

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

REGULAR MEETING OF DECEMBER 3, 2007

Being the first day of the December 2007 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 December 3, 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 Paul Griffin
Supervisor Karl M. Banks
Tax Assessor Gerald Barber
Chancery Clerk Arthur Johnston

Absent:

None

Also in attendance:

County Administrator Donnie Caughman
County Comptroller Mark Houston
Chief Deputy Tax Assessor Kent Hawkins
Zoning Administrator Brad Sellers
County Purchase Clerk Hardy Crunk
Emergency Management and E-911 Director Butch Hammack
County Fire Coordinator Mack Pigg
Deputy Sheriff Billy Myers
Assistant County Comptroller Quandice Green
County Engineer Rudy Warnock
Board Secretary and Deputy Chancery Clerk Cynthia Parker
Board Attorney Edmund L. Brunini, Jr.

The President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Deputy Sheriff Billy Myers opened the meeting with a prayer and Supervisor Douglas L. Jones 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 November, 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 November 2007 term, said meetings having been conducted on November 5 and November 19, 2007,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin 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:

President's Initials: _____

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 the Minutes for the November 2007 term of the Board of Supervisors of Madison County were and are hereby approved as amended.

SO ORDERED this the 3rd day of December, 2007.

In re: Public Hearing to Approve Resolution and Ordinance Establishing the Creation of Lost Rabbit Public Improvement District (PID)

The Clerk reported that pursuant to a resolution of the Board of Supervisors of the County of Madison, Mississippi (the "Governing Body" of the "County") calling for a public hearing to be held on December 3rd, 2007 at 9:00 a.m., with respect to the petition for the creation of the Lost Rabbit 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 November 8, November 15, November 22, and November 29, 2007, as evidenced by the proof of publication on file in the office of the Clerk. On Monday, December 3rd, 2007, 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 Douglas L. Jones offered and moved the closure of the public hearing thereon and the adoption of the following resolution, on condition that all quantities of materials associated with the construction of public improvements by said District be submitted to the County Engineer for his approval and contingent upon his review of the legal description of the geographical boundaries of the District, to-wit:

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MADISON, MISSISSIPPI ACKNOWLEDGING THAT A PUBLIC HEARING REGARDING THE PETITION TO ESTABLISH LOST RABBIT 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 November 5th, 2007, did adopt a certain resolution entitled:

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MADISON, MISSISSIPPI, ACKNOWLEDGING RECEIPT OF THE PETITION FOR THE CREATION OF LOST RABBIT 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) (THE "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 circulation in the County at least once a week for four 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 Clerk; and

President's Initials: _____

Date Signed: _____

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 the proposed public improvement district; and

WHEREAS, at 9:00 a.m. on December 3rd, 2007, the public hearing was held and all in attendance were given the opportunity to state or present their views on the proposed establishment of Lost Rabbit Public Improvement District (the "District"); 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 of the District by all the landowners within the proposed boundaries of the District;

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

WHEREAS, the District will help with the County's planning, management and financing needs for the delivery of public improvements and facilities to and within the District 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 BOARD OF SUPERVISORS OF THE COUNTY OF MADISON, MISSISSIPPI ON THIS 3RD DAY OF DECEMBER, 2007. 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 Doug Jones | voted: Aye |
| Supervisor Tim Johnson | voted: Aye |
| Supervisor Andy Taggart | voted: Aye |
| Supervisor Karl Banks | voted: Aye |
| Supervisor Paul Griffin | voted: Aye |

The motion having received the affirmative vote of a majority of the members present, the Clerk declared the motion carried and the resolution adopted, on this the 3rd day of December, 2007.

EXHIBIT A to this Resolution and Exhibit A to these Minutes
COPY OF PETITION FOR CREATION OF LOST RABBIT PUBLIC IMPROVEMENT DISTRICT
Attached

EXHIBIT B to this Resolution and Exhibit B to these Minutes
PROOF OF PUBLICATION
Attached

SO ORDERED this the 3rd day of December, 2007.

President's Initials: _____

Date Signed: _____

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Thereafter, Mr. Jet Hollingsworth of Butler, Snow, O'Mara, Stevens & Cannanda, PLLC appeared before the Board and presented a Resolution for the Creation of Lost Rabbit Public Improvement District (PID) on the following:

IN THE MATTER OF AN ORDINANCE ESTABLISHING LOST RABBIT PUBLIC IMPROVEMENT DISTRICT PURSUANT TO THE PUBLIC IMPROVEMENT DISTRICT ACT, CODIFIED AT SECTIONS 19-31-1, ET SEQ., OF THE MISSISSIPPI CODE ANNOTATED (1972, AS AMENDED) (THE "ACT"); AND OTHER RELATED MATTERS

WHEREAS, landowners have filed a petition (the "Petition") with the Board of Supervisors of the County of Madison, Mississippi (the "Governing Body" of the "County") requesting that the Governing Body adopt an ordinance establishing Lost Rabbit Public Improvement District (the "District") pursuant to the Act and designating the real property described in EXHIBIT A to this Resolution, attached to these Minutes as Exhibit C, incorporated herein by reference and spread hereupon as the area of land for which the District is authorized to manage; and

WHEREAS, the District will constitute an efficient, effective and economical method of delivering public improvements and facilities in the area described in EXHIBIT A (Exhibit C to these Minutes); and

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

WHEREAS, on December 3rd, 2007, the Governing Body of the County held a public hearing on the Petition in accordance with the requirements and procedures of the Act and did adopt a resolution entitled:

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MADISON, MISSISSIPPI ACKNOWLEDGING THAT A PUBLIC HEARING REGARDING THE PETITION TO ESTABLISH LOST RABBIT PUBLIC IMPROVEMENT DISTRICT WAS HELD AND FURTHER ACTION BY THE BOARD OF SUPERVISORS WAS TAKEN UNDER ADVISEMENT.

WHEREAS, the Governing Body of the County has considered the record of the public hearing and other relevant factors pursuant to the Act.

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

SECTION 1. That there is hereby established a public improvement district within the County and such district shall be designated as "Lost Rabbit Public Improvement District."

SECTION 2. That Lost Rabbit Public Improvement District shall include that particular real property described in EXHIBIT A (Exhibit C to these Minutes), attached hereto and made a part hereof, and the District shall exercise the powers described and authorized in the Act.

SECTION 3. The five (5) persons designated to serve as the initial members of the Board of Directors of the District are Walter Wafford, Laura Wafford, Robbie Wilbur, Bennett Chotard, who is a resident of the area immediately adjacent to the District as required by the Act, and Harris Williams.

SECTION 4. This ordinance shall become effective immediately and all ordinances and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, repealed.

SO ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF MADISON, MISSISSIPPI ON THIS 3RD DAY OF DECEMBER, 2007.

President's Initials: _____

Date Signed: _____

Said ordinance having been reduced to writing and after discussion on the matter, Supervisor Douglas L. Jones moved for the adoption of the above and forgoing ordinance and Supervisor Tim Johnson seconded the motion to adopt said ordinance, on condition that all quantities of materials associated with the construction of public improvements by said District be submitted to the County Engineer for his approval and contingent upon his review of the legal description of the geographical boundaries of the District, and the question being put to a roll call vote, the result was as follows:

| | |
|-------------------------|------------|
| Supervisor Doug Jones | voted: Aye |
| Supervisor Tim Johnson | voted: Aye |
| Supervisor Andy Taggart | voted: Aye |
| Supervisor Karl Banks | voted: Aye |
| Supervisor Paul Griffin | voted: Aye |

The motion having received the affirmative vote of a majority of the supervisors present, the Clerk declared the motion carried and the resolution adopted subject to the provisos aforesaid.

EXHIBIT A to this Resolution, Exhibit C to these Minutes
LEGAL DESCRIPTION FOR LOST RABBIT PID LOCATED IN MADISON COUNTY,
MISSISSIPPI

Reproduced herein below

The following description is based on Mississippi State Plane Coordinate System, West Zone, NAD 83, Grid Values, using a combined factor of 0.999944106 and a convergence angle of 00° 08' 57.86170".

A parcel of land lying and being situated in Sections 11, 12, 13 and 14, Township 7 North, Range 2 East, Madison County, Mississippi and being more particularly described as follows to-wit:

Commencing at the section corner being common to aforesaid 11, 12, 13 and 14 run thence North 00° 22' 24" East for a distance of 1951.43 feet to a point lying on the Easterly Right-of-Way line of the Natchez Trace Parkway (N.T.P.) as it is now laid out and exists (October 2003); thence run South 85° 05' 24" West on and along aforesaid Easterly Right-of-Way line for a distance of 917.54 feet to N.T.P. Monument 118 and the Point of Beginning. From the Point of Beginning thence run North 85° 05' 24" East on and along the aforesaid Easterly Right-of-Way line for a distance of 1684.50 feet to N.T.P. Monument 117; thence run North 58° 47' 15" East on and along aforesaid Easterly Right-of-Way line for a distance of 250.72 feet to a 2-inch capped iron pipe Found; thence leaving the aforesaid Easterly Right-of-Way line of the Natchez Trace Parkway run the following courses and distances on and along the shoreline of the Ross Barnett Reservoir:

South 47° 11' 55" West - 65.24 feet to an iron pin set;

South 20° 55' 06" West - 354.77 feet to an iron pin set;

South 77° 48' 57" East - 240.23 feet to an iron pin set;

South 85° 54' 35" East - 48.02 feet to an iron pin set;

North 06° 14' 33" East - 59.99 feet to an iron pin set;

South 60° 50' 27" East - 110.67 feet to an iron pin set;

South 16° 33' 48" East - 116.46 feet to an iron pin set;

South 19° 24' 34" West - 144.52 feet to an iron pin set;

South 06° 49' 51" West - 129.71 feet to an iron pin set;

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South 26° 36' 13" West - 186.23 feet to an iron pin set;
South 29° 31' 01" West - 327.73 feet to an iron pin set;
South 27° 37' 27" West - 204.76 feet to an iron pin set;
South 49° 58' 13" West - 252.05 feet to an iron pin set;
South 01° 38' 02" West - 102.66 feet to a 2-inch capped iron pipe found;
South 45° 19' 18" West - 237.22 feet to an iron pin set;
South 54° 26' 46" West - 462.20 feet to an iron pin set;
South 46° 37' 14" West - 595.30 feet to an iron pin set;
South 26° 31' 39" West - 256.46 feet to an iron pin set;
South 43° 48' 04" West - 533.96 feet to an iron pin set;
South 48° 10' 15" West - 316.61 feet to an iron pin set;
North 77° 50' 45" West - 171.70 feet to an iron pin set;
South 63° 51' 18" West - 427.20 feet to a 2-inch capped iron pipe found;
South 30° 11' 44" West - 259.14 feet to an iron pin set;
South 57° 57' 33" West - 44.33 feet to an iron pin set;
South 60° 11' 28" West - 331.63 feet to an iron pin set;
South 46° 42' 00" West - 203.53 feet to an iron pin set;
South 62° 48' 14" West - 412.80 feet to an iron pin set;
South 54° 03' 21" West - 447.12 feet to an iron pin set;
South 58° 15' 18" West - 92.76 feet to an iron pin set;
South 73° 16' 27" West - 59.84 feet to an iron pin set;
North 85° 56' 34" West - 54.45 feet to an iron pin set;
South 69° 12' 01" West - 214.90 feet to an iron pin set;

Thence leaving aforesaid shoreline run on and along the aforementioned Easterly Right-of-Way line of the Natchez Trace Parkway the following courses and distances:

North 23° 08' 38" East - 528.78 feet to N.T.P. Monument 128 Found;
North 27° 40' 34" West - 99.58 feet to N.T.P. Monument 127 Found;
North 57° 50' 12" East - 14.62 feet to N.T.P. Monument 126 Found;
North 15° 53' 33" West - 1425.54 feet to N.T.P. Monument 125 Found;
North 27° 43' 42" East - 216.96 feet to an iron pin set (represents N.T.P. Monument 124)

President's Initials: _____

Date Signed: _____

North 33° 03' 42" East - 737.51 feet to N.T.P. Monument 123 Found;

North 35° 39' 32" East - 839.26 feet to N.T.P. Monument 122 Found;

North 37° 50' 39" East - 1534.00 feet to N.T.P. Monument 121 Found;

South 15° 48' 27" East - 644.08 feet to N.T.P. Monument 120 Found;

North 89° 27' 38" East - 160.03 feet to N.T.P. Monument 119 Found;

North 47° 30' 16" East - 518.42 feet back to the Point of Beginning and containing within said bounds 259.37 acres more or less.

SO ORDERED this the 3rd day of December, 2007.

In re: Approval of Consent Agenda Items

WHEREAS, the Board President announced 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 (22) on the Agenda and that the same appeared to be routine, non-controversial matters on which all Supervisors were likely to agree, and

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

2. Acknowledgment of November Monthly Report - Road Department

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

3. Acknowledgment of November Closed Call Analysis - Road Department

The November 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 December Service Call Schedule - Road Department

The December 2007 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.

5. Approval of Zoning Matter - Madison Heights Church Special Exception for Church in SU-1 District/Bozeman Road

The action of the Madison County Planning and Zoning Commission of November 15, 2007, granting the petition of Madison Heights Church for special exception to erect and operate a public/quasi-public facility in the SU-1 District on Bozeman Road bearing parcel no. 082I-31-004/04 and 081I-36-004/01 was and is hereby acknowledged and approved.

6. Approval of Zoning Matter - Madison County Schools Petition to Rezone I-2 Industrial District to SU-1 District/Calhoun Station and Church Road

The action of the Madison County Planning and Zoning Commission of November 15, 2007,

President's Initials: _____

Date Signed: _____

granting the petition of Madison County Schools to rezone I-2 Industrial District to SU-1 District on Calhoun Station parkway and Church Road consisting of 90.44 acres in the SW 1/4 and the SW 1/4 of NW 1/4 Section 16, T8N, R2E was and is hereby acknowledged and approved.

7. Approval of Zoning Matter - Graham Parker Homes Petition for Variance to Rear Setback in the PUD District Lot - P-19/Glenwood @ Reunion

The action of the Madison County Planning and Zoning Commission of November 15, 2007, granting the petition of Graham Parker Homes, Inc. for a 6 foot variance to the rear setback to Lot P-19, Glenwood @ Reunion was and is hereby acknowledged and approved.

8. Approval of Zoning Matter - William K. Poole Petition for Variance to Rear Setback in the PUD District Lot J-47/Waverly @ Reunion

The action of the Madison County Planning and Zoning Commission of November 15, 2007, granting the petition of William K. Poole for a 5 foot variance to the rear setback to Lot J-47, Waverly @ Reunion was and is hereby acknowledged and approved.

9. Approval of Site Plans - Peoples Construction Corp. Proposed Commercial Building in C-2 District/Church Road

The action of the Madison County Planning and Zoning Commission of November 15, 2007, granting the request of Peoples Construction Corp. to expand its existing business to its current facility in a C-2 District on property located on Church Road was and is hereby acknowledged and approved.

10. Awarding of Asphalt Term Bids - January 1, 2008 thru June 30, 2008

As requested by County Purchase Clerk Hardy Crunk in that certain memorandum dated November 27, 2007 the Board hereby authorizes the advertisement for term bids for asphalt and asphalt related products for the period of January 1, 2008 through June 30, 2008.

11. Acknowledge New Employees - Road Department

The appointment of Kelvin Harmon for employment as a laborer at an hourly wage of \$9.50 and William Banks as a laborer at an hourly wage of \$9.50 at the Road Department was and is hereby acknowledged and approved.

12. Approval of Postage - Tax Collector's Office

Tax Collector Kay Pace was and is hereby authorized to purchase postage in the amount of \$6,000.00 as requested in that certain memorandum dated November 15, 2007, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes.

13. Acknowledge Pay Increase for Deputy Circuit Court Administrator

That certain Order of the Circuit Court of Madison County found at Book 152, Pages 324, a true and correct copy of which is attached hereto as Exhibit D, spread hereupon and incorporated herein by reference, increasing the salary of Court Administrator, Patricia J. Green was and is hereby acknowledged and accepted.

14. Acknowledgment of Circuit Court Terms - Twentieth Circuit Court District

The Order of the Circuit Court of Madison County Mississippi dated November 20, 2007 establishing certain terms of court for the upcoming calendar year was and is hereby acknowledged, attached hereto as Exhibit E, spread hereupon, and incorporated herein by reference.

President's Initials: _____

Date Signed: _____

15. Approval for Attendance - Mississippi Association of Supervisors Mid-Winter Conference/NACo Legislative Conference

The payment of travel, lodging and food expenses of any Board member, the Chancery Clerk, the Road Manager, the County Engineer, the County Administrator and the Comptroller to attend the Mid-Winter Conference of the Mississippi Association of Supervisors in Jackson, Mississippi January 14 through 17, 2007 and the NACo Legislative Conference in Washington, DC March 1 through 5, 2008 were and are hereby approved. In addition, the Chancery Clerk and the Comptroller are authorized to attend their respective NACo-related sub-association meetings and the payment of registration, travel, lodging and food expenses associated therewith were and are hereby also approved.

16. 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) AT&T - seeking to place 7100 feet of 24 fiber cable along Old Rice Road to provide DSL service in the area

17. Approval of Petition for Reduction of Assessments - Real Property 2007 Tax Year

The *en masse* petition for the reduction of assessment of real property taxes in the amount of \$1,241,408.00, which petition, together with its spreadsheet attachment is attached hereto as Exhibit F, spread hereupon, and incorporated herein by reference, was and is hereby approved.

18. Approval of Petition for Reduction of Assessments - Personal Property 2007 Tax Year

The *en masse* petition for the reduction of assessment of personal property taxes in the amount of \$19,500.00, which petition, together with its spreadsheet attachment is attached hereto as Exhibit G, spread hereupon, and incorporated herein by reference, was and is hereby approved

19. Approval of Petition for Increase of Assessment - Real Property 2007 Tax Year

As requested by Tax Assessor Gerald Barber, a public hearing was and is hereby set for December 17, 2007 on the matter of increasing personal property assessments on certain individuals and businesses in the county as set forth in those certain Notices to Increase Assessment, true and correct copies of which are attached hereto as Collective Exhibit H, spread hereupon, and incorporated herein by reference.

20. Approval of Petition for Increase of Assessment - Personal Property 2007 Tax Year

As requested by Tax Assessor Gerald Barber, a public hearing was and is hereby set for December 17, 2007 on the matter of increasing personal property assessments on certain individuals and businesses in the county as set forth in those certain Notices to Increase Assessment, true and correct copies of which are attached hereto as Collective Exhibit I, spread hereupon, and incorporated herein by reference.

21. Approval of Petition for Amended Homestead Applications - 2007 Tax Year

The corrections and/or amendments of homestead exemptions on property in Madison County, Mississippi listed on those certain materials submitted by Homestead Director Emily Anderson dated November 26, 2007 which may be found in the Miscellaneous Appendix to these minutes were and are hereby approved and the Chancery Clerk was and is directed to forward the same to the State Tax Commission in accordance with law.

President's Initials: _____

Date Signed: _____

22. Approval to Void Tax Sale - Real Property 2006

As requested by Tax Assessor Gerald Barber in that certain memorandum dated November 26, 2007, the Board finds that the sales of the referenced parcel is declared void for tax sale year 2007, for the 2006 taxes respectively on parcel no. 082H-27-157/00.00 on property assessed to Hart Homes, Inc. due to an oversight of correcting paperwork, a true and correct copy thereof may be found in the Miscellaneous Appendix to these Minutes. The Tax Collector was and is hereby authorized to reimburse the tax sale purchaser.

Thereafter, Mr. Paul Griffin did offer and Mr. Tim Johnson did second a motion to approve, adopt, and authorize Items (2) through (22) herein above. The vote on the matter being as follows:

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

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

SO ORDERED this the 3rd day of December, 2007.

In re: Request to Re-Designate a Public Road

WHEREAS, Mr. Horace Lester of Gluckstadt School Properties, LLC appeared before the Board and presented a petition to re-designate and re-name a public road, a true and correct copy which may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, Mr. Lester did report to the Board that the petition was to re-designate and re-name Sowell Road as "NeuMarkt Drive,"

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to adopt and approve said petition re-naming Sowell Road west of Interstate 55 to NeuMarkt Drive. 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 petition was and is hereby adopted and approved and that portion of said road was and is hereby renamed.

SO ORDERED this the 3rd day of December, 2007.

In re: Approval of Preliminary Plat of Scottsboro Subdivision, Phase 1

WHEREAS, County Zoning Administrator Brad Sellers appeared before the Board of Supervisors and presented a preliminary plat for Scottsboro Subdivision, Phase 1 and requested the Board to approve said preliminary plat,

Following discussion, Mr. Andy Taggart did offer and Mr. Karl M. Banks did second a motion to approve said preliminary plat, subject to the requirement that approval of the Madison County Board of Supervisors would be required on any changes to said plat and/or the accompanying

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Date Signed: _____

covenants until such time as fifty percent (50%) of the lots in the subdivision are sold to individuals and subject to zoning ordinances that the Board finds will be applicable upon adoption thereof in the future. The vote on the matter being as follows:

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

the matter carried unanimously and the preliminary plat of Scottsboro Subdivision, Phase 1 was and is hereby approved subject to the aforesaid provisions.

SO ORDERED this the 3rd day of December, 2007.

In re: Request to Establish Tucker Drive as Public Road and Report of Committee to Inspect and Review the Same

WHEREAS, on September 24, 2007, County Administrator Donnie Caughman informed the Board that he was in receipt of a petition from the property owners in the area of Tucker Drive supporting the request for public dedication and requesting the transfer of the street to the county in accordance with Miss. Code Ann. § 65-7-57 and that said petition satisfies the requirements of said statute, and

WHEREAS, on said date the Board appointed a committee comprised of Supervisor Douglas L. Jones and Supervisor Karl M. Banks to review the road and report back to the Board their findings in accordance with said code section, and

WHEREAS, Mr. Jones and Mr. Banks reported that they had conducted their inspection of said road and had determined that the same did not meet with county standards and was, in actuality, a private driveway,

Following discussion, Mr. Karl M. Banks did offer and Mr. Douglas L. Jones did second a motion to reject said road as a public road due to the fact that the same did not appear to meet county standards. 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 | No |

the matter carried by a majority vote (4-1) of the Board and said road was and is hereby rejected as a public road.

SO ORDERED this the 3rd day of December, 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 a public rights of way and not on private property at the following locations:

| <u>Date</u> | <u>Work Order</u> | <u>Address</u> |
|-------------|-------------------|------------------------|
| 11/8/2007 | 6352 | 870 Sulphur Springs Rd |
| 11/13/2007 | 6379 | 317 Tithelo Rd |
| 11/19/2007 | 6432 | 1159 Davis Crossing Rd |

President's Initials: _____

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11/26/2007 6470
1127/2007 6483

1081 N. Old Canton Rd
3194 N. Hwy. 43

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. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to approve the installation of culverts at the stated locations. The vote on the matter was 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 said culvert installation requests were and are hereby approved.

SO ORDERED this the 3rd day of December, 2007.

In re: Request from Cedarfont Subdivision

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented correspondence from Mr. H. C. McGehee, III, President of Cedarfont Homeowner's Association requesting that the county make repairs to the county's access road from Bozeman Road to Cedarfont's property line, a true and correct copy of which is attached hereto as Exhibit J, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. McGehee also requested that the county repair the entirety of the road inclusive of the portion owned by the homeowner's association,

Following discussion, Mr. Andy Taggart did offer and Mr. Douglas L. Jones did second a motion to approve the request from Cedarfont Homeowner's Association to make necessary repairs to the entire road which includes an additional thirty to forty feet of subdivision property, contingent on an acceptable bid and upon payment by said association of the cost of the portion of the repairs made to the portion of the road owned by the association and not by the county. The vote on the matter being as follows:

| | |
|-----------------------------|---|
| Supervisor Douglas L. Jones | Aye |
| Supervisor Tim Johnson | Not Present and Not Voting ¹ |
| Supervisor Andy Taggart | Aye |
| Supervisor Karl M. Banks | Not Present and Not Voting ² |
| Supervisor Paul Griffin | Aye |

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

SO ORDERED this the 3rd day of December, 2007.

¹Prior to the call of the question, Mr. Johnson excused himself from the meeting and returned shortly thereafter.

²Prior to the call of the question, Mr. Banks briefly excused himself from the meeting and returned immediately thereafter.

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**In re: Request for Variance in
Covington Block "C" @ Reunion**

WHEREAS, County Engineer Rudy Warnock appeared before the Board and requested that the Board grant variance to 800 feet for a cul-de-sac for Covington Way, and

WHEREAS, Mr. Warnock explained that the preliminary plat reflected 800 feet long but that the maximum length for a dead end street was 500 feet,

Following discussion, Mr. Andy Taggart did offer and Mr. Paul Griffin did second a motion to allow variance to 800 feet for the cul-de-sac on Covington Way as depicted on that certain plat, a true and correct copy of which is attached hereto as Exhibit K, spread hereupon and incorporated herein by reference . The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and said variance was and is hereby granted.

SO ORDERED this the 3rd day of December, 2007.

**In re: Approval of Final Plat for ROW of
Westfalen Drive**

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented the final plat depicting the right of way of Westfalen Drive and requested the Board to approve and accept said street as a public road, indicating and representing that the same met with all appropriate and applicable county requirements, and

WHEREAS, Mr. Warnock did also present a Letter of Credit associated therewith, a true and correct copy of which is attached hereto as Exhibit L, spread hereupon and incorporated herein by reference,

Following discussion of this matter, Mr. Douglas L. Jones did offer and Mr. Karl M. Banks did second a motion **(1)** approve said final plat and accept Westfalen Drive as a public street, (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 will be applicable upon adoption thereof in the future; and **(2)** direct the Clerk to accept and retain the aforesaid letter of credit. 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 the right of way of Westfalen Drive was and is hereby approved, the road accepted with the aforesaid provisos.

SO ORDERED this the 3rd day of December, 2007.

President's Initials: _____

Date Signed: _____

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In re: Authorization of the Board President to Execute a SAP-45(52) North Livingston Road Project Closeout Documents

WHEREAS, County Engineer Rudy Warnock presented the Board of Supervisors with a myriad of documents to the North Livingston Road Project, SAP-45(52), a state aid project dating back to 2003, as follows, to-wit:

(1) a copy of Form (FAS-S.A.)SC-1 Request No. _____ (Delta Constructors, Inc.) bearing a date of October 28, 2003, a true and correct copy of which is attached hereto as Exhibit M, spread hereupon and incorporated herein by reference, and

(3) a copy of what purports to be a "Subcontract" between the county, Dickerson & Bowen, and Delta Constructors, Inc., a true and correct copy of which is attached hereto as Exhibit N, spread hereupon and incorporated herein by reference;

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize the Board President to execute the aforesaid Form (FAS-S.A.SC-1) pertaining to Delta Constructors, Inc. and the North Livingston Road Project SAP-45(52) (Exhibit M). 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 hereby so authorized.

SO ORDERED this the 3rd day of December, 2007.

In re: Authorize County Administrator, County Engineer and Board Attorney to Work with Developers of Lost Rabbit

Following discussion, Mr. Douglas L. Jones did offer and Mr. Tim Johnson did second a motion to authorize and direct County Administrator Donnie Caughman, County Engineer Rudy Warnock and Mr. Johnny Brunini, Esq. to work with the developers of Lost Rabbit with regard to the widths of streets, turn and intersection angles and the ability of emergency vehicles to access and navigate within the subdivision. The vote on the matter being as follows:

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

the matter carried unanimously and the County Administrator, County Engineer and Mr. Brunini were and are hereby authorized.

SO ORDERED this the 3rd day of December, 2007.

In re: Approval of Claims Docket for December 3, 2007

WHEREAS, the Board reviewed the claims docket for December 3, 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

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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 | 1123 to 1277 | 155 | 535,405.65 |
| 012 | 36 to 52 | 17 | 26,010.14 |
| 013 | 4 to 4 | 1 | 15,150.69 |
| 014 | 2 to 2 | 1 | 2,464.57 |
| 095 | 3 to 4 | 2 | 17,582.11 |
| 096 | 2 to 2 | 1 | 550.00 |
| 097 | 55 to 68 | 14 | 35,940.48 |
| 105 | 8 to 8 | 1 | 200.00 |
| 114 | 8 to 8 | 1 | 998.28 |
| 115 | 4 to 4 | 1 | 67.94 |
| 118 | 2 to 2 | 1 | 10,000.00 |
| 120 | 12 to 15 | 4 | 80.01 |
| 121 | 6 to 6 | 1 | 92.83 |
| 137 | 3 to 3 | 1 | 77.70 |
| 150 | 147 to 189 | 43 | 105,693.43 |
| 160 | 29 to 37 | 9 | 2,587.27 |
| 170 | 3 to 3 | 1 | 1,273.80 |
| 190 | 31 to 48 | 18 | 14,480.38 |
| 240 | 2 to 2 | 1 | 4,061.15 |
| 302 | 28 to 31 | 4 | 199,671.49 |
| 305 | 5 to 5 | 1 | 314,720.00 |
| 401 | 7 to 12 | 6 | 45,738.22 |
| 690 | 3 to 4 | 2 | 15,106.73 |
| 691 | 3 to 4 | 2 | 7,801.04 |
| | TOTAL ALL FUNDS | 288 | 1,355,753.91 |

HELD CLAIM

| Fund | Claim No. | Payee | Amount |
|-------------|------------------|--------------------------------|---------------|
| 013 | 3 | C. E. Frazier Construction Co. | \$89,595.55 |

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to approve the aforesaid claims docket as presented, less and except the above noted held claim. 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 O, 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 less and except the above noted held claim, and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 3rd day of December, 2007.

President's Initials: _____

Date Signed: _____

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**In re: Adoption of Resolution Supporting Mississippi
Department of Transportation's Widening of Highway 463**

WHEREAS, County Administrator Donnie Caughman appeared before the Board and presented a resolution supporting Mississippi Department of Transportation's widening of Highway 463, a true and correct copy of which is attached hereto as Exhibit P, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to approve said resolution in support of Mississippi Department of Transportation's widening of Highway 463 and to conduct an environmental impact study for the widening to four lanes and to authorize the Board President to execute same. 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 resolution was and is hereby approved and the Board President was and is hereby authorized.

SO ORDERED this the 3rd day of December, 2007.

**In re: Accept Resignation of South Madison
Fire Protection District Commissioner and
Madison County Nursing Home Board Member**

WHEREAS, County Administrator Donnie Caughman presented the resignation of Mr. James Bates as a member of the Board of Commissioners of the South Madison Fire Protection District effective December 1, 2007,

Following discussion, Mr. Douglas L. Jones did offer and Mr. Andy Taggart did second a motion to accept the resignation of Mr. Bates and delay the appointment so that newly elected Supervisor John Bell Crosby could make the appointment to fill the vacancy on the South Madison Fire Protection District Board. 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 resignation of Mr. Bates was and is hereby accepted.

SO ORDERED this the 3rd day of December, 2007.

Thereafter, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to accept the resignation of Ms. Clarice Coney effective December 3, 2007, and appoint Ms. Emma Strickland to serve the unexpired term of Ms. Coney on the Madison County Nursing Home Board. 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 |

President's Initials: _____

Date Signed: _____

the matter carried unanimously and the resignation of Ms. Coney was and is hereby accepted Ms. Strickland was and is hereby appointed to Madison County Nursing Board to fill said unexpired term.

SO ORDERED this the 3rd day of December, 2007.

***In re: Establishment of Just Compensation on
Gluckstadt Widening Project***

WHEREAS, Mr. Woody Sample of Sample & Associates appeared before the Board and requested that the Board grant unto the Board President the authority to establish just compensation on the property owned by Mr. Walter Sadler to be acquired by the county for purposes of the construction of Gluckstadt Widening Project based upon appraised value,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to grant unto the Board President the authority to establish just compensation on the property owned by Mr. Walter Sadler to be acquired by the county for the construction of Gluckstadt Widening Project based upon the appraised value. 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 3rd day of December, 2007.

***In re: Acknowledge Receipt of
Correspondence on Galleria Buildings***

Mr. Karl M. Banks did offer and Mr. Douglas L. Jones did second a motion to acknowledge receipt of various correspondence related to two (2) commercial office buildings on Galleria Parkway with regards to code compliance and life safety issues, true and correct copies 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 said correspondence was and is hereby acknowledged.

SO ORDERED this the 3rd day of December, 2007.

***In re: Authorize Board President to Execute Letter to
Mississippi Department of Transportation***

WHEREAS, Mr. Eric Hamer, Esq. appeared before the Board and presented a letter addressed to Commissioner Dick Hall, Mississippi Department of Transportation (MDOT) and requested the Board authorize the Board President to execute same, and

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WHEREAS, Mr. Hamer did inform the Board the letter was to serve as a commitment from the Board of Supervisors that the county will not seek additional funding from MDOT for the funding of any additional projects until such time as the Gluckstadt Interchange is completed, and

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

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to authorize the Board President to execute said correspondence to Commissioner Hall to which Mr. Douglas L. Jones did offer a substitute motion to approve said letter removing second to last paragraph. The substitute motion failed for lack of second.

Thereafter, the President called the question on the motion as originally offered with the following result:

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

the matter carried by a majority vote (4-1) of the Board, and the Board President was and is hereby authorized to execute said correspondence.

SO ORDERED this the 3rd day of December, 2007.

***In re: Authorize the Advertising of
County Depository Bids***

WHEREAS, Chancery Clerk Arthur Johnston appeared before the Board and requested the Board authorize the advertising of the county depository bids,

Mr. Paul Griffin did offer and Mr. Douglas L. Jones did second a motion to authorize the Board Secretary to prepare the necessary bid notice, providing for one year and two year alternative proposals, for the advertising of county depository bids ad casue the same to be published in accordance with law. 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 Secretary was and is hereby directed to advertise for county depository bids.

SO ORDERED this the 3rd day of December, 2007.

President's Initials: _____

Date Signed: _____

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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 Andy Taggart and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Monday, December 17, 2007 for the purpose of consideration of a Claims Docket and any other business which may properly come before the Board.

Tim Johnson, President
Madison County Board of Supervisors

Date signed: _____

ATTEST:

Arthur Johnston, Chancery Clerk

President's Initials: _____

Date Signed: _____

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