

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

REGULAR MEETING OF OCTOBER 15, 2004
 Recessed from regular meeting conducted on October 4, 2004

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on October 15, 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:

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

Absent:

Supervisor Andy Taggart

Also in attendance:

County Administrator Donnie Caughman
 County Comptroller Mark Houston
 County Road Manager Prentiss Guyton
 County Zoning Administrator Brad Sellers
 County Engineer Mike McKenzie
 Board Secretary Cynthia Parker
 Board Attorney Edmund L. Brunini, Jr. and John Brunini, 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 Vice President Paul Griffin led the members and the audience in the Pledge of Allegiance to the Flag of the United States of America.

In re: Conducting a Public Hearing on the Creation of a Proposed Parkway South Public Improvement District and the Restructuring of Parkway East Public Improvement District

The Chancery Clerk reported that pursuant to a resolution of the Board of Supervisors of Madison County, Mississippi (the "Governing Body" of the "County") calling for a public hearing to be held on October 15, 2004 at 9:00 a.m., with respect to the petition for the creation of the Parkway South Public Improvement District and the restructuring of Parkway East Public Improvement District (the "Petition"), a copy of which is attached hereto as Exhibit A, he did cause a notice of the public hearing to be published 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, on September 23, September 30, October 7 and October 14, 2004, as evidenced by the proof of publication on file in the office of the Chancery Clerk. On Friday, October 15, 2004, the public hearing was duly convened. At that time, all present were given an opportunity to present oral and/or written comment on the Petition. After a full consideration and discussion of the matter, Supervisor Paul Griffin offered and moved the adoption of the following Resolution:

RESOLUTION OF THE BOARD OF SUPERVISORS OF MADISON COUNTY ACKNOWLEDGING THAT A PUBLIC HEARING

President's Initials: _____

Date Signed: _____

REGARDING THE PETITION TO ESTABLISH PARKWAY SOUTH PUBLIC IMPROVEMENT DISTRICT AND RESTRUCTURE PARKWAY EAST PUBLIC IMPROVEMENT DISTRICT WAS HELD AND FURTHER ACTION BY THE BOARD OF SUPERVISORS WAS TAKEN UNDER ADVISEMENT.

WHEREAS, under the power and authority granted by the laws of the State of Mississippi, and particularly Sections 19-31-1 et seq. of the Mississippi Code of 1972, as amended (the "Act"), the Governing Body of the County on September 17, 2004, did adopt a certain resolution entitled:

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, as directed by the aforesaid resolution and as required by the Act, a notice of public hearing was published in the newspaper having general circulations in the County at least once a week for four (4) successive weeks immediately prior to the date set for the hearing, as evidenced by the Publisher's Proof of Publication attached hereto as Exhibit B, the same having heretofore been presented by the Governing Body and filed with the Chancery Clerk; and

WHEREAS, said notice of public hearing described the time and place for the hearing, and gave a description of the area to be included in Parkway South Public Improvement District ("Parkway South PID") and Parkway East Public Improvement District ("Parkway East PID") (Parkway South PID and Parkway East PID are, collectively, the "Districts"); and

WHEREAS, at 9:00 a.m. on October 15, 2004, the public hearing was held and all in attendance were given the opportunity to state or present their views on the proposed establishment of Parkway South PID and the proposed restructuring of Parkway East PID; and

WHEREAS, the Governing Body of the County has considered the record of the public hearing and other relevant factors in making its determination to grant or deny the Petition as required by the Act; and

WHEREAS, the Petition contains the written consent to the establishment and restructure of the Districts by all the landowners within the proposed boundaries of each of the proposed Districts;

WHEREAS, pursuant to 19-31-7(5) of the Act, the approval of the City of Madison is necessary for the County to establish Parkway South PID and said approval is attached as Exhibit C (the "City Approval"); and

WHEREAS, the City Approval is subject to various conditions stated therein including, but not limited to, the condition that the Board of Directors of Parkway South PID never provide water or sewer service within the proposed annexation area, as described therein, or within one (1) mile of the boundaries of the City of Madison; and

WHEREAS, the creation and restructuring of the Districts will constitute a timely, efficient, effective, responsive and economical method of delivering public improvements and facilities in the area comprising the Districts; and

President's Initials: _____

Date Signed: _____

WHEREAS, the Districts will help with the County's planning, management and financing needs for the delivery of public improvements and facilities to and within the Districts without overburdening the County and its taxpayers; and

WHEREAS, the Governing Body has decided to take said matter under advisement.

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

SECTION 1. That the Governing Body did conduct a public hearing pursuant to the notice contained in Exhibit B.

SECTION 2. That the Governing Body has decided to take said matter under advisement.

SECTION 3. This resolution shall become effective immediately and all resolutions and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, repealed.

SO RESOLVED BY THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI ON THIS 15TH DAY OF OCTOBER, 2004. Supervisor Tim Johnson 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	Aye
Supervisor Andy Taggart	Not Present and Not Voting
Supervisor Karl M. Banks	Not Present and Not Voting
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 15th day of October, 2004.

SO ORDERED this the 15th day of October, 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 22nd day of October, 2004, to-wit:

Kenneth Barnes - Petition to conduct surface mining on Robinson Springs Road

Cooperative Fellowship of MS - Petition to use facility in A-1 as Church located on Gluckstadt Road

William and Judith Payne - Petition for variance to side setback located at Lake Caroline

Charles D. Holmes, Sr. Dianne D. Holmes, Trustmark National Bank, as Trustee for M. E. Ragsdale Residuary Trust and Lula Mae Ragsdale Trust - Petition to rezone A-1 to C-2 Commercial located on New Ragsdale Road

President's Initials: _____

Date Signed: _____

Donald and Sharon Guild/Cress Development, LLC - Petition to rezone A-1 to R-2 Residential located on Catlett Road

Emmia Ray - Advertise to clean property located on Old Highway 51

Georgia Blackmon - Advertise to clean property located on Sugar Hill Street

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. Paul Griffin did move and Mr. Tim Johnson did second a motion to set the above and foregoing matters for public hearing on the 22nd day of November, 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	Not Present and Not Voting
Supervisor Karl M. Banks	Not Present and Not Voting
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and said public hearings were and are hereby set and Mr. Sellers was and is hereby so instructed.

SO ORDERED this the 15th day of October, 2004.

In re: Requests to Refund Excessive Assessments Upon Redemption

(1) Hindman & Smith – Parcel No. 081H-33 -003/01.20

WHEREAS, Mr. Layton Smith paid the delinquent 2002 taxes on the above referenced parcel on May 17, 2004 in the total amount of \$775.11 which sum represented \$589.61 in actual taxes owed plus interest, together with damages and fees as allowed by law, and

WHEREAS, the amount of taxes was calculated based upon a true value of \$45,000 (\$6,750 assessed value); however, Chief Deputy Tax Assessor Kent Hawkins reported to the Board that the correct true value of said parcel is \$1,000 (\$150.00 assessed value), and

WHEREAS, according to Mr. Hawkins, the parcel was given the erroneously high assessment during the 2002 reappraisal, but a re-evaluation and appraisal by the Assessor's office since that time reflected that the parcel was unusable and incapable of any type of residential or commercial use; hence, the drastic reduction in value, and

WHEREAS, a review of land rolls prior to 2002 reveals that said parcel was assessed at a true value of just \$500, and

WHEREAS, for this same reason, the Board has previously approved a reduction in assessment for this parcel for 2003, and both it and the 2004 assessment are based on this same revised valuation¹, and

¹On August 2, 2004, the Board voided the 2003 tax sale for 2002 taxes as to this parcel, but rescinded this action at the request of the Chancery Clerk on August 13, 2004 due to the fact that Mr. Smith had previously redeemed the sale.

President's Initials: _____

Date Signed: _____

WHEREAS, Mr. Smith has requested that the Board reduce the 2002 assessment to the level of the 2003 and 2004 assessments and refund him the difference pursuant to Miss. Code Ann. § 27-73-7 (1972) which would yield **a refund of \$ 762.10** calculated as follows:

\$45,000 true value yields \$6,750 assessed value	= \$775.11
\$1,000 true value yields \$150 in assessed value	= <u>\$ 13.10</u>
Difference to be refunded	= \$762.01, and

(2) Pamela Edwards – Parcel No. 72I-29B-2/1.2

WHEREAS, Chief Deputy Tax Assessor Kent Hawkins did appear before the Board and presented a memorandum dated October 6, 2004 which reported that Ms. Pamela Edwards redeemed the 2002 taxes on parcel no. 72I-29B-2/1.2 with an erroneously high assessment but now requested that the Board reduce the 2002 assessment to the level of the 2003 assessment and refund the difference of \$1,136.77 to her pursuant to Miss. Code Ann. § 27-73-7 (1972), and

WHEREAS, Mr. Hawkins did explain that said parcel was valued with an improvement during the 2002 reappraisal when in fact the parcel has no improvement, and

WHEREAS, Mr. Hawkins did report that his office prepared a SB82 correction to remove the improvement from the 2003 tax bill and that the SB82 correction received approval by the Board of Supervisors in April, 2004 and a new tax bill was issued by the Tax Collector's office, and

WHEREAS, the Tax Collector's records indicate that the new bill was paid on August 23, 2004 and that to correct the 2002 assessment mistake, the Assessor's office prepared a void tax sale and filed it with the Board of Supervisors March 22, 2004, and

WHEREAS, after approval of the void sale, Larry Edwards paid to the Tax Collector the sum of \$1,471.00 on May 17, 2004 to remove the tax lien against the property; however, the amount he paid is incorrect because the value of the non-existent improvement was included, and

WHEREAS, a new bill for the 2002 property tax should have been prepared totaling \$334.23 which is calculated on a \$21,300.00 land value x .15 (class 2 property) x 2002 millage rate (104.61) which yields **a refund of \$1,136.77** due to Mr. Edwards, and

WHEREAS, these matters were the subject of roundtable review by Tax Collector Kay Pace, Tax Assessor Gerald Barber and Chancery Clerk Arthur Johnston on October 12, 2004, and all three officials concurred that such refunds are appropriate,

Following discussion, Mr. Tim Johnson did move and Mr. Paul Griffin did second a motion to approve refunds in the above amounts on the above parcels and authorize the Chancery Clerk as the county's delinquent tax collector and as the County Treasurer to issue pay warrants accordingly, all in accordance with Miss. Code Ann. § 27-73-7 (1972), *et seq.* The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Not Present Not Voting
Supervisor Karl M. Banks	Aye ²
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and said refunds were and are hereby approved and the Chancery Clerk was and is hereby authorized to issue pay warrants accordingly.

²Mr. Banks arrived prior to the call of the question.

President's Initials: _____

Date Signed: _____

SO ORDERED this the 15th day of October, 2004.

In re: Approval of Request for Cash on the CDBG Tin Top Project

WHEREAS, the Board received materials, including a form captioned "Request for Cash" from Mr. Fletcher Shaw, requesting approval of same relative to the CDBG Tin Top Project, and

WHEREAS, the Board did review said worksheet, a true and correct copy of which is attached hereto as Exhibit D, spread hereupon, and incorporated herein by reference

Following discussion, Mr. Karl M. Banks did move and Mr. Paul Griffin did second a motion to approve said worksheet, approve the request for cash referenced thereon, and authorize the Board President to execute said worksheet. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and said worksheet and request for cash was and is hereby approved, and the Board President was and is hereby authorized accordingly.

SO ORDERED this the 15th day of October, 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 matters on 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, Mr. Griffin did request that Item (C) "Employment of Assistant District Attorney," Item (D) "Employment of Homestead Clerk for Tax Assessor," and Item (G) "Approval of Meeting Scheduled Saturday, October 23rd at Reservoir Point in Ridgeland, MS be removed from the Consent Agenda and taken up separately, and

WHEREAS, Mr. Jones did request that Item (E) "Soil and Water Conservation District - Request to Administer Payroll" be removed from the Consent Agenda and addressed separately, and

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

(A) Request to Declare Certain Items of Inventory Junk and Surplus

WHEREAS, County Inventory Control Clerk Barry Parker presented a list of inventory items which, in his estimation, were either obsolete, no longer in use, damaged beyond repair, sold, or otherwise disposed of in the Tax Assessor's office, and

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Date Signed: _____

WHEREAS, said list is attached hereto as Exhibit E, spread hereupon and incorporated herein by reference, and

WHEREAS, the Board does desire to and does hereby find, declare and determine that each of the items listed on the aforesaid Exhibit E, are junk and surplus property, no longer in use by the county, and

WHEREAS, the Board does desire to and does hereby authorize Mr. Parker to dispose of said property in accordance with law as he deems appropriate and in the best interest of Madison County, and

(B) Request to Approve Maintenance Agreement - Heat/Cool Package - Terry Trane

WHEREAS, Building & Grounds Director Barry Parker presented certain maintenance agreements for heating and cooling with Terry Trane for various county buildings, and

WHEREAS, Mr. Parker did request the Board’s approval of said agreements and did request that the Board authorize the Board President to execute the same,

WHEREAS, the Board does desire to and does hereby approve said agreements and authorize the Board President to execute said agreements with Terry Trane, and

(F) Request to Destroy Certain Documents - Tax Collector

WHEREAS, Tax Collector Kay Pace does desire to destroy certain documents that are no longer of value to the county and do not need to be retained by her office, and

WHEREAS, a list of such item is attached hereto as Exhibit F, spread hereupon, and incorporated herein by reference, and

WHEREAS, the Board does desire to and does hereby authorize Mrs. Pace to dispose of said property in accordance with law as she deems appropriate and in the best interest of Madison County, and

(H) Request to Lease Purchase Financing for Sheriff's Department Vehicles

WHEREAS, Purchase Clerk Hardy Crunk did appear before the Board and advised that Trustmark Bank had submitted a low quote for lease purchase financing of 3.86% on forty (40) new Sheriff’s Department Crown Victorias with a total purchase price of \$794,070 , and

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

WHEREAS, the Board does desire to and does hereby accept the new quote of 3.86% for lease purchase financing from Trustmark Bank, and does desire to and does hereby authorize the Board President to execute any and all agreements necessary to secure such financing,

Mr. Tim Johnson 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 Item (A), Item (B), Item (F), and Item (H) herein above. The vote on the matter being as follows:

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

President’s Initials: _____

Date Signed: _____

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

SO ORDERED this the 15th day of October, 2004.

In re: Approval of Final Orders Authorizing Ad Valorem Tax Exemptions to Various Firms

WHEREAS, Chancery Clerk Arthur Johnston did advise the Board that he had received notification of final approval from the State Tax Commission of certain tax exemptions previously awarded by Madison County for (1) Johnson Controls, Inc. in the amount of \$23,479,330 certifying that the firm is entitled to an ad valorem tax exemption for a period of 10 years from September 1, 2003 and (2) Peco Foods in the amount of \$12,037,542 certifying that the firm is entitled to an ad valorem tax exemption for a period of 10 years from January 1, 2004 on certain property in Madison County, Mississippi, and

WHEREAS, a true and correct copy of the final orders as to each exemption may be found in the Miscellaneous Appendix to these Minutes, and

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to adopt a final order granting each of the tax exemptions as set forth above. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Not Present Not Voting
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Not Present Not Voting ³

the matter carried by the unanimous vote of those present and the final orders were and are hereby adopted.

SO ORDERED this the 15th day of October, 2004.

In re: Approval of Sole Source Purchase - Delta Computer Systems, Inc.

WHEREAS, County Comptroller Mark Houston did appear before the Board and requested approval of a sole source purchase from Delta Computer Systems, Inc. of a software component for tax assessment of personal property which is fully compatible and interactive with the existing software, pursuant to Miss. Code Ann. §31-7-13, and

WHEREAS, Mr. Houston did also inform the Board that purchasing this software was the most efficient means of processing of personal property assessments with our current Delta Computer operating system and requested the Board approval to purchase this sole source item at a cost of \$12,500.00, and

WHEREAS, Mr. Houston did present documentation supporting the sole source designation as to said software, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Karl M. Banks did move and Mr. Paul Griffin did second a motion to

³Prior to the call of the question, Mr. Griffin excused himself from the meeting and returned immediately thereafter.

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find and determine that Delta Computer Systems was and is a sole source provider of such software and the sufficient certification thereof has been provided and to approve the sole source purchase from Delta Computer Systems, Inc. in the amount of \$12,500.00. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and said request was and is approved as a sole source purchase from Delta Computer Systems, Inc.

SO ORDERED this the 15th day of October, 2004

In re: Approval of Consent Items Withheld from Consent Agenda

WHEREAS, following discussion the Board ascertained that it should take up the following matters originally presented on the Consent Agenda but removed therefrom earlier in the meeting, and

WHEREAS, Mr. Griffin stated that he wished to recuse himself from any and all discussion, consideration and deliberation on the matters which follow, and departed the meeting room in advance of the consideration thereof, and

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

(C) Approval of Employment of Assistant District Attorney

WHEREAS, District Attorney David Clark does desire to hire Mr. Armstrong Walters as Assistant District Attorney in accordance with Miss. Code Ann. §25-31-5(2) & (3), 1972 as amended, and

WHEREAS, Mr. Walters annual salary is to be set at the statutory maximum of \$81,426 in accordance with Miss. Code Ann. §25-3-35(6), 1972 as amended, and

WHEREAS, Mr. Walters first day of employment will be October 1, 2004, and

WHEREAS, the Board does desire to and does hereby approve the employment of Mr. Armstrong Walters as Assistant District Attorney effective October 1, 2004, and

(D) Request Approval of Employment of Homestead Clerk - Tax Assessor

WHEREAS, Tax Assessor Gerald Barber does desire to hire Ms. Angelina Brown as Homestead Clerk at a monthly salary of \$1,833.33 effective October 11, 2004, and

WHEREAS, the Board does desire to and does hereby approve the employment of Ms. Angelina Brown as Homestead Clerk effective October 11, 2004, and

(E) Request to Continue Payroll with Soil and Water Conservation District Employees

WHEREAS, County Administrator Donnie Caughman did inform the Board he had received a request from Soil and Water Conservation District to continue to administer payroll for the District employees, and

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Date Signed: _____

WHEREAS, the District will reimburse the County for the employee's salary and fringe benefits, less the cost of health insurance and workers compensation, and

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

WHEREAS, the Board does desire to and does hereby approve said request to continue to include the employees of the Soil and Water Conservation District within the county payroll on the terms and conditions set forth above,

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 Item (C), Item (D), and Item (E) herein above. The vote on the matter being as follows:

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

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

SO ORDERED this the 15th October, 2004.

In re: Approval of Claims Docket for October 15, 2004

WHEREAS, the Board reviewed the claims docket for October 15, 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	298 to 385 387 to 388	90	142,185.91
012	3 to 11	9	6,591.05
014	1 to 1	1	21,465.00
096	1 to 1	1	20,544.00
097	6 to 18	13	13,105.79
105	6 to 10	5	16,294.66
113	2 to 3	2	2,150.00
115	1 to 1	1	180.00
116	2 to 3	2	207.63
118	1 to 1	1	5,000.00
120	3 to 5	3	1,654.93
137	3 to 7	5	219.62
150	5 to 70	39	486,350.87
160	6 to 8	3	20,829.60
190	18 to 22	5	1,500.56
401	1 to 1	1	8,694.88
682	2 to 3	2	42,872.35
	TOTAL ALL FUNDS	182	789,846.85

President's Initials: _____

Date Signed: _____

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to approve the claims docket with the exception of the following held claims:

HELD CLAIM

Fund	Claim No.	Payee	Amount
001	386	Gauss, Inc.	\$12,984.50

Said motion directed that invoice numbers should be attached to each claim on the claims docket and further directed the Chancery Clerk to publish the Summary of Claims as required by law and to authorize the Board President to sign and approve the Claims Docket, a copy of which is found in the Miscellaneous Appendix to these Minutes together with a separate Resolution approving payment of said claims, which resolution is attached hereto as Exhibit G, spread hereupon, and incorporated herein by reference.

The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Not Present and Not Voting
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 with the exception of the above noted held items, and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 15th day of October, 2004.

In re: Approval of Pay Requests Received From Williford, Gearhart & Knight Pertaining to Reunion Parkway

WHEREAS, County Engineer Mike McKenzie did appear before the Board and presented two (2) certain requests for payment pertaining to fees incurred by the county relative to (1) Phase 1 of Contract No. 1 of Reunion Parkway – Drainage Improvements and (2) Phase 1 of Contract No. 2 of Reunion Parkway – Roadway and Drainage Improvements, and

WHEREAS, documentation supporting said requests for payment may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Tim Johnson did offer and Mr. Paul Griffin did second a motion to approve said payments and authorize and direct the Chancery Clerk to issue pay warrants accordingly. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and said pay requests were and are hereby approved and the Chancery Clerk was and is hereby so instructed.

SO ORDERED this the 15th day of October, 2004.

President's Initials: _____

Date Signed: _____

In re: Approval of Final Plat of Martinique, Part 1 Subdivision

WHEREAS, County Engineer Mike McKenzie appeared before the Board of Supervisors and presented the final plat for Martinique, Part 1 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 final plat together with correspondence dated October 15, 2004 from Blake Cress of Cress Realty Group concerning the establishment of utility connections may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, Mr. McKenzie did also advise the Board that all streets listed on said plat are to be accepted as public roads, and added to the County Road Register, to the extent such streets are depicted on said plats, to-wit:

Martinique Drive
St. Lucia Drive

Following discussion of this matter, Mr. Karl M. Banks did move and Mr. Paul Griffin did second a motion (1) to approve said final plat, subject to the requirement that approval of the Madison County Board of Supervisors would be required on any changes to said plat and/or the accompanying covenants until such time as 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, and (2) to adopt each of the above-listed streets as public roads insofar as the same are depicted on said plats. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and the final plat of Martinique, Part 1 was and is hereby approved with the aforesaid provisos and said roads were and are hereby accepted as public streets.

SO ORDERED this the 15th day of October, 2004.

In re: Approval of Agreement to Purchase, Resolution, and 16th Section Lease Agreement for Madison County Wastewater Authority

WHEREAS, Board Attorney Edmund L. Brunini, Jr. did present an “Agreement to Purchase Between Madison County Economic Development Authority, Madison County Wastewater Authority, and Madison County Board of Supervisors” along with a Resolution Authorizing the President of the Board to Execute the aforementioned agreement, and

WHEREAS, a true and correct copy of said Agreement and Resolution are attached hereto as Exhibits H and I respectively, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Brunini did inform the Board he had reviewed said documents and was in agreement with the Board approving the “Agreement to Purchase Between Madison County Economic Development Authority, Madison County Wastewater Authority, and Madison County Board of Supervisors” authorizing the Board President to execute the Resolution,

Following discussion, Mr. Karl M. Banks did move and Mr. Tim Johnson did second a motion to approve said Agreement, and said Resolution, and to authorize the Board President to execute the

President’s Initials: _____

Date Signed: _____

same on behalf of the County as well as any and all other documents necessary to effectuate the same. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and said agreement was and is hereby approved and the Board President was and is authorized to execute Resolution agreeing to same as well as any and all other documents necessary to effectuate the purposes thereof.

SO ORDERED this the 15th day of October, 2004

WHEREAS, Mr. Brunini did also present a 16th Section Lease Agreement between the Board of Education of the Canton Public School District and Canton Municipal Utilities for property located in Section 16, Township 9 North, Range 1 East, Madison County, Mississippi, and

WHEREAS, said 16th Section Lease Agreement had been agreed to on June 11, 2002, but required the execution from the Board President, and

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

Following discussion Mr. Karl M. Banks did move and Mr. Paul Griffin did second a motion to approve the 16th Section Lease Agreement between the Board of Education of the Canton Public School District and Canton Municipal Utilities and to authorize the Board President to execute same on behalf of the county. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and the 16th Section Lease Agreement between the Board of Education of the Canton Public School District and Canton Municipal Utilities was accepted and approved and the Board President was and is authorized to execute same.

SO ORDERED this the 15th day of October, 2004.

In re: Approval of Certain 16th Section Lease and the Assignment of Renegotiated 16th Section Commercial Property Lease Contract

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

Lessees: Rockford C. Arnold and wife Michele C. Arnold
 Description: Lot 184, Sherbourne Subdivision, Part 4
 Lease Term: 40 years

<u>Year</u>	<u>Annual Rent</u>
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President's Initials: _____

Date Signed: _____

1 - 5	\$ 256.66
6 - 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

AND WHEREAS, the Madison County School Board has approved the following Assignment of Renegotiated 16th Section Commercial Property Lease Contract, and

WHEREAS, said document was prepared at the request of Madison County and wishes to assign this property to their sub-lessee, Mr. Scott Lively,

Lessees: Scott Lively
Description: 1.51± acres in NW 1/4 of the SE 1/4 of Section 16, Township 8N, Range 1 West, Town of Flora (Parcel #051E-16D-008 & 051E-16D-009), Madison County, Mississippi
Term: None

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

Following discussion, Mr. Tim Johnson did move and Mr. Paul Griffin did second a motion to approve the 16th Section Lease as set forth above, and approve the aforesaid Assignment 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	Not Present and Not Voting
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and said lease and Assignment were and are hereby approved.

SO ORDERED this the 15th day of October, 2004.

In re: Approval of Americans with Disabilities Act (ADA) Agreement

WHEREAS, County Administrator Donnie Caughman did present a proposal from the Deaf Service Center for the use of the service of Ms. Sylvia Izard as an on-call interpreter for the county, and

WHEREAS, Ms Izard would be hired on an as needed basis at a rate of \$50.00 per hour for court cases with a two hour minimum and 37 cents per mile from the Deaf Service Center, and

WHEREAS, a true and correct copy of the rates for Ms. Sylvia Izard may be found in the Miscellaneous Appendix to these Minutes,

Mr. Karl M. Banks did move and Mr. Tim Johnson did second a motion to approve an agreements with the Deaf Service Center and Ms Sylvia Izard as on-call interpreters for the county. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye

President's Initials: _____

Date Signed: _____

Supervisor Andy Taggart	Not Present and Not Voting
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and the agreements were and are approved and accepted.

SO ORDERED this the 15th day of October, 2004.

In re: Acceptance of Warranty Deed and Easement from Cypress Brake Properties, L.P.

WHEREAS, County Administrator Donnie Caughman did present a warranty deed and easement from Cypress Brake Properties, L.P. to Madison County for property located in the west ½ of Section 36, Township 8 North, Range 1 East being 2.91 acres more or less, Madison County, Mississippi, and

WHEREAS, Mr. Caughman did request approval to accept the aforementioned documents, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, and to authorize the recording of same in the Chancery Clerk’s office,

Mr. Karl M. Banks did move and Mr. Tim Johnson did second a motion to accept the warranty deed and easement from Cypress Brake Properties, L.P. and to authorize the recording of said documents. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and the request was and is approved.

SO ORDERED this the 15th day of October, 2004.

In re: Approval of CDBG Economic Development Public Improvement Grant Evaluation of Proposals

WHEREAS, County Administrator Donnie Caughman did present the evaluation of proposals at the request of the Selection Committee consisting of County Administrator Donnie Caughman, County Comptroller Mark Houston, and Chancery Clerk Arthur Johnston together with their recommendations for Administrator and Engineer for the CDBG Economic Development Public Improvement Project,

WHEREAS, the committee does recommend Sample & Associates as the Administrator and Williford, Gearhart & Knight as the Engineers on the said project,

Mr. Karl M. Banks did move and Mr. Tim Johnson did second a motion to accept the recommendations of the committee and approve the evaluations as presented. The vote on the matter being as follows:

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

President’s Initials: _____

Date Signed: _____

the matter carried by the unanimous vote of those present and the recommendation of the committee was and is adopted, accepted and approved.

SO ORDERED this the 15th day of October, 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 to ascertain whether an Executive Session was needed as to certain litigation matters,

Following discussion and pursuant to the terms of Miss. Code Ann. § 25-41-7, as amended, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to make a closed determination upon the issue of whether or not to declare an Executive Session for the purpose of discussing litigation matters involving Southern Rock, LLC and Moses Everett with the following persons deemed necessary for board discussions, deliberations, and recording of such Executive Session, to-wit: members of the Board, Board Secretary Cynthia Parker, Edmund Brunini, Jr., Esq. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Not Present and Not Voting
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Not Present and Not Voting ⁴

the matter carried by the unanimous vote of those present and the Board took up the matter of entering into Executive Session.

SO ORDERED this the 15th day of October, 2004.

In re: Entering into Executive Session

WHEREAS, a discussion of the nature of the matters requiring Executive Session was had and Board Attorney Edmund L. Brunini, Jr. informed the Board that he wished to discuss possible litigation matters involving Southern Rock, LLC and Moses Everett,

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

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

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

⁴Prior to the call of the question, Mr. Griffin excused himself from the meeting and returned immediately thereafter.

President’s Initials: _____

Date Signed: _____

SO ORDERED this the 15th day of October, 2004.

Following a discussion, Mr. Tim Johnson did move and Mr. Paul Griffin did second a motion to come out of Executive Session and to direct the Board Secretary to announce to the public that no action was taken in executive session. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and President Jones then reopened the meeting and Board Secretary Cynthia Parker informed the public that no action was taken in executive session.

SO ORDERED this the 15th day of October, 2004.

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor Tim Johnson 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 Friday, October 22, 2004 for the purposes of conducting a public hearing concerning certain requests for special exceptions to conduct surface mining operations in an agricultural zone, 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: _____