

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

REGULAR MEETING OF MARCH 12, 2004
Recessed from regular meeting conducted on March 1, 2004

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on March 12, 2004, at the Madison County Chancery/Administrative Building in Canton, Mississippi, as follows, to-wit:

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

Present:

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

Absent:

None

Also in attendance:

County Administrator Donnie Caughman
County Comptroller Mark Houston
County Engineer Mike McKenzie
County Road Manager Prentiss Guyton
County Zoning Administrator Brad Sellers
Board Attorney Edmund L. Brunini, Jr.

The President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Supervisor Andy Taggart opened the meeting with a prayer and Supervisor Tim Johnson led the members and the audience in the Pledge of Allegiance to the Flag of the United States of America.

In re: Petition of Canton Public School District to Re-zone and Re-classify Certain Tracts of Land in Section 16, Township 9, Range 2 East to Allow for the Construction of an Elementary School

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

WHEREAS, Canton Public School District did file an Petition to re-zone certain property from its present A-1 Agricultural Use District Classification to a SU-1 Special Use District, and

WHEREAS, by Resolution properly adopted by the Board of Supervisors on the 13th day of February, 2004, a hearing was set for the 12th day of March, 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 President Douglas L. Jones did declare that said public hearing to be open and recognized John Christopher, Esq., attorney for the Canton Public School District who did appear before the Board, offered

certain and numerous Petitions in support of the re-zoning into the record hereof, as well as a zoning map of the county, and

WHEREAS, the Board did then recognize Mr. Gary Bailey, architect of the proposed new school, who did explain the need for and the design for the proposed school. The Board did then recognize Dr. Reuben Myers, Superintendent of the Canton Public School District who did likewise articulate the need therefor, and

WHEREAS, Mr. Roosevelt Starling, a member of the Board of Trustees of the Canton Public School District who is also a resident of the affected area, and Rev. Robert McCallum, a pastor in the area who spoke to the overwhelming view of his parishioners that the proposed school was needed and welcomed, and

WHEREAS, Jerry Mills, Esq. did appear on behalf of a group of citizens opposed to the proposed re-zoning pointing out that (1) the primary use of the land in the area was agricultural, (2) the purpose of the A-1 classification was to protect agricultural uses from urbanization, (3) the City of Canton's 2003 Comprehensive Plan reflected that this area remain agricultural, (4) the Board of Supervisors must find that there has been a substantial change in the area's character before the zoning classification can be altered and there has been no such showing as to the neighborhood or area in question, (5) there have been no statistics offered to show such a change, (6) in his opinion, the requested action would represent "spot zoning," (7) more than 20% of the property owners in the affected area have submitted petitions in opposition to the change, and

WHEREAS, Mr. Michael L. Bridge, whose vita was offered into evidence together with his report, did appear before the Board and also spoke in opposition to the Petition, pointing out, *inter alia*, that (1) the population of the area covered by the school district has increased by only a small amount over the last ten (10) years, (2) the primary road accessing the proposed site is prone to flood, (3) in his opinion, based on initial cost estimates previously submitted to the Board, the infrastructure and ROW of Old Yazoo Road and surrounding roads will not support the school without significant expense on the part of the county, and

WHEREAS, Mr. Karl Banks did speak in support of the Petition, pointing out that the true problems of the objectors had to do with infrastructure needs which the Board was prepared to address, and

WHEREAS, Mr. Christopher did speak in rebuttal, arguing that the location of the Nissan plant in Madison County and Canton changed the character of the area and that all that was being asked for was a Special Use as opposed to a C-1 or R-1 district and that it was necessary for the School District to be on the leading edge of population increase rather than reacting to it, and

WHEREAS, Mr. James Sowell, and Ms. Mary Jane Boutwell, property owners in the area did speak in opposition to the re-zoning and to the change in use that the school would bring about, urging that resources would not be allocated to other roads in the area, and because the school would change their lives and homes, and

WHEREAS, Ms. Nancy Payton, Ms. Jimmie Van Buren Davis, Rev. Harry Jenkins and Rev. W. L. Johnson did speak in support of the Petition, pointing out, *inter alia*, that a comparison between the growth of the south part of the county and the growth of the Canton area was not appropriate because Madison and the south part of the county have financial resources that Canton does not, and that the children of the School District should be our priority and should be in a new, better environment, and that if people in the south part of the county can get a new school, people in the north part should, too, and

WHEREAS, Dr. William Truly, alderman at large for the City of Canton did speak in support of the Petition, indicating the City's willingness to undertake alteration of the City of Canton's Comprehensive Plan and urging support for the proposed re-zoning, and Ms. Barbara Gray did speak in support, saying that the county should act on the change that is coming and has come and that the district was starting at the right place – the elementary level – and that everybody has to reap the benefits of the land entrusted to the county for schools, and

WHEREAS, counsel for the Petitioner, John Christopher, did offer the following exhibits in support of said Petition, true and correct copies of which may be found in the Miscellaneous Appendix to these Minutes:

- P-1 - Architectural drawings, renderings, plans and charts prepared by Dean McRae Engineering South, Inc. attached to pressboard;
- P-2 - Correspondence and enclosures from Dean McRae Engineering South, Inc. to Johnson Bailey Henderson McNeel Architects dated March 11, 2004;
- P-3 - Numerous and varied petitions in support of re-zoning;
- P-4 - County map depicting sections; and

WHEREAS, counsel for the Respondents, Jerry Mills did offer the following exhibits in opposition to said Petition, true and correct copies of which may likewise be found in the Miscellaneous Appendix to these Minutes:

- R-1 - Affidavit of W. McDonald Nichols;
- R-2 - Affidavit of W. McDonald "Ed" Nichols;
- R-3 - Affidavit of Don Nichols;
- R-4 - Affidavit of Christopher S. Purser;
- R-5 - Affidavit of Robert W. Riddell;
- R-6 - Affidavit of Joe B. Hardy;
- R-7 - Affidavit of Willie Mae Hardy;
- R-8 - Seven (7) Petitions in Opposition to the Petitioner's Petition signed by numerous and varied individuals;
- R-9 - Chart on pressboard depicting Panel No. 092E of the Ownership Maps of Madison County (Section 15, 61, 21, and 22 of T9N-R2E;
- R-10 - Map depicting Central Mississippi Planning and Development District's proposed Comprehensive Plan for Madison County, Mississippi dated December 1996 (draft only);
- R-11 - Central Mississippi Planning and Development Dist.'s proposed Comprehensive Plan for Madison County, Mississippi (December 1996 (draft only));
- R-12 - Paper copy of transportation estimates contained in Powerpoint presentation (Exhibit R-17, below);
- R-13 - Paper copy of Exhibit R-9, above;
- R-14 - Map depicting the City of Canton's 2003 Land Use Plan (from CMPDD);
- R-15 - Oversized map depicting Central Mississippi Planning and Development District's proposed Comprehensive Plan for Madison County, Mississippi dated January 2004 (draft only);
- R-16 - Affidavit of Michael L. Bridge;
- R-17 - CDROM containing Powerpoint presentation made to the Board by counsel for Respondents;

Thereafter, Mr. Karl M. Banks did move and Mr. Paul Griffin did second a motion to close the public comment section of the public hearing, admit the above and foregoing exhibits into the record, and allow Board members to question the parties and debate the issue. 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 public comment section of the public hearing was and is hereby closed, and the above and foregoing exhibits were and are admitted into the record.

SO ORDERED this the 12th day of March, 2004.

WHEREAS, President Jones then recognized Supervisor Andy Taggart who queried Mr. Christopher as to whether, when 16th section lands are in question, the standard of proof remains the same as with other re-zoning matters, *i.e.* that the district must demonstrate a substantial change in the use or make up of the area. Mr. Christopher responded that there was no authority on the question and suggested that a school use was appropriate for any 16th section property if a change in the amount of school children being served by the district existed and suggested that if it were otherwise, one could never show change in characteristics sufficient to erect a school in a residential or agricultural zone – and surely that could not be the law.

WHEREAS, Supervisor Karl M. Banks did offer the observation that at least one of the objectors listed changes in characteristics of the neighborhood which were already in place, *i.e.* mobile homes and commercial developments already in the area, and

WHEREAS, Supervisor Tim Johnson did question whether a proposed school would be better built, according to engineering reports and based upon transportation needs and concerns, in the 16th section located on the east side of the interstate as opposed to the west side and Mr. Bailey responded that the two sites were almost equal as to feasibility, and

WHEREAS, Supervisor Tim Johnson did question Mr. Mills as to whether anticipated growth would suffice to meet the standard of proof as to the change needed. Mr. Mills responded that the law was clear that actual growth was required and that a re-zoning of the land in the 16th section on the east side of the interstate would be in conformity with the City of Canton's Comprehensive Plan, and

WHEREAS, Supervisor Paul Griffin did speak in support of the Petition, urging that it was appropriate to avoid stacking district schools on top of one another, and

WHEREAS, Board Attorney Edmund L. Brunini, Jr. did inquire as to the nature of the request of the school district, *i.e.* that no true re-zoning was being sought, just merely a special use for a school to be erected in an A-1 zone, to which Mr. Mills conceded, and

WHEREAS, Mr. Brunini did inquire as to Mr. Mills' awareness of any requirement that the substantial change test must be met in the circumstance of a special use request in 16th section lands used for school construction, and

WHEREAS, Mr. Mills could offer no such authority, and

WHEREAS, Supervisor Karl M. Banks did enumerate many and various developments in the area of the west side of the interstate in proximity, both residential and commercial, and that these developments are indicative of the change in circumstances, and

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

WHEREAS, the matter was then 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, re-zoned from its present A-1 Agricultural Use District Classification to SU-1 Special Use District:

A parcel of land located in the East one half of Section 16, T9N-R2E, Madison County, Mississippi, and being more particularly described as follows:

Commencing at a concrete monument at the Northeast corner of said Section 16, and run along the east line of said Section 16, south 00 degrees, 06 minutes, 18 seconds East for 1408.62 feet to the Point of Beginning

Thence continue along the East line of Section 16 South 00 degrees 06 minutes 18 seconds East for 1272.66 feet; thence run West for 1089.74 feet back to the Point of Beginning. Said parcel contains 31.80 acres, more or less.

2. That the Madison County Zoning Ordinance be and the Zoning District Map be and the County's Land Use Plan 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 12th day of March, 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	No
Supervisor Andy Taggart	Aye
Supervisor Paul Griffin	Aye
Supervisor Karl M. Banks	Aye

the matter carried by a majority vote of the Board and said public hearing was and is hereby closed and the Petition of the Canton Public School District was and is hereby approved, the subject property was and is hereby re-zoned, and the County zoning ordinance and map and the county's land use plan are amended accordingly.

SO ORDERED this the 12th day of March, 2004.

In re: Petition of Mr. Joe Farb, and Dr. Harold Foley and Ms. Verlyn Foley to Re-zone Certain Property on King Ranch Road from R-1 Residential Use District Classification to R-2 with Planned Unit Development

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

WHEREAS, Dr. Harold Foley and Ms. Verlyn Foley did appear before the Board on behalf of themselves and Mr. Joe Farb for a public hearing concerning their request to Re-zone certain property along King Ranch Road from R-1 Residential Use District to R-2 Residential Use Classification with a Planned Unit Development, and

WHEREAS, by Resolution properly adopted by the Board of Supervisors on the 13th day of February, 2004, a hearing was set for the 12th day of March, 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, the appointed hour did arise and President Douglas L. Jones did declare that said public hearing to be open and recognized Dr. Foley who did present certain plats, drawings, and proposed covenants and did describe the proposed development to be located on the property in question, and

WHEREAS, no one spoke in opposition to the request 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, re-zoned from its present R-1 Residential Use District Classification to R-2 Residential Use District:

A certain parcel of land lying in and being situated in the N 1/2 of the SE 1/4 of Section 14, T9N-R2E, Madison County, Mississippi, and being more particularly described as follows to-wit:

Beginning at the NE corner of the SE 1/4 of aforesaid Section 14, said point being 2640.00 feet from a found iron pin marking the North line of the aforesaid Section 14 and run South 00 degrees 11 minutes West along the center line of King Ranch Road and the East line of Section 14, 910.60 feet to an iron pin marking the Point of Beginning of the property described herein. Thence continue South 00 degrees 11 minutes West along the center line of King Ranch Road and the East line of Section 14a distance of 1069.40 feet to the SE corner of the North 1/2 of the SE 1/4 of the SE 1/4 of aforesaid Section 14; thence North 89 degrees 55 minutes West along the line between the North 1/2 and South 1/2 of the SE 1/4 of the SE 1/4 990.00 feet; thence North 00 degrees 11 minutes East along the East line of the West 10 acres of the SE 1/4 of the SE 1/4 396.00 feet; thence North 89 degrees 55 minutes West 330.00 feet; thence North 00 degrees 11 minutes East along the line between the East 1/2 of the West 1/2 of the SE 1/4 of the aforesaid Section 14 264.00 feet; thence North 89 degrees 55 minutes West along the line between the North 1/2 and South 1/2 of the SE 1/4 of aforesaid Section 14, 1202.80 feet to a Point on the East line of Interstate Highway 55 having a 300 foot right of way; thence North along the chord of a curve bearing to the left marking the East right of way Interstate Highway 55 a chord distance and bearing of North 19 degrees 08 minutes East 433.10; thence leaving said highway run South 88 degrees 55 minutes East 2382.00 to the Point of Beginning, containing 40 acres more or less.

2. That the Madison County Zoning Ordinance be and the Zoning District Map be and the County's Land Use Plan 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 12th day of March, 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	Not Present and Not Voting ¹
Supervisor Andy Taggart	Aye
Supervisor Paul Griffin	Aye
Supervisor Karl M. Banks	Aye

the matter carried unanimously and the above and foregoing property was and is hereby rezoned accordingly.

SO ORDERED this the 12th day of March, 2004.

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

In re: Request of Zoning Administrator Brad Sellers to Advertise for Public Hearing Regarding Nuisance Abatement in Twin Lakes and Germantown Subdivisions

WHEREAS, County Zoning Administrator Brad Sellers did appear before the Board asserting that parcel # 83E-15C-032/01 located in Twin Lakes Subdivision contained salvage material and other debris as a result of a mobile home fire such that said property and the owner thereof, Vicki Thornton, stood in violation of Article IV, Section 400, Subsection 400.8 of the Madison County Zoning Ordinance, and

WHEREAS, Mr. Sellers did also assert that parcel # 82D-17-35, located in Germantown Subdivision was overgrown such that said property and the owners thereof, Alfred J. and Harriet L. Carter, stood in violation of Article IV, Section 400, Subsection 400.8 of the Madison County Zoning Ordinance, and

WHEREAS, Mr. Sellers did request and recommend that the Board authorize the giving of public notice of its intent to conduct public hearings to abate said violations and assess the costs thereof to the respective record owners, with said hearings to be conducted on April 23, 2004, at 9:00 am,

Following review and discussion of this matter, Mr. Andy Taggart did move and Mr. Karl M. Banks 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 request to abate said violations as set forth above at 9:00 a.m. on Friday, April 23, 2004. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye ²
Supervisor Andy Taggart	Aye
Supervisor Paul Griffin	Aye
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 12th day of March, 2004.

In re: Approval of Various 16th Section Leases

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

Lessees: Randy G. Robertson and wife Tina A. Roberson
Description: Lot 158, 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

²Prior to the call of the question, Mr. Johnson returned to the meeting.

Lessees: Alan Hoops and Jana Hoops
Description: Lot 107, 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: Charles L. Hunt, Jr. and wife Sharon P. Hunt
Description: Lot 62, Madison Oaks Subdivision, Part Three
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

Lessee: Dawn Bishop
Description: Lot 57, Madison Oaks Subdivision, Part Three
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

Lessee: Michael Joe
Description: Lot 65, Madison Oaks Subdivision, Part Three
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

Mr. Paul Griffin did move and Mr. Tim Johnson 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 the Board and said leases were and are hereby approved.

SO ORDERED this the 12th day of March, 2004.

***In re: Request of County Road Manager
to Declare Certain Equipment Surplus***

WHEREAS, County Road Manager Prentiss Guyton did appear before the Board requesting that the Board declare the following items of equipment surplus and determine that said equipment should be disposed of as allowed by law:

M-1 2000 JOHN DEERE 6410 TRACTOR L06410S248631 3218.00 \$86,945.83 \$26,000.00M-3 1998 JOHN DEERE 6405 TRACTOR L06410H213506 2987.00 \$52,981.50 \$18,000.00M-16 2000 KUBOTA TRACTOR 10073 2583.20 \$36,683.70 \$14,000.00 \$15,000.00M-17 2000 KUBOTA TRACTOR 10080 2560.10 \$36,683.70 \$14,000.00 \$15,000.00M-18 2000 KUBOTA TRACTOR 10082 2560.50 \$36,683.70 \$14,000.00 \$15,000.00M-19 2000 KUBOTA TRACTOR 10083 2447.00 \$36,683.70 \$14,000.00 \$15,000.00M-20 2000 KUBOTA TRACTOR 10084 2485.90 \$36,683.70 \$14,000.00 \$15,000.00M-21 2000 KUBOTA TRACTOR 10085 1975.60 \$36,683.70 \$14,000.00 \$15,500.00M-22 2000 KUBOTA TRACTOR 10086 2371.90 \$36,683.70 \$14,000.00 \$15,000.00M-23 2000 KUBOTA TRACTOR 10087 2321.60 \$36,683.70 \$14,000.00 \$15,000.00M-24 2000 JOHN DEERE 6410 TRACTOR L06410P265328 1554.00 \$74,295.00 \$26,003.00 \$28,000.00M-25 2000 JOHN DEERE 6410 TRACTOR L06410P264600 1472.60 \$74,295.00 \$26,003.00 \$28,000.00M-1A 2000 MB21 MACHETE MOWER 1361 sold w/tractor M-1B 2000 DITCHER HEAD DTMB-01002 sold w/tractor M-1C 2000 DITCHER HEAD DTMB-01008 sold w/tractor M-3A 2000 MB21 MACHETE MOWER 1273 sold w/tractor M-16A 2000 WOODS CLIPPER 736540 \$8,690.00 \$1,500.00 \$3,200.00M-17A 2000 WOODS CLIPPER 730272 \$8,690.00 \$1,500.00 \$3,200.00M-18A 2000 WOODS CLIPPER 735085 \$8,690.00 \$1,500.00 \$3,200.00M-19A 2000 WOODS CLIPPER 736535 \$8,690.00 \$1,500.00 \$3,200.00M-20A 2000 WOODS CLIPPER 735545 \$8,690.00 \$1,500.00 \$3,200.00M-21A 2000 WOODS CLIPPER 735061 \$8,690.00 \$1,500.00 \$3,200.00M-22A 2000 WOODS CLIPPER 730271 \$8,690.00 \$1,500.00 \$3,200.00M-23A 2000 WOODS CLIPPER 735065 \$8,690.00 \$1,500.00 \$3,200.00M24A 2000 JOHN DEERE INTERSTATER MOWER 60035 sold w/tractor M-24B 2000 JOHN DEERE REAR FLAIL MOWER 81 sold w/tractor M-25A 2000 JOHN DEERE INTERSTATER MOWER 60034 sold w/tractor M-25B 2000 JOHN DEERE REAR FLAIL MOWER 78 sold w/tractor TOTAL ORIGINAL PURCHASE PRICE: \$651,506.93 48 MONTHS BUY BACK : \$176,006.00 AUCTION PRICE: \$246,100.00

WHEREAS, the Board is of the opinion that said items are indeed surplus equipment and that such declaration is in the best interest of the county in order to allow for the purchase of other needed equipment and in order to begin a plan of equipment rotation,

Following discussion, Mr. Paul Griffin did move and Mr. Tim Johnson did second a motion to declare the above and foregoing items of equipment as surplus property of the county and determine that said equipment should be disposed of as allowed by law. 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 above and foregoing items of equipment were and are hereby declared to be surplus property and were and are hereby authorized to be disposed of as allowed by law.

SO ORDERED this the 12th day of March, 2004.

In re: Request of County Road Manager to Allow Certain Surplus Equipment to be Sold at Auction

WHEREAS, County Road Manager Prentiss Guyton did appear before the Board requesting that he be authorized to dispose of the following items of surplus equipment at the Deanco Auction to be held on March 24-26, 2004:

M-1 2000 JOHN DEERE 6410 TRACTOR L06410S248631 3218.00 \$86,945.83 \$26,000.00M-3 1998 JOHN DEERE 6405 TRACTOR L06410H213506 2987.00 \$52,981.50 \$18,000.00M-16 2000 KUBOTA TRACTOR 10073 2583.20 \$36,683.70 \$14,000.00 \$15,000.00M-17 2000 KUBOTA TRACTOR 10080 2560.10 \$36,683.70 \$14,000.00 \$15,000.00M-18 2000 KUBOTA TRACTOR 10082 2560.50 \$36,683.70 \$14,000.00 \$15,000.00M-19 2000 KUBOTA TRACTOR 10083 2447.00 \$36,683.70 \$14,000.00 \$15,000.00M-20 2000 KUBOTA TRACTOR 10084 2485.90 \$36,683.70 \$14,000.00 \$15,000.00M-21 2000 KUBOTA TRACTOR 10085 1975.60 \$36,683.70 \$14,000.00 \$15,500.00M-22 2000 KUBOTA TRACTOR 10086 2371.90 \$36,683.70 \$14,000.00 \$15,000.00M-23 2000 KUBOTA TRACTOR 10087 2321.60 \$36,683.70 \$14,000.00 \$15,000.00M-24 2000 JOHN DEERE 6410 TRACTOR L06410P265328 1554.00 \$74,295.00 \$26,003.00 \$28,000.00M-25 2000 JOHN DEERE 6410 TRACTOR L06410P264600 1472.60 \$74,295.00 \$26,003.00 \$28,000.00M-1A 2000 MB21 MACHETE MOWER 1361 sold w/tractor M-1B 2000 DITCHER HEAD DTMB-01002 sold w/tractor M-1C 2000 DITCHER HEAD DTMB-01008 sold w/tractor M-3A 2000 MB21 MACHETE MOWER 1273 sold w/tractor M-16A 2000 WOODS CLIPPER 736540 \$8,690.00 \$1,500.00 \$3,200.00M-17A 2000 WOODS CLIPPER 730272 \$8,690.00 \$1,500.00 \$3,200.00M-18A 2000 WOODS CLIPPER 735085 \$8,690.00 \$1,500.00 \$3,200.00M-19A 2000 WOODS CLIPPER 736535 \$8,690.00 \$1,500.00 \$3,200.00M-20A 2000 WOODS CLIPPER 735545 \$8,690.00 \$1,500.00 \$3,200.00M-21A 2000 WOODS CLIPPER 735061 \$8,690.00 \$1,500.00 \$3,200.00M-22A 2000 WOODS CLIPPER 730271 \$8,690.00 \$1,500.00 \$3,200.00M-23A 2000 WOODS CLIPPER 735065 \$8,690.00 \$1,500.00 \$3,200.00M24A 2000 JOHN DEERE INTERSTATER MOWER 60035 sold w/tractor M-24B 2000 JOHN DEERE REAR FLAIL MOWER 81 sold w/tractor M-25A 2000 JOHN DEERE INTERSTATER MOWER 60034 sold w/tractor M-25B 2000 JOHN DEERE REAR FLAIL MOWER 78 sold w/tractor TOTAL ORIGINAL PURCHASE PRICE: \$651,506.93 48 MONTHS BUY BACK : \$176,006.00 AUCTION PRICE: \$246,100.00

WHEREAS, Mr. Guyton reported that a the total auction price of \$392,000.00 had been guaranteed by Deanco, and

WHEREAS, the Board is of the opinion that such course of action is in the best interest of the county in order to allow for the purchase of other needed equipment and in order to begin a plan of equipment rotation,

Following discussion, Mr. Paul Griffin did move and Mr. Tim Johnson did second a motion to authorize the County Road Manager to auction the above and foregoing items of surplus equipment. 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 Road Manager was and is so authorized.

SO ORDERED this the 12th day of March, 2004.

***In re: Approval of Interest Rates and Lease
Purchase Financing Arrangements with First
Continental Leasing***

WHEREAS, County Road Manager Prentiss Guyton did appear before the Board requesting approval of interest rates and other financing terms proposed by First Continental Leasing, a Division of BancorpSouth Bank in that certain document dated February 25, 2004, 2004, a true and correct copy of which is attached hereto as Exhibit C, spread hereupon, and incorporated herein by reference,

Following discussion, Mr. Andy Taggart did move and Mr. Karl M. Banks did second a motion to approve interest rates and other financing terms proposed in the aforesaid Exhibit C. 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 aforesaid interest rates and financing terms were and are hereby approved.

SO ORDERED this the 12th day of March, 2004.

***In re: Approval of Purchase of Rubber Tire Tractors
and Mowers by County Road Manager***

WHEREAS, County Road Manager Prentiss Guyton did appear before the Board requesting approval of the purchase by him of the rubber tire tractors and mowing equipment listed on that certain Memorandum dated March 12, 2004, a true and correct copy of which, together with certain corrections made in hand, is attached hereto as Exhibit D, spread hereupon, and incorporated herein by reference, less and except the Ditcher Attachment listed as a sole-source item at \$17,000.00 thereon, and

WHEREAS, said tractors and mowers are to be purchased on state contract, and

WHEREAS, Mr. Guyton did attest to the county's immediate need of said tractors and mowers in advance of the grass mowing season and to the total cost to the county of \$532,700.36, and

WHEREAS, the Board concurs with Mr. Guyton's attestation,

Following discussion, Mr. Paul Griffin did move and Mr. Andy Taggart did second a motion to approve the purchase of the tractors and mowing equipment contained on Exhibit D as corrected by hand, less and except the aforesaid Ditcher Attachment. 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. Guyton was and is hereby authorized to make the purchases aforesaid.

SO ORDERED this the 12th day of March, 2004.

In re: Request of County Road Manager to Declare Certain Equipment Surplus and to be Sold at Auction and Authorization of County Road Manager to Purchase Certain Vehicles on State Contract

WHEREAS, County Road Manager Prentiss Guyton did appear before the Board and suggested that 3 certain Chevrolet pickup trucks owned by the county were scheduled for replacement and should rightfully be rotated out of use, the same being more particularly identified and described as follows:

21 1998 CHEVROLET PICKUP 1GCEC19R4WE23236 \$18,995.71 \$6,500.00
22 2000 CHEVROLET PICKUP 2GCEK19T2Y1234370 \$30,139.00 \$12,000.00
27 2000 CHEVROLET PICKUP 1GCEK19T6YE218896 \$28,745.00 \$12,000.00

TOTAL ORIGINAL PURCHASE PRICE: \$77,879.71 TOTAL AUCTION PRICE: \$30,500.00

WHEREAS, Mr. Guyton did also request authorization to dispose of same at auction, a total auction price of \$30,500.00 having been guaranteed by Deanco, and

WHEREAS, the Board is of the opinion that said items are indeed surplus equipment and that such declaration is in the best interest of the county in order to allow for the purchase of other needed equipment and in order to begin a plan of equipment rotation, and

WHEREAS, Mr. Guyton did request authority to purchase three (3) GMC Sienna TC 15753 ½ ton pickup trucks from Paul Moak of Ridgeland for the total price of \$60,277.80, to replace said trucks, as detailed in that certain Memorandum dated March 12, 2004, a true and correct copy of which is attached hereto as Exhibit E, spread hereupon, and incorporated herein by reference, provided, however, that whatever proceeds are received from the sale of the aforesaid surplus pickup trucks at auction be applied to offset such cost,

Following discussion, Mr. Paul Griffin did move and Mr. Karl M. Banks did second a motion to declare the above and foregoing pickup trucks as surplus equipment and to authorize the County Road Manager to dispose of same at auction, and to authorize Mr. Guyton to purchase three (3) ½ ton GMC Sienna TC15753 pickup trucks from Paul Moak of Ridgeland for the total price of \$60,277.80, provided, however, that whatever proceeds are received from the sale of the aforesaid surplus pickup trucks at auction be applied to offset such cost. 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 ³
Supervisor Karl M. Banks	Aye ⁴

the matter carried unanimously and said pickup trucks were and are hereby declared surplus, and Mr. Guyton was and is authorized to dispose the same at auction and Mr. Guyton was and is hereby authorized to purchase three (3) ½ ton GMC Sienna TC15753 pickup trucks from Paul Moak of Ridgeland for the total price of \$60,277.80, provided, however, that whatever proceeds are received from the sale of the aforesaid surplus pickup trucks at auction be applied to offset such cost.

SO ORDERED this the 12th day of March, 2004.

In re: Final Acceptance of Sharon Road Bridge Project BR0045(23)B and Release of Contractor

³After casting his vote on this matter, Mr. Griffin excused himself from the meeting.

⁴After casting his vote on this matter, Mr. Banks excused himself from the meeting.

**ORDER OF THE BOARD OF SUPERVISORS OF MADISON COUNTY
ACCEPTING THE CONTRACT FOR FEDERAL AID BRIDGE
REPLACEMENT PROJECT NO. BR-0045(23)B**

WHEREAS, the Board of Supervisors of Madison County, Mississippi awarded a contract to Key Constructors, Inc., known as Project No. BR-0045(23)B, and,

WHEREAS, the Madison County Engineer and the State Aid Engineer, via that certain correspondence dated November 22, 2002, from J. Brooks Miller, Sr. by Jerry H. Swetland, Contract Analyst Senior from the Office of State Aid Road Construction, a true and correct copy of which is attached hereto as Exhibit F, spread hereupon and incorporated herein by reference, advise that they consider the construction portion of this contract to have been completed according to all its provisions and recommend that the Contractor be released from further maintenance responsibilities,

Following discussion and review of said correspondence, Mr. Andy Taggart did move and Mr. Tim Johnson did second a motion to approve and finally accept the Sharon Road Bridge Project BR0045(23)B as complete and finally release the contractor, Key Constructors, Inc. therefrom. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present.

NOW, THEREFORE, IT IS HEREBY ORDERED by this Board that the Contractor for the project designated above, be released from further maintenance responsibility under the contract, effective November 18,2002.

IT IS FURTHER ORDERED THAT THE President of the Board be and he is hereby authorized to sign, with the State Aid Engineer and the Executive Director of the Mississippi Department of Transportation, a joint letter of formal contract acceptance to the Contractor, and the Clerk of the Board transmit a certified copy of this order to the State Aid Engineer.

SO ORDERED this the 12th day of March, 2004.

***In re: Acknowledgment of Receipt by Sheriff of
Payment for Housing of Prisoners***

WHEREAS, Sheriff Toby Trowbridge did appear before the Board and reported the receipt by him of a check in the amount of \$351,330.00 from the United States Treasury on behalf of the United States Marshal's Service as compensation to the county for the housing of prisoners for a period of several months,

Mr. Andy Taggart did move and Mr. Tim Johnson did second a motion to acknowledge receipt thereof and authorize the issuance by the Chancery Clerk of a deposit warrant thereon into the appropriate account. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and the county's receipt of such funds was and is acknowledged and the Chancery Clerk was and is so directed.

SO ORDERED this the 12th day of March, 2004.

***In re: Declaration of Certain Untrained Bloodhounds
Owned by the County Through the Sheriff's Department
as Surplus Property***

WHEREAS, Sheriff Toby Trowbridge did appear before the Board and reported that three bloodhounds owned by the county through the Sheriff's Department were no longer of use to his department and were becoming a liability as to man hours of attention needed to exercise said animals and cost of feed, and

WHEREAS, Sheriff Trowbridge does desire to give said hounds away to a good home,

Following discussion, Mr. Tim Johnson did move and Mr. Andy Taggart did second a motion to declare said untrained bloodhounds as surplus county property and to allow the Sheriff to dispose of said animals by giving them away to a good home. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and said bloodhounds were and are hereby declared surplus and the Sheriff was and is hereby authorized to give them away.

SO ORDERED this the 12th day of March, 2004.

***In re: Approving Repayment of Certain
Inter-Fund Loans***

WHEREAS, County Comptroller Mark Houston and Chancery Clerk Arthur Johnston did appear before the Board indicating receipt of revenues sufficient to repay the following inter-fund loans made on January 5, 2004:

FROM:

001	General County	\$600,000.00
096	Mapping and Reappraisal	110,000.00
105	Solid Waste	150,000.00
137	Economic Development	70,000.00
173	Parkway East	5,142.94
210	Special Assessment Parkway I & S	75,000.00
220	Parkway I & S	30,000.00
280	Industrial Park I & S	20,000.00
291	Miss. Development Bank	<u>2,000.00</u>

TO:

013	Grand Gulf Fund	\$1,010,142.94
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WHEREAS, Mr. Houston and the Chancery Clerk advised that the following inter-fund loans made on January 5, 2004, should be reclassified as inter-fund transfers:

FROM:

013	Grand Gulf Fund	\$4,857.06
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TO:

173	Parkway East	\$4,857.06
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WHEREAS, Mr. Houston and the Chancery Clerk reported that the following inter-fund loans made on January 5, 2004, remain outstanding:

FROM:

013 Grand Gulf Fund \$215,000.00

TO:

174 Madison County Cultural Center 150,000.00
190 Adolescent Offense Program 15,000.00
220 Parkway I & S 30,000.00
280 Industrial Park I & S 20,000.00

After discussion on the matter, Mr. Andy Taggart did move and Mr. Tim Johnson did second a motion to authorize repayment and reclassification of the above and foregoing inter-fund loans as noted. The vote on the matter being as follows,

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

the matter carried by the unanimous vote of those present and said repayments and re-classifications of inter-fund loans were and are hereby authorized to be made.

SO ORDERED this the 12th day of March, 2004.

***In re:* Entering into “Closed Session” to Determine Whether or not the Board Should Declare an Executive Session**

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

Following this discussion and pursuant to the terms of Miss. Code Ann. § 25-41-7, as amended, Mr. Andy Taggart did move and Mr. Tim Johnson did second a motion to make a closed determination upon the issue of whether or not to declare an executive session for the purpose of discussing pending or threatened litigation with the following persons deemed necessary for board discussions, deliberations, and recording of such executive session, to-wit: members of the Board, Sheriff Toby Trowbridge, Chancery Clerk Arthur Johnston, County Administrator Donnie Caughman, and 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 Paul Griffin	Not Present and Not Voting
Supervisor Karl M. Banks	Not Present and Not Voting

the matter carried and the Board took up the matter of entering into Executive Session.

SO ORDERED this the 12th day of March, 2004.

***In re:* Entering into Executive Session**

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

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

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

the matter carried by the unanimous vote of those present and President Jones declared the Board of Supervisors to be Executive Session for the consideration of such matters.

SO ORDERED this the 12th day of March, 2004.

Following a discussion, Mr. Tim Johnson did move and Mr. Andy Taggart did second a motion to come out of Executive Session and to direct the Chancery Clerk to announce to the public the action taken in executive session. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and President Jones then reopened the meeting and Chancery Clerk Arthur Johnston informed the public of the reason for the Executive Session and that as the result of action taken in executive session, the Board instructed the Board Attorney to correspond with Pickering Engineering, Joe Johnson, and Rudy Warnock concerning resolution of disputes between and among said firms as to improvement projects on Gluckstadt Road, Livingston Road, Yandell Road and Mount Elam Road.

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor Andy Taggart and seconded by Supervisor Tim Johnson and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Friday, March 26, 2004.

Douglas L. Jones, President
Madison County Board of Supervisors

Date signed: _____

ATTEST:

Arthur Johnston, Chancery Clerk