

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

REGULAR MEETING OF NOVEMBER 22, 2004
Recessed from regular meeting conducted on November 15, 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 22, 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:	Absent:
Supervisor Douglas L. Jones	None
Supervisor Tim Johnson	
Supervisor Andy Taggart	
Supervisor Karl M. Banks	
Supervisor Paul Griffin	
Sheriff Toby Trowbridge	
Chancery Clerk Arthur Johnston	

Also in attendance:

County Administrator Donnie Caughman
County Comptroller Mark Houston
County Road Manager Prentiss Guyton
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 Reverend Norman Perkins opened the meeting with a prayer and Supervisor Andy Taggart led the members and the audience in the Pledge of Allegiance to the Flag of the United States of America.

In re: Petition of Kenneth Barnes for a Special Exception to Conduct a Surface Mining Operation

WHEREAS, the Board of Supervisors had previously advertised its intent to conduct a public hearing concerning the request of Mr. Kenneth Barnes for a Special Exception to Conduct a Surface Mining Operation on property zoned R-1 Residential District use on certain property situated in Section 29, T7N, R1E, and

WHEREAS, the Board authorized the publication of notice in the *Madison County Herald*, a newspaper of general circulation in Madison County, the same having been accomplished on November 4, 2004, and

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

WHEREAS, the date and hour as advertised did arrive and the Board President declared open the public hearing to consider the request of Mr. Kenneth Barnes for a Special Exception to conduct surface mining in R-1 Residential District, and

WHEREAS, the Planning and Zoning Commission did recommend approval of the

President's Initials: _____

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request, with the hours of operation being 7 a.m. to 7 p.m. daylight savings time and 7 a.m. to 5 p.m. otherwise, for a period not to exceed three (3) years, and

WHEREAS, no one appeared in opposition thereto, despite the giving of full and proper notice hereof,

Following discussion, Mr. Andy Taggart did move and Mr. Paul Griffin did second a motion to close the public hearing and grant the special exception. 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	Not Present and Not Voting
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and the public hearing was and is hereby closed and the special exception sought by Mr. Kenneth Barnes was and is hereby granted.

SO ORDERED this the 22nd day of November, 2004.

In re: Petition of Cooperative Baptist Fellowship of Mississippi for a Special Exception to Use Existing Residential Structure in A-1 District for Church Related Uses, Gluckstadt Road

WHEREAS, the Board of Supervisors had previously advertised its intent to conduct a public hearing concerning the request of Rev. Norman Perkins representing Cooperative Baptist Fellowship of Mississippi for a Special Exception to Use Existing Residential Structure in A-1 District for Church Related Uses on Gluckstadt Road, and

WHEREAS, the Board authorized the publication of notice in the *Madison County Herald*, a newspaper of general circulation in Madison County, the same having been accomplished on November 4, 2004, and

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

WHEREAS, the date and hour as advertised did arrive and the Board President declared open the public hearing to consider the request of Cooperative Baptist Fellowship of Mississippi for a Special Exception to use existing residential structure in A-1 District for church related uses, and

WHEREAS, the Planning and Zoning Commission did recommend approval of the request, and

WHEREAS, no one appeared in opposition thereto, despite the giving of full and proper notice hereof,

Following discussion, Mr. Andy Taggart did move and Mr. Paul Griffin did second a motion to close the public hearing and grant the special exception. 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	Not Present and Not Voting
Supervisor Paul Griffin	Aye

President's Initials: _____

Date Signed: _____

the matter carried by the unanimous vote of those present and the public hearing was and is hereby closed and the special exception sought by Cooperative Baptist Fellowship of Mississippi was and is hereby granted.

SO ORDERED this the 22nd day of November, 2004.

In re: Petition of William Payne and Judith Payne for a Variance to the Minimum Side Setback

WHEREAS, the Board of Supervisors had previously advertised its intent to conduct a public hearing concerning the request of William Payne and Judith Payne for a 10' 6" variance to the minimum side setback for placement of home being Lot 18, Katherine Pointe of Lake Caroline Phase One, and

WHEREAS, the Board authorized the publication of notice in the *Madison County Herald*, a newspaper of general circulation in Madison County, the same having been accomplished on November 4, 2004, and

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

WHEREAS, the date and hour as advertised did arrive and the Board President declared open the public hearing to consider the request of William Payne and Judith Payne for a 10' 6" variance to the minimum side setback, and

WHEREAS, the Planning and Zoning Commission did recommend approval of the request, and

WHEREAS, no one appeared in opposition thereto, despite the giving of full and proper notice hereof,

Following discussion, Mr. Paul Griffin did move and Mr. Andy Taggart did second a motion to close the public hearing and grant the special exception. 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	Not Present and Not Voting
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and the public hearing was and is hereby closed and the special exception sought by William Payne and Judith Payne was and is hereby granted.

SO ORDERED this the 22nd day of November, 2004.

In re: Petition of Charles D. Holmes, Sr., Dianne D. Holmes, Trustmark National Bank, as trustee for the M. E. Ragsdale Residuary Trust and the Lula Mae Ragsdale Trust to Re-zone Certain Property

**ORDINANCE BY THE BOARD OF SUPERVISORS
OF MADISON COUNTY, MISSISSIPPI,
AMENDING THE MADISON COUNTY ZONING ORDINANCE**

President's Initials: _____

Date Signed: _____

WHEREAS, the Board of Supervisors had previously advertised its intent to conduct a public hearing concerning the request of Charles D. Holmes, Sr., Dianne D. Holmes, Trustmark National Bank, as trustee for the M. E. Ragsdale Residuary Trust and the Lula Mae Ragsdale Trust the to re-zone certain A-1 Agricultural use property to C-2 Commercial use property in Section 10, T8N-R2E in Madison County, and authorized the publication of notice in the *Madison County Herald*, a newspaper of general circulation in Madison County, and directed that the Zoning Administrator publish notice in said paper, the same having been accomplished on November 4, 2004, and

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

WHEREAS, the date and hour as advertised did arrive and the Board President declared open the public hearing to consider the request of Charles D. Homes, Sr., Dianne D. Holmes, Trustmark National Bank, as trustee for the M. E. Ragsdale Residuary Trust and the Lula Mae Ragsdale Trust to re-zone certain A-1 Agricultural use property to C-2 Commercial use property in Section 10, T8N-R2E, and

WHEREAS, County Zoning Administrator Brad Sellers did appear before the Board and presented the Petition of Charles D. Homes, Sr., Dianne D. Holmes, Trustmark National Bank, as trustee for the M. E. Ragsdale Residuary Trust and the Lula Mae Ragsdale Trust, and

WHEREAS, the Planning and Zoning Commission did recommend approval of the request, and

WHEREAS, no one appeared in opposition thereto, despite the giving of full and proper notice hereof,

Following discussion, Mr. Karl M. Banks¹ did move and Mr. Andy Taggart did second a motion to close the public hearing, grant the request and adopt the following Ordinance, to-wit:

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI, AS FOLLOWS, TO WIT:

- 1. That appropriate public need and change in character of the neighborhood having been demonstrated, the following described tract of real property be, and the same is hereby, rezoned from its present A-1 agricultural use property to C-2 commercial use:

A parcel of land lying and situated in Section 10, T8N-R2E, Madison County, Mississippi, more particularly described as follows:

Commence at a found « inch rebar marking the SE corner of the W « of the NW 1/4 of the SE 1/4 of Section 10, T8N-R2E, Madison County, Mississippi and run thence N 00 degrees 29minutes 44 seconds W along the east line of said W1/2 for 208.22 feet to the Point of Beginning:

From said point of beginning, run thence N 89 degrees 30 minutes 48 seconds W for 300.00 feet; thence run N 00 degrees 29 minutes 44 seconds for 1130.00 feet to a point lying on the south right-of-way line of New Ragsdale paved Public Road; thence run S 89 degrees 30 minutes 48 seconds E along said right-of-way line for 300.00 feet to a point where said south right-of-way line intersects the E line of the W1/2 of the NW 1/4 of the SE 1/4 of said Section 10; thence run S 00 degrees 29 minutes 44 seconds E along said east line for 1130.00 feet back to the Point of Beginning, containing 7.782 acres, more or less.

¹Mr. Banks arrived prior to the consideration of this matter.

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Date Signed: _____

2. That the Madison County Zoning Ordinance be and the Zoning District Map be and the same are hereby amended so as to reflect the foregoing change in the zoning of the above described real property.

ORDAINED, ADOPTED AND APPROVED by the Board of Supervisors of Madison County, Mississippi, at a meeting thereof held on the 22nd day of November, 2004.

The foregoing the question having been called on the foregoing motion, and the foregoing Ordinance having been first reduced to writing was read, considered and approved, section by section, and then as a whole and was submitted to the Board of Supervisors for passage or rejection on roll call vote, said vote being as follows, to wit:

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 Petition of Charles D. Holmes, Sr., Dianne D. Holmes, Trustmark National Bank, as trustee for the M. E. Ragsdale Residuary Trust and the Lula Mae Ragsdale Trust to re-zone certain A-1 Agricultural use property to C-2 Commercial use property in Section 10, T8N-R2E in Madison County was and is hereby approved, the subject property was and is hereby re-zoned, and the County zoning ordinance and map are amended accordingly.

SO ORDERED this the 22nd day of November, 2004.

In re: Petition of Donald C. Guild and Sharron M. Guild to Re-zone Certain Property

ORDINANCE BY THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI, AMENDING THE MADISON COUNTY ZONING ORDINANCE

WHEREAS, the Board of Supervisors had previously advertised its intent to conduct a public hearing concerning the request of Donald C. Guild and Sharron M. Guild to re-zone certain A-1 Agricultural District to R-2 Residential District in Section 19, T8N-R2E, Madison County, and authorized the publication of notice in the *Madison County Herald*, a newspaper of general circulation in Madison County, and directed that the Zoning Administrator publish notice in said paper, the same having been accomplished on November 4, 2004, and

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

WHEREAS, the date and hour as advertised did arrive and the Board President declared open the public hearing to consider the request of Donald C. Guild and Sharron M. Guild to re-zone certain A-1 Agricultural use property to R-2 Residential District in Section 19, T8N, R2E, Madison County, and

WHEREAS, County Zoning Administrator Brad Sellers did appear before the Board and presented the Petition of Donald C. Guild and Sharron M. Guild, and

WHEREAS, the Planning and Zoning Commission did recommend approval of the request, and

WHEREAS, no one appeared in opposition thereto, despite the giving of full and proper notice hereof,

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Date Signed: _____

Following discussion, Mr. Karl M. Banks did move and Mr. Andy Taggart did second a motion to close the public hearing, grant the request and adopt the following Ordinance, to-wit:

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI, AS FOLLOWS, TO WIT:

1. That appropriate public need and change in character of the neighborhood having been demonstrated, the following described tract of real property be, and the same is hereby, rezoned from its present A-1 Agricultural District to R-2 Residential District:

A parcel of land lying and situated in Section 19, T8N, R2E, Madison County, Mississippi, more particularly described as follows:

Parcel One

75.338 Acres in the S1I2 NEI/4 & N1/2 SE1I4 Section 19, T8N, R2E, Madison County

Begin at the Northeast Corner of the Northeast Quarter of the Southeast Quarter of Section 19, Township 8 North, Range 2 East, Madison County, Mississippi; said corner being also described as the Southeast Corner of the Southeast Quarter of the Northeast Quarter of Section 19; said corner being also described as the Southwest Corner of the Southwest Quarter of the Northwest Quarter of Section 20, Township 8 North, Range 2 East, Madison County, Mississippi, and said corner being also the Northwest Corner of Ridgefield Part Two, a subdivision according to the map or plat thereof which is filed for record in the office of the Chancery Clerk of Madison County, Mississippi, in Canton, Mississippi, in Plat Cabinet D in Slide 124, reference to which is hereby made for all purposes.

From said point of beginning, run thence South 00° 03' 02" East along the east line of said Northeast Quarter of the Southeast Quarter of Section 19 for a distance of 677.91' to a point; run thence North 89° 46' 23" West for a distance of 1,847.97' to the southeast corner of that certain 4.00 acre parcel of land conveyed the Warranty Deed filed for record in the office of said Chancery Clerk in Book 296 beginning at Page 354 thereof, reference to which is hereby made for all purposes; run thence North 01° 38' 40" East along the east line of said 4.00 acre parcel of land for a distance of 220.00' to a point; run thence North 89° 46' 23" West along the north line of said 4.00 acre parcel of land for a distance of 778.20' to a point on the east right-of-way line of Catlett Road, a public road, as said east right-of-way line is now laid out and established 35.0' east of the center of said road; run thence North 01° 07' 34" East along the east right-of-way line of said Catlett Road for a distance of 1,097.24' to a point; run thence South 89° 59' 45" East for a distance of 2,600.75' to a point on the east line of said Southeast Quarter of the Northeast Quarter of Section 19; run thence South 00° 16' 17" West along the east line of said Southeast Quarter of the Northeast Quarter of Section 19 for a distance of 649.25' to the point of beginning.

The above described parcel of land is situated in the Northeast Quarter (NEI/4) of the Southeast Quarter (SEI/4), in the Northwest Quarter (NW1/4) of the Southeast Quarter (SEI/4), in the Southwest Quarter (SWI/4) of the Northeast Quarter (NE 1/4) , and in the Southeast Quarter (SEI/4) of the of the Northeast Quarter (NEI/4) , all in Section 19, Township 8 North, Range 2 East, Madison County, Mississippi, and contains 75.338 acres, more or less.

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Parcel Two

22.005 Acres in the S1/2 NW1/4 Section 20, T8N, R2E, Madison County

Begin at the Southwest Comer of the Southwest Quarter of the Northwest Quarter of Section 20, Township 8 North, Range 2 East, Madison County, Mississippi; said comer being also described as the Southeast Comer of the Southeast Quarter of the Northeast Quarter of Section 19, Township 8 North, Range 2 East, Madison County, Mississippi; and said comer being also the Northwest Comer of Ridgefield Part Two, a subdivision according to the map or plat thereof which is filed for record in the office of the Chancery Clerk of Madison County, Mississippi, in Canton, Mississippi, in Plat Cabinet D in Slide 124, reference to which is hereby made for all purposes.

From said point of beginning, run thence North 000 16' 17" East along the west line of said Southwest Quarter of the Northwest Quarter of Section 20 for a distance of 693.06' to a point; run thence North 890 46' 38" East for a distance of 1,383.05' to a point; run thence South 000 15' 49" West for a distance of 693.06' to a point on the south line of the South Half of the Northwest Quarter of said Section 20; run thence South 890 46' 38" West along said south line of the South Half of the Northwest Quarter of Section 20 for a distance of 1,383.14' to the point of beginning.

The above described parcel of land is situated in the Southeast Quarter (SE1/4) of the Northwest Quarter (NW1/4) and in the Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4) of Section 20, Township 8 North, Range 2 East, Madison County, Mississippi, and contains 22.005 acres, more or less.

2. That the Madison County Zoning Ordinance be and the Zoning District Map be and the same are hereby amended so as to reflect the foregoing change in the zoning of the above described real property.

ORDAINED, ADOPTED AND APPROVED by the Board of Supervisors of Madison County, Mississippi, at a meeting thereof held on the 22nd day of November, 2004.

The foregoing the question having been called on the foregoing motion, and the foregoing Ordinance having been first reduced to writing was read, considered and approved, section by section, and then as a whole and was submitted to the Board of Supervisors for passage or rejection on roll call vote, said vote being as follows, to wit:

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 Petition of Donald D. Guild and Sharron M. Guild to re-zone certain A-1 Agricultural District to R-2 Residential District in Section 19, T8N-R2E in Madison County was and is hereby approved, the subject property was and is hereby re-zoned, and the County zoning ordinance and map are amended accordingly.

SO ORDERED this the 22nd day of November, 2004.

In re: Alleged Zoning Violation by Georgia Mae Blackmon

WHEREAS, County Zoning Administrator Brad Sellers did appear before the Board advising that certain property bearing parcel # 093D-17C-096, being Lot 30, Presidential Heights Subdivision, Part One, located in Section 17, T9N, R3E and owned by Georgia Mae Blackmon stood in violation of certain provisions of the Madison County Zoning Ordinance, and required

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clean up and/or other legal action to rectify the same, and

WHEREAS, Mr. Sellers did report that the Board had previously authorized the giving of public notice of its intent to conduct public hearing to abate said violation and assess the costs and fines thereof to the respective record owners, with said hearing to be conducted on November 22, 2004, at 9:00 am, and

WHEREAS, Mr. Sellers did report that he had made repeated efforts at notification to the record owner, to no avail, and that, in his estimation, said property constituted a nuisance and was a hazard to the area and the county,

Following review and discussion of this matter and upon the arrival of the appointed date and time, Mr. Paul Griffin did move and Mr. Tim Johnson did second a motion to find said structures to be in violation of the zoning ordinances of Madison County and to direct the Zoning Administrator to demolish or otherwise remove the structures in question and to charge the expenses associated therewith to the responsible taxpayer via the tax roll. The vote on the matter being as follows:

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

the matter carried unanimously and said structures were and are hereby declared in violation of the zoning ordinances of Madison County and the Zoning Administrator was and is hereby directed to demolish or otherwise remove the structures in question and to charge the expenses associated therewith to the responsible taxpayer via the tax roll accordingly.

SO ORDERED this the 22nd day of November, 2004.

In re: Alleged Zoning Violation by Emmia Ray

WHEREAS, County Zoning Administrator Brad Sellers did appear before the Board advising that certain property bearing parcel # 123G-36-021, located on Highway 51, Section 36, T12N, R3E and owned by Emmia Ray stood in violation of certain provisions of the Madison County Zoning Ordinance, and required clean up and/or other legal action to rectify the same, and

WHEREAS, Mr. Sellers did report that the Board had previously authorized the giving of public notice of its intent to conduct public hearing to abate said violation and assess the costs and fines thereof to the respective record owners, with said hearing to be conducted on November 22, 2004, at 9:00 am, and

WHEREAS, Mr. Sellers did report that he had made repeated efforts at notification to the record owner, to no avail, and that, in his estimation, said property constituted a nuisance and was a hazard to the area and the county,

Following review and discussion of this matter and upon the arrival of the appointed date and time, Mr. Paul Griffin did move and Mr. Karl M. Banks did second a motion to find said structures to be in violation of the zoning ordinances of Madison County and to direct the Zoning Administrator to demolish or otherwise remove the structures in question and to charge the expenses associated therewith to the responsible taxpayer via the tax roll. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye

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Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said structures were and are hereby declared in violation of the zoning ordinances of Madison County and the Zoning Administrator was and is hereby directed to demolish or otherwise remove the structures in question and to charge the expenses associated therewith to the responsible taxpayer via the tax roll accordingly.

SO ORDERED this the 22nd day of November, 2004.

In re: Authorizing the Giving of Public Notice of the Intent of the Board of Supervisors to Conduct a Public Hearing On Petitions to Amend/Change the Official Zoning Ordinances and/or Official Zoning Map of Madison County, Mississippi

WHEREAS, County Zoning Administrator Brad Sellers did present the Board of Supervisors with the following petitions to amend/change the Official Zoning Ordinances and/or Official Zoning Map of Madison County, Mississippi, as follows and recommended that the Board authorize the giving of public notice of its intent to conduct public hearings on said petitions at 9:00 a. m. on the 17th day of December, 2004, in Madison County Courthouse/Circuit Building to-wit:

Richard Abriosino - Rezone R-2 to Planned Unit Development

James Foy - Special Exception to surface mine in A-1 District

David E. Nickles - Rezone C-1/R-1 to C-2 District

J. S. Harris/David Trunnel - Special Exception to surface mine in A-1 District Proposed Comprehensive Plan

Tony McBride - Zoning Violation

IN ADDITION, the Board does desire to and does declare its intent to consider comprehensive amendments to the Official Zoning Ordinance and the Comprehensive Plan for Madison County at 9:00 a.m. on the 17th day of December, 2004 in Court Room 2 of the Madison County Courthouse/Circuit Building.

WHEREAS, the Board does desire to set each of said matters for public hearing and to consider amendments to the County’s comprehensive plan and zoning ordinances on the date and time set forth above and does desire to authorize Mr. Sellers to issue notices accordingly,

Following discussion, Mr. Andy Taggart did move and Mr. Tim Johnson did second a motion to set public hearings on each of the above referenced matters for December 17, 2004 at 9:00 a.m. in Court Room 2 of the Madison County Courthouse/Circuit Building. 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	Not Present and Not Voting ²
Supervisor Paul Griffin	Aye

²Prior to the call of the question, Mr. Banks excused himself from the meeting.

President’s Initials: _____

Date Signed: _____

the matter carried by the unanimous vote of those present, and public hearings on each of the above listed matters was and is hereby set for December 17, 2004 at 9:00 a.m.

SO ORDERED this the 22nd day of November, 2004.

In re: Request to Declare Certain Items of Inventory Junk and Surplus

WHEREAS, County Inventory Control Clerk Barry Parker presented a list of vehicles submitted to him to be sold at auction which, in his estimation, were either obsolete, no longer in use, damaged beyond repair, sold, or otherwise disposed of at the Sheriff's Department, and

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

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

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

Mr. Andy Taggart did move and Mr. Tim Johnson did second a motion to approve said requests and authorize Mr. Parker to proceed accordingly. 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	Not Present and Not Voting
Supervisor Paul Griffin	Aye

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

SO ORDERED this the 22nd day of November, 2004.

In re: Approval of Preliminary Plat of Harrison Estates

WHEREAS, County Zoning Administrator Brad Sellers appeared before the Board of Supervisors and presented a preliminary plat for Harrison Estates located at Harrison Road and Bilbrew Road and requested the Board to approve said preliminary plat,

Following discussion of this matter, Mr. Paul Griffin did move and Mr. Karl M. Banks³ 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 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
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³Prior to offering his second to Mr. Griffin's motion, Mr. Banks returned to the meeting.

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

the matter carried unanimously and the preliminary plat of Harrison Estates was and is hereby approved with the aforesaid provisions.

SO ORDERED this the 22nd day of November, 2004.

In re: Approval of Preliminary Plat of Stump Bridge Lake

WHEREAS, County Zoning Administrator Brad Sellers appeared before the Board of Supervisors and presented a preliminary plat for Stump Bridge Lake and requested the Board to approve said preliminary plat,

Following discussion of this matter, Mr. Paul Griffin did move and Mr. Andy Taggart 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 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 Stump Bridge Lake was and is hereby approved with the aforesaid provisions.

SO ORDERED this the 22nd day of November, 2004.

In re: Approval of Mobile Home Resolution in Residential Districts

WHEREAS, County Zoning Administrator Brad Sellers appeared before the Board of Supervisors and presented a Resolution adopted by the Madison County Planning Commission requesting that the Board enact regulations and guidelines pertaining to mobile homes in the current zoning ordinance and to provide for the administration, enforcement and amendment, thereof, and

WHEREAS, the Planning Commission has recommended that the Board will approve same resolution and not allow mobile homes in residential districts, and

WHEREAS, a true and correct copy of said Resolution is attached hereto, spread hereupon and incorporated here in by reference as Exhibit G,

Following discussion, Mr. Karl M. Banks did move and Mr. Andy Taggart did second a motion to approve the request of the Planning Commission to follow zoning ordinance to not allow mobile homes in residential districts, only manufacture housing, unless due to loss of fire or other exceptional circumstances by the petitioner. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
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Date Signed: _____

Supervisor Tim Johnson	Not Present and Not Voting ⁴
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 resolution was and is hereby approved.

SO ORDERED this the 22nd day of November, 2004.

In re: Request to Approve Reorganization of County Road Department

WHEREAS, Road Manager Prentiss Guyton did present a chart for the reorganization of the road department, and

WHEREAS, Mr. Guyton does request the approval of the reorganization chart, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Paul Griffin did move and Mr. Andy Taggart did second a motion to take the matter under advisement. 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 matter was and is taken under advisement.

SO ORDERED this the 22nd day of November, 2004.

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

WHEREAS, County Road Manager Prentiss Guyton appeared before the Board of Supervisors and requested approval of certain work orders pertaining to the installation of culverts along public rights of way and not on private property on the following dates and at the following locations:

Date	Work Order	Name	Address
10/12/04	21887	Owens, Stephanie	581 Livingston Vernon Road
10/13/04	21889	Henry, Arthur	315 Rouser Road
10/18/04	21862	Kassel, Greg	684 Cherry Rose Lane
10/26/04	21897	Hunt, Edgar	213 Brooks Road
10/29/04	21952	Tolbert, Richard	100 Old Orchard Road
10/29/04	21952	Johnson, Derrick	175 Walter Payton Road
11/1/04	21913	Thompson, Vickie	920 John Day Road
11/2/04	21915	Chambers, Timothy	2365 Hwy 16 E
11/5/04	21977	Williams, James	132 John Bennie Smith Drive
11/9/04	21991	Johnson, Pernel	323 Brown Road West
11/10/04	21997	Billingssea, Walter	821 Loring Road

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

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11/10/04	21923	Bouldin, Mack A	267 Church Road
11/10/04	21995	Wilson, Paul Mrs.	118 North Shore Way
11/12/04	21839	McElroy, Turksha	3192 Sharon Road
11/17/04	22016	Cheeks, Leon	5456 Hwy 43
11/17/04	22017	Cameron, Todd	848 Gluckstadt Road
11/17/04	22018	Cameron, Todd	850 Gluckstadt Road
11/17/04	22019	Miller, Charles	837 Old Agency Road
11/17/04	22020	Faulkner, Tommy	324 Walnut Road

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

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

Following discussion, Mr. Andy Taggart did move and Mr. Karl M. Banks did second a motion to approve the installations of culverts on the dates and at the locations set forth 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 said culvert installation requests were and are hereby approved.

SO ORDERED this the 22nd day of November, 2004.

In re: Amendment of County Road Plan to Allow for Improvements to McMillon Road

WHEREAS, County Road Manager Prentiss Guyton did appear before the Board and recommended an amendment to the County Road Plan to allow for certain improvements to McMillon Road utilizing right of way which the County has already acquired,

Following discussion, Mr. Karl M. Banks did move and Mr. Andy Taggart did second a motion to approve the recommendation authorizing the improvement of said road using right of way the county already has acquired, and to authorize the addition of said road on the four (4) year road plan. 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 Road Manager was and is hereby authorized to make improvements of the aforesaid road and the County Road Plan was and is hereby amended accordingly.

SO ORDERED this the 22nd day of November, 2004.

In re: Request to Authorize Payment of En Masse Premiums

President's Initials: _____

Date Signed: _____

to Fox Everette, Inc. for the County's Health Plan

WHEREAS, County Comptroller Mark Houston did appear before the Board and presented request for payment of invoice #2033 for Fox Everette, Inc. dated November 16, 2004, totaling \$79,182.64 representing premium(s) for county's health plan,

Following discussion, Mr. Karl M. Banks did move and Mr. Tim Johnson did second a motion to approve the request for payment to Fox Everett, Inc. in the amount of \$79,182.64 as to said invoice. 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	Not Present and Not Voting ⁵

the matter carried by the unanimous vote of those present, and the Chancery Clerk was directed to submit payment to Fox Everett, Inc. in the amount of \$79,182.64 forthwith.

SO ORDERED this the 22nd day of November, 2004.

In re: Request Payment to S & S Dragline for the McLellan-Ridgecrest Bridge Project

WHEREAS, County Comptroller Mark Houston did appear before the Board and presented a request for payment from S & S Dragline for work done on the McLellan-Ridgecrest Bridge Project, said invoice totaling \$39,418.90,

Following discussion, Mr. Karl M. Banks did move and Mr. Tim Johnson did second a motion to approve the request for payment to S & S Dragline in the amount of \$39,418.90. 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 directed to submit payment to S & S Dragline in the amount of \$39,418.90.

SO ORDERED this the 22nd day of November, 2004.

In re: Approval of Various 16th Section Leases

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

Lessees:	Jeffrey L. Walker and wife, Deborah Walker
Description:	Lot 6, Calumet Subdivision, Part One

⁵Prior to call of the question, Mr. Griffin briefly excused himself from the meeting and returned immediately thereafter.

President's Initials: _____

Date Signed: _____

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

Lessees: Don R. Taylor
 Description: Lot 24, Calumet Subdivision, Part 2
 Lease Term: 40 years

<u>Year</u>	<u>Annual Rent</u>
01-05	\$ 750.00
06-10	\$ 825.00
11-15	\$ 900.00
16-20	\$ 975.00
21-25	\$ 1,050.00
26-30	\$ 1,125.00
31-35	\$ 1,200.00
36-40	\$ 1,275.00

Lessees: Eastbrooke Estates Homeowners' Association
 Description: Greenspace Detention Area of Eastbrooke Estates Subdivision
 1.15± acres within SW 1/4 NE 1/4 of Section 16, T7N, R2E,
 City of Madison, Madison County, Mississippi
 Lease Term: 40 years

<u>Year</u>	<u>Annual Rent</u>
01-05	\$ 526.50
06-10	\$ 579.15
11-40	Rentals shall be determined by appraisal prior to the tenth (10 th), twentieth (20 th), and thirtieth (30 th) anniversary dates of the commencement of this lease

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 leases were and are hereby approved.

SO ORDERED this the 22nd day of November, 2004.

President's Initials: _____

Date Signed: _____

In re: Request to Approve Resolution Designating Portion of Highway 43 to Highway 25, Joe A. Waggoner Memorial Highway

WHEREAS, County Administrator Donnie Caughman did present to the Board a letter from Mr. Mark C. Baker, Sr. of the Mississippi House of Representatives requesting the Board adopt a resolution designating a portion of Highway 43 from the Leake/Attala line south to Highway 25 at Sandhill in Madison County as the Joe A. Waggoner Memorial Highway,

Following discussion, Mr. Tim Johnson did move and Mr. Andy Taggart did second a motion to table said request until another time. 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 said matter was and is tabled.

SO ORDERED this the 22nd day of November, 2004.

In re: Authorization of Board Members to Travel to Midwinter Legislative Conference and Legislative Reception

WHEREAS, County Administrator Donnie Caughman informed the Board that the Midwinter Legislative Conference and Legislative Reception was scheduled for January 10-12, 2005 at the Jackson Hilton, and

WHEREAS, the Board does desire to approve the payment of travel and related expenses for any Board member, elected official, or appointed department head to attend said conference, the Board finding that such expenses are in the best interest of the county,

Following discussion, Mr. Paul Griffin did move and Mr. Tim Johnson did second a motion to authorize the payment of travel, lodging and food expenses of any Board member, elected official, or appointed department head to attend said conference. 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 unanimous and such approval was and is hereby granted.

SO ORDERED this the 22nd day of November, 2004.

In re: Request to Pay Claim of Southern Rock, LLC

WHEREAS, Board Attorney Edmund L. Brunini, Jr. did inform the Board that it was in the best interest of the county to settle the claim of Southern Rock for work on Church Road in the amount of \$60,000.00,

Following discussion, Mr. Andy Taggart did move and Mr. Karl M. Banks did second a motion to

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approve request to settle the doubtful of claim with Southern Rock and authorize payment in the amount of \$60,000.00. 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 directed to submit payment to Southern Rock in the amount of \$60,000.00.

SO ORDERED this the 22nd day of November, 2004.

In re: Approval of Dean and Dean Architects Contract

WHEREAS, Board Attorney Edmund L. Brunini, Jr. did inform the Board that he had reviewed the contract previously presented to the Board from Dean and Dean Architects for proposed work on the Justice Court Building, and

WHEREAS, Mr. Brunini did request the Board to approve the AIA contract between the County and Dean and Dean Architects, true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Paul Griffin did move and Mr. Karl M. Banks did second a motion to approve the contract with Dean and Dean Architects on the Justice Court Building. 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 contract was and is hereby approved.

SO ORDERED this the 22nd day of November, 2004.

In re: Approval of Calhoun Station Parkway Contract

WHEREAS, Board Attorney Edmund L. Brunini, Jr. did present the contract on Calhoun Station Parkway between the County and State Aid and LSBP Engineer Rudy Warnock for the construction phase of Calhoun Station Parkway, Phase One and requested approval thereof, and

WHEREAS, the Board had previously amended said contract as to reduce the Engineer's compensation from 7.2% of the contract amount to 6.2% but now wishes to grant the award of said contract in its original terms, but to continue to eliminate other costs to Mr. Warnock and his firm for the construction phase, as detailed in the Minutes of this Board dated November 11, 2004, true and correct copy of which contract 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 contact as presented with other cost eliminations and authorize Rudy Warnock of the firm Warnock and Associates to perform engineering services as to the construction phase of

President's Initials: _____

Date Signed: _____

Calhoun Station Parkway Phase One. 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 the majority (3-2) vote of the Board, and said contract was and is hereby approved between the county and Warnock & Associates.

SO ORDERED this the 22nd day of November, 2004.

In re: Approval of Camden Fire District Lease Agreement

WHEREAS, County Administrator Donnie Caughman did request the Board approve a lease agreement with Camden Fire District, and

WHEREAS, the Board does desire to enter into an agreement with Camden Fire District and does desire that the Board Attorney, Edmund L. Brunini, Jr. draft a lease agreement,

Following discussion, Mr. Paul Griffin did move and Mr. Karl M. Banks did second a motion to authorize the board attorney to draft a lease agreement charging a nominal fee of \$10.00 per year to be paid to the county for said lease, and providing that monies received by the fire district for usage of building be retained by the district for maintenance of building and grounds, and requiring that no sublease be granted without approval by the Board of Supervisors. 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 attorney was and is directed to draft said lease agreement with Camden Fire District.

SO ORDERED this the 22nd day of November, 2004.

In re: Approval of Certain Budget Amendments for FY 2005 and Approval of Certain Requests for Payment

WHEREAS, County Comptroller Mark Houston did appear before the Board and presented the following Budget Amendments and requested Board approval of same for the reasons set forth below:

**BUDGET AMENDMENTS
November 22, 2004**

	New <u>Budget Amount</u>
GRAND GULF FUND	
013-100-960	\$ 60,000.00
To re-appropriate funds for payment of	

President's Initials: _____

Date Signed: _____

Southern Rock settlement

Following discussion, Mr. Karl M. Banks did move and Mr. Paul Griffin did second a motion to approve said budget amendment and request for payment. 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 budget amendment and request for payment was and is hereby approved.

SO ORDERED this the 22nd day of November, 2004.

***In re: Approval of Resolution to Create Parkway South/
Parkway East Districts***

WHEREAS, Mr. Don Clark of Butler, Snow, O’Mara & Cannada did appear before the Board and presented a Resolution to establish Parkway South Public Improvement District and restructuring Parkway East Public Improvement District, and

WHEREAS, the Board does desire to adopt said Resolution, a true and correct copy of which is attached hereto as Exhibit H, spread hereupon and incorporated herein by reference,

Following discussion Mr. Karl M. Banks did move and Mr. Andy Taggart did second a motion to adopt said Resolution creating the Parkway South and Parkway East Districts. 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 Resolution was and is hereby adopted.

SO ORDERED this the 22nd day of November, 2004.

***In re: Request to Sell Handgun to Retiring
Sheriff Deputy Richard Spencer***

WHEREAS, Sheriff Toby Trowbridge did appear before the Board and requested that the handgun bearing serial number U642-716 be sold to retiring Sheriff Deputy Richard Spencer, and

WHEREAS, the Board does desire to allow Deputy Spencer to purchase his handgun at the cost of \$10.00 and to remove said gun from county inventory,

Following discussion, Mr. Paul Griffin did move and Mr. Karl M. Banks did second a motion to allow retiring Sheriff Deputy Richard Spencer to purchase his handgun for the price of \$10.00. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
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President’s Initials: _____

Date Signed: _____

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

the matter carried unanimously and said request was and is hereby approved.

SO ORDERED this the 22nd day of November, 2004.

In re: Request to Purchase Portable Breathalyzer Test Machine

WHEREAS, Sheriff Toby Trowbridge did appear before the Board and informed them that a portable breathalyzer test machine was destroyed after being run over at the scene of a traffic stop and that the same should be declared junk, and

WHEREAS, the Sheriff did request the purchase of a new one,

Following discussion, Mr. Tim Johnson did move and Mr. Paul Griffin did second a motion to authorize the purchase of a new portable breathalyzer test machine to replace the one destroyed. 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 Sheriff was and is authorized to purchase a new portable breathalyzer test machine.

SO ORDERED this the 22nd 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 Karl M. Banks and seconded by Supervisor Tim Johnson and approved by the unanimous vote of those present, the November 2004 term of Board of Supervisors was adjourned.

Douglas L. Jones, President
Madison County Board of Supervisors

Date signed: _____

ATTEST:

Arthur Johnston, Chancery Clerk

President's Initials: _____

Date Signed: _____