

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

REGULAR MEETING OF JULY 23, 2004
Recessed from regular meeting conducted on July 16, 2004

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on July 23, 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 Paul Griffin	
Supervisor Karl M. Banks	
Chancery Clerk Arthur Johnston	
Sheriff Toby Trowbridge	

Also in attendance:

County Administrator Donnie Caughman
 County Comptroller Mark Houston
 County Road Manager Prentiss Guyton
 Zoning Administrator Brad Sellers
 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. Ben Conner, Esq. 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: Petition of Madison County School District
for a Special Exception to Allow a School in an A-1
Agricultural District***

WHEREAS, the Board of Supervisors had previously advertised its intent to conduct a public hearing concerning the request of the Madison County School District for a Special Exception to Allow a School in an A-1 Agricultural District on 24.97 acres on Highway 43 North in Section 6, T10N, R2E, 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 July 8, 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 the Madison County School District for Special Exception to allow a school in an A-1 Agricultural District, and

President's Initials: _____

Date Signed: _____

WHEREAS, County Zoning Administrator Brad Sellers did appear before the Board and explained that the special exception was being sought as the direct result of the schools district's construction of a new school on a parcel of real property on Highway 43 N, more particularly described as follows, to-wit:

A tract or parcel of land containing 24.97 acres, more or less, lying and being situated in the SW 1/4 of the SW 1/4 of Section 6, T10N-R5E, Madison County, MS, and being more particularly described as follows:

Point of commencement and Point of Beginning being at a found iron pin marking the SW corner of Section 6, T10N-R5E, Madison County, MS; thence north for a distance of 303.60 feet to a point on the South right-of-way line of Mississippi Highway no. 43 (80 foot right-of-way) to a set 1/2 inch iron pin; thence north 51 degrees 31 minutes 40 seconds East along the South right-of-way line of Mississippi highway No. 43 for a distance of 1680.70 feet to a set 1/2 inch iron pin; thence South 00 degrees 00 minutes 06 seconds East for a distance of 1346.14 feet to a found 1/2 inch iron pin; South 89 degrees 51 minutes 56 seconds West for a distance of 1319.40 feet to the Point of Beginning.

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. Tim Johnson 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 the Madison County School District was and is hereby granted.

SO ORDERED this the 23rd day of July, 2004.

In re: Request of Bruno Clark to Rezone Certain Property From R-1 Residential to C-2 Commercial

**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 petition of Bruno Clark seeking rezoning of property, pursuant to the Zoning Ordinance of Madison County, MS, and to amend the Zoning Maps adopted pursuant thereto, by requesting property be rezoned from R-1 Residential District to a C-2 Commercial District.

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 July 8, 2004, and

President's Initials: _____

Date Signed: _____

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 hour of 9:00 a.m. did arise and County Zoning Administrator Brad Sellers and Mr. Steve Clark did appear before the Board for a public hearing seeking to rezone a certain R-1 Residential District to a C-2 Commercial District, and

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

WHEREAS, Mr. Clark did explain that he intends to build a commercial shopping center in accordance with certain schematics and photos which may be found in the Miscellaneous Appendix to these Minutes and said property is in need of re-zoning of thereof to accomplish this goal, and

WHEREAS, the Planning and Zoning Commission did recommend approval of the request, with covenants to restrict development to C-1 permitted uses, except for allowing a billboard, 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. Tim Johnson 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 R-1 Residential District to a C-2 Commercial District on the condition that the buildings are constructed in accordance with the schematics and photos set forth in the schematics and photos which may be found in the Miscellaneous Appendix to these Minutes:

A parcel of land lying and situated in Section 27, T8N-R2E, Madison County, Mississippi, more particularly described as follows:

Commencing at an iron pin at the intersection of the west boundary of U. S. Highway 51 with the north boundary of Weisenberger Road, said point being located 979.92 feet East and 1923.66 feet South of the NW corner of Section 27, T8N-R2E, Madison County, MS, run thence N 23 degrees 51 minutes 51 seconds E along said west boundary of U. S. Highway 51 a distance of 259.82 feet to the northeast corner of a parcel described in Deed Book 519, Page 48 of the Madison County Records, said point being the Point of Beginning of the following described parcel: Run thence N 23 degrees 41 minutes 33 seconds along said west boundary a distance of 398.43 feet to the north boundary of the SE 1/4 of the NW 1/4 of Section 27, T8N-R2E,

¹Prior to offering the motion, Mr. Banks arrived.

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Madison County, MS, said boundary being the north boundary of 14.75 more or less described in Deed Book 88, Page 307 of the Madison County Records; run thence West along said north boundary a distance of 793.47 feet to an iron pin at the northeast corner of a parcel described in Deed Book 163, Page 264 of the Madison County Records; run thence S 0 degrees 26 seconds 35 minutes W ("South" as per deed record) a distance of 195.65 feet to an iron pin at the northwest corner of a parcel described in Deed Book 392, Page 758 of the Madison County Record; run thence S 84 degrees 15 minutes 56 seconds E a distance of 150.75 feet to an iron pin; run thence S 0 degrees 49 minutes 58 seconds W ("South" as per deed record) a distance of 212.34 feet to an iron pin; run thence East a distance of 171.74 feet to an iron pin; run thence South a distance of 37.20 feet to an iron pin; run thence S 79 degrees 23 minutes 29 seconds E a distance of 73.64 feet to the west boundary of a parcel described in Deed Book 519, Page 48 of the Madison County Records; run thence N 10 degrees 36 minutes 30 seconds E (N 11 degrees 58 minutes 13 seconds E as per deed record) a distance of 96.95 feet to an iron pin at the northwest corner of said parcel; run thence N 86 degrees 32 minutes 37 seconds E (N 83 degrees 34 minutes 38 seconds E as per deed record) along the north boundary of said parcel a distance of 226.41 feet to the Point of Beginning containing 5.90 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 23rd day of July, 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 Bruno Clark 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 23rd day of July, 2004.

President's Initials: _____

Date Signed: _____

***In re: Request of CGC, LLC to Rezone Certain
Property From R-1 Residential to R-2 Residential***

**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 petition of CGC, LLC seeking rezoning of property, pursuant to the Zoning Ordinance of Madison County, MS, and to amend the Zoning Maps adopted pursuant thereto, by requesting property be rezoned from R-1 Residential District to a R-2 Residential District.

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 July 8, 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 hour of 9:00 a.m. did arise and County Zoning Administrator Brad Sellers and Mr. Steve Clark did appear before the Board for a public hearing seeking to rezone a certain R-1 Residential District to a R-2 Residential District, and

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

WHEREAS, Mr. Sellers did state that the petitioners desired to develop a residential subdivision on Yandell Road across from Harvey Crossing subdivision, and presented draft covenants together with a proposed plat which were available for review by the Board, 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, although Ms. Christine Cook, a resident of the area, did appear with certain questions and comments, and

Following discussion, Mr. Andy Taggart did move and Mr. Karl M. Banks 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 R-1 Residential District to a R-2 Residential District:

A tract of land consisting of 17.336 acres located in the NE 1/4 of Section 25, T8N-R2E, Madison County, MS, being more particularly described as follows:

Commencing at the Northwest corner of the NE 1/4 of the aforementioned Section 25, thence run South 88 degrees 40 minutes 30 seconds East for a distance of 30.00 feet to a found iron rod at the Northwest corner of the Christine Price Cook property as recorded in Deed Book

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256 at

Page 150 in the office of the Chancery Clerk of Madison County, at Canton, MS; thence following the North line of the Christine Price Cook property run South 88 degrees 40 minutes

30 seconds East for a distance of 210.00 feet to the Northeast corner of the said Christine Price

Cook property, said point also being on the South right-of-way line of Yandell Road, as presently

laid out and in use; thence following said South right-of-way line, run South 88 degrees 04

minutes 08 seconds East for a distance of 164.37 feet to the Point of Beginning; thence continue

South 88 degrees 04 minutes 08 seconds for a distance of 885.24 feet to the Northeast corner of

the NW 1/4 of the NE 1/4 of the aforementioned Section 25; thence run South 00 degrees 13

minutes 40 seconds West for a distance of 1319.39 feet to the Southeast corner of the NW 1/4 of

the NE 1/4 of the aforementioned Section 25; thence run North 88 degrees 09 minutes 28

seconds West for a distance of 386.77 feet; thence run South for a distance of 11.48 feet; thence

run South 82 degrees 26 minutes 33 seconds West for a distance of 124.79 feet; thence run north

for a distance of 1149.59 feet; thence run North 88 degrees 36 minutes 53 seconds West for a

distance of 369.34 feet; thence run north 00 degrees 00 minutes 08 seconds East for a distance of

206.15 feet to the point of beginning.

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 23rd day of July, 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 CGC, LLC 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 23rd day of July, 2004.

In re: Request of Diane Bennett to Rezone Certain Property From R-1 Residential to C-2 Commercial

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WHEREAS, the Board of Supervisors had previously advertised its intent to conduct a public hearing concerning the petition of Diane Bennett seeking rezoning of property, pursuant to the Zoning Ordinance of Madison County, MS, and to amend the Zoning Maps adopted pursuant thereto, by requesting property be rezoned from R-1 Residential District to a C-2 Commercial District.

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 July 8, 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 hour of 9:00 a.m. did arise and County Zoning Administrator Brad Sellers and did appear before the Board for a public hearing seeking to rezone a certain R-1 Residential District to a C-2 Commercial District, and

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

WHEREAS, Mr. Sellers did explain that the Petitioner was utilizing the subject tract which contains certain acreage as an existing warehouse, the same constituting a non-conforming use, together with other such non-conforming uses and that Petitioner desired to make certain improvements to said property and was enduring a period of growth in his business such that expansion was necessary and that in order to accommodate same, C-2 zoning would be needed to conduct a business at this location, and

WHEREAS, said property is located on Pine Drive off Livingston-Vernon Road in Section 82, T9N, R1W, more particularly described as follows, to-wit:

3.955 acres, more or less, being all of lots 5 and 6, and part of lots 3 and 7, and any remaining portion of lot 2 which may be owned by Grantor, Kearney Park, Part 2 and being more particularly described as follows:

Tract 1

A tract of land consisting of 6.214 acres being all of lots 1, 5, 6, and part of lots 2, 3, and 7 of Block 16, Kearney Park, Part 2, according to a plat of said subdivision as recorded in Plat Cabinet A at Slide 83, in the office of the Chancery Clerk of Madison County, at Canton, MS, being situated in the S « of the SE 1/4 of the SW 1/4 of Section 28, T9N-R1W, Madison County, MS and being more particularly described as follows:

Commencing at the NW corner of lot 3 of the aforementioned Block 16, Kearney Park, Part 2, said point also being the NW corner of the S « of the SE 1/4 of the SW 1/4 of the aforementioned Section 28, T9N-R1W, thence run South along an existing North-South fence line for a distance 393.80 feet to the Point of Beginning; thence leaving said fence line run S 86 degrees 17 minutes 22 seconds E for a distance of 314.93 feet to a point of an existing fence line; thence following said fence line run North 03 degrees 54 minutes 13 seconds E for a

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distance of
 276.17 feet to a found iron rod at the corner of said fence line; thence following said
 fence line
 and an extension thereof run South 84 degrees 07 minutes 07 seconds E for a distance
 of 609.93
 feet; thence run South 05 degrees 05 minutes 36 seconds W for a distance of 201.60
 feet to a
 point on the right-of-way line of Pine Street; thence following said right-of-way run North
 84
 degrees 28 minutes 39 seconds W for a distance of 60.00 feet; thence following said
 right-of-way
 run South 05 degrees 05 minutes 39 seconds W for a distance of 109.09 feet; thence
 leaving said
 right-of-way run North 82 degrees 19 minutes 17 seconds West for a distance of 181.48
 feet to a
 found iron rod; thence run North 82 degrees 14 minutes 45 seconds W for a distance of
 62.84
 feet to a found iron rod; thence run North 87 degrees 00 minutes 13 seconds W for a
 distance of
 221.14 feet to a point on the right-of-way line of Cedar Drive; thence following said
 right-of-way
 line the following calls; run North 05 degrees 25 minutes 00 seconds E for a distance of
 109.56
 feet; thence run North 84 degrees 28 minutes 39 seconds W for a distance of 60.00
 feet; thence
 run South 05 degrees 25 minutes 00 seconds W for a distance of 76.11 feet; thence run
 along a
 curve to the right (Radius 50.00 feet, Tangent 25.89 feet, Chord 45.98 feet) whose
 Chord bears
 South 32 degrees 47 minutes 30 seconds W for an arc distance of 47.78 feet; thence
 run South 60
 degrees 10 minutes 00 seconds W for a distance of 55.31 feet; thence along a curve to
 the left
 (Radius 50.00 feet, Tangent 31.41 feet, Chord 53.19 feet) whose Chord bears South 28
 degrees
 02 minutes 00 seconds W for a arc distance of 56.08 feet; thence run South 04 degrees
 06
 minutes 00 seconds east for a distance of 266.80 feet to a point on the northern
 right-of-way line
 of Moore Avenue; thence leaving said right-of-way of Cedar Drive and following said
 right-of-way of Moore Avenue; run north 80 degrees 22 minutes 34 seconds W for a
 distance of
 257.80 feet to a point in line with a North-South fence line; thence run north to and
 along said
 North-South fence line for a distance of 363.81 feet to the Point of Beginning.

LESS AND EXCEPT:

Tract II

A tract of land consisting of 2.259 acres being all of lot 1 and part of lot 2 of Block 16,
 Kearney Park, Part 2, according to a plat of said subdivision as recorded in Plat Cabinet
 A at
 Slide 83, in the office of the Chancery Clerk of Madison County at Canton, MS, being
 situated in
 the South « of the SE 1/4 of the SW 1/4 of Section 28, T9N-R1W, Madison County, MS,
 and
 being more particularly described as follows:

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Commencing at the NW corner of lot 3 of the aforementioned Block 16, Kearney Park, Part 2, said point also being the NW corner of the S « of the SE 1/4 of the SW 1/4 of the aforementioned Section 28, T9N-R1W, thence run South along an existing North-South fence line for a distance 393.80 feet to the Point of Beginning; thence leaving said fence line run S 86 degrees 17 minutes 22 seconds E for a distance of 314.93 feet to an iron rod on an existing fence line; thence following said fence line run North 03 degrees 54 minutes 13 seconds East for a distance of 70.68 feet to an iron rod; thence run South 84 degrees 28 minutes 39 seconds E for a distance of 21.18 feet to an iron rod on the West right-of-way of Cedar Drive; thence following said West right-of-way the following calls: South 05 degrees 25 minutes 00 seconds West for a distance of 76.11 feet to an iron rod; thence run along a curve to the right 9 Radius 50.00 feet, tangent 25.89 feet, chord 45.98 feet) whose Chord bears South 32 degrees 47 minutes 30 seconds W for an arc distance of 47.78 feet to an iron rod; thence South 60 degrees 10 minutes 00 seconds W for a distance of 55.31 feet to an iron rod; thence run along a curve to the left (Radius 50.00 feet, Tangent 31.41 feet, Chord 53.19 feet) whose Chord bears South 28 degrees 02 minutes 00 seconds W for an arc distance of 56.08 feet to an iron rod; thence run south 04 degrees 06 minutes 00 seconds e for a distance of 266.80 feet to an iron rod on the northern right-of-way of Moore Avenue; thence leaving said right-of-way of Cedar Drive and following said right-of-way of Moore Avenue run North 80 degrees 22 minutes 34 seconds W for a distance of 257.80 feet to an iron rod in line with a North-South fence line; thence run North to and along said North-South fence line for a distance of 363.81 feet to the Point of Beginning.

Tract I and Tract II being subject to a street right-of-way which was automatically dedicated at the time said right-of-way ceased to be used as a railroad right-of-way.

WHEREAS, Mr. Ben Conner did appear before the Board, representing a group of home and property owners in the area in opposition to the Petition, and presenting a Petition in opposition to the request, detailing certain arguments and grievances and presenting photographs depicting a dilapidated condition as to the subject property, with overloaded trucks and older, inoperable vehicles cluttering the same, among other unsightly conditions, and

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

Following discussion, Mr. Andy Taggart did move and Mr. Karl M. Banks did second a motion to close the public hearing. The vote on the matter being as follows:

President's Initials: _____

Date Signed: _____

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

the matter carried unanimously and the public hearing was and is hereby closed.

SO ORDERED this the 23rd day of July, 2004.

Following additional discussion, Mr. Karl M. Banks did move and Mr. Paul Griffin did second a motion to deny the request and direct the Zoning Administrator to initiate procedures pursuant to the County's Zoning Ordinance, to clean up the subject property. 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 petition was and is hereby denied, and County Zoning Administrator Brad Sellers was and is hereby instructed to commence notification and clean up of the subject property.

SO ORDERED this the 23rd day of July, 2004.

In re: Petition of Brenda Hales for a Special Exception to Place Mobile Home in an R-2 Residential District

WHEREAS, the Board of Supervisors had previously advertised its intent to conduct a public hearing concerning the request of Brenda Hales for a special exception to place mobile home in an R-2 Residential District, specifically 130 Terri Road, in the Kearney Park area, Section 32, T9N-R1W, Madison County, Mississippi and authorized the publication of notice in the *Madison County Herald*, a newspaper of general circulation in Madison County, the same having been accomplished on July 8, 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 Brenda Hales for a special exception to place mobile home in an R-2 Residential District, and

WHEREAS, County Zoning Administrator Brad Sellers did appear before the Board for said public hearing and did report that Petitioner desires to purchase the property in question and place a mobile home thereon for residential use and did further report that there are numerous other mobile homes on the street, 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. Tim Johnson did move and Mr. Karl M. Banks did second a motion to close the public hearing and grant the special exception, finding that the

President's Initials: _____

Date Signed: _____

appropriate public need had been demonstrated. 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 public hearing was and is hereby closed and the request of Brenda Hales for a special exception to allow a mobile home on the above described real property was and is hereby granted.

SO ORDERED this the 23rd day of July, 2004.

In re: Petition of Riley Wayne McFarland for a Special Exception to Place Mobile Home in an R-1 Residential District

WHEREAS, the Board of Supervisors had previously advertised its intent to conduct a public hearing concerning the request of Riley Wayne McFarland for a special exception to place mobile home in an R-1 Residential District, specifically 120 Old Hwy 16 in the Sharon area of Section 6, T9N-R4E in Madison County, Mississippi and authorized the publication of notice in the *Madison County Herald*, a newspaper of general circulation in Madison County, the same having been accomplished on July 8, 2004, and

WHEREAS, a true and correct copy of said notice is attached hereto as Exhibit F, 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 Riley Wayne McFarland for a special exception to place mobile home in an R-1 Residential District, and

WHEREAS, County Zoning Administrator Brad Sellers and Mr. McFarland did appear before the Board for said public hearing and did report that Petitioner desires to replace an old mobile home with a newer model and that Petitioner has lived in the area in a mobile home for 20 years, 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. Tim Johnson did second a motion to close the public hearing and grant the special exception, finding that the appropriate public need had been demonstrated. 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 public hearing was and is hereby closed and the request of Riley Wayne McFarland for a special exception to allow a mobile home on the above described real property was and is hereby granted.

President's Initials: _____

Date Signed: _____

SO ORDERED this the 23rd day of July, 2004.

In re: Alleged Zoning Violation by T. M. Roberts

WHEREAS, County Zoning Administrator Brad Sellers did appear before the Board advising that certain property bearing parcel # 82D-20-15/01 located in Section 20 T8N, R2E and owned by T. M. Roberts 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 July 23, 2004, at 9:00 am, and

WHEREAS, Mr. Sellers did explain that the home which is currently on said property was built without a permit years ago and that a second house subsequently constructed on said property was built in violation of certain set back and other requirements and had improper plumbing, among other violations, 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. Karl M. Banks did move and Mr. Paul Griffin 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 23rd day of July, 2004.

In re: Alleged Zoning Violation by John R. Green

WHEREAS, County Zoning Administrator Brad Sellers did appear before the Board advising that certain property bearing parcel # 71E-21-18/02.06 located on North Livingston Road in Section 21 T7N, R1E and owned by John R. Green as a life estate stood in violation of Article IV, Section 400, of the Madison County Zoning Ordinance, 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 owner, with said hearing to be conducted on July 23, 2004 at 9:00 am,

President's Initials: _____

Date Signed: _____

WHEREAS, the date and hour as advertised did arrive, and Mr. Sellers did explain 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, Mr. Andy Taggart did move and Mr. Tim Johnson did second a motion to direct County Zoning Administrator Brad Sellers 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 by unanimously and Mr. Sellers was and is so directed.

SO ORDERED this the 23rd day of July, 2004.

In re: Alleged Zoning Violation by Sherry E. Lott

WHEREAS, County Zoning Administrator Brad Sellers did appear before the Board advising that certain property bearing parcel # 81H-27-69/00 located at 404 Violet Drive, Madison, Mississippi in Section 21 T7N, R1E and owned by Sherry E. Lott as a life estate stood in violation of Article IV, Section 400, of the Madison County Zoning Ordinance, 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 owner, with said hearing to be conducted on July 23, 2004 at 9:00 am,

WHEREAS, the date and hour as advertised did arrive, and Mr. Sellers did explain 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, and had been vacant for some time,

Following review and discussion of this matter, Mr. Andy Taggart did move and Mr. Paul Griffin did second a motion to direct the Board Attorney to contact the mortgage holder on the property and inquire as to what action it proposes to take. 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 by unanimously and the Board Attorney was and is so directed.

SO ORDERED this the 23rd day of July, 2004.

In re: Approval of Tax Increment Financing Redevelopment Plan

WHEREAS, the Board of Supervisors had previously advertised its intent to conduct a public hearing concerning the adoption of a proposed tax increment financing redevelopment plan of 2004 for Madison County, Mississippi and authorized the publication of notice in the

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Madison County Herald, a newspaper of general circulation in Madison County, the same having been accomplished on July 8, 2004, and

WHEREAS, a true and correct copy of said notice is attached hereto as Exhibit G, 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 aforesaid tax increment financing plan, and

WHEREAS, Sam Keyes, Esq. did appear in support of said plan, a true and copy of which may be found in the Miscellaneous Appendix to these Minutes, and explained the particulars thereof, and

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

Following discussion, Mr. Andy Taggart did move and Mr. Karl M. Banks did second a motion to close the public hearing. 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 public hearing was and is hereby closed.

SO ORDERED this the 23rd day of July, 2004.

Following additional discussion and review of materials, Mr. Andy Taggart did move and Mr. Karl M. Banks did second a motion to adopt the aforesaid tax increment financing redevelopment 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 said tax increment financing plan was and is hereby approved.

SO ORDERED this the 23rd day of July, 2004.

In re: Approval of Tax Increment Financing Plan - Olde Towne Project

WHEREAS, Mayor Gene McGee together with Sam Keyes, Esq., appeared before the Board seeking approval of that certain tax increment financing plan pertaining to the Olde Towne Project in Ridgeland, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes,

Following lengthy discussion, centering around, particularly, the City of Ridgeland's agreement to dedicate one hundred percent (100%) of municipal sales tax revenues generated from businesses located within the project toward debt retirement, Mr. Tim Johnson did move and Mr. Andy Taggart did second a motion to close the public hearing on said plan. The vote on the matter being as follows:

President's Initials: _____

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

the matter carried unanimously and the public hearing was and is hereby closed.

SO ORDERED this the 23rd day of July, 2004.

Thereafter, and following additional discussion, Mr. Karl M. Banks did move and Mr. Tim Johnson did second a motion to adopt and approve the aforesaid plan as to the Olde Towne Project, subject to certain limitations and revisions to be prepared by the Board Attorney. 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 plan was and is hereby approved as to said project, subject to certain limitations and revisions to be prepared by the Board Attorney.

SO ORDERED this the 23rd day of July, 2004.

In re: Approval of Tax Increment Financing Plan - County Line Revitalization Project

WHEREAS, Mayor Gene McGee together with Sam Keyes, Esq., appeared before the Board seeking approval of that certain tax increment financing plan pertaining to the County Line Revitalization Project in Ridgeland, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes,

Following lengthy discussion, centering around, particularly the City of Ridgeland's agreement to dedicate one hundred percent (100%) of municipal sales tax revenues generated from businesses located within the project toward debt retirement, Mr. Andy Taggart did move and Mr. Tim Johnson did second a motion to close the public hearing on said 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 public hearing was and is hereby closed.

SO ORDERED this the 23rd day of July, 2004.

Thereafter, and following additional discussion, Mr. Karl M. Banks did move and Mr. Tim Johnson did second a motion to adopt and approve the aforesaid plan as to the County Line Revitalization Project, subject to certain limitations and revisions to be prepared by the Board Attorney. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye

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Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and the plan was and is hereby approved as to said project, subject to certain limitations and revisions to be prepared by the Board Attorney.

SO ORDERED this the 23rd day of July, 2004.

In re: Committee Report on the Madison County Economic Development Authority (MCEDA)

WHEREAS, Chancery Clerk Arthur Johnston did appear before the Board on behalf of the Committee appointed to mediate the differences between the Board and the Madison County Economic Development Authority and presented a ten (10) page written report containing an assessment of the legitimacy of certain concerns and whether further investigation was warranted and presenting a number of options of the Board to consider to address those concerns,

Following discussion, Mr. Andy Taggart did move and Mr. Karl M. Banks did second a motion to take said report under advisement for further review and study. 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 report was and is hereby taken under advisement.

SO ORDERED this the 23rd day of July, 2004.

Thereafter, and following additional discussion, Mr. Tim Johnson did move and Mr. Paul Griffin did second a motion to instruct the Board Attorney to develop a more detailed analysis of Option (11) pertaining to the dissolution of MCEDA and to present the same at the next work session of the Board to be held on August 13, 2004, such analysis to include a broad assessment of cost and budgetary matters. 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 the Board Attorney was and is so instructed.

SO ORDERED this the 23rd day of July, 2004.

In re: Approval of Preliminary Plat of Bainbridge Subdivision

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

Following discussion of this matter, Mr. Karl M. Banks did move and Mr. Paul Griffin did

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

the matter carried by a majority vote of the Board and the preliminary plat of Bainbridge was and is hereby approved with the aforesaid provisos.

SO ORDERED this the 23rd day of July, 2004.

In re: Approval of Preliminary Plat of Hartford Subdivision

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

Following discussion of this matter, Mr. Karl M. Banks 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	Not Present and Not Voting ²
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 Hartford Subdivision was and is hereby approved with the aforesaid provisos.

SO ORDERED this the 23rd day of July, 2004.

In re: Authorization of the Removal of Brush Truck From Inventory of the Board of Supervisors and Transferal of Same to Inventory of the West Madison Fire District

WHEREAS, Melvin Ray, Fire Chief of the Kearney Park Volunteer Fire Department did appear before the Board, requesting assistance in the acquisition of a brush truck, and

WHEREAS, Supervisor Karl Banks did observe that the Board of Supervisors had a used

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

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brush truck on its inventory which was not in use and had not been in use for some time,

Following discussion, Mr. Karl M. Banks did move and Mr. Andy Taggart did second a motion to transfer that certain brush truck bearing VIN number 2GCEK19T2Y1234370 from the inventory of the Board of Supervisors to the inventory of the West Madison Fire District. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and said brush truck was and is hereby transferred.

SO ORDERED this the 23rd day of July, 2004.

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, Supervisor Andy Taggart did request that Item (F) “Approval of Inventory Control Guidelines” be withheld and taken up separately, and

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

(A) Approval of Request of Tax Collector to Apply Exempt Code 10 as to Parcel # 51C-5D-1/1 Owned by Primos LLC

WHEREAS, Tax Collector Kay Pace did correspond with the Board requesting authority to apply exempt code 10 to the above referenced parcel pursuant to the request of the Tax Assessor, a true and correct copy of which correspondence may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, the Board desires to and does hereby authorize the application of such exempt code in light of the tax exemption previously granted unto Primos, LLC, and

(B) Recognition of Circuit and Chancery Court terms for Calendar Year 2005

WHEREAS, Chancery Clerk Arthur Johnston and Circuit Clerk Lee Westbrook submitted Orders recently entered by their respective courts setting the terms of court for the upcoming calendar year, and

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

WHEREAS, the Board does desire to and does hereby acknowledge said orders and the terms of court set forth therein, and

(C) Approval of Administrative Contract with Sample & Associates

President’s Initials: _____

Date Signed: _____

WHEREAS, the Board is in receipt of correspondence dated July 13, 2004 from Sample & Associates, informing the Board that said firm has been notified that it was selected to administer Madison County's CDBG Project # 1120-03-045-EM-01, and

WHEREAS, said correspondence, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, indicated that said firm's fee would be \$3,000.00 and requested Board approval thereof, and

WHEREAS, the Board does desire to and does hereby approve said fee and hereby authorizes the Board President to enter into an agreement with Sample & Associates to such effect and to sign the aforesaid correspondence to evidence the same, and

(D) Authorization for Local Citation Assessment and Crime Stoppers Assessment

WHEREAS, Circuit Clerk Lee Westbrook did correspond with the Board concerning a local citation assessment of up to \$10.00 to be applied to each criminal conviction resulting from citations, such sum to assist with the funding of wireless radio communication and to be settled and distributed upon collection in accordance with Miss. Code Ann. § 63-9-31, and

WHEREAS, a Crime Stoppers assessment is also optional, providing for up to \$2.00 for each criminal conviction pursuant to Miss. Code Ann. § 45-39-17, and

WHEREAS, the Board does desire to and does hereby impose both such assessments in the maximum amount (\$10 and \$2, respectively) as presently provided for by law and hereby directs the Circuit Clerk to begin collection efforts.

(E) Request to Declare Certain Items of Inventory Junk and Surplus

WHEREAS, County Inventory Control Clerk Barry Parker did appear before the Board and presented a list of inventory items which, in his estimation, were either obsolete, no longer in use, damaged beyond repair, sold or otherwise disposed of, and

WHEREAS, said list is attached hereto as Exhibit H, 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 H 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

(G) 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 20th day of August, 2004, to-wit:

Richard Kuebler and Alan Henderson - Petition to rezone R-1 Residential to C-2 Commercial District.

Location: Section 4, T7N-R2E and Section 33, T8N-R3E, Highway 51.

President's Initials: _____

Date Signed: _____

Data: This property consists of 2 tracts, totaling 57.52 acres. Petitioner proposes commercial development of this property, and will present a site plan to the Planning Commission.

Foshee Construction Company - Petition for Special Exception to Conduct Surface Mining.

Location: Hwy 22, Section 17, T8N-R1E.

Data: This is a reapplication to continue an existing mining operation. Foshee has applied to amend the solid waste plan for a Class II rubbish landfill, which will be part of its reclamation. Time line is 5 years. Reclamation plan is filed.

Alma L. Williams - Petition to place mobile home in R-2 District.

Location: 109 Pugh Road, Section 5, T8N-R1W.

Data: Petitioner wishes to place a mobile home on this lot to replace an existing house in poor condition, which was removed and lot cleaned. Other mobile homes are in this area.

WHEREAS, the Board does desire to set each of said matters for public hearing on the date and time set forth above and to authorize Mr. Sellers to issue notices accordingly.

Mr. Andy Taggart did move and Mr. Paul Griffin did second a motion to approve, adopt and authorize each of the above and foregoing matters, the same being numbered items (A) through (E) and Item (G) herein above. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Not Present and Not Voting
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Not Present and Not Voting ³
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 23rd day of July, 2004.

In re: Approval of Inventory Control Guidelines

WHEREAS, County Inventory Control Clerk Barry Parker did appear before the Board and presented certain Inventory Control Guidelines which he recommended the Board adopt and approve so as to assist in making inventory control more efficient, and

WHEREAS, a true and correct copy of said Guidelines, together with certain changes made thereto as noted in hand, are attached hereto as Exhibit I, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Andy Taggart did move and Mr. Paul Griffin did second a motion to adopt said Guidelines with the aforesaid changes. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and said Guidelines were and are

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

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hereby adopted and approved.

SO ORDERED this the 23rd day of July, 2004.

In re: Approval of a 16th Section Lease

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

Lessee: Betty J. Carter and Steven P. Harper
 Description: Lot 59, Madison Oaks Subdivision, Part 3
 Lease Term: 40 years

<u>Year</u>	<u>Annual Rent</u>
1 - 5	\$ 250.00
6 - 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

Mr. Paul Griffin did move and Mr. Andy Taggart did second a motion to approve the 16th section lease 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	Not Present and Not Voting
Supervisor Andy Taggart	No
Supervisor Karl M. Banks	Not Present and Not Voting
Supervisor Paul Griffin	Aye

the Board President declared that the matter carried and said lease was and is hereby approved.

SO ORDERED this the 23rd day of July, 2004.

In re: Consideration of a 16th Section Development Lease

WHEREAS, the Madison County School Board has approved an Amendment of Development Lease Contract regarding Livingston Development Corporation in Section 16, T8N, R1E, Madison County, Mississippi and forwarded it to the Board for review and approval, a true and correct copy of which is may be found in the Miscellaneous Appendix to these Minutes:

WHEREAS, Supervisor Andy Taggart did express reservations about the sufficiency of the annual lease fee and the means by which said fee was arrived at and did express his desire that actual cost of the improvements be fairly and truly ascertained, and

WHEREAS, a true and correct copy of the appraisal supporting the Amendment is attached hereto as Exhibit J, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Andy Taggart did move and Mr. Paul Griffin did second a motion to table consideration of the aforesaid Amendment. The vote on the matter being as follows:

President's Initials: _____

Date Signed: _____

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

the matter carried by the unanimous vote of those present and consideration of said Amendment was and is hereby tabled.

SO ORDERED this the 23rd day of July, 2004.

In re: Declaration of Surplus Real Estate and Authorization of County Administrator to Advertise for Sealed Bids

WHEREAS, County Administrator Donnie Caughman did appear before the Board and advised that his research indicated the county owns a triangular shaped piece of real property on Highway 463 adjoining the Fairfield Subdivision, located in the NE 1/4 of the SE 1/4 of Section 2, Township 7 N, Range 1 E, comprising 1.31 acres, more particularly described in that certain Warranty Deed found in Book 289 at Page 301 of the land records in the Chancery Clerk's office, and

WHEREAS, Mr. Caughman advised that said tract of real estate was not currently in use by the county and had never been in use by the county as best he could determine and that, in his estimation, the property should be declared surplus and sold to provide revenue to the county,

Following discussion, Mr. Andy Taggart did move and Mr. Paul Griffin did second a motion to authorize the County Administrator to advertise the taking of sealed bids for the sale of said property and to declare the same surplus, all in accordance with statute. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and the County Administrator was and is so authorized.

SO ORDERED this the 23rd day of July, 2004.

In re: Approval of Claims Docket for July 23, 2004

WHEREAS, the Board reviewed the claims docket for July 23, 2004; and

WHEREAS, the Chancery Clerk did assure the Board of Supervisors that all claims had been properly documented and where necessary, purchase orders were obtained in advance as required by law; and

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

<u>Fund</u>	<u>Claim Nos.</u>	<u>No. of Checks</u>	<u>Amount</u>
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President's Initials: _____

Date Signed: _____

Fund	Claim Nos.	No. of Checks	Amount
001	109 to 111 23975 to 24142	171	316,065.96
012	401 to 410	10	3,932.07
013	172	1	81,654.00
097	446 to 471	26	22,744.27
105	366 to 374	9	28,994.10
113	43 to 46	4	1,516.30
114	50 to 50	1	1,008.84
116	83 to 85	3	212.47
120	52 to 53	2	265.60
137	410 to 415	6	4,427.21
150	6537 to 6610	73	148,817.16
160	707 to 711	5	306,773.59
190	265 to 272	8	2,446.87
682	36	1	53,517.91
TOTAL ALL FUNDS		320	972,376.35

Following discussion, Mr. Andy Taggart did move and Mr. Paul Griffin did second a motion to approve the claims docket with the exception of the following held claims:

HELD

<u>Fund</u>	<u>Claim Nos.</u>	<u>Claimant</u>	<u>Amount Held</u>
013	173	Horne CPA Group	\$1,850.00
137	414 (invoice # 1582)	MCEDA	2,570.00

Said motion directed that invoice numbers should be attached to each claim on the claims docket and further directed the Chancery Clerk to publish the Summary of Claims as required by law and to authorize the Board President to sign and approve the Claims Docket, a copy of which is found in the Miscellaneous Appendix to these Minutes together with a separate Resolution approving payment of said claims, which resolution is attached hereto as Exhibit K, spread hereupon, and incorporated herein by reference.

The vote on the matter being as follows:

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

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

SO ORDERED this the 25th day of June, 2004.

In re: Solid Waste Collection Evaluation and Contract

WHEREAS, County Administrator Donnie Caughman did appear before the Board and presented a report and analysis performed by himself and County Comptroller Mark Houston concerning the feasibility of privatization of the county's solid waste collection system, and

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WHEREAS, a true and correct copy of Mr. Caughman's and Mr. Houston's analysis, together with a proposal from Red River Service Corporation, the firm submitting the lowest and best proposal in response to an advertisement for the same previously authorized by the Board, may be found in the Miscellaneous Appendix to these Minutes,

Following lengthy discussion, deliberation and debate, Mr. Andy Taggart did move and Mr. Paul Griffin did second a motion to instruct the County Administrator to enter into negotiations with Red River Service Corporation and return to the Board with a proposed contract. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and the County Administrator was and is hereby so instructed.

SO ORDERED this the 23rd day of July, 2004.

In re: Appointment to Madison County Library Board of Directors

WHEREAS, Board President Douglas L. Jones reported that the representative from District 3 on the Madison County Library Commission, Dr. Jan Duker, had tendered her resignation therefrom, and

WHEREAS, Mr. Jones announced his desire to appoint Sheila Jones, whose biographical information may be found in the Miscellaneous Appendix to these Minutes, as her replacement,

Following discussion, Mr. Paul Griffin did move and Mr. Andy Taggart did second a motion to appoint Ms. Sheila Jones as the representative from District 3 on the Madison County Library Commission. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and Ms. Sheila Jones was and is hereby so appointed.

SO ORDERED this the 23rd day of July, 2004.

In re: Reed Herring Re-Appraisal Lawsuit

WHEREAS, Chancery Clerk Arthur Johnston announced that he had communicated with representatives of Zurich Insurance Company on numerous occasions, informing said insurance company of the existence of a potential claim of liability against one or more of its insureds following the remand of the case of *State of Mississippi ex rel Jim Hood, et al v. Madison County, Mississippi*, Supreme Court Cause No. 2001-CA-01422-SCT, and

WHEREAS, Mr. Johnston informed the Board that Zurich had taken no measures to conduct an investigation of said claim and had apparently made no assessment of

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coverage, despite three separate -- and two direct -- requests to begin an investigation, and

WHEREAS, Mr. Johnston informed the Board that no representative of Zurich had even so much as contacted Supervisor Banks or Supervisor Griffin, the two members who are potentially affected thereby, to take their statements or to ascertain additional facts, and

WHEREAS, Mr. Johnston did suggest that the Board Attorney should be authorized and directed to take steps to demand coverage from Zurich and to make demand of Zurich to provide legal counsel to Mr. Banks and Mr. Griffin,

Following discussion, Mr. Andy Taggart did move and Mr. Paul Griffin did second a motion to authorize and direct the Board Attorney to contact Zurich Insurance Company and demand coverage on behalf of said supervisors and request that they be provided legal counsel in advance of the commencement of proceedings on remand. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present, and the Board Attorney was and is so instructed.

SO ORDERED this the 23rd day of July, 2004.

In re: Authorization of Board President to Execute Memorandum of Understanding with Vaughn and Mary Watkins and Approval of Payment of \$1000 in Exchange for a Temporary Easement

WHEREAS, Board Attorney Edmund L. Brunini did appear before the Board and requested the Board consider the execution of a Memorandum of Understanding between the county and Vaughn and Mary Watkins to provide for certain access to and use of their property along Rice Road through a temporary easement and pay unto the Watkinses the sum of \$1,000 as compensation for said easement,

Following discussion, Mr. Paul Griffin did move and Mr. Andy Taggart did second a motion to authorize the Board President to execute a Memorandum of Understanding between the county and Vaughn and Mary Watkins and to authorize the payment of the sum of \$1,000 unto the Watkinses as compensation for such temporary easement. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and the Board President was and is so authorized and the Chancery Clerk was and is directed to issue a pay warrant accordingly.

SO ORDERED this the 23rd day of July, 2004.

President's Initials: _____

Date Signed: _____

In re: Authorization of Sheriff to Apply for and Receive Grant From Mississippi Division of Public Safety Planning

WHEREAS, Sheriff Toby Trowbridge did appear before the Board and requested authority to apply for and receive a certain grant in the amount of \$5,000 from the Mississippi Division of Public Safety and Planning for DUI enforcement,

Following discussion, Mr. Andy Taggart did move and Mr. Paul Griffin did second a motion to authorize the Sheriff to apply for and receive a certain grant in the amount of \$5,000 from the Mississippi Division of Public Safety and Planning for DUI enforcement. The vote on the matter being as follows:

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

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

SO ORDERED this the 23rd day of July, 2004.

In re: Approval of Tax Increment Financing Plan - Olde Towne Project

and

In re: Approval of Tax Increment Financing Plan - County Line Revitalization Project

WHEREAS, upon further discussion with the Board Attorney and upon the conclusion of a telephone conversation between the Board Attorney and Sam Keyes, Esq., counsel for the City of Ridgeland concerning the above-captioned matters, the Board ascertained that sufficient concerns existed as to the approval of the aforesaid plans for the aforesaid projects,

Following discussion, Mr. Andy Taggart did move and Mr. Paul Griffin did second a motion to reconsider the votes by which the Tax Increment Financing Plans for the Olde Towne and County Line Revitalization Projects were taken herein above. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and said votes were and are hereby reconsidered and held for naught.

SO ORDERED this the 23rd day of July, 2004.

Thereafter, and following additional discussion, Mr. Andy Taggart did move and Mr. Paul Griffin did second a motion to take the Tax Increment Financing Plans for the Olde Towne and County Line Revitalization Projects, and the Resolutions approving the same, under advisement. 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

President's Initials: _____

Date Signed: _____

Supervisor Karl M. Banks
Supervisor Paul Griffin

Not Present and Not Voting
Aye

the matter carried by the unanimous vote of those present and said plans and the Resolutions approving the same were and are hereby take under advisement.

SO ORDERED this the 23rd day of July, 2004.

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor Paul Griffin and seconded by Supervisor Andy Taggart and approved by the unanimous vote of those present, the meeting of the Board of Supervisors for the July, 2004 term was adjourned.

Douglas L. Jones, President
Madison County Board of Supervisors

Date signed: _____

ATTEST:

Arthur Johnston, Chancery Clerk

President's Initials:_____

Date Signed:_____