

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

Following discussion, Mr. Paul Griffin did move and Mr. Karl M. Banks did second a motion to close the public hearing and grant the special exception. The vote on the matter being as follows:

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

the matter carried unanimously and the public hearing was and is hereby closed and the special exception sought by Mr. Sammy Brown was and is hereby granted.

SO ORDERED this the 24th day of September, 2004.

In re: Consideration of Request of the American Family Association

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for a Special Exception to Allow the Erection of a Radio Tower in an A-1 Agricultural Use District

WHEREAS, the Board of Supervisors had previously advertised its intent to conduct a public hearing concerning the request of the American Family Association for a Special Exception to Place a Radio Tower in an A-1 agricultural use district on certain property situated in Section 13, T11N, R3E

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 September 2, 2004, and

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

WHEREAS, the date and hour as advertised did arrive and the Board President declared open the public hearing to consider the request of the American Family Association for a Special Exception to erect a radio tower in an A-1 Agricultural Use District, and

WHEREAS, Mr. Don Locke with AFA did appear before the Board and explained that the special exception was being sought in order to allow his association to erect a tower for radio waves and other potential uses such as cellular telephone service, and

WHEREAS, Mr. Locke did further explain that his firm has previously secured FAA and FCC approval of said tower, and

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

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

Following discussion, Mr. Paul Griffin did move and Mr. Karl M. Banks did second a motion to close the public hearing and grant the special exception. The vote on the matter being as follows:

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

the matter carried unanimously and the public hearing was and is hereby closed and the special exception sought by the American Family Association was and is hereby granted.

SO ORDERED this the 24th day of September, 2004.

In re: Consideration of Amendment to Solid Waste Master Plan to Allow Foshee Construction Company to Operate a Class II Rubbish Site

WHEREAS, the Board of Supervisors had previously advertised its intent to conduct a public hearing concerning the request of Foshee Construction Company to amend the Solid Waste Management Plan for Madison County to allow said company to operate a Class II Rubbish Site in sections 17 and 18 of T8N, R1E in Madison County and authorized the publication of notice in the *Madison County Herald*, a newspaper of general circulation in

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Madison County, and directed that the Zoning Administrator publish notice in said paper, the same having been accomplished on June 24 and 25, 2004, and

WHEREAS, consideration of this matter was before the Board on August 20, 2004 and the public hearing on said request was closed at that time and Petitioner's Petition was taken under advisement, and

WHEREAS, Mr. Jim Foshee did appear before the Board on behalf of Foshee Construction Company in support of its Petition urging that said amendment should be granted and did submit prepared materials in support thereof,

Following discussion, Mr. Andy Taggart did move and Mr. Karl M. Banks did second a motion to amend the Solid Waste Management Plan as requested by Foshee Construction Company, provided Foshee bear the cost of pursuing the proposed amendment through all regulatory processes. 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 Petition of Foshee Construction Company to Amend the Solid Waste Management Plan of Madison County and Allow a Special Exception to Conduct Surface Mining in Section 17, T8N-R1E on Highway 22, was and is hereby granted subject to the above stated proviso, and the Solid Waste Management Plan of Madison County was and is hereby amended.

SO ORDERED this the 24th day of September, 2004.

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

(A) First Alternate Bid for #7 Crushed Aggregate Seal

WHEREAS, County Purchase Clerk Hardy Crunk did submit correspondence to the Board dated September 22, 2004, a true and correct copy of which is attached hereto as Exhibit D, stating that Hammock Gravel Company's Lexington Pit was awarded the term bid for #7 crushed aggregate seal and that pursuant to bid specifications, #7 crushed aggregate seal was and is a gravel product instead of a limestone product, and

WHEREAS, Mr. Crunk did further state that #7 crushed aggregate seal limestone should be and is now being purchased from the first alternate bidder, Vulcan Materials, for \$18.50 per ton, and

WHEREAS, the Board does desire to and does hereby acknowledge said correspondence and the use of the first alternate bidder, and

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(B) Future Schedule of Board Meetings Effective November 1, 2004

WHEREAS, County Administrator Donnie Caughman did recommend that the Board alter its schedule of meetings effective November 1, 2004, **from** the previously adopted schedule of (1) the first Monday of each month, (2) the second Friday after the first Monday of each month, and (3) the third Friday after the first Monday of each month **to** the following schedule: (1) the first Monday of the month, (2) the third Monday of each month, and (3) the fourth Monday of each month, and

WHEREAS, the Board does desire to and does hereby adopt the following schedule of meetings of the Board of Supervisors of Madison County, effective November 1, 2004 to-wit: (1) the first Monday of the month, (2) the third Monday of each month, and (3) the fourth Monday of each month, and

Mr. Tim Johnson did move 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 (A) and (B) herein above. The vote on the matter being as follows:

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

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

SO ORDERED this the 24th day of September, 2004.

In re: Consideration of Request of Frontline GeoService for Temporary Right of Way

WHEREAS, Mr. John McMinn with Frontline GeoService did appear before the Board and requested execution of that certain correspondence dated August 1, 2004, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, allowing his firm a temporary right of way for the purpose of survey control and laying seismic recording cables across the roadway in some areas, and

WHEREAS, Mr. McMinn did explain that work would begin this month and would consist of workers in pickups trucks pulling onto the right of way, driving stakes, marking with flags and taking certain readings.

Following discussion, Mr. Karl M. Banks did move and Mr. Paul Griffin did second a motion to approve the request for a temporary right of way and to authorize the Board President to execute said correspondence. 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 temporary right of way was and is hereby approved in favor of Frontline Geo Services and the Board President was and is so authorized.

SO ORDERED this the 24th day of September, 2004.

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In re: Memorandum of Understanding Between Jackson State University and the Madison County Board of Supervisors

WHEREAS, Mr. Sean B. Perkins, M. P. P. A. with Jackson State University did appear before the Board and presented a proposed Memorandum of Understanding between the county and Jackson State University and did report that said university was in receipt of a grant to assist counties including Madison in analyzing and correcting community problems using CDBG funds, and

WHEREAS, Mr. Perkins did state that participation in the university's project was voluntary and would not result in any cost to the county, and

WHEREAS, a true and correct copy of said Memorandum 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 said Memorandum and authorize the Board President to execute and enter into the same with Jackson State University. 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 aforesaid Memorandum of Understanding with Jackson State University was and is hereby approved and the Board President was and is authorized to execute and enter into the same.

SO ORDERED this the 24th day of September, 2004.

In re: Approval of Repayment of Limited Tax General Obligation Industrial Development Bonds (Haverty Furniture Companies, Inc. Project), Series 1991, dated May 1, 1991

WHEREAS, the Board of Supervisors of Madison County, Mississippi, acting for and on behalf of Madison County, Mississippi (the "County"), took up for consideration the matter of providing a notice regarding the defeasance of the County's Limited Tax General Obligation Industrial Development Bonds (Haverty Furniture Companies, Inc. Project), Series 1991, dated May 1, 1991, issued in the original principal amount of Two Million One Hundred Thousand Dollars (\$2,100,000).

After discussion of the subject, Supervisor Andy Taggart offered and moved the adoption of the following resolution, conditioned upon Haverty's written agreement that it will cover and/or reimburse Madison County any costs incurred by the Paying Agent or any other entity associated with any delay in, or failure of, the aforesaid conditional call:

RESOLUTION APPROVING AND AUTHORIZING THE DEFEASANCE OF THE OUTSTANDING PRINCIPAL OF THE \$2,100,000 MADISON COUNTY, MISSISSIPPI LIMITED TAX GENERAL OBLIGATION INDUSTRIAL DEVELOPMENT BONDS (HAVERTY FURNITURE COMPANIES, INC. PROJECT), SERIES 1991, DATED MAY 1, 1991 (THE "1991 BONDS") AND AUTHORIZING THE PRESIDENT OR CLERK OF THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI, TO PROVIDE A WRITTEN NOTIFICATION TO FIRST NATIONAL BANK OF

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CLARKSDALE, CLARKSDALE, MISSISSIPPI, PAYING AGENT FOR THE 1991 BONDS OF THE DEFEASANCE OF THE OUTSTANDING 1991 BONDS.

WHEREAS, the Board of Supervisors of Madison County, Mississippi (the "Board of Supervisors"), acting for and on behalf of Madison County, Mississippi (the "County"), have been notified that Haverty Furniture Companies, Inc. (the "Company") is selling the building acquired with the proceeds of the County's Limited Tax General Obligation Industrial Development Bonds (Haverty Furniture Companies, Inc. Project), Series 1991 (the "1991 Bonds"), dated May 1, 1991 and desires to authorize the defeasance of the outstanding principal of the 1991 Bonds with the proceeds provided to the County in connection with the sale of the building by the Company;

WHEREAS, it is necessary to authorize the President or Clerk of the Board of Supervisors of the County to provide a written notification to First National Bank of Clarksdale, Clarksdale, Mississippi, paying agent for the 1991 Bonds of the (i) defeasance of the outstanding 1991 Bonds maturing in the years 2005 through 2016, both inclusive (the "Defeased Bonds") with the funds to be provided to the County by the Company in connection with the sale of the building acquired with the proceeds of the 1991 Bonds, and (ii) the optional redemption of the 1991 Bonds maturing in the years 2005 through 2016, both inclusive (the "Callable 1991 Bonds") on November 1, 2004 at par plus accrued interest; and

WHEREAS, it is necessary to approve the form of and execution of the notice of defeasance of the Defeased Bonds and optional redemption of the Callable 1991 Bonds (the "Notice of Defeasance/Redemption").

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Madison County, Mississippi, acting for and on behalf of Madison County, Mississippi, as follows:

SECTION 1. That the Board of Supervisors hereby approves the defeasance of the Defeased Bonds and the optional redemption of the Callable 1991 Bonds thereof on November 1, 2004 at par plus accrued interest.

SECTION 2. That the form of and the execution by the President or Clerk of the Board of Supervisors of the Notice of Defeasance/Redemption attached hereto for the Defeased Bonds and Callable 1991 Bonds is hereby approved.

SECTION 3. All orders, resolutions or proceedings of the Board of Supervisors in conflict with any provision hereof shall be, and the same are hereby repealed, rescinded and set aside, but only to the extent of such conflict.

For cause, this resolution shall become effective upon the adoption hereof.

Supervisor Karl 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	voted: Aye
Supervisor Tim Johnson	voted: Aye
Supervisor Andy Taggart	voted: Aye
Supervisor Karl M. Banks	voted: Aye
Supervisor Paul Griffin	voted: 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.

SO ORDERED this the 24th day of September, 2004.

President's Initials: _____

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In re: Approval of Five (5) Certain Utility Permits

WHEREAS, County Engineer Mike McKenzie did appear before the Board requesting approval of permits allowing use and occupancy for the construction or adjustment of a utility within certain roads or highway rights of way, and

WHEREAS, said permits were as follows:

- (1) Bear Creek Water Association – bore 70 linear feet of 12" steel casing under Church Road
- (2) Bear Creek Water Association – bore 50 linear feed of 12" casing under Clarkdell Road Extension and Clarkdell Road
- (3) Time Warner Cable - placement of underground CATV cable by means of trenching and/or boring
- (4) BellSouth Telecommunications – place cable for service on Rankin Road
- (5) East Madison Water Assoc.– four inch pvc water line to begin on east side of Dixon Road and cross over to the west side and continue north on Dixon Road in the ditch. The water line will be at least 36 inches below the bottom of the ditch.

WHEREAS, a true and correct copy of each of the above and foregoing permit applications may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, the Board does desire to approve each of said applications,

Following discussion, Mr. Andy Taggart did move and Mr. Karl M. Banks did second a motion to approve each of the above and foregoing permits. 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 permits were and are hereby approved.

SO ORDERED this the 24th day of September, 2004.

In re: Approval of Final Plat and Covenants of Summerfield Farms Subdivision

WHEREAS, County Engineer Mike McKenzie appeared before the Board of Supervisors and presented the final plat and a set of covenants for Summerfield Farms Subdivision and requested the Board to approve same, indicating and representing that the same met with all appropriate and applicable county requirements, and

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

Following discussion of this matter, Mr. Paul Griffin did move and Mr. Karl M. Banks did second a motion to approve said final plat and covenants, 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:

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

the matter carried unanimously and the final plat and covenants of Summerfield Farms was and is hereby approved with the aforesaid provisos.

SO ORDERED this the 24th day of September, 2004.

In re: Approval of Various 16th Section Leases

WHEREAS, the Madison County School Board has approved the following 16th Section leases and forwarded them to the Board for review and approval, true and correct copies of which may be found in the Miscellaneous Appendix to these minutes:

Lessees: Thomas A. Hart and wife Valerie Leigh Hart
 Description: Lot 111, Sherbourne Subdivision, Part 4
 Lease Term: 40 years

<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

Lessees: Mark A. Enderle
 Description: Lot 119, Sherbourne Subdivision, Part 4
 Lease Term: 40 years

<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

Lessees: Alex John Paracsi
 Description: Lot 13, Woodbury Park Subdivision
 Lease Term: 40 years

<u>Year</u>	<u>Annual Rent</u>
01-05	\$ 556.00
06-10	\$ 611.60

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11-15	\$ 667.20
16-20	\$ 722.80
21-25	\$ 778.40
26-30	\$ 834.00
31-35	\$ 889.60
36-40	\$ 945.20

AND WHEREAS, said school district has also approved a certain Utility Easement to be granted unto Entergy Mississippi, Inc. in exchange for the payment by Entergy of \$770.00, and true and correct copy of which Utility Easement may also be found in the Miscellaneous Appendix to these Minutes,

Mr. Tim Johnson did move and Mr. Paul Griffin did second a motion to approve the 16th Section Leases as set forth above, together with the Utility Easement, 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 Paul Griffin	Aye
Supervisor Karl M. Banks	Aye

the matter carried by a majority vote (4-1) of the Board and said leases and the Utility Easement were and are hereby approved.

SO ORDERED this the 24th day of September, 2004.

In re: Consideration of Capital Project and Authorization to Begin Construction of Addition to Chancery and Administrative Building

WHEREAS, County Administrator Donnie Caughman did appear before the Board and discussed the need for additional and improved office space for various county offices, citing the Board to the state of disrepair associated with many county-owned office buildings, including the Justice Court Building and the Annex to the Historical Courthouse, and

WHEREAS, Mr. Caughman presented a comparison of costs associated with the construction of an addition to the current Chancery and Administrative Building located at 146 West Center Street, Canton, Mississippi, versus the costs associated with the rehabilitation of the former location of Canton High School, and

WHEREAS, Mr. Caughman did also discuss other factors relative to such comparison, namely unforeseen costs associated with renovation of an older structure, security concerns, a longer duration of the construction period, and the fact that a significant amount of vacant, un-rehabilitated space would remain if renovation of the former Canton High School facility is undertaken, and

WHEREAS, said comparison, together with a statement entitled “Why Add on to Existing County Building,” may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, based on said comparison, rationale and information, Mr. Caughman did recommend that the Board proceed with the design and construction of an addition to the Chancery and Administrative Building,

Following discussion, Mr. Tim Johnson did move and Mr. Andy Taggart did second a motion to authorize the County Administrator to proceed with the design and construction of an addition to the Chancery and Administrative Building and to begin preliminary negotiations with such architectural firm as he deems appropriate and present a firm proposal to the Board at a later

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date. The vote on the matter being as follows:

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

the matter carried unanimously and the County Administrator was and is so authorized.

SO ORDERED this the 24th day of September, 2004.

In re: Authorization of Board President to Correspond with the Developers of Lost Rabbit Requesting Submission of Plats to Planning Commission

WHEREAS, the Board President expressed concern as to the impact of the Lost Rabbit development taking place on property leased from the Pearl River Valley Water Supply District on the roads and other infrastructure in District 1 and the county as a whole, and

WHEREAS, the Board President expressed his desire that the Lost Rabbit developers should voluntarily submit their plans to the Madison County Planning and Zoning Commission,

Following discussion, Mr. Andy Taggart did move and Mr. Karl M. Banks did second a motion to authorize the Board President to send correspondence to the developers of Lost Rabbit, requesting that they voluntarily submit said project to the regular planning review processes of Madison County during the course of the next sixty days. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Not Present and Not Voting ¹
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 Board President was and is hereby authorized to send such correspondence.

SO ORDERED this the 24th day of September, 2004.

In re: Consideration of Certain Previously Held Claims During FY 2004

WHEREAS, the Board of Supervisors did review and separately consider certain claims previously held by this Board on various occasions after being presented with a docket of such by Comptroller Mark Houston, a true and correct copy of which may be found in the Miscellaneous Appendix to these minutes, and

WHEREAS, the Board does desire to continue to hold all those claims contained in said Docket of Previously Held Claims with the exception of claims represented by transaction number 182614 which the Board desires to reject and transaction number 183227 which the Board desires to release and pay, and

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

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Following discussion, Mr. Karl M. Banks did move and Mr. Paul Griffin did second a motion to continue to hold all of the claims reflected on that certain Docket of Previously Held Claims with the exception of claim represented by transaction number 182614 which should be rejected and transaction number 183227 which should be released and paid. 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 said claims were and are continued as "held" items with the exception of claim represented by transaction number 182614 which was and is hereby rejected and that represented by transaction number 183227 which was and is hereby released and ordered paid by the Chancery Clerk.

SO ORDERED this the 24th day of September, 2004.

In re: Approval of Claims Docket for September 24, 2004

WHEREAS, the Board reviewed the claims docket for September 24, 2004; and

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

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

Fund	Claim Nos.	No. of Checks	Amount
001	24650 to 24882	232	864,523.24
012	438 to 450	13	17,667.03
013	184 to 185	2	4,220.16
095	48 to 49	2	46,170.64
097	511 to 538	28	39,285.71
105	397 to 403	7	28,543.05
113	51 to 51	1	3,375.00
114	52 to 52	1	997.36
115	43 to 47	5	1,567.42
116	92 to 93	2	216.65
120	59 to 60	2	94.79
137	438 to 445	8	11,838.95
150	743, 6764 to 6824	62	294,307.82
160	728 to 742	15	49,249.20
170	39 to 39	1	39,111.93
190	312 to 319	8	2,145.71
210	7 to 7	1	63,112.76
291	4 to 5	2	38,500.00
682	40 to 40	1	59,817.62
690	49 to 50	2	17,709.51
691	48 to 49	2	15,584.91
TOTAL ALL FUNDS		397	1,598,039.46

Said motion directed that invoice numbers should be attached to each claim on the claims docket and further directed the Chancery Clerk to publish the Summary of Claims as required by law

President's Initials: _____

Date Signed: _____

and to authorize the Board President to sign and approve the Claims Docket, a copy of which is found in the Miscellaneous Appendix to these Minutes together with a separate Resolution approving payment of said claims, which resolution is attached hereto as Exhibit E, spread hereupon, and incorporated herein by reference.

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 said Claims Docket was and is hereby approved, and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 24th day of September, 2004.

In re: Approval of Claim of Business Management System and Authorization of Chancery Clerk to Pay Same

WHEREAS, County Comptroller Mark Houston appeared before the Board and presented an invoice received from Business Management System in the amount of \$3,434.23, representing the cost of a Lanier copier for the Chancery Clerk’s office (Purchase Order # 73061), a true and correct copy of which invoice may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, the Board does desire to approve said claim and authorize the Chancery Clerk to issue a pay warrant accordingly, and

WHEREAS, the Chancery Clerk did assure the Board of Supervisors that said claim had been properly documented and a purchase order was obtained in advance as required by law,

Following discussion, Mr. Paul Griffin did move and Mr. Karl M. Banks did second a motion to approve the claim of Business Management Systems as presented in the amount of \$3,434.23. 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 said claim was and is hereby approved, and the Chancery Clerk was and is instructed to issue a pay warrant accordingly.

SO ORDERED this the 24th day of September, 2004.

In re: Elimination of Compensatory Time in Favor of Overtime Effective October 1, 2004

WHEREAS, County Comptroller Mark Houston and County Administrator Donnie

President’s Initials:_____

Date Signed:_____

Caughman did appear before the Board and reported that the county's employment counsel had recommended that the county eliminate the practice of granting compensatory time and allow department heads to authorize payment of overtime, and

Following discussion, Mr. Andy Taggart did move and Mr. Karl M. Banks did second a motion to eliminate the practice of granting compensatory time to county employees and allow department heads to authorize payment of overtime pay to those employees who are not exempt from wage and hour laws and who work in excess of forty (40) hours per week in conformity with the personnel policy to be developed, promulgated and adopted by this Board in the future. 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 practice of granting compensatory time to county employees was and is hereby eliminated effective October 1, 2004, and county department heads were and are hereby authorized to allow payment of overtime pay to those employees who are not exempt from wage and hour laws and who work in excess of forty (40) hours per week in conformity with the personnel policy to be developed, promulgated and adopted by this Board in the future.

SO ORDERED this the 24th day of September, 2004.

In re: Authorization of Chancery Clerk to Pay Out Compensatory Time Liability to Employees of the Sheriff

WHEREAS, County Comptroller Mark Houston did report that because of the history of difficulties and litigation associated with wage and hour matters as to the Sheriff's Department in Madison County, he recommended the County remit unto those employees of the Sheriff's Department who had accumulated compensatory time the dollar value of such time, and

WHEREAS, a list of Sheriff's Department employees together with the compensatory time payout unto which each is entitled is contained within that certain document submitted by Mr. Houston 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 pay out compensatory time liability unto employees of the Sheriff's Department who had accumulated such and were entitled to such. 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 Chancery Clerk was and is authorized to issue such payments accordingly.

SO ORDERED this the 24th day of September, 2004.

In re: Request of Constable Johnny Sims to Approve Purchase of New Uniforms and Receive Radios

President's Initials: _____

Date Signed: _____

WHEREAS, Constable Johnny Sims did appear before the Board requesting that he be allowed to purchase two (2) uniforms at county expense and requesting the county repair his car radio, and

WHEREAS, the Board does desire to approve the request as to the uniforms and to authorize Constable Sims to transfer a car radio from the inventory of the Solid Waste Department to his vehicle once Red River Corporation begins operation,

Following discussion, Mr. Karl M. Banks did move and Mr. Andy Taggart did second a motion to authorize Constable Johnny Sims to purchase two (2) new uniforms at county expense and to authorize the transfer of an operable mobile radio from the Solid Waste Department to Constable Sims and approve the installation of said radio in Constable Sims' vehicle at county expense. 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 the unanimous vote of those present and Constable Sims was and is so authorized and the transfer of such mobile radio was and is hereby authorized, with the cost of installation to be borne by the county.

SO ORDERED this the 24th day of September, 2004.

In re: Approval of Management's Discussion and Analysis Under and Pursuant to GASB 34

WHEREAS, County Comptroller Mark Houston did appear before the Board and presented a document entitled "Management Discussion and Analysis" pertaining to GASB 34 and did review the same with the Board, and

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

Following discussion, Mr. Karl M. Banks did move and Mr. Andy Taggart did second a motion to approve the "Management's Discussion and Analysis" as presented and to submit the same to the State Department of Audit. 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 aforesaid "Management's Discussion and Analysis" was and is hereby approved, and the Comptroller was and is hereby authorized and directed to submit the same to the State Department of Audit.

SO ORDERED this the 24th day of September, 2004.

In re: Correction, Nunc Pro Tunc, of the Minutes of December 5, 2003

WHEREAS, County Administrator Donnie Caughman did appear before the Board and

President's Initials: _____

Date Signed: _____

requested that the Board correct, by *nunc pro tunc* order, the Minutes of December 5, 2003 at Book 2003, Page 1387 to reflect that the public hearing referenced in the "Order Amending the Solid Waste Plan for Madison County, Mississippi" was conducted on October 10, 2003, rather than October 13, 2003, and

WHEREAS, Board Minutes from October 10, 2003 reflect that said hearing was conducted on that date rather than October 13, 2003 as erroneously reflected in the order of December 5, 2003, and

WHEREAS, the notice which was published in the Madison County Herald pertaining thereto indicates that such hearing was to have been held on the correct date, October 10, 2003,

Following discussion, Mr. Karl M. Banks did move and Mr. Andy Taggart did second a motion to correct the Minutes of December 5, 2003 to reflect that the public hearing reflected in the fourth unnumbered paragraph of the Order at Book 2003 Page 1387 of said minutes took place on October 10, 2003 rather than October 13, 2003 as reflected thereon. 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 Minutes of December 5, 2003 were and are hereby corrected, *nunc pro tunc*, as set forth above.

SO ORDERED this the 24^h 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 Andy Taggart and seconded by Supervisor Paul Griffin and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Thursday, September 30, 2004 at 10:00 a.m. for the purpose of considering fiscal year end budgetary adjustments 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: _____