

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

REGULAR MEETING OF NOVEMBER 19, 2007
Recessed from regular meeting conducted on November 5, 2007

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on November 19, 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, Jr.
Chancery Clerk Arthur Johnston

Absent:

Also in attendance:

County Administrator Donnie Caughman
County Comptroller and Deputy Chancery Clerk Mark Houston
County Purchase Clerk Hardy Crunk
Board Secretary and Deputy Chancery Clerk Cynthia Parker
Board Attorney Edmund L. Brunini, Jr.
John Granberry, on behalf of County Engineer Rudy Warnock
County Fire Coordinator Mack Pigg
Assistant Comptroller and Deputy Chancery Clerk Quandice Green
County Road Manager Lawrence Morris
Chief Deputy Tax Assessor Kent Hawkins
Deputy Tax Assessor and Homestead Director Emily Anderson
County Zoning Administrator Brad Sellers
Emergency Management, E-911 and Homeland Security Director Butch Hammack

The President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Chancery Clerk Arthur Johnston opened the meeting with a prayer and Ridgeland Public Works Director Mike McCollum led the members and the audience in the Pledge of Allegiance to the Flag of the United States of America.

***In re: Approval of Increase of Assessments of 2006 Real Property
Pursuant to Miss. Code Ann. § 27-35-147 et seq.***

WHEREAS, on November 5, 2007, the Board determined that November 19, 2007 would be an appropriate date for a public hearing on the matter of increasing real and personal property assessments on certain individuals and businesses in the county and did set said date for said hearing to begin at the hour of 9:00 am, and

WHEREAS, the Chancery Clerk did prepare and serve the appropriate notices thereof by registered mail to the affected property owners, and the Board does find that said notices were sufficient, and

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WHEREAS, the petitions listing the property owner(s), the parcel numbers, and amount of the proposed assessment increase as to each is attached hereto as collective Exhibit A, spread hereupon, and incorporated herein by reference, and

WHEREAS, the hour of 9:00 am did arise and the Board President did declare the public hearing on said proposed increases to be open and requested those citizens with concerns and/or objections to address the Board, and

WHEREAS, Ms. Mary Moore did appear before the Board and objected to the increase in her assessment as to property owned by her, described by parcel number 051B-09D-012, and

WHEREAS, following a conference, Chief Deputy Tax Assessor Kent Hawkins and Ms. Moore reported that Ms. Moore desired to withdraw her objection based upon the Tax Assessor's agreement to consider a request for reduction in assessment for other reasons following a staff review of the matter,

WHEREAS, a written objection was received from Mr. Jack Stripling, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, contending that it was unfair to increase the assessment on property owned by his deceased parents, to which Mr. Hawkins responded that the increase was due precisely to the death of said parents, the property in question having erroneously received homestead exemption since their deaths, and

WHEREAS, a written objection was also received from Ms. Diane F. Spellings, a true and correct copy of which is attached hereto as Exhibit B, spread hereupon and incorporated herein by reference, which objection the Board found meritorious for the reasons set forth therein, and

WHEREAS, no one else did appear to contest or protest said assessment increases,

Following discussion, Mr. Andy Taggart did offer and Mr. Karl M. Banks did second a motion to (1) close the public hearing, (2) overrule and deny all objections except for the objection of Ms. Diane Spellings, and (3) with the exception of the proposed increase in assessment of parcel number 072H-27C-024 owned by Ms. Spellings, approve the assessment increases for those individuals and parcel numbers as set forth in the aforesaid petitions. The vote on the matter being as follows:

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

the matter carried unanimously and said public hearing was and is hereby closed, the objections overruled and denied (with the exception of the objection of Ms. Diane Spellings which is sustained), and the increased assessments approved except as to parcel number 072H-27C-024 which proposed increase was and is hereby denied.

SO ORDERED this the 19th day of November, 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 as to certain matters denominated "Consent Items" which bear Item numbers (2) through (8) on the Agenda and that the same appeared to be routine, non-controversial matters on which all Supervisors were likely to agree, and

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

WHEREAS, Mr. Caughman requested that item (4) be removed from the Consent Agenda and withheld from further consideration, and

WHEREAS, Mr. Paul Griffin requested that item (6) be removed from the Consent Agenda and considered separately, and

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

2. Approval of Holiday Observances and Closures

That certain proclamation issued by Governor Haley Barbour dated November 1, 2007 setting the Thanksgiving, Christmas, and New Year's Day Holidays was and is hereby approved and adopted, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes. The holidays set forth thereon are hereby designated as county holidays on which all county courthouses and offices shall be closed.

3. Acknowledgment of Order Establishing Terms of Chancery Court

The Order of the Chancery Court of Madison County Mississippi dated October 31, 2007 establishing certain terms of court for the upcoming calendar year was and is hereby acknowledged, attached hereto as Exhibit C, spread hereupon, and incorporated herein by reference.

5. Acknowledgment of Parkway East Public Improvement District Invoices

Those certain Parkway East Public Improvement District Pay Request Invoice nos. 216-219 were and are hereby acknowledged, and true and correct copies of each of which may be found in the Miscellaneous Appendix to these Minutes.

7. Approval of Utility Permit

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

- (1) Canton Municipal Utilities - seeking to bore Stokes Road 5960 feet west of Richton Road in order to extend a gas line.

8. Acknowledgment of Monthly Credit Card Report

As requested in that certain memorandum dated October 14, 2007 from County Purchase Clerk Hardy Crunk and per statutory requirements, the General County credit card report for billing period of October 4, 2007 through November 5, was and is hereby acknowledged, and a true and correct copy thereof may be found in the Miscellaneous Appendix to these Minutes.

Thereafter, Mr. Douglas L. Jones did offer and Mr. Tim Johnson did second a motion to approve, adopt, and authorize Items (2), (3), (5), (7) and (8) 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

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

SO ORDERED this the 19th day of November, 2007.

In re: Approval of Travel Expenses - Justice Court Judge Cindy B. Alford

WHEREAS, Justice Court Judge Cindy B. Alford presented the Board with a request to attend the American Judges Association’s conference in Maui, Hawaii September 7 - 12, 2008, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Paul Griffin did offer and Mr. Tim Johnson did second a motion to authorize and approve all travel expenses incurred by Justice Court Judge Cindy B. Alford in connection with her attendance at the American Judges Association Conference in Maui, Hawaii, September 7 - 12, 2008, inclusive of registration fees, meal and hotel expenses and airfare charges. 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 travel expenses were and are hereby authorized to be paid and/or reimbursed unto Judge Alford.

SO ORDERED this the 19th day of November, 2007.

In re: Request of JH&H Architects for Formal Approval of Approval of Change Order Nos. 2 and 3- Madison County Office Complex

WHEREAS, Mr. Carl J. Franco did appear before the Board and presented Change Order Nos. 2 and 3 pertaining to the construction of the Madison County Office Complex, true and correct copies of which are attached hereto as Exhibits D and E, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Franco reported that Change Order No. 2 was the result of the discovery of unsatisfactory soil at the site of the parking lot following the remove of asphalt and concrete therein, and

WHEREAS, Mr. Franco further reported that Change Order No. 3 resulted from certain changes requested by the Chancery Clerk, and

WHEREAS, Mr. Franco reported that his firm had not yet had the chance to review said change orders with respect to pricing but concurred that they were warranted,

Following discussion, Mr. Douglas L. Jones did offer and Mr. Tim Johnson did second a motion to adopt, approve and authorize Change Order Nos. 2 and 3 with respect to said project as recommended by Mr. Franco, Change Order No. 2 not to exceed \$22,000.00 and Change Order No. 3 not to exceed \$59,730.00 and to grant unto the contractor, C. E. Fraizer, a forty-five (45) day extension of time within which to complete the project. The vote on the matter being as follows:

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

the matter carried unanimously and said Change Orders were and are hereby approved and the extension of time granted.

SO ORDERED this the 19th day of November, 2007.

***In re: Request for Extension on Temporary Facility --
BankFirst Financial Services***

WHEREAS, County Zoning Administrator Brad Sellers and Architect Joseph Orr appeared before the Board and presented the request of BankFirst Financial Services, Inc. seeking an extension of its two year limitation on the operation of a temporary facility at 102 Dees Drive in Gluckstadt, and

WHEREAS, said institution has requested an extension of one (1) year or until December 1, 2008 within which to convert said temporary structure to a permanent facility, and

WHEREAS, Mr. Edward Schroeder, a land owner in the area appeared and contested and objected to BankFirst's request, claiming the institution had made no strides toward a permanent facility,

Following discussion, Mr. Andy Taggart did offer and Mr. Karl M. Banks did second a motion to extend until December 1, 2008 BankFirst's permit to operate a temporary facility at 102 Dees Drive in Gluckstadt, Mr. Taggart noting that a three year period of time for the existence of a temporary structure such as a mobile home is not unusual in Madison County, particularly with regard to residential structures, and noting the apparent good faith commitment of BankFirst to remain in the area and establish a permanent branch location at the current temporary site. 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 extension was and is hereby granted.

SO ORDERED this the 19th day of November, 2007.

***In re: Request of Robert L. Brown to Place Mobile Home
in R-2 Residential District***

WHEREAS, Mr. Sammy Brown did appear before the Board on behalf of his father, Mr. Robert L. Brown and requested permission to place a mobile home in an R-2 Residential District located at 111 Virginia Avenue in the Kearney Park area of Flora, Mississippi,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to approve the request and allow Mr. Robert L. Brown to erect a mobile home in an R-2 District on at 111 Virginia Road in Kearney Park for a period of three (3) years. 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 Mr. Brown was and is hereby granted permission to erect a mobile home in an R-2 District for a period not to exceed three (3) years.

SO ORDERED this the 19th day of November, 2007.

***In re: Mannsdale-Livingston Heritage Preservation District
Submission of Nominees for the MLHP Commission***

WHEREAS, County Administrator Donnie Caughman appeared before the Board and presented the request of the Mannsdale Heritage Foundation seeking the Board's nomination of Hermine Peel, David Landrum and Phyllis Doby as members of the Mannsdale-Livingston Heritage Preservation Commission, as set forth in that certain Memorandum from Mr. Clint Doby dated November 12, 2007, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Andy Taggart did offer and Mr. Karl M. Banks did second a motion to nominate the above and foregoing individuals to said Commission as requested in and for the terms described in said Memorandum. 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 nominations were and are hereby made.

SO ORDERED this the 19th day of November, 2007.

***In re: Request of City of Ridgeland for Suspension of Building
Permits in the Livingston Road Water Association Service Area***

WHEREAS, Mr. John Michael McCollum, Public Works Director for the City of Ridgeland did appear before the Board and requested the Board suspend the issuance of building permits in the area served by the Livingston Road Water Association due to the installation of a new well during which time water will need to be conserved significantly, and

WHEREAS, correspondence from Mr. McCollum outlining the basis for such request may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Andy Taggart did offer and Mr. Tim Johnson did second a motion to suspend the issuance of all building permits in the area served by the Livingston Road Water Association as requested, provided, however, that County Zoning Administrator Brad Sellers issue the appropriate public notice regarding said suspension with an opportunity of any objector to be heard thereon and subject to the requirement that Mr. Sellers immediately bring to the Board's attention any permit requests in the area which are presently pending or which are sought to be submitted. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
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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 subject to the provisos aforesaid.

SO ORDERED this the 19th day of November, 2007.

***In re: Approval of Addendum to Interlocal Agreement
Pertaining to Animal Control***

WHEREAS, City of Canton Alderman Billy Myers did appear before the Board and presented a proposed Addendum to the existing Interlocal Agreement regarding animal control which is presently in force and effect between the City of Canton and Madison County, and

WHEREAS, Mr. Myers explained that said Addendum simply extends the term of the original agreement for another year, the same set to expire on November 5, 2007,

Following discussion, Mr. Douglas L. Jones did offer and Mr. Tim Johnson did second a motion to adopt and approve the aforesaid Addendum. 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 Addendum was and is hereby adopted and approved.

SO ORDERED this the 19th day of November, 2007.

In re: Contract for Fire Protection Services

WHEREAS, City of Canton Alderman Billy Myers did appear before the Board and presented a proposed contract between the county and the City of Canton whereby the City agrees to provide fire protection services under and pursuant to Miss. Code Ann. § 83-1-39 and 19-5-175 within the geographical area set forth and described in Exhibit A to said contract, and

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

WHEREAS, Mr. Myers explained that the existence and execution of this contract would serve to reduce annual fire insurance premiums for all residents in the area to be served which lies outside the municipal limits of the City,

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

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the matter carried unanimously and said contract was and is hereby approved and the board President was and is hereby authorized and directed to execute the same.

SO ORDERED this the 19th day of November, 2007.

Thereafter, and following additional discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to authorize and direct County Fire Coordinator Mack Pigg to contact all property owners within the geographical boundaries described in said contract and take all necessary steps to establish a rural fire district as proposed by the City of Canton and such other districts or zones as may be practical. 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 Fire Coordinator was and is so authorized and directed.

SO ORDERED this the 19th day of November, 2007.

***In re: Approval of Claims Docket for November 19, 2007
and Supplemental Docket***

WHEREAS, the Board reviewed the claims docket for November 19, 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	636 to 1117	482	356,547.01
012	27 to 34	8	6,684.09
097	42 to 53	12	11,554.04
105	5 to 7	3	167,914.90
113	2 to 2	1	1,686.82
114	2 to 7	6	60,000.00
115	2 to 2	1	13.50
116	5 to 5	1	116.02
120	10 to 11	2	255.50
121	5 to 5	1	179.36
150	103 to 145	43	69,320.42
160	20 to 27	8	92,661.88
170	2 to 2	1	48,807.65
190	24 to 29	6	3,668.00
226	5 to 5	1	860.45
302	20 to 21	2	22,818.33
303	1 to 1	1	2,780.84
305	3 to 4	2	33,576.60
	TOTAL ALL FUNDS	581	879,445.41

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Following discussion, Mr. Tim Johnson did offer and Mr. Paul Griffin did second a motion to approve the aforesaid claims docket as presented. 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	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously 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 19th day of November, 2007.

In re: Approval of Payment of Parkway East Public Improvement District Claim in the Amount of \$82,307.09 For reimbursement of Costs Associated with the Construction of the Intersection of Parkway East and Reunion Boulevard

WHEREAS, Assistant County Engineer John Granberry appeared before the Board on behalf of County Engineer Rudy Warnock with respect to that certain outstanding claim in the total amount of \$82,307.09 submitted by the Parkway East Public Improvement District (the District) pursuant to that certain Memorandum of Understanding and the Addendum thereto previously approved by the Board, the same representing costs incurred by or assets surrendered by said District due to the construction of the Parkway East intersection with Reunion Boulevard, and

WHEREAS, Mr. Granberry reported that the claims reflected on said invoices were in conformity with the budget for said project approved by the board on October 15, 2007 and that the quantities set forth therein had been verified, and

WHEREAS, Mr. Granberry and Chancery Clerk Arthur Johnston reported that the total figure sought to be reimbursed (\$82,307.09) was comprised of the sub-invoices as follows:

Burns Cooley Dennis	\$ 195.00
McMaster & Associates	6,245.60
Parkway East PID Board	75,866.49, and

WHEREAS, Mr. Granberry presented an explanatory memorandum prepared by Mr. Johnston containing supporting invoices and a budgetary spreadsheet reflecting materials placed this period

WHEREAS, Chancery Clerk Arthur Johnston responded that he concurred with Mr. Granberry's assessment and that the request for payment appeared to comport with the terms and conditions of the county's MOU with said District,

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to (1) approve and authorize payment of the claim of the Parkway East Public Improvement District in sum of \$82,307.09 based upon the recommendation of Mr. Granberry and Mr. Johnston, as set

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forth in those certain materials related to said request, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes. The vote on the matter being as follows:

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

the matter carried unanimously and (1) said claim was and is hereby approved and (2) the Chancery Clerk was and is hereby directed to issue a pay warrant unto the Parkway East Public Improvement District in the amount of \$82,307.09.

SO ORDERED this the 19th day of November, 2007.

In re: Petition of Stillhouse Creek, LLC (J. Blake Cress) for a Variance from the County's Subdivision Ordinance to Allow Curved Radii of Lots on Street Frontage Less than 200 Feet

WHEREAS, Assistant County Engineer John Granberry appeared before the Board on behalf of County Engineer Rudy Warnock and presented the Petition of Stillhouse Creek, LLC for a variance from the county's subdivision regulations seeking to allow it to construct a 1,065 foot long street accessing nineteen (19) lots in said subdivision, each of said lots to have a curved radius of less than the minimum 200 feet as required by said regulations,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to grant said petition and approve the requested variance, subject to a speed limit of 25 mph along the entirety of said street. 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 variance requested by Stillhouse Creek, LLC was and is hereby granted subject to the aforesaid proviso.

SO ORDERED this the 19th day of November, 2007.

In re: Approval of Final Plat of Marabella Subdivision

WHEREAS, Assistant County Engineer John Granberry appeared before the Board on behalf of County Engineer Rudy Warnock and presented the final plat of Marabella Subdivision, and requested the Board to approve same, indicating and representing that the same met with all appropriate and applicable county requirements, and

WHEREAS, Mr. Granberry did also present a Performance Bond and advised the Board that the 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 plat, to-wit:

Sunset Avenue
Foley Avenue
East Avenue

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Following discussion of this matter, Mr. Karl M. Banks did offer and Mr. Douglas L. Jones did second a motion to **(1)** approve said final plat, (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, (b) subject to zoning ordinances that the Board finds will be applicable upon adoption thereof in the future; and **(2)** accept the above listed roads as public roads, and **(3)** direct the Clerk to accept and retain the aforesaid Performance Bond. 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 final plat of Marabella Subdivision was and is hereby approved with the aforesaid provisos and said roads were and are accepted as a public streets.

SO ORDERED this the 19th day of November, 2007.

In re: Approval of Plans and Award of Contract for Construction and Design Services for the Kearney Park Community Center

WHEREAS, Mr. Richard Dean and Mr. Kenneth Oubre with Dean and Dean Associates, Architects, did appear before the Board and presented a set of plans and a proposed contract for construction and design services for the proposed Kearney Park Community Center, and

WHEREAS, a true and correct copy of the contract presented to and considered by the Board is attached hereto as Exhibit H, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to (1) approve said plans, (2) award the contract for the design and construction of said Kearney Park Community Center unto the firm of Dean and Dean Associates and approve the same less and except the entirety of section 7.2 of said contract which is stricken therefrom by agreement of the parties, and (3) authorize and direct the Board President to execute the same on behalf of the county. The vote on the matter being as follows:

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

the matter carried unanimously and said plans were and are hereby approved, said contract approved and awarded, subject to the proviso aforesaid, and the Board President so authorized.

SO ORDERED this the 19th day of November, 2007.

In re: Approval of Contract for Sale and Purchase of Real Estate -- Axtell's Frame Shop Property

Following discussion, and at the recommendation of County Administrator Donnie Caughman, Mr. Tim Johnson did offer and Mr. Andy Taggart did second a motion **(1)** to find, determine and declare **(a)** that the business of the county and the public interest requires the purchase of certain property described by tax parcel # 093D-19B-123 and 093D-19B-111, said property adjoining

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the Madison County Chancery and Administrative Building and being used as Axtell's Frame Shop and warehouse, **(b)** that said property is suitable for the needs of the county and the purchase price is at or below the fair market value, **(c)** that just compensation for that certain parcel of real property described in that certain "Commercial Property Contract," a true and correct copy of which is attached hereto as Exhibit I, spread hereupon and incorporated herein by reference, was previously set and established at the sum of \$181,000.00 by the Board in a prior meeting, and **(d)** that an offer to purchase said property from its owner, Grady Morgan III, Charles L. Penn and Sam P. Smith-Vaniz, has been accepted; **(2)** to accept and approve said contract; **(3)** to authorize and direct the Board President to execute the same on behalf of the county; and **(4)** to accept a Warranty Deed tendered pursuant thereto, a true and correct copy of which is attached hereto as Exhibit J, spread hereupon and incorporated herein by reference, and **(5)** to issue payment unto said purchasers in accordance with a closing statement to be submitted by the sellers to the Chancery Clerk at closing. 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 findings of fact were and are hereby made, the purchase of said properties was and is hereby approved, and the Board President was and is hereby authorized to execute the contract for the sale thereof, a true and correct copy of which is attached hereto as Exhibit I, spread hereupon and incorporated herein by reference, and the Chancery Clerk was and is hereby authorized to issue pay warrants to said owners in accordance with the closing statement.

SO ORDERED this the 19th day of November, 2007.

In re: Change of Location of Madison 2 Voting Precinct

WHEREAS, County Administrator Donnie Caughman presented that certain item of correspondence dated November 6, 2007 from Saint Francis of Assisi Church indicating the church's desire to no longer serve as a polling location for Madison 2 precinct, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, Saint Francis would continue to serve as a polling location through the November, 2007 general election but would cease as a polling location thereafter, and

WHEREAS, Supervisor Tim Johnson reported that the City of Madison has offered the City of Madison Community Center located on Old Canton Road as an alternate location,

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion (1) to authorize and establish the City of Madison's Community Center as the new polling location for the Madison 2 precinct and direct that the attorney for the Election Commission, Spence Flatgard, Esq. prepare and submit the request for change to the appropriate officials with the United States Department of Justice. 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

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the matter carried unanimously and the City of Madison Community Center was and is hereby designated as the polling place for Madison 2 precinct, and Mr. Flatgard was and is authorized and directed accordingly.

SO ORDERED this the 19th day of November, 2007.

In re: Ridgeland TIF Lowe's Project – Authorization to Make Payment to City of Ridgeland on Lowe's Tax Increment Financing Plan for 2007

WHEREAS, the City of Ridgeland has requested payment of the total sum of \$83,156.36 representing the county's portion of the TIF bond payments on the above-captioned project for the current year, and

WHEREAS, this sum is comprised of \$42,107.55 representing the county's portion of the incremental increase in real property ad valorem revenue, and \$41,048.81 representing the county's portion of the incremental increase in personal ad valorem revenue, and

WHEREAS, the spreadsheet attached hereto as Exhibit K, spread hereupon and incorporated herein by reference set forth how these figures were derived, and

WHEREAS, under Section 11 of the Redevelopment Plan for this project which the Board adopted by Resolution dated September 7, 2004, the county is obligated to pay over to the City only such sums as are necessary, when added to the City's contribution, to service the bond debt associated with said project, and

WHEREAS, as reflected on the attached spreadsheet, the City's total bond payments made from inception to-date is \$930,186.77, and total revenues from the project to-date, including the \$83,156.36 figure requested to be paid by the county, total just \$766,408.55, and

WHEREAS, although these figures appear to indicate a deficit, the same include an initial interest payment of \$243,999.11 which will not be incurred in subsequent years, 2007 being the first year that bond payments must be made, and

WHEREAS, Comptroller Mark Houston and Chancery Clerk Arthur Johnston have consulted at length with Tax Assessor Gerald Barber and City Clerk David Overby and believe the figures and requested payment are accurate,

Following discussion, Mr. Karl M. Banks did offer and Mr. Douglas L. Jones did second a motion to authorize and approve said request and direct the Chancery Clerk to issue a pay warrant in the amount of \$83,156.36 to the City of Ridgeland. 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 payment was and is hereby approved and the Chancery Clerk was and is so authorized.

SO ORDERED this the 19th day of November, 2007.

In re: Request to Void Remaining Tax Sales of Homestead Chargebacks – April 2006 Supplemental Tax Sale

President's Initials: _____

Date Signed: _____

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WHEREAS, Chancery Clerk Arthur Johnston did appear before the Board and reported that on October 10, 2003, during the term of the previous Chancery Clerk, homestead chargebacks (that is, "Notices of Adjustment in Homestead Exemption Tax Loss Allowances") on the parcels reflected on the list attached hereto as Exhibit L were presented to the Madison County Board of Supervisors, and although the Clerk at that time completed the "Clerk's Certificate of Consideration by the Governing Authorities" as to each parcel, indicating that the re-assessment of homestead exemption credits were made by the Board, the minutes of the Board's meeting on that date do not reflect any such re-assessment, and

WHEREAS, Mr. Johnston presented the Board with a copy of the minutes from October 10, 2003 which show that the Board merely "acknowledged receipt" of the notices, and

WHEREAS, Mr. Johnston stated that Miss. Code Ann. 27-33-37(J)&(L) requires not merely acknowledgment by the Board of the notices, but a public hearing and an actual re-assessment by the Board of the amounts of the disallowed homestead exemptions, and

WHEREAS, Mr. Johnston stated that the minutes plainly reflect that no public hearings were held and no official re-assessments were made as to the parcels listed on Exhibit L, and

WHEREAS, nevertheless, but as required by law upon receipt of the Clerk's Certificates which were presented to the Tax Collector in 2003 by the previous Chancery Clerk, the re-assessments were placed on the tax rolls, and those which were not paid were sold in April of 2006 at a special tax sale which the Board authorized, and

WHEREAS, Mr. Johnston reported that as his office began the process of searching title to these properties in order to issue the statutory notices to the owners thereof, it has become clear that the sales appear to be void for want of an actual hearing and an actual re-assessment as required by state law, and

WHEREAS, Johnny Brunini, Esq. on behalf of Board Attorney Edmund L. Brunini, Jr. also appeared before the Board and advised that he had looked into the matter and, in his opinion, the sales were void for the reasons set forth by the Chancery Clerk, and, in addition, the re-assessments themselves were void because the same were never properly made by the Board, and, accordingly, the same ought to be stricken from the rolls entirely,

Following discussion, Mr. Andy Taggart did offer and Mr. Tim Johnson did second a motion to (1) find, determine and declare the April, 2006 tax sales of the parcels listed on Exhibit L to be void for want of a public hearing and a reassessment as required by law, (2) direct the Chancery Clerk to note the same on the List of Lands Sold for Taxes (in April of 2006), (3) authorize and direct the Tax Collector to issue refunds to the purchaser upon demand in accordance with, and in an amount allowed by, law and short the next monthly settlement accordingly, and (4) authorize and direct the Board Attorney to determine whether to seek a declaratory judgment in Chancery Court with respect thereto. 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 sales were and are hereby declared void, and the Chancery Clerk, Tax Collector and Board Attorney were and are authorized accordingly.

SO ORDERED this the 19th day of November, 2007.

President's Initials: _____
Date Signed: _____

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***In re: Request to Declare Homestead Chargebacks Issued in Error
Void as a Matter of Law – Gregory and Patricia Wolff
Parcel # 081H-28-024/00.00***

WHEREAS, Chancery Clerk Arthur Johnston did appear before the Board and reported that Mr. Gregory Wolff has requested that the Board re-consider the matter of certain homestead chargebacks re-assessed to him in 2005 and 2006, and

WHEREAS, Mr. Wolff stated to Mr. Johnston that he was the victim of a mistake on the part of the Mississippi State Tax Commission in that said agency determined that he had not paid his state income tax for 2004, when he did in fact pay it timely, and

WHEREAS, Mr. Johnston reported that representatives of the State Tax Commission verified that the income tax matter was cleared in May of 2006 in sufficient time to avoid the 2006 supplemental roll chargeback issued by the Commission on February 23, 2007 and approved by the Board on August 27, 2007 following a public hearing thereon; however, said representatives did not corroborate Mr. Wolff's contention that the 2004 income taxes were paid timely; rather, the taxes were paid on May 16, 2006, some three and a half months after the statutory cut off date to avoid a chargeback, and

WHEREAS, in light of the Tax Commission's reports, only the 2006 chargeback should be set aside,

Following discussion, Mr. Tim Johnson did offer and Mr. Douglas L. Jones did second a motion to void and set side the 2006 supplement roll homestead exemption chargeback for parcel # 081H-28-024/00.00 and direct the Tax Collector to remove said re-assessment from the roll. 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 homestead exemption chargeback as to parcel # 081H-28-024/00.00 for the 2006 supplemental roll was and is hereby set aside and declared void.

SO ORDERED this the 19th day of November, 2007.

***In re: Authorization of Purchase Clerk to Advertise for Bids
for Digital Ortho-Photography and Topographic Mapping to be
Performed in Conjunction with Rankin County***

WHEREAS, County Purchase Clerk Hardy Crunk did appear before the Board and presented a proposed invitation to bid and proposed bidding instructions and specifications regarding a joint solicitation for ortho-photographic and topographic mapping of both counties, a true and correct copy of which is attached hereto as Exhibit M, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Crunk reported that jointly working with Rankin County would serve to save both counties money in the long run, and

WHEREAS, Mr. Crunk also reported that the Rankin County Board of Supervisors had, on November 15, 2007, approved the same,

President's Initials: _____

Date Signed: _____

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Following discussion, Mr. Karl M. Banks did offer and Mr. Douglas L. Jones did second a motion to authorize and direct the advertisement for bids for such services in accordance with the aforesaid Exhibit N. 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 Clerk was and is hereby so authorized.

SO ORDERED this the 19th day of November, 2007.

In re: Acknowledgment of Receipt of Funds for Feeding and Housing Prisoners Madison County Sheriff's Office and Acknowledgment and Authorization for Receipt and Distribution of Operation Life Saver Grant Funds

WHEREAS, Sheriff Toby Trowbridge appeared before the Board and presented checks representing funds received from various agencies for housing of prisoners and other services as follows:

<u>Entity</u>	<u>Amount</u>
Valley Food Service	3,103.78
Evercom	16,366.89
City of Ridgeland	8,313.43

Following discussion, Mr. Andy Taggart did offer and Mr. Karl M. Banks did second a motion to acknowledge receipt of said checks, acknowledge receipt of grant funds totaling \$94,797.00, and approve and authorize the Sheriff to utilize \$50,000 thereof for public safety checkpoints, with the remainder designated for the purchase of cameras in patrol cars. 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 checks were and are hereby acknowledged, the grant funds acknowledged received and the Sheriff so authorized to utilize said grant funds.

SO ORDERED this the 19th day of November, 2007.

In re: Consideration of Health Insurance Plan for County Employees and Their Dependents

WHEREAS, County Administrator Donnie Caughman appeared before the Board and reported that the county's health insurance contract with Fox-Everett, Inc. was set to expire as of November 30, 2007 and that it would thus be necessary for the Board to place such coverage with a new insurer or renew the county's contract with Fox-Everett, Inc., and

President's Initials: _____

Date Signed: _____

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WHEREAS, Mr. Caughman indicated that he had received proposals from both Fox-Everett, Inc. and Blue Cross/Blue Shield (through the Integrity Group) and representatives of both companies were prepared to make presentations to the Board, and

WHEREAS, Ms. Debbie Joudon with the Integrity Group, Inc., Mr. Pete Hawkins with Blue Cross and Blue Shield of Mississippi, and Mr. Steve Trundt with Guardian Life Insurance Company of America (“the Guardian”) appeared and presented their assessment of the county’s current plan with Fox-Everett, Inc., and

WHEREAS, Ms. Joudon and Mr. Hawkins indicated that they believed the county could save approximately \$200,000 in annual claims costs should the county elect to place health coverage with Blue Cross and Blue Shield of Mississippi and dental and vision coverage with the Guardian through the Integrity Group as administrator, and

WHEREAS, Mr. Larry Vance and Ms. Nita Miller with Fox Everett, Inc. also appeared before the Board and challenged the position of Blue Cross and Blue Shield, pointing out that, in their opinion, the claims utilized by said firm (and the guardian and the Integrity Group) in their assessment were not an accurate representation of the claims experience of the county and specifically excluded several claims wherein Fox Everett had a substantial savings advantage, and

WHEREAS, Mr. Vance also pointed out that the Blue Cross administration fee was substantially higher than the Fox Everett fee,

Following a lengthy period of questions and answers, and following much discussion among members of the Board, Mr. Tim Johnson did offer and Mr. Douglas L. Jones did second a motion to place the county’s health, dental and vision insurance coverage with Blue Cross and Blue Shield of Mississippi through the Integrity Group. The vote on the matter being as follows:

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

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

SO ORDERED this the 19th day of November, 2007.

Thereafter, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to (1) to renew the contract with Fox-Everett, Inc. as Madison County’s health coverage provider for a period of one (1) year, and (2) approve the renewal rate lists and the dental, vision, and basic life and accidental death and dismemberment coverages as set forth in the plan and rate summaries, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes. The vote on the matter being as follows:

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

the matter carried by a majority vote (4-1) of the Board and Fox Everett, Inc. was and is hereby approved as health provider for the County for the period December 1, 2007 through November 30, 2008.

SO ORDERED this the 19th day of November, 2007.

President’s Initials: _____
Date Signed: _____

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In re: Authorization of the Board President to Execute a Subgrantee Closeout Checklist and Other Documents for the Adolescent Offender Program

WHEREAS, the Board of Supervisors received a Subgrantee Closeout Checklist and other documentation for the Adolescent Offenders Program from the Madison County Department of Human Services, and a copy of said materials may be found in the Miscellaneous Appendix to these minutes,

Following discussion, Mr. Douglas L. Jones did offer and Mr. Tim Johnson did second a motion to authorize the Board President to execute said Subgrantee Closeout Checklist and other documents for the Adolescent Offender Program, and that a copy of said materials may be found in the Miscellaneous Appendix to these minutes. The vote on the matter being as follows:

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

the matter carried unanimously and the Board President was and is so authorized.

SO ORDERED this the 19th day of November, 2007.

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor Paul Griffin and seconded by Supervisor Karl M. Banks and approved by the unanimous vote of the Board members present, the November 2007 term of the Board of Supervisors was adjourned.

Andy Taggart, President
Madison County Board of Supervisors

Date signed: _____

ATTEST:

Arthur Johnston, Chancery Clerk

President's Initials: _____

Date Signed: _____

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