

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

REGULAR MEETING OF SEPTEMBER 4, 2007

Being the first day of the September Term of the Board of Supervisors

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on September 4, 2007, in the County Law Library located on the second floor of the Madison County Circuit Courthouse in Canton, Mississippi, as follows, to-wit:

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

Present:

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

Absent:

None

Also in attendance:

County Administrator Donnie Caughman  
County Comptroller and Deputy Chancery Clerk Mark Houston  
Zoning Administrator Brad Sellers  
Board Attorney Edmund L. Brunini, Jr.  
County Road Manager Lawrence Morris  
Buildings and Grounds Supervisor Barry Parker  
Assistant Comptroller and Deputy Chancery Clerk Quandice Green  
Emergency Management and E-911 Director Butch Hammack  
County Fire Coordinator Mack Pigg  
County Purchase Clerk Hardy Crunk  
Board Secretary and Deputy Chancery Clerk Cynthia Parker

The President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. County Administrator Donnie Caughman opened the meeting with a prayer and Chancery Clerk Arthur Johnston led the members and the audience in the Pledge of Allegiance to the Flag of the United States of America.

***In re: Approval of Minutes From August 2007 Term***

WHEREAS, Chancery Clerk Arthur Johnston did present the Board with the Minutes of the previous meetings of the Board of Supervisors during the August 2007 term, said meetings having been conducted on August 6, August 20, and August 27, 2007,

Following discussion, Mr. Paul Griffin did offer and Mr. Douglas L. Jones did second a motion to approve the Minutes as presented with certain amendments which were read in open session, and to authorize the President to sign said Minutes after said corrections have been made. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye

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Supervisor Karl M. Banks  
Supervisor Paul Griffin

Not Present and Not Voting  
Aye

the matter carried by the unanimous vote of those present and the Minutes for the August 2007 term of the Board of Supervisors of Madison County were and are hereby approved as amended.

SO ORDERED this the 4<sup>th</sup> day of September, 2007.

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

WHEREAS, President Taggart did announce that he and County Administrator Donnie Caughman had conferred in advance of the meeting and did recommend that Items (2) through (11) on the Agenda appeared to be routine, non-controversial matters on which all Supervisors were likely to agree, and could be taken up as Consent Items, and

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

WHEREAS, Mr. Johnson requested that Item (5) be removed from the Consent Agenda and addressed separately, and

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

**2. Acknowledgment of August Monthly Report - Road Department**

The August 2007 Monthly Road Department Report submitted by County Road Manager Lawrence Morris was and is hereby acknowledged, and a true and correct copy thereof may be found in the Miscellaneous Appendix to these Minutes.

**3. Acknowledgment of August Closed Call Analysis - Road Department**

The August 2007 Closed Call Analysis submitted by the Madison County Road Department was and is hereby acknowledged received, and a true and correct copy thereof may be found in the Miscellaneous Appendix to these Minutes.

**4. Acknowledgment of September Service Call Schedule Report - Road Department**

The September Road Department Service Call Schedule submitted by County Road Manager Lawrence Morris was and is hereby acknowledged, and a true and correct copy thereof may be found in the Miscellaneous Appendix to these Minutes.

**6. Approval of Zoning Matter - Augusta 185 Petition to Rezone A-1 Agricultural to R-2 Residential/Livingston Road**

The action of the Madison County Planning and Zoning Commission of August 16, 2007 granting the request of Augusta 185 to rezone 130 acres in Section 21, Township 7 North, Range 1 East in Madison County, Mississippi from its present A-1 Agricultural Use Classification to an R-2 Residential Use Classification is hereby acknowledged and approved.

**7. Approval of Zoning Matter - Joshua Properties LLC and Performance Sports Academy, LLC Petition for Special Exception for Public-Quasi/Public Facility in C-2 Commercial/Parkway East PID**

The action of the Madison County Planning and Zoning Commission of August 16, 2007, granting the petition for special exception for the operation and construction of a public/quasi-public facility in a C-2 Commercial Use District is hereby acknowledged and approved.

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

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

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**8. Approval of Zoning Matter - Property Resources Inc. Petition to Rezone R-1 Residential to C-1A Commercial/Highway 463**

The action of the Madison County Planning and Zoning Commission of August 16, 2007 granting the request of DesignScape, Inc. to rezone 2.043 acres with the existing structure and .81 acres being changed to C-1A Limited Commercial and the rear 1.19 acre tract being rezoned to C-2 Highway Commercial on Gluckstadt Road and being situated in Section 20, T8N, R1E from R-1 Residential to C-1A Commercial was and is hereby approved.

**9. Approval of Zoning Matter - Dawn Kyzar Petition for Variance to Side and Rear Setback in R-2 District /Gluckstadt Road**

The action of the Madison County Planning and Zoning Commission of August 16, 2007, granting the petition of Dawn Kyzar for a seven (7) foot side set back and a fifteen (15) foot rear set back to those certain tracts owned by Ms. Kyzar and Fran Schmidt which adjoin and which front on Gluckstadt Road is hereby acknowledged and approved.

**10. Approval of Zoning Matter - Prentiss Guyton Site Plan for Temporary Commercial Structure in C-2 District/Highway 51 North**

The action of the Madison County Planning and Zoning Commission of August 16, 2007, granting the request of Mr. Prentiss I. Guyton to install a modular building on property owned by him at 5754 Highway 51 North so as to allow him to operate a convenience food store is hereby acknowledged and approved.

**11. Acknowledgment of Certification/Approve Annual Payment - Deputy Tax Assessors**

Those certain items of correspondence dated August 22, 2007 from Joe Fratesi with the Mississippi State University Extension Service pertaining to the certification status of Alexis Fowler, Sue Anglin, Alice Simpson, William Stewart, Howard Synder, Sonya Lee Snipes, Jeff H. Peterson, Diane Odom, Lionel Kent Hawkins, James Irby Ford, John F. Fox, Gerald Barber, Norman Cannady, Emily Anderson, and Robert H. Runnels, all being employees of the Madison County Tax Assessor’s office, were and are hereby acknowledged and accepted, a true and correct copy of each of which may be found in the Miscellaneous Appendix to these Minutes. Their respective salaries are directed to be adjusted accordingly where applicable.

Thereafter, Mr. Douglas L. Jones did offer and Mr. Tim Johnson did second a motion to approve, adopt, and authorize Items (2) through (4) and (6) through (11) 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 <sup>1</sup>
Supervisor Paul Griffin	Aye

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

SO ORDERED this the 4<sup>th</sup> day of September, 2007.

***In re: Consideration of Zoning Matter - Minnie J. Bozeman Limited Partnership and Brook Highland Developers LLC Petition to Amend Land Use Plan/Bozeman Road***

WHEREAS, County Zoning Administrator Brad Sellers did appear before the Board and

\_\_\_\_\_

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

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

presented the request of the Minnie J. Bozeman Limited Partnership and Brook Highland Developers LLC seeking to amend the Madison County Land Use Plan with respect to four (4) certain tracts of real property in sections 30, 31 and 32 of Township 8 North, Range 2 East and Section 36 of Township 8 North, Range 1 East, Madison County Mississippi, more particularly described, tract by tract, as set forth in that certain legal description, a true and correct copy of which is attached hereto as Exhibit A, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Sellers reported that area residents had objected to certain aspects of the changes sought in the Petition, namely the allowance of commercial development in and adjoining an area of residential real estate lots, but that the petitioners and said residents had reached a compromise with respect thereto whereby the petitioners agreed to a restriction of no access to the property from Bozeman Road, which would thereby preserve the residential character of the adjoining area, and

WHEREAS, Mr. Sellers reported that the Madison County Planning and Zoning Commission had approved the requested amendments to the Land Use Plan as to Tracts 2, 3 and 4, subject to and inclusive of the aforesaid restriction, but denied the request as to Tract 1,

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to adopt and approve the recommendation of the Madison County Planning and Zoning Commission and enact the amendments to the Land Use Plan as requested by the petitioners as to Tracts 2,3 and 4, except as to the restriction of no access thereto from Bozeman Road.

Prior to the call of the question thereon, the Board President did offer and Mr. Douglas L. Jones did second a substitute motion to adopt and approve the recommendation of the Madison County Planning and Zoning Commission and enact the amendments to the Land Use Plan as requested by the petitioners as to Tracts 2, 3 and 4, subject to and inclusive of the aforesaid restriction regarding access to the property from Bozeman Road, as agreed upon by the petitioners and residents. Upon call of the question on the substitute motion, the vote was as follows:

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

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

SO ORDERED this the 4<sup>th</sup> day of September, 2007.

Upon call of the question on the motion as originally offered by Mr. Johnson, the vote was as follows:

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

and the matter carried by a majority (3-2) vote of the Board, and the Land Use Plan was and is hereby amended as to Tracts 2, 3 and 4 as set forth in Exhibit A, but not as to Tract 1 and not inclusive of any access restrictions.

SO ORDERED this the 4<sup>th</sup> day of September, 2007.

Thereafter, Mr. Tim Johnson did offer and Mr. Douglas L. Jones did second a motion to set the matter of the requested amendment to the Land Use Plan as to Tract 1 as described on the aforesaid Exhibit A for public hearing before the Madison County Board of Supervisors at a date and time to be determined at the next meeting of the Board. The vote on the matter being as

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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 a public hearing on the amendment as to Tract 1 was and is hereby set for hearing at a date to be determined at the next meeting of the Board.

SO ORDERED this the 4<sup>th</sup> day of September, 2007.

***In re: Authorization to Purchase Furniture on State Contract -  
Second Round/New Office Complex***

At the request of County Purchase Clerk Hardy Crunk and in accordance with his Memorandum of August 30, 2007, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, Mr. Tim Johnson did offer and Mr. Paul Griffin did second a motion to authorize and approve the purchase of new office furniture for the new addition to the Chancery and Administrative Building, specifically for the Board of Supervisor's meeting room, from Office Depot at a price not to exceed the amounts set forth in said Memorandum, all such furniture being on state contract. 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 purchase of the aforesaid furniture was and is hereby approved.

SO ORDERED this the 4<sup>th</sup> day of September, 2007.

***In re: Approval of Final Plat of Hampton Ridge of Caroline Phase I***

WHEREAS, Mr. John Granberry on behalf of County Engineer Rudy Warnock did appear before the Board and presented the final plat of Hampton Ridge of Caroline Phase I, the same representing a replatting of parts of Lake Caroline, Phase I and requested the Board to approve same, indicating and representing that the same met with all appropriate and applicable county requirements, and that an appropriate letter of credit had been posted, and

WHEREAS, Board Attorney Edmund L. Brunini, Jr. appeared before the Board and reported that his research indicated that the matter of the approval of said plat without compliance with Miss. Code Ann. § 17-1-23 (4) or 19-27-31 was a difficult question, but that in his estimation, the parties to covenants could agree not to be bound by these statutes and, in fact, did so when lots in Lake Caroline Phase I were purchased, and

WHEREAS, Mr. Granberry did also advise the Board that the roads listed on said plat are to be accepted as public roads, to-wit:

Hampton Ridge  
Old Caroline Boulevard  
Hampton Crossing

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

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approve said final plat and accept the streets dedicated thereon, (a) 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 a majority of votes necessary to change the covenants are controlled by residents of the subdivision, and (b) subject to zoning ordinances that the Board finds to 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	No
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by a majority vote (4-1) of the Board and the final plat of Hampton Ridge of Caroline Phase I was and is hereby approved subject to the aforesaid provisos.

SO ORDERED this the 4<sup>th</sup> day of September, 2007.

***In re: Approval of Final Plat of Kingston Place Part II B***

WHEREAS, Mr. John Granberry on behalf of County Engineer Rudy Warnock did appear before the Board and presented the final plat of Kingston Place Part II B and pointed out that the same was intended to be a "rent to own" type of development and further pointed out that the streets in said subdivision had not been completed to the satisfaction of the engineer as required by policy, and

WHEREAS, Mr. Granberry pointed out that the Board had, on one other occasion, approved a subdivision without completed streets and infrastructure, and informed the Board that the developer of this subdivision was requesting the same consideration

Following discussion, Mr. Karl M. Banks did offer and Mr. Douglas L. Jones did second a motion to approve said final plat, (a) directing County Zoning Administrator Brad Sellers to withhold issuance of any building permits in said subdivision until such time as the streets and infrastructure therein were complete to his satisfaction, and (b) 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 a majority of votes necessary to change the covenants are controlled by residents of the subdivision, and (c) subject to zoning ordinances that the Board finds to be applicable upon adoption thereof in the future. The vote on the matter being as follows:

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

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

SO ORDERED this the 4<sup>th</sup> day of September, 2007.

***In re: Consideration of Professional Engineering Services  
Contract for Environmental Clearance, Route Location,  
Design Engineering & Construction Engineering Phase  
Services on Stribling Road Extension***

*and*

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

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

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**In re: Consideration of Professional Engineering Services  
Contract for Design Engineering & Construction Engineering  
Phase Services Pertaining to the 2007 SAFETEA-LU Overlay Project**

WHEREAS, Mr. John Granberry on behalf of County Engineer Rudy Warnock appeared before the Board and presented (1) a proposed contract for Environmental Clearance, Route Location, Design Engineering & Construction Engineering Phase Services on the Stribling Road Extension project, and (2) a proposed contract for Design Engineering & Construction Engineering Phase Services pertaining to the 2007 SAFETEA-LU Overlay Project, and

WHEREAS, said contracts are to authorize County Engineer Rudy Warnock and the firm of Warnock & Associates to perform such engineering services on behalf of the county as to said projects,

WHEREAS, true and correct copies of said contracts 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 and adopt the aforesaid contracts, less and except the mobile phone charges of \$5.00 per day as set forth in Ex. C thereto. 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 vote (3-2) of the Board and said contracts were and are hereby adopted and approved less and except the aforesaid item contained within Ex. C thereto, and the Board President was and is hereby authorized to execute the same.

SO ORDERED this the 4<sup>th</sup> day of September, 2007.

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

WHEREAS, County Road Manager Lawrence Morris did appear 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 at the following locations:

<u>Date</u>	<u>Work Order</u>	<u>Address</u>
8/13/2007	5753	157 Bill Day Road
8/15/2007	5768	116 Acy Minter Road
8/15/2007	5773	2607 Virillia Road
8/16/2007	5786	Old Highway 17
8/20/2007	5804	105 Germantown Road
8/23/2007	5825	296 Hickory Road
8/28/2007	5857	723 Miggins Road

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

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

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

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

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

SO ORDERED this the 4<sup>th</sup> day of September, 2007.

***In re: Request for Inter Fund Transfers***

WHEREAS, County Comptroller Mark Houston appeared before the Board and requested the Board’s consideration of certain amendments to the current year budget of the county as set forth in that certain document entitled “Madison County Proposed Inter Fund Transfers September 4, 2007,” a true and correct copy of which is attached hereto as Exhibit B, spread hereupon and incorporated herein by reference.

Following discussion, the Board President did offer and Mr. Paul Griffin did second a motion to approve said inter fund transfers. 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 interfund transfers were and are hereby approved and adopted.

SO ORDERED this the 4<sup>th</sup> day of September, 2007.

***In re: Approval of Claims Docket for September 4, 2007***

WHEREAS, the Board reviewed the claims docket for September 4, 2007; 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 Claims	Amount
001	3556 to 3950	395	443,546.77
012	258 to 272	15	26,190.51
014	12 to 12	1	2,464.57
051	25 to 25	1	22,838.48
095	21 to 22	2	31,617.56
096	14 to 15	2	2,416.67
097	316 to 326	11	37,291.29
105	56 to 57	2	8,385.05
114	20 to 20	1	998.28
115	48 to 48	1	35.00
116	40 to 40	1	33.34
120	78 to 80	3	88.65
121	54 to 55	2	462.39

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137	15 to 15	1	76.82
150	825 to 876	42	68,014.17
160	344 to 357	14	27,399.55
190	215 to 227	13	5,972.83
210	3 to 3	1	43,277.83
240	5 to 5	1	4,061.15
302	89 to 91	3	53,318.09
303	13 to 13	1	145,128.88
305	16 to 17	2	239,700.00
401	43 to 47	5	26,837.39
690	21 to 22	2	19,638.22
691	21 to 22	2	9,540.20
TOTAL ALL FUNDS		524	1,219,333.69

**HELD CLAIMS**

<u>Payee</u>	<u>Trans #</u>	<u>Claim #</u>	<u>Amount</u>
Warnock & Associates, LLC	207428	825	\$2,725.75
Warnock & Associates, LLC	207908	16	\$236,040.00

Following discussion, Mr. Douglas L. Jones did offer and Mr. Karl M. Banks did second a motion to approve the aforesaid claims docket as presented, less and except the above-listed held items. 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 C, 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	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said Claims Docket was and is hereby approved, subject to the above-listed held items, and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 4<sup>th</sup> day of September, 2007.

Thereafter, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize, approve and direct the Chancery Clerk to issue pay warrants in remittance of the above listed held items, the same being the claims of Warnock & Associates, LLC bearing claim numbers 825 and 16 on the aforesaid docket. 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 said claims were and are hereby approved, and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 4<sup>th</sup> day of September, 2007.

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***In re: Request to Authorize Refund Upon Redemption  
Due to Excessive Assessment - Kathy Hill Parcel # 093D-19A-161/00.00***

WHEREAS, Chancery Clerk Arthur Johnston did appear before the Board and presented the request of Ms. Kathy Hill, a senior citizen who received a determination of total disability by the Social Security Administration effective in 2003, and

WHEREAS, last term, the Board approved an amended homestead exemption application for the above-referenced taxpayer which has the effect of reducing the assessment of her property due to her complete disability under the Social Security Act, and

WHEREAS, Ms. Hill's disability status was determined as of 2003 and entitles her to a complete exemption from property taxes under the homestead laws beginning in 2004; however, she was unaware of her eligibility for the exemption and had delinquent taxes for 2004 (which sold at the 2005 sale) and for 2005 (which sold at the 2006 sale), both of which have now been redeemed, and

WHEREAS, Mr. Johnston reported that upon such redemption, and pursuant to Miss. Code Ann. § 27-73-7 (1972), the Board has the discretion to reduce the assessments for 2004 and 2005 to comport with the complete homestead exemption and to order the payment of a refund of the 2004 and 2005 raw taxes, but Ms. Hill is not entitled to a refund of the penalties or the interest after the date of the tax sales,

Following discussion, Mr. Douglas L. Jones did offer and Mr. Karl M. Banks did second a motion to approve the request for a refund for both years in the amounts of \$293.83 for the 2004 taxes and \$293.56 for the 2005 taxes, said sums including raw taxes and interest to the date of the tax sale only and authorize and direct the Tax Collector to issue a refund in said amounts forthwith. 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 refunds were and are hereby approved given the redemption by the taxpayer, and the Tax Collector was and is hereby authorized and directed to issue the same in said amounts accordingly.

SO ORDERED this the 4<sup>th</sup> day of September, 2007.

***In re: Consideration of Acquisition of Right of Way - Gluckstadt Road Project  
Parcel 38, Mount Pleasant Church Property***

WHEREAS, Mr. Bobby Horton on behalf of Mr. Woody Sample did appear before the Board and reported that his efforts at negotiating for the acquisition of certain rights of way comprising .02 acres on Gluckstadt Road belonging to Mount Pleasant Church have progressed and that said church is willing to tender the necessary easement and right of way to the county for the payment of the total sum of \$2,000.00 representing a \$500.00 increase over the amount previously established by the Board as constituting just compensation for said parcel, and

WHEREAS, Mr. Horton did recommend that the Board increase its offer and re-establish just compensation for said parcel in the amount of \$2,000.00,

Following discussion, the Board President did offer and Mr. Karl M. Banks did second a motion to establish just compensation in the amount of \$2,000.00 for that certain .02 acre tract of land along Gluckstadt Road and authorize, approve and direct the payment of said sum unto the Mount

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Pleasant Church upon execution of the necessary instruments of conveyance. 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 just compensation was and is hereby established, and the aforesaid payment so authorized.

SO ORDERED this the 4<sup>th</sup> day of September, 2007.

***In re: Petition for Variance Filed by Chestnut Developers, LLC  
Regarding Street and Ditch Grades, Speed Tables, Piping, and  
Allowance of Dead End Streets***

**and**

***In re: Request of Chestnut Developers, LLC and David Landrum  
Regarding Dirt Removal and Hauling***

WHEREAS, Mr. Horace Lester of Lester Engineering did appear before the Board on behalf of Chestnut Developers, LLC and requested that the Board grant said firm a variance with respect to street and ditch grades, speed tables, pvc piping and allowance of deadend streets in the proposed Chestnut Hills development comprising 418 acres in sections 8 and 17, township 8 north, range 1 east in Madison County, Mississippi, and

WHEREAS, Mr. Lester present a proposed Order granting said request, a true and correct copy of which is attached hereto as Exhibit D, spread hereupon and incorporated herein by reference,

Following discussion, the Board President did offer and Mr. Karl M. Banks did second a motion to grant said request(s) and adopt and enter the aforesaid Order. 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 requests for variances was and is hereby granted and said Order adopted and entered.

SO ORDERED this the 4<sup>th</sup> day of September, 2007.

Thereafter, Mr. Lester did further request that the Board grant unto said firm and Mr. David Landrum the permission to haul up to 3,000 cubic yards of dirt from the proposed Chestnut Hill development site to Longleaf Subdivision on Lake Castle Road in order to construct a lake on said property.

Following discussion, the Board President did offer and Mr. Paul Griffin did second a motion to authorize and allow said firm and Mr. Landrum to haul up to 3,000 cubic yards of dirt from the site of the proposed Chesnut Hills Subdivision to Longleaf Subdivision for a period not to exceed sixty (60) days from today's date. The vote on the matter being as follows:

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

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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 request was and is hereby granted.

SO ORDERED this the 4<sup>h</sup> day of September, 2007.

***In re: Approval of Certain Modifications to Madison County’s Capital Improvements Revolving Loan Agreement # 06-045-CP-01***

WHEREAS, County Administrator Donnie Caughman appeared before the Board and presented that certain “Loan Agreement and Promissory Note Modification” instrument dated September 4, 2007 pertaining to loan # 06-045-CP-01 through the Mississippi Development Authority, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes and requested that the Board approve the same and authorize the execution thereof by the Board President,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize and approve said instrument and authorize and direct the Board President to execute the same. The vote on the matter being as follows:

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

the matter carried unanimously and said modification was and is hereby approved and the Board President so authorized.

SO ORDERED this the 4<sup>th</sup> day of September, 2007.

***In re: Appointment to the Madison County Economic Development Authority Board***

Mr. Paul Griffin did offer and the Board President did second a motion to appoint Mr. Calvin Harris to a new full five (5) year term on the Madison County Economic Development Authority Board of Directors to represent District 5 in place of Ms. Barbara Gray, whose term expired in August, 2007. 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. Calvin Harris was and is hereby so appointed for the five (5) year term beginning September 1, 2007.

SO ORDERED this the 4<sup>th</sup> day of September, 2007.

***In re: Acknowledgment of Receipt of Checks for Feeding and Housing Prisoners and Acknowledgment of Unmarked and Undercover Vehicles Assigned on***

**President’s Initials:** \_\_\_\_\_

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

**Inventory to the Madison County Sheriff’s Department**

WHEREAS, Sheriff Toby Trowbridge appeared before the Board and presented two (2) checks for feeding and housing prisoners, the first in the amount of \$107,020 from the United States Marshalls Service and the second in the amount of \$2,604.00 from the City of Madison, and

WHEREAS, Sheriff Trowbridge also presented a list of unmarked and undercover vehicles which are in use by his Department and requested the Board’s acknowledgment and approval thereof and further requested that said vehicles be reflected on his Department’s inventory but remain under seal and protected from public disclosure in order to keep the integrity of on-going undercover operations in the county, and

WHEREAS, a true and correct copy of said list may be found in the Miscellaneous Appendix to these Minutes and shall remain under seal until further order of this Board or until a final order of a Court of competent jurisdiction, and

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to acknowledge the aforesaid checks and acknowledge and place on inventory the vehicles referenced on the aforesaid list, the same to be placed under seal as requested by the Sheriff. 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 checks were and are acknowledged, and said vehicles acknowledged and added to the inventory of the Sheriff’s Department, with the list thereof to be kept under seal by the Chancery Clerk.

SO ORDERED this the 4<sup>th</sup> day of September, 2007.

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor Douglas L. Jones and seconded by Mr. Paul Griffin and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Friday, September 14, 2007 for the purpose of conducting a public hearing on the matter of the adoption of a county budget for FY 2007 – 2008, a hearing on the various tax levies, and any other business which may properly come before the Board.

\_\_\_\_\_  
Andy Taggart, President  
Madison County Board of Supervisors

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

ATTEST:

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

**President’s Initials:** \_\_\_\_\_

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