

**MINUTES OF THE BOARD OF SUPERVISORS
OF MADISON COUNTY, MISSISSIPPI**
REGULAR MEETING OF APRIL 16, 2004
Recessed from regular meeting conducted on April 5, 2004

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on April 16, 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

Chancery Clerk Arthur Johnston

Sheriff Toby Trowbridge

Also in attendance:

County Administrator Donnie Caughman

County Comptroller Mark Houston

County Engineer Mike McKenzie

County Road Manager Prentiss Guyton

County Zoning Administrator Brad Sellers

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. Supervisor Andy Taggart opened the meeting with a prayer and Supervisor Tim Johnson 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 matters on 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 Board President did request that (1) Item C, "Request to Name Private Roads" be removed from the Agenda in its entirety and (2) Item G, "Request to Reschedule Public Hearing - Caroline Twenty-two, LLC" be removed from the Consent Agenda and be addressed separately, and

WHEREAS, Supervisor Paul Griffin did request that Item K, "Request for Proposals - Collection and Disposal of Garbage" be removed from the Consent Agenda and be addressed separately, and

WHEREAS, Supervisor Tim Johnson did request that Item L, "Authorization to Grandfather Building Permit" be removed from the Consent Agenda and be addressed separately, and

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

(A) Approval, *Nunc Pro Tunc*, of Amended Homestead Application and Correction

There to for Mr. Alexander Kirkwood, Sr.

WHEREAS, on March 1, 2004, Tax Assessor Gerald Barber presented amended homestead applications and corrections and deletions thereto on property in Madison County, Mississippi for numerous certain individuals and parcel numbers, and

WHEREAS, copies of forms and back up materials pertaining to said requests for amendments and corrections are found in the Miscellaneous Appendix to the Minutes of said date, and

WHEREAS, upon review of such items, the Tax Collector and the Chancery Clerk determined that the following amendment and correction pertaining to the following individual and parcel was erroneously omitted from the Minutes of said meeting,

Amendment and Correction

Name Parcel Number Reason

Kirkwood, Sr., Alexander 71H-28-011/01.07 wrong parcel was assessed

WHEREAS, the Board did desire and intend to approve said amended application and correction and does now desire to correct the Minutes of the March 1, 2004 meeting of this Board, *nunc pro tunc*, to properly reflect the approval of said amendment and correction, and

(B) Settlement of Lawsuit Against Madison County by Weatherford McDade, Ltd

WHEREAS, Board Attorney Edmund L. Brunini did present to the Board correspondence from Stanley F. Stater, counsel for Weatherford McDade, Ltd, indicating his client's willingness to accept the sum of \$12,500 in full and complete settlement of its claims in cause number 2002-0233 on the docket of the Circuit Court of Madison County and to effect a dismissal thereof, and

WHEREAS, the Board is of the opinion that entering into a settlement with Weatherford McDade, Ltd is in the best interest of the county, considering the potential liability of the county with respect to said lawsuit, and

WHEREAS, the Board does desire to enter into said settlement and authorize its attorney to execute an Agreed Order of Dismissal With Prejudice and any other documentation to effectuate the same, and

(E) Permit Request - Town of Flora to Cross Cane Creek Road/Burnt Corn Creek Bridge

WHEREAS, the Honorable Jw Richardson, Mayor of the Town of Flora, Madison County, Mississippi, did, by correspondence dated March 24, 2004, request that the Board approve the Town's Application for a permit to cross Cane Creek Road with an eight (8) inch water main and also to construct a creek crossing with a steel casing attached to the bottom of the guard rails on the west side of Burnt Corn Creek Bridge, and

WHEREAS, by the aforesaid means, the Town of Flora will be able to connect two of its water systems as required by the Mississippi Department of Health, and

WHEREAS, a true and correct copy of said correspondence, together with the Town's permit application, may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, the Board does desire to approve said application and issue said permit, finding that such action is in the best interest of the county, and

(F) Approval of Six (6) Certain Utility Permits

WHEREAS, County Engineer Mike McKenzie did appear before the Board requesting approval of 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) Entergy Mississippi, Inc. - seeking to install facilities to power sewer lift pumps in Lakepointe of Reunion along Gluckstadt Road
- (2) Entergy Mississippi, Inc. - seeking to install facilities to serve power to residents of Lakepointe of Reunion along Gluckstadt Road
- (3) Bear Creek Water Association, Inc. - seeking to bore 122 L. F. of 8 inch steel casing to house a new 4 inch force main under Gluckstadt Road approximately 1800 feet east of the intersection with Deweese Road;
- (4) Bear Creek Water Association, Inc. - seeking to bore 90 L. F. of 12 inch steel casing to house a new 8 inch water main under Gluckstadt Road approximately 1100 feet east of the intersection with Deweese Road;
- (5) Bear Creek Water Association, Inc. - seeking to bore under North Old Canton Road with a 16 inch steel casing which will house a new 10 inch sanitary force main to connect the existing sewer pump station with the 12 inch force main of the west side of Old Canton Road;
- (6) Bear Creek Water Association, Inc. - seeking to construct water and sewer mains within the Yandell Road right of way between the south entrance to Deerfield Subdivision and the entrance to Sheffield Subdivision, and

WHEREAS, a true and correct copy of each 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 each of said applications, and

(H) Request of Primos, Inc. for *Ad Valorem* Taxation Exemption

WHEREAS, by correspondence dated March 25, 2004 directed to the Chancery Clerk, the Mississippi State Tax Commission did certify that Primos, Inc. was and is eligible for *ad valorem* tax exemption and is in compliance with the provisions of Miss. Code Ann. § 27-31-101 *et seq.*, and

WHEREAS, the Commission did report that the exemption of the property commences December 31, 2002 and is certified for a period of ten (10) years from and after December 31, 2002 with a total true value of \$3,151,003, and

WHEREAS, the original application for exemption may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, the Board does desire, after due consideration, to finally approve said exemption in accordance with statute, and authorize the Board President and the Chancery Clerk to execute any and all documentation necessary to effectuate the same, and

(I) Approval of Memorandum Agreement with County Administrator Donnie Caughman

WHEREAS, County Administrator Donnie Caughman was hired with the understanding that upon successful completion of the Board's 90 Day Plan and upon satisfactory job performance and evaluation thereof, his salary would increase from \$85,000 annually to \$95,000 annually, and

WHEREAS, the Board is of the opinion that Mr Caughman has done an outstanding job as County Administrator, did in fact successfully complete the Board's 90 Day Plan, and has undergone a positive evaluation of job performance, and

WHEREAS, the Board does desire to increase Mr. Caughman's salary to \$95,000 annually, effective April 5, 2004, and to grant unto him, in addition to all customary and allowable benefits as provided to each full time employee of the county, the use of a county vehicle for all official business and to travel to and from home after his relocation to Madison County, and

WHEREAS, the Board does desire to authorize the Board President to execute that certain Memorandum of Agreement documenting the aforesaid salary increase, the original of which is attached hereto as Exhibit A, spread hereupon, and incorporated herein by reference, and

(J) Approval of Culvert Installation/Repair on Certain Properties

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 as of April 1, 2004, as follows:

DATE WORK ORDER NAME LOCATION COMPLAINT

4/1/04 19700 Jordan, Bo 743 Weisenberger Road culvert install

4/1/04 19702 Blount, Ollie 102 Cross Wind Drive culvert install

4/1/04 19701 Moncure, Sharon 442 Livingston Vernon Road culvert install

4/1/04 19753 Waltman, Larry 628 Davis Crossing Road culvert install

WHEREAS, the Board does desire to approve the work orders listed above and authorize and allow the installation of culverts in the public rights of way on the dates and at the locations listed above, and

(M) Authorization of Publication of Notice Regarding 2004 HOME Grant Funds

WHEREAS, the Board received a Memorandum dated April 6, 2004 from Maureen Simpson requesting that the Board execute certain documents entitled, "Format II" and "Environmental Assessment" pertaining to the county's 2004 HOME Funds Grant, and

WHEREAS, true and correct copies thereof may be found in the Miscellaneous Appendix to the Minutes, and

WHEREAS, execution of the aforesaid documents is necessary in order for the county to receive funds under said grant, and

WHEREAS, the Board does desire to authorize the Board President to execute the same, and

Mr. Andy Taggart did move and Mr. Tim Johnson did second a motion to approve, adopt and authorize each of the above and foregoing matters, the same being numbered items (A), (B), (E), (F), (H), (I), (J), and (M) 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 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 16th day of April, 2004.

In re: Adoption of Form of Application for Use of County Buildings or Grounds

WHEREAS, County Administrator Donnie Caughman did advise the Board that a reservation application form was necessary in order to reduce to writing the requirements of the Board relative to the use of county buildings and grounds, and

WHEREAS, Mr. Caughman did present a proposed form, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Andy Taggart did move and Mr. Tim Johnson did second a motion to approve said form and to require its execution by any person or entity desiring to make use of county buildings or grounds. 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 said form was and is hereby adopted and approved and the County Administrator was and is hereby directed to require its execution by all persons or entities requesting use of county buildings or grounds.

SO ORDERED this the 16th day of April, 2004.

In re: Request of Caroline Twenty-two, LLC to Reschedule Public Hearing

WHEREAS, the Board received correspondence from Horace B. Lester, Jr., requesting, on behalf of Caroline Twenty-two, LLC, the rescheduling of a public hearing on its application for a zoning change, and

WHEREAS, the Board does desire to accommodate said request and set said matter for hearing on May 21, 2004 at 9:00 am,

Following discussion, Mr. Andy Taggart did move and Mr. Paul Griffin did second a motion to reschedule the public hearing on the application of Caroline Twenty-two, LLC for a zoning change to May 21, 2004 and to direct Zoning Administrator Brad Sellers to issue the appropriate notice. 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 said public hearing was and is hereby rescheduled accordingly.

SO ORDERED this the 16th day of April, 2004.

***In re: Authorization of County Administrator to Prepare
Requests for Proposals Regarding (1) Collection and Disposal***

**of Garbage and (2) Property, Casualty, Health, General Liability,
and Public Officials Liability Insurance Coverage and
to Solicit Responses Thereto**

WHEREAS, County Administrator Donnie Caughman did report to the Board that in his opinion, privatizing the county's garbage collection and disposal could result in significant savings and that in order to explore the matter, the county should issue requests for proposals pertaining thereto, with the understanding that such RFP would in no way obligate the county, and

WHEREAS, Mr. Caughman also requested authority to issue a request for proposals pertaining to property, casualty, health, general liability and public officials liability insurance coverage, as many of the policies currently in force and effect will expire soon,

Following discussion, Mr. Tim Johnson did move and Mr. Andy Taggart did second a motion to authorize the County Administrator to prepare requests for proposals regarding collection and disposal of garbage and property, casualty, health, general liability and public officials liability insurance coverage. 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⁽¹⁾

Supervisor Paul Griffin Aye

the matter carried unanimously and Mr. Caughman was and is so authorized and instructed.

SO ORDERED this the 16th day of April, 2004.

***In re: Request of Diana Reese to Grandfather a Building Permit so as to
Allow Connection of Utilities and Water to her Residence
at 260 Mt. Leopard Road***

WHEREAS, Ms. Diana Reese did appear before the Board stating that she had purchased her home at 260 Mt. Leopard Road and, upon attempting to have her electricity turned on, was told that power could not be connected because county regulations required utilities be connected only to houses in that particular area sitting on a minimum of one (1) acre, and

WHEREAS, County Zoning Administrator Brad Sellers did explain the situation and concurred in Ms. Reese's request insofar as her home was built in 1993 and could be considered to be "grandfathered in,"

Mr. Andy Taggart did move and Mr. Paul Griffin did second a motion to grandfather a building permit to Ms. Reese, waiving only such building restrictions and regulations as necessary to allow connection of utilities and water to her residence. 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 request of Diana Reese was and is hereby authorized and approved.

SO ORDERED this the 16th day of April, 2004.

In re: Request of Tax Assessor to Increase Assessments on Certain

Property Pursuant to Miss. Code Ann. § 27-35-147 et seq.

WHEREAS, on March 1, 2004, the Board determined that April 16, 2004, would be an appropriate date for a public hearing on the matter of increasing real and personal property assessments on certain individuals and businesses in the county and did set said date for said hearing to begin at the hour of 9:00 am, and

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

WHEREAS, a spreadsheet listing, *inter alia*, the property owner(s), the parcel numbers, and amount of the proposed assessment increase as to each is attached hereto as Exhibit B, spread hereupon and incorporated herein by reference, and

WHEREAS, the hour of 9:00 am did arise and the Board President did declare the public hearing on said proposed increases to be open and directed those citizens who appeared for said hearing to consult and confer with the Tax Assessor and his staff, and

WHEREAS, Tax Assessor Gerald Barber did report to the Board that those citizens who appeared for the public hearing, after consultation with him and his staff, no longer wished to contest and/or protest their increases, and

WHEREAS, the Board President did again announce that the public hearing on said increases was open and did request that anyone wishing to contest or protest said increases to come before the Board and be heard, and

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

Following discussion, Mr. Tim Johnson did move and Mr. Karl M. Banks did second a motion to close the public hearing and approve the assessment increases for those individuals and parcel numbers as set forth in the aforesaid spreadsheet. 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 assessment increases were and are hereby approved and adopted.

SO ORDERED this the 16th day of April, 2004.

In re: Approval of Transferral of Vehicle Formerly Assigned

to District 3 Supervisor to Sheriff's Department

WHEREAS, Inventory Control Clerk Barry Parker did appear before the Board and delivered a report on the inventory review recently undertaken and requesting authority to transfer a 2000 Chevrolet Impala (VIN 2G1WF55E5Y9246692) previously assigned to the Board of Supervisors, specifically to the Supervisor from District 3, to the Sheriff's Department, and

WHEREAS, Supervisor Andy Taggart did wholeheartedly concur in such reassignment, and

Following discussion, Mr. Andy Taggart did move and Mr. Karl M. Banks did second a motion to transfer said vehicle from the inventory of the Board of Supervisors to the inventory of the Sheriff's Department. The vote on the matter being as follows:

Supervisor Douglas L. Jones Aye

Supervisor Tim Johnson Aye⁽²⁾

Supervisor Andy Taggart Aye

Supervisor Karl M. Banks Aye

Supervisor Paul Griffin Aye

the matter carried unanimously and said vehicle was and is hereby transferred.

SO ORDERED this the 16th day of April, 2004.

In re: Approval of Preliminary Plat for Annandale II & III Subdivision

WHEREAS, County Engineer Mike McKenzie did appear before the Board requesting approval on behalf of the developers of Annandale II & III Subdivision of the preliminary plat of said subdivision, and

WHEREAS, Mr. McKenzie did recommend the approval of the same, and

WHEREAS, the Board does desire to give its preliminary approval to said plats with the understanding that Mr. McKenzie will confer with and assist the developer in addressing a quality storm water management plan and secondary access for emergency vehicles,

Mr. Andy Taggart did move and Mr. Karl M. Banks did second a motion to approve the preliminary plat of Annandale II & III Subdivision provided that the County Engineer will confer with and assist the developer in addressing a quality storm water management plan and secondary access for emergency vehicles. 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 preliminary plat of Annandale Subdivision II & III was and is hereby approved and the Board President was and is authorized to execute the same.

SO ORDERED this the 16th day of April, 2004.

In re: Request to Refund \$180 Inspection Fee to

Dorothy Gordon

WHEREAS, County Zoning Administrator Brad Sellers did appear before the Board on behalf of Ms. Dorothy Gordon, explaining that Ms. Gordon was issued a building permit on October 14, 2002 and subsequently decided not to build and requested a refund, and

WHEREAS, the county's zoning ordinance provides that permit fees are non-refundable but does not speak to the \$180 inspection fee, and

WHEREAS, Mr. Sellers did report that no inspection had occurred and that in his opinion, a refund of the inspection fee was in order,

Following discussion, Mr. Paul Griffin did move and Mr. Karl M. Banks did second a motion to authorize payment of \$180.00 to Ms. Dorothy Gordon as a refund of the inspection fee previously paid by her. 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 aforesaid refund was and is hereby authorized to be paid.

SO ORDERED this the 16th day of April, 2004.

In re: Approval of Certain Amendments to the Madison County

Solid Waste Management Plan

WHEREAS, County Administrator Donnie Caughman did present to the Board correspondence dated March 11, 2004 from Phil Bass, Director of the Office of Pollution Control with the Mississippi Department of Environmental Quality, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, said correspondence requesting direction as to the Board's desires regarding certain amendments to the Madison County Solid Waste Management Plan and requesting that certain modifications be made in order for the Department to complete the procedural review of said Plan, and

WHEREAS, Mr. Karl M. Banks spoke in support of the amendments and necessary modifications, stating, *inter alia*, that Madison County was fortunate to have not only two but now the potential for three landfills in the county and that the highest and best use of the real property on which the proposed third landfill (the Bilberry site) was located was as a landfill due to the proximity and adjacency of the Little Dixie landfill, and that

tipping fees which would be paid to the county were a good source of revenue for the county, and

WHEREAS, Mr. Andy Taggart spoke in opposition to the amendments and modifications, asserting, *inter alia*, that a third landfill located in Madison County was not in the long term best interest of the county, that garbage from numerous Mississippi counties and even other states was being dumped in Madison County, and that approval of the Bilberry site based upon the mere fact that it is adjacent to the Little Dixie landfill was not sound policy, and stating that he would offer a proposal in the nature of a substitute should the amendments fail, thus urging his colleagues to vote in the negative,

Following a lengthy debate and discussion during which Board Attorney Edmund L. Brunini, Jr. stated that his firm has represented BFI for years and made no recommendations or opinions on this matter whatsoever and recused himself entirely from the discussion and debate hereof, Mr. Karl M. Banks did move and Mr. Paul Griffin did second a motion to approve and adopt the amendments outlined in the aforesaid item of correspondence from the Mississippi Department of Environmental Quality. The vote on the matter being as follows:

Supervisor Douglas L. Jones No

Supervisor Tim Johnson Aye⁽³⁾

Supervisor Andy Taggart No

Supervisor Karl M. Banks Aye

Supervisor Paul Griffin Aye

the matter carried by a majority (3-2) vote of the Board and said amendments were and are hereby adopted, approved and ratified.

SO ORDERED this the 16th day of April, 2004.

Following further discussion on the issue, Mr. Karl M. Banks did move and Mr. Paul Griffin did second a motion to direct County Administrator Donnie Caughman to confer with representatives of the Department of Environmental Quality about the specific requests made by that agency in the aforesaid correspondence and provide whatever information is necessary to enable the Department to proceed with consideration of the Plan. The vote on the matter being as follows:

Supervisor Douglas L. Jones No

Supervisor Tim Johnson Aye

Supervisor Andy Taggart No

Supervisor Karl M. Banks Aye

Supervisor Paul Griffin Aye

the matter carried by a majority (3-2) vote of the Board and Mr. Caughman was and is so directed.

SO ORDERED this the 16th day of April, 2004.

Thereafter, Mr. Karl M. Banks did move and Mr. Paul Griffin did second a motion to declare that except for expenditures associated with the use of Mr. Caughman's services, no other expenditures of county funds should be authorized relative to the approval process of said Plan before the Mississippi Department of Environmental Quality. The vote on the matter being as follows:

Supervisor Douglas L. Jones No

Supervisor Tim Johnson Aye

Supervisor Andy Taggart No

Supervisor Karl M. Banks Aye

Supervisor Paul Griffin Aye

the matter carried by a majority (3-2) vote of the Board and no further expenditures shall be authorized.

SO ORDERED this the 16th day of April, 2004.

***In re: Authorization of County Administrator to Proceed
with Solid Waste Management Grant Application***

WHEREAS, the Board does desire to direct the County Administrator to proceed with the county's Solid Waste Management grant application and report back to the Board at a later date,

Mr. Andy Taggart did move and Mr. Karl M. Banks did second a motion to direct the County Administrator to proceed with the county's Solid Waste Management grant

application and report back to the board at a later date. The vote on the matter being as follows:

Supervisor Douglas L. Jones Aye

Supervisor Tim Johnson Aye

Supervisor Andy Taggart Aye

Supervisor Karl M. Banks Aye

Supervisor Paul Griffin Aye

the matter carried unanimously and the County Administrator was and is so instructed.

SO ORDERED this the 16th day of April, 2004.

In re: Request of Foshee Construction Company, Inc.
to Modify the County's Solid Waste Management Plan
to Allow a Class I Rubbish Facility at its Burrow Pit Located
Near the Intersection of Highway 22 and 463

WHEREAS, County Administrator Donnie Caughman did present unto the Board certain correspondence dated April 6, 2004, from John E. Malanchak, Senior Geologist with Earth Con Consulting Group, a true and correct copy of which may be found in the Miscellaneous Appendix to the Minutes, requesting, on behalf of Foshee Construction

Company, Inc., that the Board allow it to convert its materials burrow pit located near the intersection of Highways 22 and 463 to a Class I Rubbish Landfill, and

Mr. Karl M. Banks did move and Mr. Paul Griffin did second a motion to take the matter under advisement and direct Mr. Caughman and County Zoning Administrator Brad Sellers to confer with representatives of EarthCon and Foshee Construction Company, Inc. to secure more information concerning said proposal. 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⁽⁴⁾

Supervisor Paul Griffin Aye

the matter carried unanimously and Mr. Caughman was and is so directed.

SO ORDERED this the 16th day of April, 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: Rebecca J. Wiley

Description: Lot 118, Sherbourne Subdivision, Part 4

Lease Term: 40 years

Year Annual Rent

01-05 \$ 256.66

06-10 \$ 279.99

11-15 \$ 303.32

16-20 \$ 326.65

21-25 \$ 349.98

26-30 \$ 373.31

31-35 \$ 396.64

36-40 \$ 419.97

Lessees: Gardner W. Gallaspy and wife Lori P. Gallaspy

Description: Lot 7, Eastbrooke Estates Subdivision

Lease Term: 40 years

Year Annual Rent

1 - 5 \$ 350.00
6 - 10 \$ 385.00
11 - 15 \$ 420.00
16 - 20 \$ 455.00
21 - 25 \$ 490.00
26 - 30 \$ 525.00
31 - 35 \$ 560.00
36 - 40 \$ 595.00

Lessees: Eduardo Flechas and wife Ashlee Flechas

Description: Lot 2, Woodbury Park Subdivision

Lease Term: 40 years

Year Annual Rent

01-05 \$ 556.00
06-10 \$ 611.60
11-15 \$ 667.20
16-20 \$ 722.80
21-25 \$ 778.40
26-30 \$ 834.00
31-35 \$ 889.60
36-40 \$ 945.20

AND WHEREAS, true and correct copies of said leases may be found in the Miscellaneous Appendix to these Minutes,

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 Not Present and Not Voting

Supervisor Paul Griffin Aye

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

SO ORDERED this the 16th day of April, 2004.

***In re: Receipt and Acknowledgment of Financial
and Budget Reports***

WHEREAS, Chancery Clerk Arthur Johnston did present to the Board the Budget and Fund Balance Reports as those reports stood as of April 16, 2004,

Mr. Tim Johnson did move and Mr. Paul Griffin did second a motion to acknowledge receipt of the Budget and Fund Balance Reports. 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 said reports were and are hereby acknowledged received.

SO ORDERED this the 16th day of April, 2004.

In re: Awarding of Bid to Hemphill Construction to Install

Box Culvert on Reunion Parkway

WHEREAS, County Engineer Mike McKenzie did appear before the Board and reported on behalf of the committee appointed to open and tabulate bids for the installation of a box culvert on Reunion Parkway, and

WHEREAS, Mr. McKenzie did report that said bids were opened at 10:00 am on Friday, April 9, 2004, and did, by correspondence dated April 13, 2004, certify a tabulation of bids received from eight (8) interested contractors, and

WHEREAS, a true and correct copy of said correspondence, together with the accompanying tabulation and the bids themselves as received may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, Mr. McKenzie reported that according to the aforesaid tabulation, Hemphill Construction Company, Inc. of Jackson, Mississippi was the low bidder with a total base bid of \$309,122.85, which was well below the next lowest bid and well below his estimate, and

WHEREAS, Mr. McKenzie did recommend that the Board award the contract to the aforesaid Hemphill Construction Company, Inc.,

Following discussion, Mr. Andy Taggart did move and Mr. Tim Johnson did second a motion to award the contract to install a box culvert for drainage improvements on Reunion Parkway to Hemphill Construction Company, Inc. 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 Hemphill Construction Company, Inc. was and is hereby awarded the contract to install a box culvert on Reunion Parkway.

SO ORDERED this the 16th day of April, 2004.

***In re: Approval of General Services Contract with
Williford Gearhart & Knight, Inc.***

WHEREAS, Board Attorney Edmund L. Brunini, Jr. did appear before the Board and reported that he had concluded his review and modifications of the proposed General Services Agreement by and between Madison County, Mississippi and Williford, Gearhart & Knight, Inc. and did present the same unto the Board, and

WHEREAS, Mr. Brunini did recommend unto the Board its approval thereof, a true and correct copy of which is attached hereto as Exhibit E, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Brunini did recommend that said agreement have an effective date of January 5, 2004,

Following discussion, Mr. Andy Taggart did move and Mr. Tim Johnson did second a motion to approve the aforesaid general Services Agreement with Williford, Gearhart & Knight, Inc. and to 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 Not Present and Not Voting

Supervisor Paul Griffin Aye

the matter carried by the unanimous vote of those present and said contract was and is hereby approved and the Board President was and is hereby authorized to execute the same on behalf of the county.

SO ORDERED this the 16th day of April, 2004.

***In re: Approval of Engineering Services Contract with
Williford, Gearhart & Knight, Inc. Regarding Reunion
Parkway Phase I***

WHEREAS, Board Attorney Edmund L. Brunini, Jr. did appear before the Board and reported that he had concluded his review and modifications of the proposed "Agreement

Between Owner and Engineer for Professional Engineering Services" by and between Madison County, Mississippi and Williford, Gearhart & Knight, Inc. for the construction of Reunion Parkway Phase I and did present the same unto the Board, and

WHEREAS, Mr. Brunini did recommend unto the Board its approval thereof, a true and correct copy of which is attached hereto as Exhibit C, spread hereupon, and incorporated herein by reference, and

WHEREAS, Mr. Brunini did recommend that said agreement have an effective date of February 1, 2004, and

WHEREAS, Mr. Andy Taggart did, in open session, propose an amendment thereto whereby Exhibit C, Article 2, paragraph C2.02, subparagraph A would be amended to read as follows: "Owner shall pay Engineer for all Reimbursable Expenses at actual cost, not to exceed the rates set forth in Appendix 1 to this Exhibit C, or at such other actual cost to Engineer," and

WHEREAS, Mr. Mike McKenzie, on behalf of the Williford firm, did voice his agreement and consent to said amendment,

Following discussion, Mr. Andy Taggart did move and Mr. Tim Johnson did second a motion to approve the aforesaid contract with Williford, Gearhart & Knight, Inc. as amended in open session and to 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⁽⁵⁾

Supervisor Paul Griffin Aye

the matter carried unanimously and said contract was and is hereby approved and the Board President was and is hereby authorized to execute the same on behalf of the county.

SO ORDERED this the 16th day of April, 2004.

***In re: Nomination of John Sigman with Neel Schaffer, Inc. to
Represent the Board on a Committee of the Madison County
Wastewater Authority***

WHEREAS, Board President Douglas L. Jones did report to the Board that the Madison County Wastewater Authority had established a technical committee to assist with the proposed expansion of the Beatties' Bluff Wastewater Treatment Facility and the Board of said Authority had requested that each member nominate an engineer to serve thereon, and

WHEREAS, Mr. Jones did suggest that John Sigman of Madison, Mississippi was a worthy and competent engineer and had worked on the formation of the Authority in the past and would be an excellent choice to represent the Board on said committee,

Mr. Tim Johnson did move and Mr. Karl M. Banks did second a motion to appoint John Sigman to represent the Board on said committee and to authorize County Administrator Donnie Caughman to negotiate contract terms with Mr. Sigman. 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. Sigman was and is hereby so appointed.

SO ORDERED this the 16th day of April, 2004.

In re: Entering into "Closed Session" to Determine

Whether or not the Board Should Declare an Executive Session

WHEREAS, the Board of Supervisors, after beginning the meeting in open session, determined that it was necessary to enter into closed session for a brief discussion,

Following this discussion and pursuant to the terms of Miss. Code Ann. § 25-41-7, as amended,

Mr. Paul Griffin did move and Mr. Tim Johnson did second a motion to make a closed determination upon the issue of whether or not to declare an executive session for the purpose of discussing litigation with the following persons deemed necessary for board discussions, deliberations, and recording of such executive session, to-wit: members of the Board, Board Attorney Edmund L. Brunini, Jr., Sheriff Toby Trowbridge, County Administrator Donnie Caughman, and County Comptroller Mark Houston. 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 took up the matter of entering into Executive Session.

SO ORDERED this the 16th day of April, 2004.

In re: Entering into Executive Session

WHEREAS, a discussion of the nature of the matters requiring Executive Session was had and Board Attorney Edmund L. Brunini, Jr. informed the board that he wished to discuss certain litigation matters,

Following a discussion, Mr. Karl M. Banks did move and Mr. Tim Johnson did second a motion to enter into Executive Session to discuss litigation as provided by law. The vote on the matter being as follows:

Supervisor Douglas L. Jones Aye

Supervisor Tim Johnson Aye

Supervisor Andy Taggart Aye

Supervisor Karl M. Banks Aye

Supervisor Paul Griffin Aye

the matter carried unanimously and President Jones declared the Board of Supervisors to be Executive Session for the consideration of such matters.

SO ORDERED this the 16th day of April, 2004.

Following a discussion, Mr. Tim Johnson did move and Mr. Karl M. Banks did second a motion to come out of Executive Session and to direct the Chancery Clerk to announce to the public that no action was taken in executive session. 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 President Jones then reopened the meeting and Chancery Clerk Arthur Johnston informed the public that no action was taken in executive session.

In re: Consideration of Termination of Bob Montgomery, Esq. as

Counsel for the Madison County Economic Development Authority

WHEREAS, Supervisor Tim Johnson did relate to the Board in open session his concern about the recent indictment and arrest of one the law partners of Bob Montgomery, Esq., counsel for the Madison County Economic Development Authority (MCEDA), an agency funded by county revenue, and

WHEREAS, Mr. Johnson did also express his concern about Mr. Montgomery's history of ethical violations, one or more of which resulted in Mr. Montgomery's having been sued by the Attorney General's office and the State Ethics Commission while a member of the Mississippi State Senate, which suit culminated in his resignation therefrom, and

WHEREAS, Mr. Johnson did further opine that in light of the continuing conflicts of interest stemming from Mr. Montgomery's serving as legal counsel to both Canton Municipal Utilities (CMU) and MCEDA, the Board of Supervisors had an ethical obligation to do what it could to bring a halt to the same, and

WHEREAS, Mr. Johnson did opine that by authorizing the expenditures of taxpayer dollars to MCEDA to pay Mr. Montgomery's legal fees, the Board would be endorsing and condoning his conflicts of interest and unethical behavior,

Mr. Johnson moved (1) that the Board instruct its attorney to correspond with the MCEDA Board insisting that said Board immediately terminate the employment of Bob Montgomery as its counsel and (2) that Madison County cease all appropriations of funds and expenditures for legal work performed by Bob Montgomery and/or his law firm on behalf of MCEDA after 5:00 pm today. Said motion, however, failed for lack of a second.

SO ORDERED this the 16th day of April, 2004.

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor Andy Taggart and seconded by Supervisor Tim Johnson and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Tuesday, April 20, 2004, at 10:00 am for purposes of consideration of (1) a potential agreement with Canton Municipal Utilities concerning the transferal of certain assets to the Madison County Wastewater Authority, (2) a transition agreement pertaining to county state aid engineering services, and (3) any other business which may properly come before the Board.

Douglas L. Jones, President

Madison County Board of Supervisors

Date signed: _____

ATTEST:

Arthur Johnston, Chancery Clerk

1. Mr. Banks arrived prior to the call of the question.
2. After casting his vote on this matter, Mr. Johnson excused himself from the meeting.
3. Prior to the call of the question, Mr. Johnson returned to the meeting.
4. After casting his vote on this matter, Mr. Banks excused himself from the meeting.
5. Prior to the call of the question, Mr. Banks returned to the meeting.