

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

REGULAR MEETING OF FEBRUARY 13, 2004
Recessed from regular meeting conducted on February 2, 2004

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on February 13, 2004, at the Madison County Chancery/Administrative Building in Canton, Mississippi, as follows, to-wit:

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

Present:

Supervisor Douglas L. Jones
Supervisor Tim Johnson
Supervisor Andy Taggart
Supervisor Paul Griffin
Supervisor Karl M. Banks
Chancery Clerk Arthur Johnston
Chief Deputy Sheriff Eddie Belvedresi

Absent:

None

Also in attendance:

County Administrator Donnie Caughman
County Comptroller Mark Houston
County Engineer Mike McKenzie
State Aid and LSBP Engineer Rudy Warnock
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. Chancery Clerk Arthur Johnston opened the meeting with a prayer and citizen Cecil Palmer led the members and the audience in the Pledge of Allegiance to the Flag of the United States of America.

***In re: Petition of First Choice Development, LLC
to Re-zone a C-1 District to C-2 District.***

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

WHEREAS, First Choice Development LLC did file an Application to rezone certain property from its present C-1 Commercial Use District Classification to a C-2 Commercial District, and

WHEREAS, by Resolution properly adopted by the Board of Supervisors on the 21st day of January, 2004, a hearing was set for the 13th day of February, 2004 at 9:00 o'clock a.m., and the Clerk did cause Notice of said hearing to be published in the Madison County Herald, a newspaper published and of general circulation in Madison County, Mississippi, in the manner and for the time required by law; 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 hour of 9:00 a.m. did arise and County Zoning Administrator Brad Sellers and Mr. Parker Sartain of First Choice Development, LLC did appear before the Board for a public hearing seeking to rezone a certain C-1 District to C-2 District along

Industrial Drive North in the Southeast Quarter of Section 21, Township 8 North, Range 2 East, and

WHEREAS, the Board President did declare said public hearing to be open as noticed, and

WHEREAS, Mr. Sellers and Mr. Sartain did speak to the proposed change and did point out that the 9.38 acre tract sought to be re-zoned was previously zoned industrial and would be used as a commercial subdivision, and

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

WHEREAS, the Planning Commission did recommend approval of said Petition, and

WHEREAS, the matter was presented to the Board of Supervisors, and after conducting a public hearing thereon and after a discussion thereof, Mr. Karl M. Banks did move that the Board close the public hearing 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 the following described tract of real property be, and the same is hereby, rezoned from its present C-1 Commercial Use District Classification to C-2 Commercial Use District:

A certain parcel of land being situated in the West ½ of the SE ¼ of section 21, T8N-R2E, Madison County, Mississippi, and being more particularly described as follows:

Commencing at the SE corner of Section 21, T8N-R2E, Madison County, Mississippi, said point represented by a 2 inch iron pipe found, and thence run W for 2,644.58 feet to a point; thence run N for 925.23 feet to a 1/2 inch iron rebar found and being the POINT OF BEGINNING of the following described parcel:

From the POINT OF BEGINNING thence run N 00 degrees 02 minutes 31 seconds E a distance of 224.78 feet to a ½ inch iron rebar found; thence run N 00 degrees 32 minutes 11 seconds E a distance of 244.32 feet to a 3/8 inch iron rebar set; thence run S 76 degrees 18 minutes 47 seconds E a distance of 176.35 feet to a 3/8 inch iron rebar set; thence run S 89 degrees 55 minutes 59 seconds E a distance of 622.00 feet to a 3/8 inch iron rebar set; thence S 61 degrees 20 minutes 32 seconds E a distance of 88.20 feet to a 3/8 inch iron rebar set; thence run S 52 degrees 29 minutes 32 seconds E a distance of 259.38 feet to a 3/8 inch iron rebar set on the north right-of-way line of industrial Drive; thence run along a curve to the left with the following curve data: radius of 264.40 feet, arc length of 264.40 feet, chord bearing of S 45 degrees 05 minutes 56 seconds W and a chord distance of 308.56 feet to a 3/8 inch iron rebar set; thence leave said right-of-way and run S 89 degrees 46 minutes 04 seconds W a distance of 287.90 feet to a ½ inch iron rebar found; thence run S 01 degrees 04 minutes 20 seconds W a distance of 5.00 feet to a 3/8 inch iron rebar set; thence run S 89 degrees 45 minutes 12 seconds W a distance of 572.36 feet back to the POINT OF BEGINNING, and containing 9.38 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 13th day of February, 2004.

That motion for adoption was seconded by Mr. Paul Griffin, 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 Paul Griffin	Aye
Supervisor Karl M. Banks	Aye

the matter carried unanimously and said public hearing was and is hereby closed and the Petition of First Choice Development, LLC was and is hereby approved, the subject property was and is hereby rezoned, and the County zoning ordinance and map are amended accordingly.

SO ORDERED this the 13th day of February, 2004.

In re: Request of Tellus Operating Group, LLC for Release of Permit Obligation

WHEREAS, Zoning Administrator Brad Sellers did appear before the Board on behalf of Tellus Operating Group, LLC with the request that because the majority of its proposed new office complex lies within the city limits of the City of Ridgeland, it prefers to follow the City of Ridgeland's zoning process and seeks to be released from any obligation to follow the county's process, and

WHEREAS, Mr. Sellers did present a plat showing the city limits superimposed over the proposed construction,

Following discussion, Mr. Andy Taggart did move and Mr. Karl M. Banks did second a motion to authorize the County Zoning Administrator to conduct certain negotiations with the City of Ridgeland and allow the City to establish the zoning requirements for the proposed complex and to, thereafter, execute the appropriate documentation releasing Tellus Operating Group, LLC from the county zoning process. The vote on the matter being as follows:

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

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

SO ORDERED this the 13th day of February, 2004.

In re: Petition of Phoenix Development, LLC to Rezone R-1 Residential Property to C-2 Commercial along Church Road in Section 22, Township 8 North, Range 2 East

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

WHEREAS, Phoenix Development LLC did file an Application to rezone certain property from its present R-1 Residential Use District Classification to a C-2 Commercial District, said property being located along Church Road in Section 22, Township 8 North, Range 2 East, and

WHEREAS, by Resolution properly adopted by the Board of Supervisors on the 19th day of December, 2003, a hearing was set for the 30th day of January, 2004 at 9:00 o'clock a.m., and the Clerk did cause Notice of said hearing to be published in the Madison County Herald, a newspaper published and of general circulation in Madison County, Mississippi, in the manner and for the time required by law; 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, on January 30, 2004, the Board continued the public hearing until 10:00 am February 13, 2004, and tabled consideration of said Petition pending receipt of additional information from the Petitioner, and

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

WHEREAS, the Planning Commission did recommend approval of said Petition, and

WHEREAS, Ms. Robin Wilson, an agent for Phoenix Development Company did also appear before the Board on this date and explained that said property is a 7.5 acre tract located in the center of a larger, 28 acre tract at the corner of Church Road and Highway 51 in Gluckstadt, that the surrounding properties were zoned either C-2 or I-1, and that the only reasonable use for the subject property would be as a C-2 or I-1 District, and

WHEREAS, Ms. Wilson did offer a plat showing the zoning of surrounding parcels, and

WHEREAS, the matter was presented to the Board of Supervisors, and after conducting a public hearing thereon and after a discussion thereof, Mr. Karl M. Banks did move that the Board close the public hearing 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 the following described tract of real property be, and the same is hereby, rezoned from its present R-1 Residential Use District to C-2 Commercial Use District, to wit:

Commence at an iron pin marking the SE corner of the NW1/4 of Section 22, T8N-R2E, thence run due West 887.28 feet to a point on the East right of way of Railroad; thence run North 23 degrees 12 minutes East, 1751.61 feet along said railroad right of way to the Point of Beginning; thence run north 23 degrees 12 minutes East, 1156.13 feet along said right of way to the South right of way line of Church Road; thence run North 89 degrees 35 minutes East, 205.32 feet along said right of way line of Church Road; thence run South 13 degrees 18 minutes West, 1093.42 feet; thence run due west; 409.35 feet to the Point of Beginning, said tract containing 7.50 acres, and located in the NE 1/4 of the NW 1/4, and the NW 1/4 of the NE 1/4, Section 22, T8N-R2E, Madison County, Mississippi.

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 13th day of February, 2004.

That motion for adoption was seconded by Mr. Tim Johnson, 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 Paul Griffin	Aye
Supervisor Karl M. Banks	Aye

the matter carried unanimously and said public hearing was and is hereby closed and the Petition of Phoenix Development LLC was and is hereby approved, the subject property was and is hereby rezoned, and the County zoning ordinance and map are amended accordingly.

SO ORDERED this the 13th day of February, 2004.

In re: Parkway East Wetlands Assessment

WHEREAS, Mr. Mike Goff and Mr. Chad Wages of Wildlife Technical Services, Inc. did appear before the Board and reported that the County had previously obtained a wetlands permit from the U. S. Corps of Engineers to allow construction of the Parkway East roadway and relocation and installation of certain water lines, said roadway and water lines traversing wetlands, and

WHEREAS, to obtain said permit, the County was required to provide other lands in mitigation within sixty (60) days of the issuance thereof, said period having now expired, and

WHEREAS, a mitigation covenant is needed as to the aforesaid waterlines,

Following discussion, Mr. Andy Taggart did move and Mr. Karl M. Banks did second a motion to authorize Wildlife Technical Services, Inc. to enter into negotiations with the Corps of Engineers to arrive at an accommodation which would allow the waterline work to proceed and which would hold the roadway issue in abeyance pending resolution of other issues involving the Parkway East project. The vote on the matter being as follows:

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

the matter carried by a majority vote of those present and Wildlife Technical Services, Inc. was and is so directed.

SO ORDERED this the 13th day of February, 2004.

In re: Request of Canton Community Development Corporation to Issue Notice by Publication of a Public Hearing on FY 2004 HOME Grant Funds

WHEREAS, Ms. Maureen Simpson did appear before the Board on behalf of the Canton Community Development Corporation seeking authority to give notice by publication of a public hearing on its FY 2004 HOME Investment Partnerships Program Grant Funds and the availability thereof, and

WHEREAS, a true and correct copy of said notice 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 authorize the giving of notice by publication of the aforesaid hearing. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye

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

the matter carried unanimously and said notice by publication was and is hereby authorized.

SO ORDERED this the 13th day of February, 2004.

In re: Re-establishment of Just Compensation for Permanent Easements Acquired for the Reunion Parkway Roadway Improvements Project

WHEREAS, Mr. Woody Sample with Sample & Associates appeared before the Board of Supervisors and presented a memorandum requesting the Board to re-establish just compensation for three (3) separate parcels of land relative to the Reunion Parkway Roadway Improvements Project due to an error with the temporary easements previously approved by the Board on February 2, 2004, and

WHEREAS, a copy of said memorandum, together with the appraisal reports pertaining thereto may be found in the Miscellaneous Appendix to these minutes, and

WHEREAS, Mr. Sample did further recommend that the Board of Supervisors authorize just compensation to the following landowners for such easements as follows:

<u>Property Owner</u>	<u>Amount</u>
Minnie Bozeman Family, L. P.	\$10,926.00
Minnie Bozeman Family, L. P.	\$26,200.00
Sunny Development Company	\$31,310.00

Following additional discussion of this matter, Mr. Andy Taggart did move and Mr. Karl M. Banks did second a motion to authorize the re-establishment of just compensation of \$10,926.00, \$26,200.00, and \$31,310.00 for the above and foregoing parcels respectively for easements as set forth above and to authorize the Board President to execute the aforesaid memorandum, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes. The vote on the matter being as follows:

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

the matter carried unanimously and just compensation for said easements was and is hereby re-established and the President was and is hereby authorized to execute said memorandum.

SO ORDERED this the 13th day of February, 2004.

In re: Authorizing Board Attorney to Request Six (6) Month Extension from Mr. Clyde Edwards of the Construction Deadline Relative to the Improvements to Catlett Road Extension Roadway

WHEREAS, County Engineer Mike McKenzie did appear before the Board advising the Board that an extension of time would be needed within which to begin and complete a proposed extension to Catlett Road across property owned by Mr. Clyde Edwards, and

WHEREAS, the acquisition of easements across said property is necessary to enable the roadway to be constructed,

Following discussion, Mr. Andy Taggart did move and Mr. Karl M. Banks did second a motion to authorize the Board Attorney to prepare a written request to Mr. Edwards seeking a six (6) month extension of time within which to begin and complete said project. The vote on the matter being as follows:

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

the matter carried by a majority vote and the Board Attorney was and is so instructed.

SO ORDERED this the 13th day of February, 2004.

***In re: Engineering Design for Reunion Parkway/
Access Road to New Madison Station Elementary School***

WHEREAS, County Engineer Mike McKenzie did appear before the Board requesting authority to commence design of an access road to the new Madison Station Elementary School off Bozeman Road and Reunion Parkway, and

WHEREAS, the Board is of the opinion that the roadway should be designed and constructed with all deliberate speed to insure means of ingress and egress by the start of the Fall 2004 school year,

Following discussion, Mr. Andy Taggart did move and Mr. Tim Johnson did second a motion to authorize County Engineer Mike McKenzie to begin design of two (2) lanes of roadway along the right of way previously identified allowing ingress and egress to the new Madison Station Elementary School. The vote on the matter being as follows:

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

the matter carried unanimously and the County Engineer was and is authorized to begin design of two (2) lanes of roadway along the right of way previously identified allowing ingress and egress to the new Madison Station Elementary School.

SO ORDERED this the 13th day of February, 2004.

In re: Approval of Certain Utility Permits

WHEREAS, County Engineer Mike McKenzie did appear before the Board of Supervisors 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) Bear Creek Water Association - Seeking to install 12 inch sanitary sewer force main along Yandell Road
- (2) Bear Creek Water Association - Seeking to bore and jack steel casing under Gluckstadt Road
- (3) Bear Creek Water Association - Seeking to install 12 inch sanitary sewer force mail along East Sowell Road

- (4) Entergy - Seeking to reconductor existing line from first pole east of Red Oak Subdivision to pole on southwest corner of Bozeman Road and Gluckstadt Road, and

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

Following discussion thereon, Mr. Paul Griffin did move and Mr. Karl M. Banks did second a motion to approve said permit applications 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	Not Present and Not Voting ¹
Supervisor Andy Taggart	Aye
Supervisor Paul Griffin	Aye
Supervisor Karl M. Banks	Aye

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

SO ORDERED this the 13th day of February, 2004.

***In re: Approval of Ashton Park Part 1
Resubdivision Plat***

WHEREAS, County Engineer Mike McKenzie did appear before the Board requesting final approval of a Resubdivision Plat for Ashton Park, Part, and

WHEREAS, Mr. McKenzie did assure the Board that the approval and signature of the City Engineer for the City of Madison would be obtained and that the names of the public officials whose approval would be needed could be corrected by hand, and

WHEREAS, said Plat did contain, on its face, the attested signatures of all the property owners affected by the changes proposed therein, and

WHEREAS, Mr. McKenzie did assure the Board that said plat was proper in all other respects,

¹Prior to the call of the question, Mr. Johnson excused himself from the meeting.

Following discussion thereon, Mr. Tim Johnson² did move and Mr. Karl M. Banks did second a motion to approve the resubdivision plat as submitted, contingent upon the approval and signature of the City Engineer for the City of Madison. The vote on the matter being as follows:

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

the matter carried unanimously and said resubdivision plat was and is hereby approved.

***In re: Correcting the Board Minutes of
December 19, 2003 in Regard to the Settlement of
the County's Condemnation Action Involving
Gladys Brown and Ruthie Mae Glover***

WHEREAS, the Board of Supervisors does hereby desire to correct a scrivener's error found in the December 19, 2003 Minutes of the Board of Supervisors at Book 2003 Page 1493 and does desire to replace Cause Number 2003-0349 with Cause Number 2003-0474-2 and does desire to replace the names Burnell McDonald and Willie Earl McDonald with Gladys Brown and Ruthie Mae Glover thereon, and

WHEREAS, Chancery Clerk Arthur Johnston did assure the Board that he had investigated said matter and that Ms. Brown and Ms. Glover were the parties with whom the Board had intended to enter a compromise and that the Minutes of said meeting erroneously reflected the McDonalds, the McDonalds having previously donated their interest in the subject property to the county, and

WHEREAS, Mr. Johnston did request authority to immediately issue pay warrants in the amount of \$1,000 each unto the said Gladys Brown and Ruthie Mae Glover and to immediately issue a pay warrant in the amount of \$2,000 unto Bobby Joe Smith in exchange for the execution of warranty deeds conveying unto the County certain property, or an interest in certain property along North Livingston Road,

Following discussion of this matter, Mr. Karl Banks did move and Mr. Tim Johnson did second a motion to *nunc pro tunc* the December 19, 2003 minutes accordingly. The vote on the matter being as follows:

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

the matter carried unanimously and said minutes were and are hereby corrected *nunc pro tunc* and the Chancery Clerk was and is hereby instructed to issue pay warrants accordingly.

SO ORDERED this the 13th day of February, 2004.

***In re: Correcting the Board Minutes of
January 30, 2004, to Reflect Correct Legal
Description of the Location of the Proposed
Denbury Resources, Inc. Dehydration Plant***

WHEREAS, the Board of Supervisors does hereby desire to correct a scrivener's error found in the January 30, 2004 Minutes at Book 2004 Page 065 to replace Section number 22

²Mr. Johnson returned to the meeting prior to offering this motion.

with Section number 36 in the legal description of the location of the proposed Denbury Resources, Inc. Dehydration Plant,

Following discussion, Mr. Andy Taggart did move and Mr. Karl M. Banks did second a motion to *nunc pro tunc* the January 30, 2004 Minutes accordingly. The vote on the matter being as follows:

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

the matter carried unanimously and said minutes were and are hereby corrected *nunc pro tunc*.

SO ORDERED this the 13th day of February, 2004.

In re: Appointments to Various Boards and Committees of the Central Mississippi Planning and Development District

WHEREAS, Larry Smith and Bruce Reynolds with Central Mississippi Planning & Development District (CMPDD) did appear before the Board requesting the appointment by the Board of members of the Board of Directors of the CMPDD,

Mr. Tim Johnson did move and Mr. Karl M. Banks did second a motion to appoint Supervisor Andy Taggart to the Board of the CMPDD Metropolitan Planning Organization. The vote on the matter being as follows:

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

the matter carried unanimously and Mr. Taggart was and is hereby so appointed.

SO ORDERED this the 13th day of February, 2004.

Thereafter, Mr. Karl M. Banks did move and Mr. Tim Johnson did second a motion to appoint County Engineer Mike McKenzie to serve on the CMPDD Intermodal Technical Committee. The vote on the matter being as follows:

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

the matter carried unanimously and Mr. McKenzie was and is hereby so appointed.

SO ORDERED this the 13th day of February, 2004.

Thereafter, Mr. Tim Johnson did move and Mr. Paul Griffin did second a motion to appoint Supervisor Douglas Jones to the CMPDD Steering Committee. The vote on the matter being as follows:

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

the matter carried unanimously and Mr. Jones was and is so appointed.

SO ORDERED this the 13th day of February, 2004.

Thereafter, Mr. Tim Johnson did move and Mr. Paul Griffin did second a motion to appoint County E-911 Coordinator Luke Gordon to the CMPDD Emergency Management Committee. The vote on the matter being as follows:

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

the matter carried unanimously and Mr. Gordon was and is so appointed.

Thereafter, Mr. Paul Griffin did move and Mr. Karl M. Banks did second a motion to appoint citizen Will Sligh to the CMPDD Hazard Mitigation Committee. The vote on the matter being as follows:

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

the matter carried unanimously and Mr. Sligh was and is so appointed.

SO ORDERED this the 13th day of February, 2004.

***In re: Designation of Cedar Grove Baptist Church
as Polling Place for Madisonville Precinct***

WHEREAS, the County has an urgent need for a new polling place in the Madisonville precinct in order to meet the demands of Super Tuesday's primary election, and

WHEREAS, Cedar Grove Baptist Church has expressed its willingness to serve the county in that regard,

Following discussion, Mr. Andy Taggart did move and Mr. Karl M. Banks did second a motion to enter into a lease agreement with Cedar Grove Baptist Church which the Board Attorney is to draft containing a proviso that the same is voidable if the United States Department of Justice does not give its approval thereof. The vote on the matter being as follows:

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

the matter carried unanimously and the Board Attorney was and is so instructed.

SO ORDERED this the 13th day of February, 2004.

***In re: Lease Agreement with
J. E. Harreld Properties Inc.***

WHEREAS, County Administrator Donnie Caughman did appear before the Board and reported that the County did enter into a lease with J. E. Harreld Properties, Inc. Pertaining to a building located at 3142 South Liberty Street In Canton, Mississippi, and that said facility has remained vacant since approximately July of 2003, and

WHEREAS, Mr. Caughman reported that the County has been making payments thereon in the amount of \$4,000 per month through January, 2004 despite the vacancy thereof, and

WHEREAS, Mr. Caughman and County Comptroller Mark Houston did offer their opinions, based upon an opinion of the Attorney General that said lease was voidable, and

WHEREAS, Attorney Chris Solop did appear on behalf of J. E. Harreld Properties, Inc., urging that the lease was not voidable and that the action of this Board in making a lease payment in January, 2004 constituted a ratification of said agreement, and further arguing that the county did have a need for the facility and that further negotiations were warranted, and

WHEREAS, Board Attorney Edmund L. Brunini, Jr. did request an opportunity to review the matter and offer his opinion at a later date,

Mr. Tim Johnson did move to declare said contract void. However, the motion failed for lack of a second.

SO ORDERED this the 13th day of February, 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 hereto:

Lessees: Charles K. and Debbie W. Hyatt
Description: Lot 19, Eastbrooke Estates Subdivision
Lease Term: 40 years

<u>Year</u>	<u>Annual Rent</u>
01-05	\$ 350.00
06-10	\$ 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

Lessee: Dana R. Johnson
Description: Lot 64, Madison Oaks Subdivision, Part III
Lease Term: 40 years

<u>Year</u>	<u>Annual Rent</u>
01-05	\$ 250.00
06-10	\$ 275.00
11-15	\$ 300.00
16-20	\$ 325.00

21-25	\$ 350.00
26-30	\$ 375.00
31-35	\$ 400.00
36-40	\$ 425.00

Lessees: John E. and Elizabeth H. Durrett
Description: Lot 13, Eastbrooke Estates Subdivision
Lease Term: 40 years

<u>Year</u>	<u>Annual Rent</u>
01-05	\$ 350.00
06-10	\$ 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: Charles Bradley and Judy Gail Odom
Description: Lot 18, Eastbrooke Estates Subdivision
Lease Term: 40 years

<u>Year</u>	<u>Annual Rent</u>
01-05	\$ 350.00
06-10	\$ 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: Mark A. and DeVaughan M. Smith
Description: Lot 7, Eastbrooke Estates Subdivision
Lease Term: 40 years

<u>Year</u>	<u>Annual Rent</u>
01-05	\$ 350.00
06-10	\$ 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: Anthony W. and Trudi M. Ingram
Description: Lot 186, Sherbourne Subdivision, Part 4
Lease Term: 40 years

<u>Year</u>	<u>Annual Rent</u>
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: Monty W. and Avona B. Kasselmann
Description: Lot 185, Sherbourne Subdivision, Part 4
Lease Term: 40 years

<u>Year</u>	<u>Annual Rent</u>
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

Mr. Karl M. Banks 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 Paul Griffin	Aye
Supervisor Karl M. Banks	Aye

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

SO ORDERED this the 13th day of February, 2004.

***In re: Authorizing 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, MS 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 26th day of March, 2004, to-wit:

Johnnie Holmes - Petition for Special Exception to place mobile home in the R-2 District. *Location:* Kearney Park Road, Section 5, T8N-R1 W. *Data:* Petitioner wishes to place a mobile home on this lot for residential use. Tabled at the Jan. 8 meeting.

Jerry Sumrall - Petition for Special Exception to conduct surface mining. *Location:* Highway 51 North, Section 8, T10N-R3E. *Data:* Petitioner wishes to conduct surface mining at this location. Application is pending with MDEQ. Maps are furnished of mine location and haul road. This will not affect a County Road, as site will access Highway 51. A reclamation plan is provided. Final reclamation planned for December 1, 2006.

Nada Griffin - Petition for Variance to front and side setback in the R -1 Residential District. *Location:* 108 McDonald Road, Section 3, T7N-R1E. *Data:* Petitioner has existing mobile home on this 1 acre tract. She wishes to remove mobile home and build single-family residence. Site plan depicts new septic system layout, requiring house/site to encroach into side and front setbacks by 20 feet.

Joe Farb, Dr. Harold and Vetlyn Foley - Petition to rezone R-I Residential to R-2 Residential. *Location:* King Ranch Road, Section 14, T9N-R2E. *Data:* Petitioners wish to develop this property as a R-2 type subdivision, minimum lot size 10,600. This property consists of 40 acres, undeveloped. Utilities will be provided by Canton Municipal Utilities. Site plan has been provided, with house elevations provided.

Tony McBride and Robert McBride - Petition to rezone property from A-I District to C-I Commercial District. *Location:* Loring Road, Section 26, T11N-R4E. *Data:* Petitioner requests rezoning of this 1.1 acre tract from A-I Agricultural to C-I Commercial, to operate a gasoline station. There will be no food sold other than prepackaged products. Due to the proximity to the school, no alcohol sales will be allowed.

Following review and discussion of this matter, Mr. Karl M. Banks did move and Mr. Andy Taggart did second a motion to authorize the giving of public notice of the intent of the Board of Supervisors to conduct a public hearing on the petitions to amend/change the Official Zoning Ordinances and/or Official Zoning Map of Madison County, MS, set forth above at 9:00 a.m. on Friday, March 26, 2004. The vote on the matter being as follows:

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

the matter carried unanimously and public notice of the aforesaid hearing was and is hereby given.

SO ORDERED this the 13th day of February, 2004.

***In re: Request of Canton Public School District
to Set Public Hearing and Give Notice of Petition
to Rezone Certain Property***

WHEREAS, County Zoning Administrator Brad Sellers did present the Board of Supervisors with the following petition to amend/change the Official Zoning Ordinances and/or Official Zoning Map of Madison County, MS as follows and recommended that the Board authorize the giving of public notice of its intent to conduct a public hearing on said petition at 9:00 a. m. on the 12th day of March, 2004, to-wit:

Canton Public School District - Petition to Rezone A-1 Agricultural Use Classification to SU-1 Special Use District, more particularly, the Educational Institutions District included thereunder. *Location:* East ½ of the East ½ of Section 16, Township 9 North, Range 2 East, containing 31.80 acres. *Data:* Petitioner school district wishes to construct and operate an elementary school on the subject property.

Following review and discussion of this matter, Mr. Karl M. Banks did move and Mr. Andy Taggart did second a motion to authorize the giving of public notice of the intent of the Board of Supervisors to conduct a public hearing on the petition to amend/change the Official Zoning Ordinances and/or Official Zoning Map of Madison County, MS, set forth above at 9:00 a.m. on Friday, March 12, 2004. 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 Paul Griffin	Aye

³Prior to the call of the question, Mr. Johnson excused himself from the meeting.

Supervisor Karl M. Banks

Aye

the matter carried the by unanimous vote of those present and public notice of the aforesaid hearing was and is hereby ordered to be given.

SO ORDERED this the 13th day of February, 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 Karl Banks and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Friday, February 20, 2004.

Douglas L. Jones, President
Madison County Board of Supervisors

Arthur Johnston, Chancery Clerk