

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

REGULAR MEETING OF MAY 21, 2004
Recessed from regular meeting conducted on May 14, 2004

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on May 21, 2004, at the Madison County Chancery/Administrative Building in Canton, Mississippi, as follows, to-wit:

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

Present:

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

Absent:

Supervisor Karl M. Banks

Also in attendance:

County Administrator Donnie Caughman
County Comptroller Mark Houston
Assistant County Comptroller Quandice Green
County Engineer Mike McKenzie
County Road Manager Prentiss Guyton
Board Attorney Edmund L. Brunini, Jr.
Board Secretary Cynthia Parker

The President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Supervisor Paul Griffin opened the meeting with a prayer and Mr. Grant Jones, a scout from BSA Troop 304, led the members and the audience in the Pledge of Allegiance to the Flag of the United States of America.

***In re:* Request of James K. Smith to Extend Hours of Operation
for a Race Track in a C-2 Commercial District**

WHEREAS, the Board of Supervisors had previously advertised its intent to conduct a public hearing concerning the request of James K. Smith to reconsider the approved hours of operation for a race track located in the NW 1/4 of the SE 1/4 and the NE 1/4 of the SE 1/4 of Section 24, T10N-R4E and in the NW 1/4 of the SW 1/4 of Section 19, T10N-R4E of 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 May 6, 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 James K. Smith to reconsider the approved

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hours of operation for a race track located in the NW 1/4 of the SE 1/4 and the NE 1/4 of the SE 1/4 of Section 24, T10N-R4E and in the NW 1/4 of the SW 1/4 of Section 19, T10N-R4E of Madison County, Mississippi, being more particularly described as follows:

Commencing at an iron pipe marking the NE corner of the West 1/4 of the SW 1/4 of Section 19, T10N-R4E, Madison County, Mississippi, run thence South 89 degrees 57 minutes 22 seconds West 543.56 feet to an iron pin on a fence line and the point of beginning of the tract herein described; thence South 89 degrees 30 minutes 06 seconds West 884.94 feet along said fence to an iron pin; thence South 02 degrees 39 minutes 03 seconds East 173.53 feet along a fence to an iron pin; thence South 66 degrees 17 minutes 16 seconds West 196.28 feet to an iron pin; thence South 66 degrees 06 minutes 24 seconds West 1,489.63 feet to a truck axle at a fence corner; thence South 58 degrees 20 minutes 00 seconds West 273.95 feet along said fence to an iron pin; thence South 15 degrees 48 minutes 39 seconds East 290.33 feet to an iron pin on a fence line; thence North 89 degrees 54 minutes 56 seconds East 782.94 feet along said fence to an iron pin; thence North 74 degrees 48 minutes 54 seconds East 1,845.65 feet to an iron pin; thence North 00 degrees 36 minutes 17 seconds East 801.95 feet to an iron pin and the point of beginning, said tract containing 44.41 acres, more or less, lying in the NW 1/4 of the SE 1/4 and the NE 1/4 of the SE 1/4, Section 24, T10N-R4E and in the NW 1/4 of the SW 1/4, Section 19, T10N-R4E, Madison County, Mississippi.

WHEREAS, the Board of Supervisors considered testimony and argument in support of said request from Mr. James K. Smith and Mr. Gregory Smith of Farmhaven, and

WHEREAS, Frances Henderson, Barbara Luckett and Roby Luckett, all residents of the area on Sulfur Springs Road, spoke in opposition, complaining of the noise levels, and reporting that the residents in the area get no respite from the noise throughout the weekend, and

Following discussion, Mr. Paul Griffin did move and Mr. Andy Taggart 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	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.

SO ORDERED this the 21st day of May, 2004.

Thereafter, and following a period of questions and discussion among the Board, the Sheriff, County Zoning Administrator Brad Sellers, and others concerning imposition of penalties and enforcement of limitations, Mr. Paul Griffin did move and Mr. Andy Taggart did second a motion to approve the request, with the exception of the request to extend Friday hours which would be denied and would remain the same. In addition, under said motion, Sunday would remain the official date but Petitioner would be allowed to run on Friday evenings upon one (1) week written notice to, and the approval of, the Zoning Administrator. In addition, Petitioner would be allowed to conduct "tune and test" days on Thursdays from the hours of 3 pm to 7 pm during the period of time in which schools in the area are in vacation, with a limitation of one car on the track at a time for tuning and testing. The vote on the matter being as follows:

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Supervisor Douglas L. Jones	No
Supervisor Tim Johnson	No
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Not Present and Not Voting
Supervisor Paul Griffin	Aye

the matter did not garner a majority vote of the Board and therefore failed.

SO ORDERED this the 21st day of May, 2004.

In re: Request of Caroline Twenty-Two, LLC and Barbara and Samuel Stockett to Re-zone Certain Property in an A-1 Agricultural District with PUD Overlay to R-1B Residential with PUD Overlay

**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 Caroline Twenty-two, LLC and Barbara and Samuel Stockett to re-zone certain real property on Highway 22 in Sections 1, 2, and 11, T8N-R1E from an A-1 Agricultural District with Planned Unit Development Overlay to R-1B Residential with Planned Unit Development Overlay, 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 April 29, 2004, and

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

WHEREAS, said public hearing was originally set for April 16, 2004, but, by order of this Board decreed in open session on that date, said hearing was continued until May 21, 2004, due to unavoidable scheduling conflicts on behalf of the Petitioners, and

WHEREAS, the hour of 9:00 a.m. did arise and County Zoning Administrator Brad Sellers and Mr. Gary Cress did appear before the Board for a public hearing seeking to rezone a certain A-1 Agricultural District to R-1B Residential District with PUD, and

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

WHEREAS, Mr. Cress did appear before the Board and explained that the subject property is currently under development as North Shore of Lake Caroline and a part of it has been sold, and the owners are seeking re-zoning of the underlying zoning district to reflect R-1B Residential designation, and

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

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

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Following discussion, Mr. Andy Taggart did move and Mr. Paul Griffin 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	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.

SO ORDERED this the 21st day of May, 2004.

Thereafter, Mr. Andy Taggart did move and Mr. Tim Johnson did second a motion to approve the Petitioners' request and adopt the following Ordinance, to-wit:

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

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

Commence at the corner common to Sections 1, 2, 11 and 12, Township 8 North, Range 1 East, Madison County, Mississippi, and run thence South 00 15' 54" West along the line common to said Sections 11 and 12 for a distance of 349.99' to a point; run thence North 89 43' 27" West for a distance of 823.64' to the point of beginning of the parcel of land which is described as follows, to-wit:

From said point of beginning, continue thence North 89 43' 27" West for a distance of 4,433.02' to a point on the east line of McMillan Road; run thence along said east line of McMillan Road as follows: run thence North 00 16' 29" West for a distance of 85.41' to a point; run thence North 02 25' 06" East for a distance of 227.12' to a point; run thence North 00 34' 59" West for a distance of 320.71' to a point; run thence North 01 51' 54" West for a distance of 153.79' to a point; run thence North 00 45' 08" West for a distance of 344.98' to a point; run thence North 01 14' 04" West for a distance of 579.44' to a point; run thence North 00 18' 27" West for a distance of 413.12' to a point on the south right-of-way line of Mississippi Highway 22; leaving the east line of McMillan Road, run thence along the south right-of-way line of Mississippi Highway 22 as follows: run thence North 81 12' 31" East for a distance of 1,239.36' to a point which is the point of curvature of a curve to the left subtending a central angle of 12 13' 00" and having a radius of 1,482.39 feet; run thence along this curve counterclockwise for an arc distance of 316.08' (chord bearing and distance: North 75 06' 01" East, 315.48 feet) to the point of tangency of this curve; run thence North 68 59' 31" East for a distance of 1,613.00' to a point which is the point of curvature of a curve to the left subtending a central angle of 19 47' 00" and having a radius of 1,196.59 feet; run thence along this curve counterclockwise for an arc distance of 413.16' (chord bearing and distance: North 59 06' 01" East, 411.11 feet) to the point of tangency of this curve; run thence North 49 12' 31" East for a distance of 997.71' to a point which is the point of curvature of a curve to the right subtending a central angle of 03 35' 00" and having a radius of 5,679.74 feet; run thence along this curve clockwise for an arc distance of 355.22'

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(chord bearing and distance: North 51 00' 01" East, 355.16 feet) to the point of tangency of this curve; run thence North 52 47' 31" East for a distance of 608.76' to a point which is the point of curvature of a curve to the left subtending a central angle of 10 58' 01" and having a radius of 2,141.83 feet; run thence along this curve counterclockwise for an arc distance of 409.97' (chord bearing and distance: North 47 18' 30" East, 409.34 feet) to the point of tangency of this curve; run thence North 41 49' 30" East for a distance of 449.52' to a point which is the point of curvature of a curve to the right subtending a central angle of 07 15' 36" and having a radius of 3,769.72 feet; run thence along this curve clockwise for an arc distance of 477.67' (chord bearing and distance: North 45 27' 18" East, 477.35 feet) to the point of tangency of this curve; run thence North 49 12' 09" East for a distance of 1,851.12' to a point; leaving the south right-of-way line of Mississippi Highway 22, run thence South 04 34' 24" East for a distance of 1,084.05' to a point; run thence North 82 47' 02" West for a distance of 117.98' to a point; run thence South 07 12' 58" West for a distance of 120.00' to a point; run thence South 82 47' 02" East for a distance of 120.00' to a point; run thence South 07 12' 58" West for a distance of 485.87' to a point; run thence South 44 56' 27" East for a distance of 50.64' to a point which is the point of curvature of a curve to the right subtending a central angle of 32 04' 21" and having a radius of 157.27 feet; run thence along this curve clockwise for an arc distance of 88.03' (chord bearing and distance: South 28 54' 16" East, 86.89 feet) to the point of tangency of this curve; run thence South 12 52' 05" East for a distance of 355.06' to a point; run thence North 85 16' 08" West for a distance of 423.18' to a point on the east right-of-way line of Bridgewater Drive, said point being on a curve to the left subtending a partial central angle of 23 24' 31" and having a radius of 1,412.42 feet; run thence along this curve counterclockwise for an arc distance of 577.06' (chord bearing and distance: South 14 14' 37" East, 573.05 feet) to the point of tangency of this curve; run thence South 07 12' 58" West for a distance of 331.95' to a point on the centerline of that certain electrical transmission right-of-way crossing the West Half of said Section 1; run thence South 45 30' 40" West along the centerline of said electrical transmission right-of-way for a distance of 2,467.31' to a point; run thence North 10 05' 38" West for a distance of 120.82' to a point; run thence North 45 30' 40" East for a distance of 701.40' to a point; run thence North 04 47' 27" East for a distance of 817.87' to a point; run thence North 88 48' 32" West for a distance of 804.40' to a point; run thence South 10 05' 38" East for a distance of 392.80' to a point on the north right-of-way line of Northshore Boulevard, said point being also on a curve to the right subtending a central angle of 14 28' 23" and having a radius of 270.00 feet; run thence along said north right-of-way line of Northshore Boulevard as follows: run thence along this curve clockwise for an arc distance of 68.20' (chord bearing and distance: South 34 13' 46" West, 68.02 feet) to the point of tangency of this curve; run thence South 41 27' 25" West for a distance of 61.82' to a point which is the point of curvature of a curve to the right subtending a central angle of 92 09' 54" and having a radius of 240.00 feet; run thence along this curve clockwise for an arc distance of 386.06' (chord bearing and distance: South 87 32' 21" West, 345.76 feet) to the point of tangency of this curve; run thence North 46 22' 42" West for a distance of 263.06' to a point which is the point of curvature of a curve to the left subtending a central angle of 109 50' 42" and having a radius of 440.00 feet; run thence along this curve counterclockwise for an arc distance of 843.55' (chord bearing and distance: South 78 41' 54" West, 720.17 feet) to the point of tangency of this curve; run thence South 23 46' 33" West for a distance of 132.87' to a point which is the point of curvature of

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a curve to the right subtending a partial central angle of 37 30' 36" and having a radius of 400.00 feet; run thence along this curve clockwise for an arc distance of 261.87' (chord bearing and distance: South 42 31' 51" West, 257.22 feet) to a point; leaving the said north right-of-way line of Northshore Boulevard, run thence South 57 17' 08" East for a distance of 405.65' to a point; run thence South 19 29' 23" East for a distance of 535.00' to a point; run thence South 59 47' 06" East for a distance of 210.00' to a point; run thence South 36 34' 50" East for a distance of 100.00' to a point on a curve to the left subtending a partial central angle of 27 46' 23" and having a radius of 395.71 feet; run thence along this curve counterclockwise for an arc distance of 191.81' (chord bearing and distance: North 75 39' 45" East, 189.94 feet) to a point; run thence South 34 13' 01" East for a distance of 253.43' to a point; run thence South 46 21' 10" West for a distance of 202.84' to a point; run thence South 27 19' 47" West for a distance of 174.74' to a point; run thence South 00 16' 33" West for a distance of 1,186.79' to the point of beginning.

The above described parcel of land is situated in the Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4) and in the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section 36, Township 9 North, Range 1 East, the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4), the Northeast Quarter (NE1/4) of the Northwest Quarter (NW1/4), the Southeast Quarter (SE1/4) of the Northwest Quarter (NW1/4), the Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4), the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of Section 1, the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4), the Southeast Quarter (SE1/4) of the Northeast Quarter (NE1/4), the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4), the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4), the Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4), the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4), the Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4), the Northeast Quarter (NE1/4) of the Southwest Quarter (SW1/4), the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4), the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4), the Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4) of Section 2, the Northeast Quarter (NE1/4) of the Northwest Quarter (NW1/4) and the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of Section 11, Township 8 North, Range 1 East, Madison County, Mississippi, and contains 417 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 21st day of May, 2004.

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	Not Present and Not Voting
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and the Petition of Caroline

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Twenty-two and Barbara and Samuel Stockett 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 21st day of May, 2004..

In re: Petition of BankPlus to Re-zone I-1 Industrial District to C-1 District Commercial District

**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 BankPlus to Re-zone certain real property located in an I-1 Industrial District to a C-1 District Commercial District along Church Road, adjacent to Tower Automotive in Section 21, T8N-R2E, and

WHEREAS, the Board previously authorized the publication of notice in the *Madison County Herald*, a newspaper of general circulation in Madison County, the same having been accomplished on May 6, 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, said public hearing was set for May 21, 2004 at 9:00 am as advertised, and

WHEREAS, the hour of 9:00 a.m. did arise, and the Board President declared said public hearing to be open as noticed, and

WHEREAS, County Zoning Administrator, Brad Sellers did speak on behalf of the Petitioner, explaining that Petitioner seeks the re-zoning so as to construct an ATM on the subject property for the convenience of the employees of tier-1 Nissan suppliers located in the Central Mississippi Industrial Park, and

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

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

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

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Not Present and Not Voting ¹
Supervisor Andy Taggart	Aye
Supervisor 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

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

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and is hereby closed.

SO ORDERED this the 21st day of May, 2004.

Thereafter, Mr. Andy Taggart did move and Mr. Paul Griffin did second a motion to approve the Petitioners' 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, re-zoned from its present I-1 Industrial District to a C-1 District Commercial District:

A certain tract of land containing .25 acres, more or less, situated in the NE 1/4 of the NE 1/4 of section 21, T8N-R2E, Madison County, Mississippi, being more particularly described as follows:

Commencing at a PK nail set at the intersection of Church road and Old Jackson Road marking the NE corner of Section 21, T8N-R2E, Madison County, Mississippi; run thence S 85 degrees 52 minutes 57 seconds West for 700.20 feet to a point on a concrete right-of-way monument, said point hereinafter referred to as the Point of Beginning; thence S 01 degree 12 minutes 16 seconds E for 115.00 feet to a one half inch rebar; thence S 88 degrees 47 minutes 44 seconds West for 100.00 feet to a one half inch rebar; thence North 01 degrees 12 minutes 16 seconds West for 115.00 feet to a one half inch rebar set on the South line of Church Road; thence north 88 degrees 47 minutes 44 seconds East along the South line of Church Road for 100.00 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 21st day of May, 2004.

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
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 Petition of BankPlus 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 21st day of May, 2004.

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In re: Petition of Tommie Garner for a Conditional Use 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 Tommie Garner for a conditional use to place mobile home in an R-1 Residential District, specifically 405 Ragsdale Road in Section 11, T8N-R2E of 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 May 6, 2004, and

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

WHEREAS, the date and hour as advertised did arrive and the Board President declared open the public hearing to consider the request of Tommie Garner for a conditional use to place mobile home in an R-1 Residential District, and

WHEREAS, County Zoning Administrator Brad Sellers together with Petitioner's son, Mr. Elmer Garner, did appear before the Board for said public hearing and did report that Petitioner currently lives in an existing single-family residence on the subject property which is poor condition and that her children have purchased a new mobile home for her and now request that she be allowed to replace the house with this mobile home, and

WHEREAS, Mr. Sellers did advise that there are other mobile homes in this area and Petitioner and her children were advised that the conditional use, if granted, would be for a three (3) year period only, and

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

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

Following discussion, Mr. Paul Griffin did move and Mr. Andy Taggart did second a motion to close the public hearing and grant the conditional use, 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 ²
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 request of Tommie Garner for a conditional use to allow a mobile home on the above described real property was and is hereby granted for a period of three (3) years.

SO ORDERED this the 21st day of May, 2004.

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

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In re: Petition of Lonnie Harris for a Special Exception to Continue to Conduct Surface Mining Operation

WHEREAS, the Board of Supervisors had previously advertised its intent to conduct a public hearing concerning the request of Lonnie Harris for a Special Exception to Continue to Conduct a Surface Mining Operation in an A-1 District on Acey Minter Road in Section 8, T9N-R4E,

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 May 6, 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 Lonnie Harris for Special Exception to conduct surface mining in an A-1 District, more particularly described as 15 acres located in the NW 1/4 of the NE 1/4 of Section 8, T9N-R4E, Acey Minter Road, Madison County, Mississippi, further identified by Parcel # 94C-08-010, and

WHEREAS, Mr. Harris and his attorney, Danny Spivey, did appear before the Board and explained that Petitioner has an existing mining operation on this property, that an application has been made to MDEQ for a 15 acre expansion of his mining operation, and that Petitioner has proposed providing asphalt to pave 1400 feet of Acey Minter Road to eliminate dust and improve the road for the residents in the area, and

WHEREAS, during the course of the public hearing, supervisors questioned Mr. Harris as to whether he had completed a reclamation project pertaining to another mining operation undertaken by him on Robinson Springs Road, to which inquiry Mr. Harris replied that he had not and offered an explanation therefor, and

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

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

Following discussion, Mr. Paul Griffin did move and Mr. Andy Taggart did second a motion to close the public hearing. 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.

SO ORDERED this the 21st day of May, 2004.

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Thereafter, Mr. Paul Griffin offered a motion to approve the request. However, such motion failed for lack of a second.

Thereafter, and following additional discussion, Mr. Tim Johnson did move and Mr. Paul Griffin did second a motion to approve Petitioner's request, contingent upon (1) Petitioner immediately supplying the Road Department with all materials necessary to pave 1400 feet of Acey Minter Road from its intersection with Highway 16 so that such paving can be accomplished during the current paving season; (2) Petitioner adhering to the hours of operation adopted for the surfacing mining operation on Robinson Springs Road approved by this Board in January, 2004 for APAC of Mississippi; and (3) Petitioner completing the reclamation of his surfacing mining operation on Robinson Springs Road within thirty (30) days. Said motion further provided that, at the end of a three month period from today's date, the permit would expire if each of the foregoing requirements had not been met. The vote on the matter being as follows:

Supervisor Douglas L. Jones	No
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	No
Supervisor Karl M. Banks	Not Present and Not Voting
Supervisor Paul Griffin	Aye

the matter did not garner a majority vote of the Board and therefore failed.

SO ORDERED this the 21st day of May, 2004.

Thereafter, and following further discussion and a request from Mr. Harris' attorney, Mr. Tim Johnson did move and Mr. Paul Griffin did second a motion to table Petitioner's Petition and reconsider the same at a later date. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	No
Supervisor Karl M. Banks	Not Present and Not Voting
Supervisor Paul Griffin	Aye

the matter carried by a majority vote of the Board and Petitioner's request was and is hereby tabled to be reconsidered at a later point.

SO ORDERED this the 21st day of May, 2004.

In re: Petition of Bald Hill, LLC for a Special Exception to Conduct a Surface Mining Operation

WHEREAS, the Board of Supervisors had previously advertised its intent to conduct a public hearing concerning the request of Bald Hill, LLC for a Special Exception to Conduct a Surface Mining Operation in an I-1 Industrial District on 10 acres of property situated in the NW 1/4 of the SW 1/4 of Section 30, T7N-R1E, bearing parcel # 71I-30-001/01 and being more fully described as follows:

10 acres, more or less, out of Parcel # 71I-30-001/01, situated in the NW 1/4 of the SW 1/4 of Section 30, T7N-R1E, Madison County, MS, and being more fully described as follows:

Commencing at the Northeast corner of Section 31, run thence West for a distance of 1320.0 feet to an iron pin; thence Northerly for a distance of 1800 feet; thence East 100 feet to the southwest

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corner of Bald Hill Mine and the Point of Beginning of the herein described property; thence North 660.0 feet to the northwest corner; thence East 660.0 feet to the northeast corner; thence South 660.0 feet to the southeast corner; thence West 660.0 feet to the southwest corner of the Bald Hill Mine being the Point of Beginning.

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 May 6, 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 Bald Hill, LLC for Special Exception to conduct surface mining in an I-1 Industrial District, and

WHEREAS, Mr. Gene Wardlaw with GeoScience Engineers and Mr. Mitch Shepard did appear before the Board and explained that the subject property was just north of the Little Dixie/BFI landfill and that another existing mining operation is north of the site, and

WHEREAS, Mr. Wardlaw did also report that the appropriate application had been filed with MDEQ and a mining schedule and reclamation plan was provided to 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,

Following discussion, Mr. Paul Griffin did move and Mr. Tim Johnson 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	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.

SO ORDERED this the 21st day of May, 2004.

Thereafter, and following discussion, Mr. Tim Johnson did move and Mr. Paul Griffin did second a motion to approve the request and grant the special exception contingent upon Petitioner adhering to the guidelines established for the mining operation of APAC of Mississippi along Robinson Springs Road as to hours of operation and number of trucks. The vote on the matter being as follows:

Supervisor Douglas L. Jones	No
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	No
Supervisor Karl M. Banks	Not Present and Not Voting
Supervisor Paul Griffin	Aye

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Date Signed: _____

the matter did not garner a majority vote of the Board and therefore failed.

SO ORDERED this the 21st day of May, 2004.

In re: Alleged Zoning Violation by Billy C. and Betty G. Abernathy

WHEREAS, County Zoning Administrator Brad Sellers did appear before the Board advising that certain property bearing parcel # 52D-20-011 located at 1895 Cox Ferry Road and owned by Billy C. And Betty G. Abernathy stood in violation of Article IV, Section 402, 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 owners, with said hearing to be conducted on May 21, 2004, at 9:00 am,

Following review and discussion of this matter and upon the arrival of the appointed date and time, Mr. Paul Griffin did move and Mr. Tim Johnson did second a motion to table the request of the Zoning Administrator to impose sanctions until the Supervisor from the district in which the Abernathys reside, Mr. Karl M. Banks, could be present. 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 matter was and is hereby tabled until such time as District 4 Supervisor Karl M. Banks could be present.

SO ORDERED this the 21st day of May, 2004.

In re: Alleged Zoning Violation by Tommie and Dorothy Bachus

WHEREAS, County Zoning Administrator Brad Sellers did appear before the Board advising that certain property bearing parcel # 81I-31-2/01.05 located at Lot 6 Devonshire Farms and owned by Tommie and Dorothy Bachus 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 owners, with said hearing to be conducted on May 21, 2004, at 9:00 am,

WHEREAS, the date and hour as advertised did arrive, and Mr. Sellers did explain that a building permit was issued to the Bachuses in 1999 which has now expired and the house which was being constructed thereon appears abandoned, with no work having been done in two (2) years, and

WHEREAS, Ms. Bachus did appear before the Board and explained that she and her husband had endured financial difficulties since 1999 which made it difficult to complete construction of the Devonshire home but that they now had a plan to move forward with

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construction and were in the process of selling their current residence to generate funds to move forward,

Following review and discussion of this matter, Mr. Andy Taggart did move and Mr. Paul Griffin did second a motion to direct County Zoning Administrator Brad Sellers to issue an extended building permit, subject to (1) the property being cleaned and mowed to grade, (2) all vehicles and trash or debris on the property being removed, (3) active construction commencing within ninety (90) days from the date hereof, and (4) all exterior construction being completed by year end. 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 Mr. Sellers was and is so directed.

SO ORDERED this the 21st day of May, 2004.

In re: Request of the Tax Assessor to Increase Assessments on Certain Property Pursuant to Miss. Code Ann. § 27-35-147 et seq.

WHEREAS, on May 3, 2004, the Board determined that May 21, 2004, would be an appropriate date for a public hearing on the matter of increasing real and personal property assessments on certain individuals and businesses in the county and did set said date for said hearing to begin at the hour of 9:00 am, and

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

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

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

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

Following discussion, Mr. Paul Griffin did move and Mr. Andy Taggart did second a motion to close the public hearing and approve the assessment increases for those individuals and parcel numbers as set forth in the aforesaid spreadsheet. The vote on the matter being as follows:

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

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

President's Initials: _____

Date Signed: _____

SO ORDERED this the 21st day of May, 2004.

In re: Approval of Preliminary Plat of Waggener Heights Subdivision

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

Following discussion of this matter, Mr. Paul Griffin did move and Mr. Andy Taggart did second a motion to approve said preliminary plat with an amendment to paragraph 22 of the covenants thereof such that approval of the Madison County Board of Supervisors would be required on any changes to said covenants until such time as fifty percent (50%) of the lots in the subdivision are sold to individuals. 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 preliminary plat of Waggener Heights Subdivision was and is hereby approved with the covenants thereto amended as set forth above.

SO ORDERED this the 21st day of May, 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, the following items were taken up as “Consent Items,” to-wit:

(A) Approval of Lease Agreement for District Attorney’s Postage Meter

WHEREAS, District Attorney David Clark did request by email dated May 18, 2004 that he be authorized upgrade the office’s Pitney Bowes postage meter and to enter into an agreement with Pitney Bowes relative to a DM200 Digital Mailing System with Interfaced Weighted Platform, and

WHEREAS, the Board does desire to and does hereby authorize and approve such purchase and agreement and does empower the District Attorney to enter into such agreement, and

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

WHEREAS, County Road Manager Prentiss Guyton appeared before the Board of

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Supervisors and requested approval of certain work orders pertaining to the installation of culverts for April and May of 2004, as set forth on that certain spreadsheet which is attached hereto as Exhibit H, spread hereupon and incorporated herein by reference, and

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

(C) Acceptance of Certain Bids to Purchase Motor Vehicles

WHEREAS, Chancery Clerk Arthur Johnston did appear before the Board and reported, on behalf of the standing and usual committee appointed to open and tabulate bids for the purchase of certain motor vehicles for use by county employees, that said bids were opened at 10:00 am on Tuesday, May 11, 2004, and that Harrel Chevrolet Company was the only bidder submitting qualified bids in response to the notice duly published in the *Madison County Herald* on April 22 and 29, 2004, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, the Board does desire to accept the bid submitted by Harrel Chevrolet Company for and to authorize – and the Board does hereby authorize – the purchase of a 2004 Chevrolet Impala 4 Door Sedan as set forth in that certain Quote Worksheet, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, and

(D) Appointment of Chancery Clerk Arthur Johnston to Give After-the-Fact Authorization of Emergency Purchases and Approval of Emergency Purchase Made by Network Manager Christi Holman

WHEREAS, Purchase Clerk Hardy Crunk did report that Network Manager Christi Holman purchased certain electrical services and devices from Briggs Electrical as the result of a short occurring during the replacement of an internal computer fan, and

WHEREAS, Mr. Crunk did request that said purchase be authorized and approved by the Board after-the-fact due to the emergency, and to declare that such events constituted an emergency, and

WHEREAS, Mr. Crunk did further request that the Board appoint an individual to give after-the-fact authorization of future emergency purchases in order that state laws governing emergency purchases could be satisfied, and

WHEREAS, the Board does desire to and does hereby approve said purchase as an emergency purchase retroactive to the date thereof, and does hereby appoint Chancery Clerk Arthur Johnston to give after-the-fact approval for such purchases in the future, and

(E) Approval of Seven (7) Certain Utility Permits

WHEREAS, County Engineer Mike McKenzie did appear before the Board requesting approval of permits allowing use and occupancy for the construction or adjustment of a utility within certain roads or highway rights of way, and

WHEREAS, said permits were as follows:

- (1) Bellsouth – seeking to place cable along Smith-Carr Rd.
- (2) Entergy – seeking to install overhead span of (1) 3 phase 15kv power line that will cross Gluckstadt Road at one indicated point and will span 225 feet
- (3) Time Warner Cable – seeking to install placement of underground CATV cable

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- means of trenching and/or boring in Reunion Subdivision
- (4) Time Warner Cable – seeking to install placement of underground CATV cable by means of trenching and/or boring at Gluckstadt Rd and Kristin Hill Ct.
- (5) Time Warner Cable – seeking to install placement of underground CATV cable by means of trenching and/or boring in Hartfield, Devlin Springs
- (6) Time Warner Cable – seeking to install placement of underground CATV cable by means of trenching and/or boring in Johnstone Subdivision
- (7) Time Warner Cable – seeking to install placement of underground CATV cable by means of trenching and/or boring in Johnstone Subdivision

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

WHEREAS, the Board does desire to approve each of said applications, and

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) herein above. The vote on the matter being as follows:

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

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

SO ORDERED this the 21st day of May, 2004.

In re: Approval of Final Plat for Sunnybrook Retirement Facility, Phase 2

WHEREAS, County Zoning Administrator Brad Sellers did appear before the Board requesting final approval of the final plat of Sunnybrook Retirement Facility, Phase II and did aver that all requirements and specifications required by Madison County had been met,

Following discussion, Mr. Andy Taggart did move and Mr. Paul Griffin did second a motion to approve the final plat of Sunnybrook Retirement Facility, Phase 2. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and said plat was and is hereby approved.

SO ORDERED this the 21st day of May, 2004.

President's Initials: _____

Date Signed: _____

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

WHEREAS, County Zoning Administrator Brad Sellers did present the Board of Supervisors with the following petitions to amend/change the Official Zoning Ordinances and/or Official Zoning Map of Madison County, Mississippi, as follows and recommended that the Board authorize the giving of public notice of its intent to conduct public hearings on said petitions at 9:00 a. m. on the 25th day of June, 2004, to-wit:

- (1) **Dr. S. L. Sethi** - (a) Petition to rezone R-1 Residential to R-1A Residential, R-1B Residential, and R-5 Patio Home District: R-1A - Petition to rezone 82.04 acres to R-1A Residential District.
Location: Bozeman Road, Section 31, T8N-R2E and Section 36, T8N-R1E.
Data: Petitioner proposes a R-1A Residential type development on this tract, as identified by the green in the site plan. The homes proposed would be 2,500 sq. ft. minimum, covenants are provided.

(b) R-1B - Petition to rezone 40.5 acres to R-1B Residential District.
Location: Bozeman Road, Section 31, T8N-R2E and Section 36, T8N-R1E.
Data: Petitioner proposes a R-1B Residential type development on this tract, as identified by the yellow in the site plan. The homes proposed would be 2,500 sq.ft. minimum, covenants are provided.

(c) R-5 Patio Home - Petition to rezone 15.3 acres to R-5 Patio Home District.
Location: Bozeman Road, Section 31, T8N-R2E and Section 36, T8N-R1E.
Data: Petitioner proposes a R-5 Residential type development on this tract, as identified by the pink in the site plan. The homes proposed would be 2,500 sq.ft. minimum, covenants are provided.
- (2) **WLP Homes, Inc.** - Petition for variance to rear setback.
Location: 101 Wendy Lane, Hartfield Subdivision, Part 1.
Data: Petitioner has constructed a house on this lot that encroaches 2.6 feet into the required rear set back. Petition contains letters from the adjacent lot owner and developer agreeing to the variance.
- (3) **Louis B. Gideon/Plantation Millworks** - Petition to rezone C-1 District to C-2 District.
Location: Distribution Drive, Section 29, T8N-R2E.
Data: Petitioners wish to rezone this property to erect two buildings. The first would be for display and retail sale of heart pine and antique wood beams. The second building would be for display and retail of heart pine flooring, and interior trim materials made from heart pine and other antique woods. No manufacturing at this facility. This property was used as an auto salvage yard. Utilities furnished by Bear Creek.
- (4) **Eutaw Construction/John Harreld/Ron Hutchinson** - Petition for Special Exception to operate a surface mining operation in a C-2 commercial District and an R-1 Residential District.
Location: Church Road, Section 21, T8N-R2E.
Data: Petitioner proposes a mining operation on this site for material to be used on the new south Nissan interchange. Application with MDEQ has been made, and a site plan has been furnished. This operation will be on the south side of Church Road, and the material will be transported across Church Road to the job site. A time schedule is proposed, and hours of operation.

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- (5) **Kathy Sumler** - Petition for Special Exception to place mobile home in R-2 District.
Location: 101 Vaughn Street, Flora, Section 5, T8N-R1W.
Data: Petitioner requesting a mobile home at this site for residential use. Public sewer available . There are other mobile homes in this area.

- (6) **Ira Ott** - Petition for Variance in the P-1 District
Location: Lot 22 Camden Court of Lake Caroline.
Data: Camden Court Homeowners Association has 5 approved plans for Camden Court, each will require a variance unless a smaller home is permitted. Letter furnished by Homeowners Association approving variance. This variance will provide a more uniform appearance with the other homes.

- (7) **Marvin Ross/Willie Steen Battle** - Petition for Special Exception for mobile home in R-2
Location: Ellis Road, Flora, Section 5, T8N-R1W.
Data: Ms. Battle wishes to help Mr. Ross by allowing him to place a mobile home on property owned by her family. A mobile home has been provided for Mr. Ross and his family. Public utilities are available. Other mobile homes are located in this area.

WHEREAS, the Board does desire to authorize the giving of public notice of its intent to conduct public hearings on said petitions at 9:00 a. m. on the 25th day of June, 2004, and

Mr. Paul Griffin did move and Mr. Andy Taggart did second a motion to set the above and foregoing matters for public hearing on the 25th day of June, 2004 in the Board Room of the Chancery Building 146 West Center Street, Canton, Mississippi, beginning at 9:00 a.m. and to authorize Mr. Sellers to give public notice thereof by publication. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and said public hearings were and are hereby set and Mr. Sellers was and is hereby so instructed.

SO ORDERED this the 21st day of May, 2004.

In re: Request of Curtis D. Whittington, Jr. to Allow the Erection of a Billboard on his Property

WHEREAS, Ms. Janet Whittington of Bentonia, Mississippi and David Johnson with Lamar Advertising did appear before the Board requesting on behalf of Curtis D. Whittington that he be allowed to erect a billboard on certain property owned by him along Interstate 55 in the area subject to a moratorium on billboards due to the pendency of the Parkway East Project,
 Following discussion, Mr. Paul Griffin did move and Mr. Andy Taggart did second a motion to table the matter for further consideration until further decisions are made with respect to the Parkway East Project. The vote on the matter being as follows:

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

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Date Signed: _____

Supervisor Paul Griffin

Aye

the matter carried and was and is hereby tabled until further decisions are made with respect to Parkway East.

SO ORDERED this the 21st day of May, 2004.

In re: Submission of Names to the Governor for Consideration as Madison County Representatives on the Pearl River Industrial Commission and the Pearl River Valley Water Supply District Board

WHEREAS, County Administrator Donnie Caughman did appear before the Board reporting that the county had been requested to submit the names of three (3) individuals to be considered by the Governor as representatives of Madison County on the Pearl River Industrial Commission and the Pearl River Valley Water Supply District Board,

Following discussion, Mr. Andy Taggart did move and Mr. Paul Griffin did second a motion to send the names of Greg Copeland, Robert D. Webb, and Robert “Bob” Williams to the Governor to be considered for service in such capacity. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and Greg Copeland, Robert D. Webb, and Robert “Bob” Williams were and are hereby submitted to the Governor for such consideration.

SO ORDERED this the 21st day of May, 2004.

In re: Appointment of Bryson Insurance as Insurance Agent of Record for Madison County

WHEREAS, County Administrator Donnie Caughman did appear before the Board recommending that the Board appoint Bryson Insurance as the agent of record for Madison County and did advise that he had received and reviewed applications submitted by a number of other agents, and in his estimation, the proposal submitted by Bryson was the best of the lot,

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

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Following discussion, Mr. Tim Johnson⁴ did move and Mr. Andy Taggart did second a motion (1) to appoint Bryson Insurance as the county's official agent of record for purposes of all lines except health coverage, with the understanding that Bryson would serve as a consultant and advisor as to health coverage and would supply expert advice as to all types of coverage and gaps in coverage; (2) to require Bryson to secure verification that the premiums quoted for each line would be submitted without factoring in a commission; and (3) to direct Mr. Caughman to request in writing that each insurance agent currently doing business with the county submit a written statement revealing its net commission(s) for each line of coverage. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and Bryson Insurance was and is so appointed and directed, and Mr. Caughman was and is so instructed.

SO ORDERED this the 21st day of May, 2004.

In re: Adoption of Amended Standby Bond Purchase Agreement

WHEREAS, the Board of Supervisors of Madison County, Mississippi took up the matter of the Amended and Restated Standby Bond Purchase Agreement to be executed in connection with the issuance of the Mississippi Development Bank Special Obligation Bonds, Series 2002 (Madison County, Mississippi Hospital Refunding Project) in the principal amount of \$12,000,000 (the "Series 2002 Bonds"). After a discussion of the subject, Supervisor Andy Taggart offered and moved the adoption of the following resolution:

RESOLUTION AUTHORIZING AND APPROVING THE EXECUTION OF THE AMENDED AND RESTATED STANDBY BOND PURCHASE AGREEMENT IN CONNECTION WITH THE MISSISSIPPI DEVELOPMENT BANK SPECIAL OBLIGATION BONDS, SERIES 2002 (MADISON COUNTY, MISSISSIPPI HOSPITAL REFUNDING PROJECT) IN THE AGGREGATE PRINCIPAL AMOUNT OF \$12,000,000; AND FOR RELATED PURPOSES.

WHEREAS, the Board of Supervisors of Madison County, Mississippi (the "Board of Supervisors" of the "County") provided for the issuance of the Series 2002 Bonds which are dated June 4, 2002;

WHEREAS, in connection with the issuance of the Series 2002 Bonds, the County, AmSouth Bank, and Trustmark National Bank, as Trustee, have entered into that certain Standby Bond Purchase Agreement, dated as of June 1, 2002 (the "Original Standby Bond Purchase Agreement");

WHEREAS, pursuant to the terms and conditions of the Original Standby Bond Purchase Agreement, AmSouth Bank has agreed to purchase the Bonds under certain conditions set forth therein;

WHEREAS, the County now wishes to amend and restate the Standby Bond Purchase .

⁴Prior to offering his motion, Mr. Johnson returned to the meeting.

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Date Signed: _____

Agreement approving and ratifying the extended term of this Agreement through July 1, 2007;

WHEREAS, the facility fee under this Amended and Restated Standby Bond Purchase Agreement with the extended term, the form of which is attached hereto as Exhibit A, shall be 20 basis points per annum which shall accrue on the daily amount of the available commitment as provided therein; and

WHEREAS, the County wishes to approve and ratify that certain Amended and Restated Standby Bond Purchase Agreement extending the expiration date and approving, ratifying and confirming the 20 basis points per annum annual fee.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY, AS FOLLOWS:

SECTION 1. The form of the Amended and Restated Standby Bond Purchase Agreement is hereby approved, and the President or any other officer of the Board of Supervisors is hereby authorized and directed to execute said Standby Bond Purchase Agreement on behalf of the County.

SECTION 2. All provisions of the Amended and Restated Standby Bond Purchase Agreement, when executed as authorized herein, shall be incorporated herein, and shall be deemed to be a part of this resolution fully and to the same extent as if separately set out verbatim herein, with said Amended and Restated Standby Bond Purchase Agreement to be in substantially the form attached to this Resolution as **EXHIBIT A (Exhibit I to these Minutes)**, with such completions, changes, insertions and modifications as shall be approved by the officers executing and delivering the same. The Amended and Restated Standby Bond Purchase Agreement shall be dated the date of delivery thereof.

SECTION 3. The President or any other officer of the Board of Supervisors are, and each of them acting alone is, hereby authorized and directed for and on behalf of the Board of Supervisors, to take any and all such action as may be required by the County to carry out and to give effect to the aforesaid documents authorized pursuant to this resolution and to execute all papers, documents, certificates and other instruments that may be required for the carrying out of the authority conferred by this resolution in order to evidence said authority.

Supervisor Andy Taggart having made the motion, seconded by Supervisor Tim Johnson to adopt the foregoing resolution, and the question being put to a roll call vote, the result was 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 motion having received the affirmative vote of a majority of the members present, the President of the Board of Supervisors declared the motion carried and the resolution adopted this the 21st day of May, 2004.

President, Board of Supervisors

ATTEST:

President's Initials: _____

Date Signed: _____

Title:

In re: Certain Emergency Water Improvements

WHEREAS, County Administrator Donnie Caughman did appear before the Board requesting that the Board (1) adopt an Emergency Declaration pertaining to the West Madison Utility District, a true and correct copy of which is attached hereto as Exhibit J, spread hereupon and incorporated herein by reference; (2) adopt a Resolution requesting assistance from the Central Mississippi Planning and Development District, giving notice of the county's intent to apply for certain CDBG funds, and designating the Board President execute all necessary forms and documents on behalf of the county, a true and correct copy of which resolution is attached hereto as Exhibit K, spread hereupon and incorporated herein by reference; (3) authorize the giving of notice by publication of a public hearing pertaining to the county's request in this regard for June 10, 2004 at 2:00 pm in the Board Room of the Madison County Chancery and Administrative Building; and (4) appoint Donnie Caughman as the county's emergency officer for the West Madison Utility District,

Following discussion, Mr. Tim Johnson did move and Mr. Andy Taggart did second a motion to take each of the above and foregoing actions as outlined and requested by the County Administrator. 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 above and foregoing Emergency Declaration and Resolution were and are hereby adopted, the County Administrator was and is hereby authorized to give notice by publication of the above and foregoing hearing, and the County Administrator was and is hereby appointed as the county's emergency officer for the West Madison Utility District.

SO ORDERED this the 21st day of May, 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 theses Minutes:

Lessees: Van W. Gunter and wife Amie Gunter
Description: Lot 174, 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

President's Initials: _____

Date Signed: _____

36-40 \$ 419.97

Lessees: Mitchell W. McGarrh and wife Teresa E. McGarrh
 Description: Lot 22, Eastbrooke Estates Subdivision
 Lease Term: 40 years

<u>Year</u>	<u>Annual Rent</u>
1 - 5	\$ 350.00
6 - 10	\$ 385.00
11 - 15	\$ 420.00
16 - 20	\$ 455.00
21 - 25	\$ 490.00
26 - 30	\$ 525.00
31 - 35	\$ 560.00
36 - 40	\$ 595.00

Lessee: Hua Liu and wife Jieru Jian
 Description: Lot 51, 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

Lessee: Christy Malone
 Description: Lot 57, 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

Lessees: John G. Sims, III and wife Kimberly G. Sims
 Description: Lot 104, Sherbourne Subdivision, Part 4
 Lease Term: 40 years

<u>Year</u>	<u>Annual Rent</u>
01-05	\$ 256.66
06-10	\$ 279.99

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11-15	\$ 303.32
16-20	\$ 326.65
21-25	\$ 349.98
26-30	\$ 373.31
31-35	\$ 396.64
36-40	\$ 419.97

AND WHEREAS, the Madison County School Board has approved the following Amended Long Term Residential Lease Contract 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: Barbara Ann Straughan as Successor Trustee of the Ernestine Applebaum Revocable Trust
 Description: Lot 13, Madison Village Estates (Revised)
 Term: 66 years, beginning June 4, 1973 and terminating on June 3, 2039
 Rent: Paid up previously

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

Mr. Tim Johnson did move and Mr. Paul Griffin did second a motion to approve the 16th section leases as set forth above, as submitted by the Madison County School Board. The vote on the matter being as follows,

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	No
Supervisor Karl M. Banks	Not Present and Not Voting
Supervisor Paul Griffin	Aye

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

SO ORDERED this the 21st day of May, 2004.

In re: Adoption of Policy to Alter Channels of Streams and Water Courses

WHEREAS, County Road Manager Prentiss Guyton did appear before the Board, presenting a proposed Policy to Alter Channels of Streams and Water Courses, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes and requesting its adoption,

Following discussion, Mr. Andy Taggart did move and Mr. Paul Griffin did second a motion to adopt said Policy as amended by adding the words "and culverts" after the word "bridges" in the first line of paragraph b thereof. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and said Policy was and is hereby adopted as amended.

President's Initials: _____

Date Signed: _____

SO ORDERED this the 21st day of May, 2004.

In re: Request to Advertise for Uniform Rental Bids

WHEREAS, County Road Manager Prentiss Guyton did appear before the Board and requested authority to advertise for bids on uniform rentals,

Mr. Andy Taggart did move and Mr. Paul Griffin did second a motion to authorize Mr. Guyton to advertise for such. 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 Road Manager was and is hereby so authorized.

SO ORDERED this the 21st day of May, 2004.

In re: Approval to Purchase Certain Road Equipment

WHEREAS, County Road Manager Prentiss Guyton did appear before the Board requesting authority to purchase one (1) Etyhre Blacktop Shooter on a Ford F750 truck body and one (1) Etyhre Chip Spreader in accordance with the bids on the same submitted on and opened on April 9, 2004, and

WHEREAS, Purchase Clerk Hardy Crunk did advise that such purchases were in accordance with law and were representative of the lowest and best bids received thereon, and

WHEREAS, Mr. Guyton did report that such items were needed in order to begin the paving and road work season,

Mr. Paul Griffin did move and Mr. Tim Johnson did second a motion to approve the purchase of the aforementioned items in response to bids received thereon. 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 such purchases were and are hereby authorized.

SO ORDERED this the 21st day of May, 2004.

In re: Approval of Certain Amendments to FY 2004 Budget of Madison County to Allow for the Purchase of Certain

President's Initials: _____

Date Signed: _____

Road Equipment

WHEREAS, County Comptroller Mark Houston and Chancery Clerk Arthur Johnston did appear before the Board recommending certain budgetary amendments and adjustments as to both revenue and expenditures, to reflect and address the needs of the county, the Road Department in particular as contained in Exhibit L (Road Fund Estimated Revenues) and Exhibit M, (Road Fund Estimated Expenditures), both of which are attached hereto, spread hereupon, and incorporated herein by reference, and

Following discussion, Mr. Andy Taggart did move and Mr. Paul Griffin did second a motion to approve the budget amendments contained in said exhibits. The vote on the matter being as follows:

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

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

SO ORDERED this the 21st day of May, 2004.

In re: Approval of Claims Docket for May 21, 2004

WHEREAS, the Board reviewed the claims docket for May 21, 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>
001	22579, 23341 to 23485	146	\$488,243.99
012	355 to 369	15	3,214.59
013	164, 166	2	20,709.28
096	19 to 19	1	5,180.00
097	387 to 405	19	31,121.13
105	334 to 341	8	42,356.95
113	35 to 37	3	7,361.93
114	48 to 48	1	1,009.08
116	71 to 73	3	9,820.44
118	13 to 13	1	2,700.00
119	31 to 32	2	10,050.00
120	45 to 46	2	1,119.04
137	378 to 383	6	614.00
150	6283 to 6349 6351 to 6356	73	254,789.87
160	697 to 698	2	48,151.20

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170	35 to 35	1	27,612.12
190	218 to 227	10	6,463.18
226	30 to 30	1	670,719.81
280	82 to 83	2	40,932.44
401	101 to 102	2	12,927.37
682	33 to 33	1	69,502.44

TOTAL ALL FUNDS301 1,754,598.86

Following discussion, Mr. Andy Taggart did move and Mr. Tim Johnson did second a motion to approve the claims docket with the following held and rejected claims:

HELD

<u>Fund</u>	<u>Claim Nos.</u>	<u>Claimant</u>	<u>Amount Held</u>
013	181981	Paul Moak of Madison, Inc.	\$39,892.00

REJECTED

<u>Fund</u>	<u>Claim Nos.</u>	<u>Claimant</u>	<u>Amount Rejected</u>
150	182198	Madison County Journal	\$26.00

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 N, spread hereupon, and incorporated herein by reference.

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	Not Present and Not Voting ⁵

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 21st day of May, 2004.

In re: Request of Windham and Lacey for Extension of Time to Complete Audit of County Accounts

WHEREAS, County Comptroller Mark Houston did appear before the Board and requested, on behalf of Windham and Lacey, the CPA firm retained by the county to conduct an audit of county accounts for FY 2003, and requested that said firm be granted an extension of time as may be negotiated by the Board President within which to complete said audit, and

⁵Prior to the call of the question, Mr. Griffin excused himself from the meeting.

President's Initials: _____
Date Signed: _____

WHEREAS, Mr. Houston did point out that said audit has been a difficult one and that an extension of time was warranted,

Following discussion, Mr. Tim Johnson did move and Mr. Andy Taggart did second a motion to grant unto the aforesaid Windham and Lacey an extension of time within which to complete its audit and to authorize the Board President to negotiate the terms of such extension. 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 ⁶

the matter carried by the unanimous vote of those present and said firm was and is granted an extension of time to complete said audit upon such terms as the Board President may negotiate.

SO ORDERED this the 21st day of May, 2004.

***In re: Approval of Final Plat for Bradshaw Ridge,
Part One Subdivision***

WHEREAS, County Engineer, Mike McKenzie, and County Zoning Administrator, Brad Sellers did appear before the Board requesting final approval of the final plat of Bradshaw Ridge, Part One (1) Subdivision and did advise that all requirements and specifications required by Madison County had been met,

Following discussion, Mr. Andy Taggart did move and Mr. Paul Griffin did second a motion to approve the final plat of Bradshaw Ridge, Part One (1) Subdivision. 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 said plat was and is hereby approved.

SO ORDERED this the 21st day of May, 2004.

***In re: Awarding of Contract 2 for the Construction
of Reunion Parkway Phase I***

WHEREAS, on February 20, 2004, the Board authorized the advertisement for bids for the construction of Reunion Parkway Phase 1, Contract 2, which advertisement did set forth May 14, 2004 as the date for the opening thereof and did set forth May 6, 2004 as the date for a mandatory pre-bid conference, and

⁶Prior to casting his vote on this matter, Mr. Griffin returned to the meeting.

President's Initials: _____
Date Signed: _____

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

WHEREAS, County Engineer Mike McKenzie did report that due to questions raised by bidders during the pre-bid conference, additional time was needed to review the project and that he had, in accordance with statute, provided written notice to all those entities submitting bids and appearing at the aforesaid pre-bid conference that the date for the opening of said bid would be postponed until Friday, May 21, 2004 at 10:00 am, and

WHEREAS, the appointed date and hour did arrive and the Board President did direct the Chancery Clerk to open and read all bids, at the conclusion of which the Chancery Clerk did announce, in open session, the results of Reunion bid opening, a copy of which is found in the Miscellaneous Appendix to these Minutes

WHEREAS, the Board President did direct Mr. McKenzie to tabulate said bids and return to the meeting with a recommendation as to the lowest and best, and

WHEREAS, thereafter Mr. McKenzie did return to the meeting and announced that in his estimation Hemphill Construction with a base bid of \$1,775,279.45 had submitted the lowest and best bid,

Following discussion, Mr. Andy Taggart did move and Mr. Tim Johnson did second a motion to award the construction contract for Reunion Parkway, Phase I unto Hemphill Construction, to proceed with the four-laning of said road with a provision that all due haste be expended in the construction of two lanes of roadway to allow access to and from the new elementary school being constructed on Reunion Parkway, and to direct the Board President to execute all documents necessary to effectuate the awarding of this contract accordingly. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and the contract was and is hereby so awarded.

SO ORDERED this the 21st day of May, 2004.

In re: Approval of Supplemental Agreement and Construction Change Request Pertaining to Stout-Society Road Bridge Project BR-0045(22)BO

WHEREAS, Board Attorney Edmund L. Brunini, Jr. did appear before the Board requesting that the Board (1) authorize the Board President to execute that certain Supplemental Agreement increasing the contract time on Project BR-0045(22)BO by thirty (30) working days, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes; (2) approve that certain Construction Change Request, a true and correct copy of which may likewise be found in the Miscellaneous Appendix to these Minutes; and (3) issue the following order, to-wit:

ORDER OF THE BOARD OF SUPERVISORS OF MADISON COUNTY AUTHORIZING THE TRANSFER OF ADDITIONAL STATE AID FUNDS FOR PROJECT NO. BR-0045(22)BO

President's Initials: _____
Date Signed: _____

(STOUT AND SOCIETY BRIDGE ROADS)

WHEREAS, the project fund originally established for said project by the Board of Supervisors of Madison County has been determined to be insufficient to cover the cost of the additional work required,

NOW, THEREFORE, it is ordered by the Board of Supervisors of Madison County that the State Aid Engineer be and he is hereby authorized to transfer the sum of \$45,000 from Madison County's State Aid Fund to the BR-0045(22)BO project fund.

IT IS FURTHER ORDERED that the Clerk of this Board send the State Aid Engineer a certified copy of this order.

President, Board of Supervisors
Madison County, Mississippi

Following discussion, Mr. Tim Johnson did move and Mr. Andy Taggart did second a motion to ratify the aforesaid Supplemental Agreement and the aforesaid Construction Change Order and to adopt the above and foregoing Order on the Stout and Society Bridge Road Project (BR-0045(22)BO). 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 Supplemental Agreement, the Construction Change order were and are hereby approved and the foregoing Order of the Board was and is hereby adopted.

SO ORDERED this the 21st day of May, 2004.

In re: Approval of an Interlocal Agreement by and Among Madison County, Mississippi and the Cities of Madison and Ridgeland Concerning the McClellan Ridgecrest Bridge Project

WHEREAS, Board Attorney Edmund L. Brunini, Jr. did present unto the Board a proposed Interlocal Agreement among the county and the cities of Ridgeland and Madison pertaining to the McClellan Ridgecrest Bridge Project and did recommend its adoption by the Board, and

WHEREAS, a true and correct copy of said Interlocal Agreement may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Tim Johnson did move and Mr. Andy Taggart did second a motion to adopt and approve said Interlocal Agreement and to authorize and direct the Board President to execute the same on behalf of the county. 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

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Supervisor Paul Griffin

Aye

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

SO ORDERED this the 21st day of May, 2004.

In re: Waiving of Conflict of Interest with Brunini Law Firm so as to Authorize the Board Attorney to Correspond with Mid State Construction Company Seeking Remedial Measures with Respect to the Circuit Court Building

WHEREAS, the Board of Supervisors had previously directed Board Attorney Edmund L. Brunini, Jr. to seek redress of certain problems and difficulties associated with the leaking and foundation problems in the Circuit Court Building and to, specifically, look to Mid State Construction Company, the construction firm hired by the county to erect said building, as the responsible party, and

WHEREAS, the Board Attorney did advise that his firm is presently representing Mid State in another matter unrelated to construction issues and has secured, in writing, the waiver of Mid State of any conflict or potential conflict of interest relative thereto, and

WHEREAS, the Board Attorney did request the same of Madison County so that he and his firm might begin to correspond with and otherwise pursue recovery from Mid State, and

WHEREAS, the Board does desire to waive any conflict of interest which may exist presently or which may develop with the Brunini firm handling this matter on behalf of the county and does further desire for said firm to pursue sufficient remedy for said problems,

Following discussion, Mr. Andy Taggart did move and Mr. Paul Griffin did second a motion to waive any conflict of interest the county may have with respect to the Brunini law firm pursuing recovery and remedies of and from Mid State Construction Company concerning construction, design, or foundation defects arising out of the construction of the Circuit Court building. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and any conflict of interest pertaining to the Brunini law firm *vis a vis* Madison County and Mid State Construction Company was and is hereby waived.

SO ORDERED this the 21st day of May, 2004.

In re: Flood Control Issues in Woodland Hills Boulevard in Annandale Subdivision

WHEREAS, District 3 Supervisor Andy Taggart did present to the Board photographs depicting severe flooding which had taken place in Annandale Subdivision on Woodland Hills Boulevard during an April rainstorm in 2003 and a subsequent May rainstorm in 2004, and

President's Initials: _____
Date Signed: _____

Following discussion, Mr. Andy Taggart did move and Mr. Paul Griffin did second a motion to direct the Road Department to begin immediate work to remove the small culvert which presently exists along this street and replace it with a larger one, preferably a box culvert necessary for the safety and well-being of the citizens of this area and of Madison County; alternatively, if such work is not within the capability of the Road Department, to authorize the letting of bids to perform such work forthwith. 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 Road Department is so instructed and authorized.

SO ORDERED this the 21st day of May, 2004.

In re: Relocation of Utility Pole Along Reunion Parkway

WHEREAS, County Engineer Mike McKenzie did appear before the Board and reported that it would be necessary to move a single utility pole along the county right of way of the proposed Reunion Parkway in order to construct the roadway, and

WHEREAS, Mr. McKenzie did advise that Entergy estimated the cost thereof to exceed \$11,000, and

WHEREAS, the Board is in agreement that said pole should and must be moved but questions the cost thereof as estimated by Entergy,

Following discussion, Mr. Tim Johnson did move and Mr. Andy Taggart did second a motion to authorize and direct the County Engineer to enter into negotiations with Entergy to secure its agreement to move the aforesaid utility pole at the lowest cost to the county and to authorize the payment of such sum unto Entergy upon Mr. McKenzie's recommendation at the conclusion of such negotiations. 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 unanimously and the County Engineer was and is hereby so authorized and directed and the Chancery Clerk was and is hereby authorized to issue payment to Entergy in an amount to be negotiated and recommended by the County Engineer.

SO ORDERED this the 21st day of May, 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,

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Date Signed: _____

Following this discussion and pursuant to the terms of Miss. Code Ann. § 25-41-7, as amended, Mr. Tim Johnson did move and Mr. Paul Griffin 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, County Comptroller Mark Houston, 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 Karl M. Banks	Not Present and Not Voting
Supervisor Paul Griffin	Aye

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

SO ORDERED this the 21st day of May, 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. Tim Johnson did move and Mr. Paul Griffin 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 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 declared the Board of Supervisors to be Executive Session for the consideration of such matters.

SO ORDERED this the 21st of May, 2004.

Thereafter, Mr. Paul Griffin 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 that no action was taken in executive session. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Not Present and Not Voting ⁷
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 President Jones then reopened the

⁷Prior to the call of the question, Mr. Johnson excused himself from the meeting.

President's Initials: _____

Date Signed: _____

meeting and Chancery Clerk Arthur Johnston informed the public of the reason for the Executive Session and that the Board took no action as the result thereof.

SO ORDERED this the 21st day of May, 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 May, 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: _____

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