

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

REGULAR MEETING OF NOVEMBER 15, 2004  
Recessed from regular meeting conducted on November 2, 2004

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on November 15, 2004, at the Madison County Chancery/Administrative Building in Canton, Mississippi, as follows, to-wit:

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

Present:

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

Absent:

None

Also in attendance:

County Administrator Donnie Caughman  
County Comptroller Mark Houston  
Deputy Sheriff Billy Myers  
County Road Manager Prentiss Guyton  
County Engineer Mike McKenzie  
State Aid and LSBP Engineer Rudy Warnock  
Board Secretary 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. The Chancery Clerk opened the meeting with a prayer and Supervisor Karl M. Banks led the members and the audience in the Pledge of Allegiance to the Flag of the United States of America.

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

WHEREAS, President Jones did report that he and County Administrator Donnie Caughman had conferred in advance of the meeting as to certain matters denominated "Consent Items" on the Agenda and that the same appeared to be routine, non-controversial items with which all Supervisors were likely to agree, and

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

WHEREAS, the County Administrator did request that the following matter be removed from the Consent Agenda and be addressed separately, to-wit: Item (4) "Holiday Proclamation," and

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

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

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

**(1) Acknowledgment of Compliance with Zoning Regulations – Billy Abernathy**

WHEREAS, County Zoning Administrator Brad Sellers did submit a Memorandum dated November 9, 2004 suggesting that a prior alleged zoning violation by Mr. Billy Abernathy regarding the storing of vehicles and conducting commercial activity in an Agricultural District had been rectified and the Board’s order of September 15, 2004 had been complied with, and

WHEREAS, Mr. Sellers’ Memorandum did report that based on his inspection of the property, no zoning violations were noted, and

WHEREAS, the Board does desire to and does hereby acknowledge said finding and compliance with the prior order of this Board, and

**(2) Authorization of Election Commissioners to Attend Annual Training Seminar and Payment of, Per Diem, Dues, Registration, Travel – January 20-22, 2005, Biloxi**

WHEREAS, County Administrator Donnie Caughman did present information on behalf of the County Election Commission requesting approval for said Commissioners to attend the Annual Training Seminar to be held January 20 - 22, 2005 in Biloxi, Mississippi, authorize per diem, payment of dues, registration and reimbursement and/or payment of travel expenses, and

WHEREAS, the Board does desire to and does hereby authorize travel for each member of the Election Commission and approve payment of such expenses, and

**(3) Sole Source Declaration Request for Court Reporter Equipment**

WHEREAS, County Purchase Clerk Hardy Crunk did present a request for the approval and purchase of a sole source item for certain court reporting equipment upon the request of Chancellor Janice Harvey Goree, and

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

WHEREAS, the Board does desire to and does hereby approve said request and does find and determine (a) that Stenograph, LLC was and is a sole source provider of such equipment, (b) that sufficient certification thereof has been provided, and (c) that the sole source purchase of such equipment from Stenograph, LLC in the amount of \$4,236.90 was and is hereby authorized.

**(5) Salary Adjustment – County Court Personnel**

WHEREAS, County Administrator Donnie Caughman did present the Board with written requests from County Judge William S. Agin to adjust the salary of Court Reporter Mary Helen Walden to \$40,500.00 annually, Court Reporter Gwendolyn Reynolds to \$46,000.00 annually and Youth Court Prosecutor Hazel Cunningham to \$38,000.00 annually, and

WHEREAS, the Board does desire to and does hereby approve said salary adjustments,

Mr. Tim Johnson did offer and Mr. Andy Taggart did second a motion to approve, adopt and authorize each of the above and foregoing matters, the same being numbered items (1), (2), (3) and (5) 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

**President’s Initials:** \_\_\_\_\_

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

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

SO ORDERED this the 15<sup>th</sup> day of November, 2004.

***In re: Establishment of Holidays for County Employees and Dates for Closure of County Offices***

WHEREAS, County Administrator Donnie Caughman did appear before the Board and reported that the Governor of the State of Mississippi had issued a certain proclamation, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, declaring that Monday, December 27, 2004, would be the date on which state offices would close in observance of the Christmas holiday and that January 3, 2005 would be the date on which state offices would close in observance of New Year's holiday, and

WHEREAS, Mr. Caughman did point out that said proclamation also granted unto agency heads and counties the discretion to also direct the closing of offices on Friday, November 26, 2004 in observance of Thanksgiving holiday, on Friday, December 24, 2004, in further observance of the Christmas holiday, and on Friday, December 31, 2004, in further observance of the New Year's holiday, and

WHEREAS, Mr. Caughman did recommend that the Board adopt the holidays as proclaimed and recommended by the Governor including Friday, December 24, 2004 and Friday, December 31, 2004 but not including Monday, January 3, 2005 since said holiday would result in the Board having to meet on Tuesday, January 4, 2004 which would conflict with Circuit and Youth Court use of Courtroom No. 2 in the Circuit Court Building, the Board having to meet in said courtroom due to the use of the current Board room by the Tax Collector, and

Following discussion, Mr. Andy Taggart did move and the Board President did second a motion to adopt the following holidays and declare county offices and court houses closed thereon:

- Friday, November 26, 2004 - in observance of Thanksgiving
- Friday, December 24, 2004 - in observance of Christmas
- Monday, December 27, 2004 - in observance of Christmas
- Friday, December 31, 2004 - in observance of New Year's Day

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	No
Supervisor Paul Griffin	No

the matter carried by a majority vote (3-2) of the Board and said holidays were and are hereby declared and county offices and courthouses were and are hereby ordered closed on said dates.

SO ORDERED this the 15<sup>th</sup> day of November, 2004.

***In re: Setting Date for Public Hearing on 2005 Home Investment Partners Program Grant***

WHEREAS, Ms. Maureen Simpson, representing Canton Community Development Corporation did appear before the Board and requested that the Board set a date for a public hearing on the county's HOME program application,

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

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

Following discussion, Mr. Paul Griffin did move and Mr. Andy Taggart did second a motion to set the requested public hearing for the earliest possible legal date, the same being December 13, 2004. 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 December 13, 2004 is set as the date for a public hearing on Madison County's 2005 Home Investment Partners Program.

SO ORDERED this the 15<sup>th</sup> day of November, 2004.

***In re: Acquisition of King Ranch Road Right of Way***

WHEREAS, Mr. Woody Sample of Sample & Associates did appear before the Board and requested that the Board approve the retention of Jerry Mask to perform appraisal work relative to the acquisition of rights of way along King Ranch Road,

Following discussion, Mr. Karl M. Banks did move and Mr. Paul Griffin did second a motion to retain the services of Jerry Mask to perform appraisal services associated with the acquisition of rights of way along King Ranch Road. The vote on the matter being as follows:

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

the matter carried unanimously and Mr. Mask was and is so retained.

SO ORDERED this the 15<sup>th</sup> day of November, 2004.

Thereafter, Mr. Andy Taggart did move and Mr. Karl M. Banks did second a motion to authorize and direct Mr. Sample to retain, on behalf of the county, the services of another appraiser to serve as a review appraiser at a cost not to exceed that approved for the primary appraiser. The vote on the matter being as follows:

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

the matter carried unanimously and Mr. Sample was and is so authorized.

SO ORDERED this the 15<sup>th</sup> day of November, 2004.

***In re: Support of CDBG Block Grant Proposal***

WHEREAS, Ms. Mitzi Stubbs with the Central Mississippi Planning and Development District did appear before the Board and presented the following Resolution for its consideration:

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

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

**RESOLUTION**

WHEREAS, Madison County, Mississippi, recognizes that community development is a priority concern in this area; and

WHEREAS, the Board of Supervisors of Madison County, Mississippi, desires technical assistance from the Central Mississippi Planning and Development District for the purpose of improving the overall well-being of this area; and

WHEREAS, this technical assistance is for the specific function of submission of an application for FY 2005 Community Development Block Grant for Public Facility Improvements; and

WHEREAS, the District is authorized to investigate, prepare and direct applications for funding to the State of Mississippi.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors on behalf of Madison County, Mississippi requests assistance from the Central Mississippi Planning and Development District and shows its intent to apply for Community Development Block Grant funds, and that the District is requested to aid Madison County, Mississippi in this matter. The Board further designates the Board President to act as a representative of the County in this matter and to execute all necessary forms and documents on behalf of the County.

FURTHER, BE IT RESOLVED, that the Board of Supervisors of Madison County, Mississippi does authorize the advertisement of public hearings to be held in conjunction with this CDBG project.

Following discussion, Mr. Karl M. Banks did move and Mr. Paul Griffin did second a motion to adopt and approve the above and foregoing Resolution. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye <sup>1</sup>
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said Resolution was and is hereby adopted.

SO ORDERED this the 15<sup>th</sup> day of November, 2004.

***In re: Close out of CDBG Tin Top Project Grant***

WHEREAS, Mr. Fletcher Shaw, administrator of the county's CDBG grant for the Tin Top Project did appear before the Board and presented certain close out documentation, indicating that the execution of the same was necessary in order to fully conclude said project as required under the terms and conditions of said grant, and

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

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

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<sup>1</sup>After casting his vote on this matter, Mr. Johnson excused himself from the meeting.

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

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

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 documentation was and is hereby approved and the Board President was and is hereby so authorized.

SO ORDERED this the 15<sup>th</sup> day of November, 2004.

***In re: Request of Road Department to Advertise for Bids for Certain Management Software***

WHEREAS, County Road Manager Prentiss Guyton did appear before the Board and requested that the Board advertise for certain road department management software in order to improve workflow and accountability within the Road Department, and

WHEREAS, Mr. Guyton did present certain specifications which appeared to be narrowly tailored to one particular brand of software, a true and correct copy of such specifications may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Andy Taggart did move and Mr. Karl M. Banks did second a motion to authorize the Road Manager to advertise for bids for road department management software based upon specifications designed by the Road Department itself and not by one particular software vendor, said specifications to fairly and accurately reflect the needs of the Madison County Road Department. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and the Road Manager was and is so authorized.

SO ORDERED this the 15<sup>th</sup> day of November, 2004.

***In re: Request to Make Improvements to the Entrance to, and the County Right of Way Through, Kirkwood Cemetery***

WHEREAS, Mr. Eugene Sawyer did appear before the Board and requested that the Board apply gravel to the entrance to Kirkwood Cemetery, an historically significant abandoned cemetery, and

WHEREAS, Chancery Clerk Arthur Johnston did report that the county owned said cemetery due to a deed to the same received and put on record in his office in 1969, said deed being located in Book 116, Page 148,

Following discussion, Mr. Paul Griffin did move and Mr. Karl M. Banks did second a motion to authorize County Road Manager Prentiss Guyton to improve the county right of way through said cemetery as he deems necessary and to consult with the County Engineer as to the specifics thereof. The vote on the matter being as follows:

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

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

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 (4-1) vote of those present and the Road Manager and the County Engineer were and are hereby so directed.

SO ORDERED this the 15<sup>th</sup> day of November, 2004.

***In re: Consideration of Supplemental Agreement – Old Yazoo City Bridge Construction (State Aid Project No. BR-0045(21)B***

WHEREAS, State Aid and LSBP Engineer Rudy Warnock did appear before the Board and presented that certain Supplemental Agreement with Key, LLC revising certain quantities and costs associated with the Old Yazoo City Bridge Construction Project (BR-0045(21)B) culminating in an increase of \$6,300 in the construction costs associated therewith, and

WHEREAS, Mr. Warnock did request the approval of said Supplemental Agreement, a true and correct copy of which is attached hereto as Exhibit A, spread hereupon, and incorporated herein by reference,

Following discussion, Mr. Karl M. Banks did move and Mr. Andy Taggart did second a motion to approve said Supplemental Agreement and add the same as a pay item relative to said project. 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 Supplemental Agreement was and is hereby approved.

SO ORDERED this the 15<sup>th</sup> day of November, 2004.

***In re: Approval of Bridge Program Recommendations***

WHEREAS, State Aid and LSBP Engineer Rudy Warnock did appear before the Board and presented correspondence dated November 11, 2004, together with a tabulation of recommendations concerning the use of LSBP funds to make county bridges safer, and

WHEREAS, a true and correct copy of said correspondence, together with the tabulation prepared by Mr. Warnock containing his and his recommendations are attached hereto as Exhibit B, spread hereupon, and incorporated herein by reference (photos are omitted but may be found in the Miscellaneous Appendix to these Minutes),

Following discussion, and after first determining that said recommendations were in the best interest of Madison County, Mr. Karl M. Banks did move and Mr. Andy Taggart did second a motion to direct and instruct State Aid and LSBP Engineer Rudy Warnock and the Board President, if needed, to take all steps necessary implement said recommendations and program the bridges listed in the aforesaid exhibit forthwith. The vote on the matter being as follows:

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

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

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 recommendations were and are hereby adopted and the bridges referenced in Exhibit B were and are hereby ordered to be programmed.

SO ORDERED this the 15<sup>th</sup> day of November, 2004.

***In re: Approval of Final Plat of West Madison Estates Subdivision***

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

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

WHEREAS, Mr. McKenzie did also advise the Board that the street listed on said plat is to be accepted as public road, and added to the County Road Register, to the extent such street is depicted on said plat, to-wit:

Rabbit Run Lane

Following discussion of this matter, Mr. Andy Taggart did move and Mr. Karl M. Banks did second a motion (1) to approve said final plat, subject to the requirement that approval of the Madison County Board of Supervisors would be required on any changes to said plat and/or the accompanying covenants until such time as fifty percent (50%) of the lots in the subdivision are sold to individuals and subject to zoning ordinances that the Board finds will be applicable upon adoption thereof in the future, and (2) to adopt the above-listed street as a public road insofar as the same is depicted on said plat. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and the final plat of West Madison Estates Subdivision was and is hereby approved with the aforesaid provisos and said road was and is hereby accepted as a public street.

SO ORDERED this the 15<sup>th</sup> day of November, 2004.

***In re: Appointment of Committee to Inspect and Make Recommendation on Whether to Accept King Ranch Circle as Public Road for Maintenance Purposes***

WHEREAS, Mr. Frank Carter with Region 6 Housing Authority did appear before the Board and requested that the Board accept King Ranch Circle for maintenance purposes, pointing out to the Board that the county has previously accepted said road as a public road but did not

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

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



accept it for maintenance purposes due to the fact that said road is of concrete construction and the county was then unable to maintain and repair concrete roads,

Following discussion, Mr. Karl M. Banks did move and Mr. Paul Griffin did second a motion to appoint a committee comprised of the Board President and Supervisor Karl M. Banks to inspect, evaluate and make a recommendation as to the condition of said road and as to whether the county should undertake to maintain the same. 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 <sup>2</sup>
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and said committee was and is hereby so appointed.

SO ORDERED this the 15<sup>th</sup> day of November, 2004.

***In re: Approval of Nine (9) Certain Utility Permits***

WHEREAS, County Engineer Mike McKenzie did appear before the Board requesting approval of nine (9) certain permits allowing use and occupancy for the construction or adjustment of a utility within certain roads or highway rights of way, and

WHEREAS, said permits were as follows:

- (1) Time Warner Cable - placement of underground CATV cable by means of trenching and/or boring on Vinings Drive in Reunion
- (2) Entergy - construct 3 - 3 phase primary conductors across Gluckstadt Rd. to serve Providence Subdivision per WR # 32005954534
- (3) Bear Creek Water Assoc. - install approximately 5,500 l.f. of 12" c.l. 160 pvc waterline 10" inside of, along, and parallel to the south right-of-way of Gluckstadt Road
- (4) Bear Creek Water Assoc. - install approximately 2,700 l.f. of 12" c.l. 160 pvc waterline 5' inside of, along, and parallel to the south right-of-way of Gluckstadt Road
- (5) BellSouth Telecommunications - place cable for service on Yandell Road
- (6) Centerpoint Energy - beginning at the intersection of Caroline Blvd and Stribling Rd., begin on north side of Stribling Rd. Right of way and west side of Caroline Blvd. Continues west on the north side of Stribling Rd. For approximately 730' with a 6" gas line, then bore 6" gas line at a minimum depth of 36" to south side of Stribling Rd right of way
- (7) BellSouth Telecommunications - place cable for service on Sowell Road
- (8) Denbury Onshore, LLC - a directional road bore under Hampton Hills Blvd. in the Hampton Hills Subdivision for the purpose of laying an 8" CO2 gas pipeline
- (9) Denbury Onshore, LLC - directional road bore under Yandell Road in Section 24 & 25, T8N, R2E for the purpose of laying an 8" CO2 gas pipeline

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

WHEREAS, the Board does desire to approve said applications,

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<sup>2</sup>After casting his vote on this matter, Mr. Banks excused himself from the meeting.

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

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

Following discussion, Mr. Andy Taggart did offer and Mr. Paul Griffin did second a motion to approve said permit applications. 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	Not Present and Not Voting
Supervisor Paul Griffin	Aye

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

SO ORDERED this the 15<sup>th</sup> day of November, 2004.

***In re: Authorization for Travel, Overnight Accommodations, Meal, Registration, Dues and Related Expenses Associated with the Attendance upon the National Association of County Recorders, Election Officials and Clerks – Educational Conference December 1 - 3, 2004 in Atlanta, Georgia***

WHEREAS, Chancery Clerk Arthur Johnston did appear before the Board and requested, on behalf of himself, Circuit Clerk Lee Westbrook, and Comptroller Mark Houston, authorization to attend an Educational Conference sponsored by the National Association of County Recorders, Election Officials and Clerks December 1 - 3, 2004 in Atlanta, Georgia and did further request approval of travel, overnight accommodations, meal, registration, dues and related expenses associated therewith, and

WHEREAS, Mr. Johnston did explain that attendance upon this conference would afford an opportunity to learn techniques and technological advancements used by court clerks, election officials and county recorders all across the southeast which would further his goal of Madison County setting an example in how to conduct the affairs of county government,

Following discussion, Mr. Douglas L. Jones did move and Mr. Andy Taggart did second a motion to authorize and approve the payment, from county funds, of travel, overnight accommodation, meal, registration, dues, and related expenses for Chancery Clerk Arthur Johnston, Circuit Clerk Lee Westbrook and County Comptroller Mark Houston to attend said Educational Conference. 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	Not Present and Not Voting
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and said travel and related expenses were and are hereby authorized and approved.

SO ORDERED this the 15<sup>th</sup> day of November, 2004.

***In re: Consideration of Invoice of Sterling Consultants for Preparation of Map and Survey of Rice Road Right of Way***

WHEREAS, County Administrator Donnie Caughman did appear before the Board and requested the Board approve payment of that certain invoice No. 04561 in the amount of

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

\$4,381.20 from Sterling Consultants reflecting professional services rendered by said firm in preparing a map and survey of the county's right of way along Rice Road,

Following discussion, Mr. Andy Taggart did move and Mr. Paul Griffin did second a motion to authorize the immediate payment of said invoice by the Chancery Clerk, the Board finding there to have been an appropriate and proper public need for the performance of such services. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye <sup>3</sup>
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Not Present and Not Voting
Supervisor Paul Griffin	Aye

the matter carried unanimously and said invoice was and is hereby ordered to be paid by the Chancery Clerk.

SO ORDERED this the 15<sup>th</sup> day of November, 2004.

***In re: Claim of Bernice Bennett for Damage to Vehicle***

WHEREAS, County Administrator Donnie Caughman did appear before the Board and recommended that the Board pay an invoice from Manning Tire Company in the amount of \$434.43 representing the cost of repair to a vehicle owned by Ms. Bernice Bennett, the damage to which allegedly occurred as the result of a buckle in the roadway of North Livingston Road, which buckle allegedly stemmed from an improper or insufficient repair of a pothole, and

WHEREAS, Mr. Caughman reported that his investigation revealed that Mrs. Bennett reported the incident and damage to the Road Department on October 21, 2004 – rather than on October 22, 2004 as she originally claimed – and presented a copy of Road Department phone message logs supporting this conclusion, and

WHEREAS, Mr. Caughman also reported that Daily Work Sheets maintained by the Road Department reflected pothole repair on October 22, 2004, the day following the accident (resulting from Mrs. Bennett's report) but no recent repair work on that road prior thereto, and

WHEREAS, Board Attorney Edmund L. Brunini, Jr. did offer the opinion that the county was likely not liable for said damage since the state of disrepair was not caused or known by the county prior to the accident and since the county apparently did not perform recent defective pothole repair work in the area; however, Mr. Brunini did recommend the Board pay said invoice as a settlement of a disputed claim and in an effort to avoid litigation, and

WHEREAS, documentation pertaining to said claim and damage may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Paul Griffin did offer a motion to deny the claim since the county was not liable and since the payment of the same would open the door for more such claims for which the county could and should not be held liable or responsible. However, said motion failed for lack of a second.

Thereafter, Mr. Tim Johnson did move and Mr. Andy Taggart did second a motion to pay the amount of the invoice to Manning Tire Company as a settlement of a disputed claim and in an effort to avoid litigation. The vote on the matter being as follows:

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<sup>3</sup>Prior to the call of the question, Mr. Johnson returned to the meeting

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

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

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	No <sup>4</sup>
Supervisor Paul Griffin	No

the matter carried by a majority vote (3-2) of the Board and the invoice from Manning Tire Company in the amount of \$434.43 was and is hereby ordered to be paid by the Chancery Clerk.

SO ORDERED this the 15<sup>th</sup> day of November, 2004.

***In re: Approval of a Certain 16th Section Lease***

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

Lessees: Olufemi Okunoren  
 Description: Lot 11, Calumet Subdivision, Part 1  
 Lease Term: 40 years

<u>Year</u>	<u>Annual Rent</u>
01-05	\$ 625.00
06-10	\$ 687.50
11-15	\$ 750.00
16-20	\$ 812.50
21-25	\$ 875.00
26-30	\$ 937.50
31-35	\$1,000.00
36-40	\$1,062.50

Mr. Tim Johnson did move and Mr. Paul Griffin did second a motion to approve the 16th Section Leases as set forth above, as submitted by the Madison County School Board. The vote on the matter being as follows,

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

the matter carried by a majority vote (4-1) of the Board and said lease was and is hereby approved.

SO ORDERED this the 15<sup>th</sup> day of November, 2004.

***In re: Consideration of Requesting a Second Advance in the Amount of \$896,194.48 From the Mississippi Development Bank Loan***

The Board of Supervisors of Madison County, Mississippi (the "County") acting for and on behalf of the County, took up for consideration the matter of requesting and authorizing a Second

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<sup>4</sup>Prior to the call of the question, Mr. Banks returned to the meeting.

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

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

Advance under the loan between the Mississippi Development Bank and the County dated July 27, 2004, After a discussion of the subject, Supervisor Karl M. Banks offered and moved for the adoption of the following resolution:

**RESOLUTION OF THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI (THE "COUNTY") AUTHORIZING A SECOND ADVANCE UNDER THAT CERTAIN LOAN AGREEMENT, DATED JULY 27, 2004, BY AND BETWEEN THE MISSISSIPPI DEVELOPMENT BANK AND THE COUNTY.**

**WHEREAS**, through its Resolution dated July 16, 2004, the Board of Supervisors of the County approved a loan from the Mississippi Development Bank to the County in an amount not to exceed \$15,000,000 (the "Loan") pursuant to the terms and conditions of that certain Loan Agreement (the "Loan Agreement"), dated July 27, 2004, by and between the Mississippi Development Bank and the County;

**WHEREAS**, the Board of Supervisors of the County now finds it necessary to approve the Second Advance under the Loan for the purpose of paying construction fees and expenses incurred in connection with the construction of the Reunion Parkway Project (the "Project");

**WHEREAS**, pursuant to Mississippi Code §31-25-27, the County is authorized to request an advance under the Loan to raise money for the Project;

**WHEREAS**, pursuant to Section 3.02 of the Loan Agreement, the minimum Request for Advance shall be in the amount of \$100,000;

**WHEREAS**, on August 2, 2004, the County received the first advance under the Loan in the amount of One Hundred Sixty Thousand Five Hundred Dollars (\$160,500);

**WHEREAS**, through its Resolution dated July 16, 2004, the Board of Supervisors of the County approved the substantial form of the Request for Advance to be used with each advance under the Loan,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI:**

**Section 1.** The Board of Supervisors of the County hereby finds that it is necessary and in the public interest to request an advance in the amount of Eight Hundred Ninety Six Thousand One Hundred Ninety Four and 48/100 Dollars (\$896,194.48) from the Loan to raise money for the Project.

**Section 2.** The Board of Supervisors of the County hereby authorizes and approves the Second Advance under the Loan in the amount of Eight Hundred Ninety Six Thousand One Hundred Ninety Four and 48/100 Dollars (\$896,194.48) for the Project.

**Section 3.** The President of the Board of Supervisors and the Chancery Clerk are hereby authorized and directed to execute the Request for Second Advance on behalf of the County with such changes, completions, insertions and modifications as shall be approved by the officers executing same.

**Section 4.** The disbursement by the Trustee of the Second Advance to the County shall be noted on Schedule I of the Promissory Note. The repayment of the principal amount of the Second Advance shall be payable in monthly installments which shall be set forth on Schedule II of the Promissory Note. The term for repayment of amounts advanced hereunder shall not exceed twenty (20) years.

**Section 5.** The Board of Supervisors hereby directs the Chancery Clerk to deposit and/or credit

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the proceeds of this advance into the 1999 Mississippi Development Bank Pool Loan Fund created in connection with the Loan.

**Section 6.** The Board of Supervisors authorizes and directs the Chancery Clerk to pay the invoice(s), submitted with the Request for Second Advance, within five (5) business days of receipt of the funds.

**Section 7.** The President of the Board of Supervisors and Chancery Clerk are hereby authorized and directed for and on behalf of the County to take any and all action as may be required by the County to carry out and give effect to the aforesaid documents authorized pursuant to this Resolution and to execute all papers, documents, certificates and other instruments that may be required for the carrying out of the authority conferred by this Resolution in order to evidence the authority.

**Section 8.** The Board of Supervisors hereby approves the Schedule of Principal Installments, as set forth in Exhibit A to this Resolution (Exhibit C to these Minutes), for the Second Advance under the Loan to be attached to the Promissory Note entered into by the County on July 27, 2004.

Supervisor Paul Griffin seconded the motion to adopt the foregoing Resolution and, the question being put to a roll call vote, the result was as follows:

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

the matter carried unanimously and said Resolution was and is hereby adopted.

SO ORDERED this the 15<sup>th</sup> day of November, 2004.

***In re: Approval of Claims Docket for November 15, 2004***

WHEREAS, the Board reviewed the claims docket for November 15, 2004; and

WHEREAS, County Comptroller Mark Houston drew the Board’s attention to a Red River invoice and suggested that the Board hold claim # 21 or alternatively, pay only 98.6% thereof,

Following discussion, Mr. Andy Taggart did move and Mr. Tim Johnson did second a motion to pay only 98.6% of claim # 21 . 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 Chancery Clerk was and is directed to pay only 98.6% of claim # 21 .

SO ORDERED this the 15<sup>th</sup> day of November, 2004.

Thereafter, as to the remaining items on said Docket, the Chancery Clerk did assure the Board of

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Supervisors that all claims had been properly documented and where necessary, purchase orders were obtained in advance as required by law; and

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

Fund	Claim Nos.	No. of Checks	Amount
001	588 to 1218	630	292,946.82
012	23 to 26	4	2,955.17
097	39 to 44	6	1,446.23
105	21 to 26	6	146,869.57
113	5 to 6	2	8,288.98
116	8 to 8	1	80.98
120	9 to 10	2	207.54
137	24 to 25	2	82.78
150	152 to 211	60	149,623.77
170	1 to 1	1	7,865.65
190	41 to 49	9	5,476.73
226	3 to 3	1	106,474.74
401	2 to 2	1	4,183.73
TOTAL ALL FUNDS		725	722,987.96

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 D, 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 <sup>5</sup>
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and said Claims Docket was and is hereby approved with the exception of the above noted held items, and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

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

***In re: Approval of Professional Service Contract with Joseph Orr, Architect***

WHEREAS, County Administrator Donnie Caughman did appear before the Board and reported that he had received a certain AIA form contract from Joseph Orr, the architect previously selected by the Board to serve as the architect for the proposed Lake Caroline Fire Station, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to

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<sup>5</sup>Prior to the call of the question, Mr. Johnson briefly excused himself from the meeting and returned immediately thereafter.

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approve said contract and authorize the Board President to execute the same. The vote on the matter being as follows:

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

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

SO ORDERED this the 15<sup>th</sup> day of November, 2004.

**In re: Calhoun Station Parkway: Final Approval of Professional Engineering Services Agreement Between Madison County and Rudy Warnock (Construction Phase)**

WHEREAS, State Aid and LSBP Engineer Rudy Warnock did appear before the board and presented an agreement to the Board of Supervisors *for construction phase services* as to the Calhoun Station Parkway project, and

WHEREAS, Board Attorney Edmund L. Brunini, Jr. did report to the Board that he had reviewed and revised said agreement and found the provisions thereof to be in order,

Following discussion, Mr. Andy Taggart did move and Mr. Karl M. Banks did second a motion to approve and authorize the Board President to execute that certain "*Agreement Between Owner and Engineer for Professional Engineering Services by and Between Madison County as Owner and Rudy Warnock as Engineer for **Construction Phase Services** on Calhoun Station Parkway, Madison County, Mississippi,*" which agreement may be found in the Miscellaneous Appendix to these Minutes, provided, however, (1) that the computer/cpu charge of \$20.00 per hour, the personal computer charge of \$20.00 per hour, and the mobile phone charge of \$50.00 per day as contained in Appendix 1 to Exhibit C be deleted therefrom, and (2) that the Engineer's compensation for construction phase services as set forth in Exhibit C, section C2.01, paragraph A, subparagraph 2 be reduced from 7.2% to 6.2%. 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 Agreement was and is hereby approved with the above and foregoing modifications, and the Board President was and is hereby authorized to execute the same.

SO ORDERED this the 15<sup>th</sup> day of November, 2004.

**In re: Establishment of Schedule for Board Meetings**

WHEREAS, County Administrator Donnie Caughman did appear before the Board and reported that, in light of the relocation of certain county offices due to the state of disrepair of the Courthouse Annex, the best location for this Board to conduct its regular meetings would be in courtroom 2 in the Circuit Courthouse, and

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WHEREAS, Mr. Caughman did report that he and the Board President and the Chancery Clerk had conferred with county judges as well as Circuit Clerk Lee Westbrook and learned that the Board's continued Monday schedule would conflict with court use of said courtroom and that while the courthouse could accommodate the Board's statutorily required meetings on the first Monday of every month, in order to make use of said courtroom and not conflict with schedule court proceedings, a return to the Board's former schedule of meeting on the second Friday following the first Monday and the third Friday following the first Monday would be necessary,

Following a lengthy discussion, Mr. Andy Taggart did move and the Board President did second a motion to return to the former schedule of meetings as follows and to conduct said meetings in courtroom 2 of the Circuit Courthouse located at 128 West North Street, Canton, Mississippi, all of which is to be effective December 17, 2004, to-wit:

**First Monday of Each Month:** approve minutes of previous meetings, claims docket, financial and budget reports, budget amendments, policy, personnel, county projects {ongoing or proposed}, quarterly allocations, receive bids, changes in homestead/real and personal property rolls, Reports and/or request from elected officials or department heads.

**Second Friday Following the First Monday of Each Month:** work session

**Third Friday Following the First Monday of Each Month:** public concerns and issues, public hearings, claims docket.

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	No
Supervisor Paul Griffin	No

the matter carried by a majority vote (3-2) of the Board and the above and foregoing meeting schedule was and is adopted effective December 17, 2004, and the location of the meetings of this Board was and is changed to courtroom 2 of the Circuit Courthouse effective December 17, 2004.

SO ORDERED this the 15<sup>th</sup> day of November, 2004.

***In re: Authorization of Travel and Related Expenses for Attendance at Retreat with Officials From the City of Canton***

WHEREAS, County Administrator Donnie Caughman did appear before the Board and reported that officials with the City of Canton have requested that Board members and the County Administrator attend their Retreat which is to be held on December 16 and 17, 2004 at the Golden Moon Hotel and Resort in Philadelphia, Mississippi, and

WHEREAS, the Board does desire to accommodate said request and authorize the payment of any and all travel, meal, hotel and related expenses associated therewith for any Supervisor and the County Administrator to attend upon said retreat,

Following discussion, Mr. Paul Griffin did move and Mr. Karl M. Banks did second a motion to authorize the payment of any and all travel, meal, hotel and related expenses associated therewith for any Supervisor and the County Administrator to attend said retreat. 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 such travel and expenses were and are hereby authorized.

SO ORDERED this the 15<sup>th</sup> day of November, 2004.

***In re: Allocation of Office Space to Tax Collector, Tax Assessor and County Departments Currently Located in Courthouse Annex***

WHEREAS, County Administrator Donnie Caughman did appear before the Board and requested authority to enter into a written lease agreement with Sulm Venture, LLC, owner of the building immediately adjacent to the Chancery and Administrative Building at a rate not to exceed \$1,650.00 per month for a term not to exceed one (1) year, and

WHEREAS, said building is to be used as office space to house county departments which are being relocated due to the state of disrepair and hazardous conditions of the Courthouse Annex,

Following discussion, Mr. Tim Johnson did move and Mr. Paul Griffin did second a motion to authorize the County Administrator and/or the Board President to execute such lease agreement, a true and correct copy of which is attached hereto as Exhibit E, spread hereupon and incorporated herein by reference. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Not Present and Not Voting <sup>6</sup>
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said lease agreement was and is hereby approved and the Board President and the County Administrator were and are hereby authorized to execute the same.

SO ORDERED this the 15<sup>th</sup> day of November, 2004.

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor Tim Johnson and seconded by Supervisor Paul Griffin and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Monday, November 22, 2004 at 9:00 a.m. for the purpose of conducting certain public hearings as previously noticed by the Board and any other business which may properly come before the Board.

\_\_\_\_\_  
Douglas L. Jones, President  
Madison County Board of Supervisors

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

<sup>6</sup>Prior to the call of the question, Mr. Taggart excused himself from the meeting.

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

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

ATTEST:

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

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

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