

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

REGULAR MEETING OF OCTOBER 15, 2007  
Recessed from regular meeting conducted on October 1, 2007

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on October 15, 2007, in the County Law Library located on the second floor of the Madison County Circuit Courthouse in Canton, Mississippi, as follows, to-wit:

The President of the Board, Andy Taggart, 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  
Sheriff Toby Trowbridge  
Chancery Clerk Arthur Johnston

Absent:

None

Also in attendance:

County Administrator Donnie Caughman  
County Comptroller and Deputy Chancery Clerk Mark Houston  
Zoning Administrator Brad Sellers  
County Purchase Clerk Hardy Crunk  
Board Attorney Edmund L. Brunini, Jr.  
Board Secretary and Deputy Chancery Clerk Cynthia Parker  
Zoning Administrator Brad Sellers  
County Road Manager Lawrence Morris  
Assistant Comptroller and Deputy Chancery Clerk Quandice Green  
Emergency Management and E-911 Director Butch Hammack  
County Fire Coordinator Mack Pigg  
John Granberry on behalf of County Engineer Rudy Warnock

The President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Chancery Clerk Arthur Johnston opened the meeting with a prayer and Col. D. I. Smith led the members and the audience in the Pledge of Allegiance to the Flag of the United States of America.

***In re: Application of Vanessa Phipps Henderson and  
CP Farms LLC Seeking a Special Exception to Operate a Class I  
Rubbish Site on Approximately 61 Acres on North County  
Line Road at Greens Crossing***

WHEREAS, on September 14, 2007, the Board authorized and directed the advertisement for a public hearing on the request and application of Vanessa Phipps Henderson and CP Farms LLC seeking Special Exception to operate a Class 1 rubbish facility on 61 acres of property owned by her in section 19, township 7 north, range 1 east, Madison County, Mississippi, and

WHEREAS, said application constituting an appeal of the decision of the Madison County Planning and Zoning Commission of September 13, 2007 denying said request, and

WHEREAS, notice by publication of the Board's decision to entertain such appeal and to

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hear said matter on October 15, 2007, occurred on September 27, 2007 in the *Madison County Herald*, a newspaper of general circulation in Madison County in accordance with statute, and

WHEREAS, a true and correct copy of said Notice is attached hereto as Exhibit B thereto, and

WHEREAS, the hour of 9:00 a.m. did arise and County Zoning Administrator Brad Sellers did introduce the matter and Mr. Kenneth Ruckstuhl a senior geologist with Environmental Management Services, Inc. did appear before the Board on behalf of Vanessa Henderson and CP Farms LLC and requested that the Board approve the Special Exception as proposed, and

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

WHEREAS, Mr. Ruckstuhl explained that the proposed 61 acre site would include a large area designated as a rubbish landfill and another area for composting and recycling purposes, and

WHEREAS, numerous residents of the area surrounding the proposed landfill did appear and expressed opposition to the application, including Ms. Alberta Ross Gibson, Ms. Cindy Ray, Dr. Howard Friday, Mr. James Webb, Mr. Larry Ellis, Mr. Rory Reardon, Ms. Stephanie Rankin, Ms. Melissa Bass, and Pastor Robert Patton, and

WHEREAS, Mr. Howard Henderson spoke in favor of his wife's application,

Following a discussion prior to which Board Attorney Edmund L. Brunini, Jr. stated that his firm has represented BFI for years and made no recommendations or opinions on this matter whatsoever and recused himself entirely from the discussion and debate hereof, Mr. Andy Taggart did offer and Mr. Tim Johnson did second a motion to close the public hearing on said application. The vote on the matter being as follows:

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

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

SO ORDERED this the 15<sup>th</sup> day of October, 2007.

Thereafter, and following additional discussion prior to which Board Attorney Edmund L. Brunini, Jr. stated that his firm has represented BFI for years and made no recommendations or opinions on this matter whatsoever and recused himself entirely from the discussion and debate hereof, Mr. Andy Taggart did offer and Mr. Douglas L. Jones did second a motion to (1) find, determine and declare that there was insufficient, if any, evidence presented supporting a public need for another rubbish landfill at this location at this time, given the existence of the Ballard Rubbish Site previously approved by the Board which is a similar facility that operates just south of this property consisting of 300 acres, and, Foshee Rubbish Landfill located on Highway 22 therefore, (2) to affirm the decision of the Madison County Planning and Zoning Commission and deny the petition to approve the proposed Special Exception to operate a Class I Rubbish/Composting Site on the property requested. The vote on the matter being as follows:

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

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Supervisor Paul Griffin

No

the matter carried by a majority vote (3-2) of the Board and the prior decision of the Madison County Planning and Zoning Commission was and is hereby affirmed, and said Special Exception was and is hereby denied.

SO ORDERED this the 15<sup>th</sup> day of October, 2007.

***In re: Consideration of Zoning Matter - Minnie J. Bozeman Limited Partnership and Brook Highland Developers LLC Petition to Amend Land Use Plan/Bozeman Road – Tract 1***

WHEREAS, County Zoning Administrator Brad Sellers did appear before the Board and presented the request of the Minnie J. Bozeman Limited Partnership and Brook Highland Developers LLC seeking to consider the matter of a proposed amendment to the Madison County Land Use Plan as to that certain real property described as Tract 1 on Exhibit A to the Minutes of September 4, 2007, said property being owned by the Minnie J. Bozeman Limited Partnership and Brook Highland Developers, LLC, and

WHEREAS, the Board, on September 4, 2007, did approve an amendment to said Land Use Plan with respect to three additional tracts of land owned by these petitioners, and

WHEREAS, Mr. Sellers reported that the Madison County Planning and Zoning Commission previously denied the petition for amendment to the land use plan with respect to the aforesaid Tract 1 but approved the same with certain restrictions as to access from Bozeman Road as to the three additional tracts, and

WHEREAS, Ron McMaster, P. E. did appear before the Board and presented the position of the landowners, pointing out that the property in question was not capable of development due to the existence of the floodway boundaries running through the center of the property, and

WHEREAS, Mr. Sellers reported that in his estimation, since this was a proposed amendment to the land use plan and not a request for a re-zoning, the question of a change in the character of the neighborhood was not an applicable standard, and

WHEREAS, Ms. Beverly Pettigrew Kraft individually and Mr. Ken Steere representing the Cherry Hill Property Owners Association did appear before the Board in opposition to the proposed amendment,

Following discussion, Mr. Tim Johnson did offer and Mr. Douglas L. Jones did second a motion to close the public hearing. The vote on the matter being as follows:

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

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

SO ORDERED this the 15<sup>th</sup> day of October, 2007.

Thereafter, and following additional discussion, Mr. Andy Taggart did offer and Mr. Douglas L. Jones did second a motion to amend the Madison County Land Use Plan to designate the 10.62 acres of the aforesaid Tract 1 which were deemed capable of development as C-1A. Prior to the call of the question on said motion, Mr. Tim Johnson did offer and Mr. Paul Griffin did second a motion in the nature of a substitute to amend the Madison County Land Use Plan so as to

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designate the entirety of the lands described by the aforesaid Tract 1 as C-1 Commercial. The vote on the substitute motion being as follows:

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

the matter carried by a majority vote (3-2) of the Board and the Madison County Land Use Plan was and is hereby amended so as to designate as C-1 Commercial the property described as Tract 1 on Exhibit A to the Minutes of this Board of September 4, 2007 and said petition was and is hereby approved to so amend the Land Use Map and Plan.

SO ORDERED this the 15<sup>th</sup> day of October, 2007.

***In re: Approval of Consent Agenda Items***

WHEREAS, President Taggart did announce that he and County Administrator Donnie Caughman had conferred in advance of the meeting and did recommend that Items (3) through (11) on the Agenda appeared to be routine, non-controversial matters on which all Supervisors were likely to agree, and could be taken up as Consent Items, and

WHEREAS, the Board President did explain that any Supervisor could, in advance of the call of the question, request that any of the aforesaid Items be removed from the Consent Agenda, and

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

**3. Authorization of Application for Replacement of Certificate of Title and Fee**

At the request of County Administrator Donnie Caughman, the Board does hereby authorize the Chancery Clerk to issue a pay warrant in the amount of \$4.00 to Mississippi State Tax Commission for replacement of certificate of title for a 1996 Ford, bearing VIN number 2FALP71W4TX153237, which was erroneously issued to the City of Madison rather than the County of Madison.

**4. Acknowledgment of Sheriff's Monthly Credit Card Report**

As requested in that certain memorandum dated October 2, 2007 from County Purchase Clerk Hardy Crunk and per statutory requirements, the Sheriff's credit card report and statement for the period of August 18, 2007 through September 17, 2007 were and are hereby acknowledged, true and correct copies of which may be found in the Miscellaneous Appendix to these Minutes.

**5. Acknowledgment of Armistice Day/Veteran's Day Holiday  
Monday, November 12, 2007**

As handed down by Secretary of State Eric Clark in that certain proclamation dated October 8, 2007, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, all county offices shall be and are hereby ordered to close on Monday, November 12, 2007 in observance of Veteran's Day.

**6. Approval of \$5,000 for Postage Funds - Tax Collector**

Tax Collector Kay Pace was and is hereby authorized to purchase postage in the amount of \$5,000.00 as requested in that certain memorandum dated October 9, 2007, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes.

**7. Authorization for Flu Vaccinations - County Employees**

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County employees were and are hereby authorized to receive flu vaccines at the Madison County Health Department at no charge to individual employees, the county to bear the expenses thereof.

**8. Authorization to Advertise for Term Bids - Asphalt and Related Products**

As requested by County Purchase Clerk Hardy Crunk in that certain memorandum dated October 10, 2007 the Board hereby authorizes the advertisement for term bids for asphalt and asphalt related products for the period of January 1, 2008 through June 30, 2008.

**9. Approval of Utility Permits**

The following permits allowing use and occupancy for the construction or adjustment of a utility within certain roads or highway rights of way were and are hereby approved, and a copy thereof may be found in the Miscellaneous Appendix to these Minutes:

- (1) Comcast - seeking to place underground CATV cable on Covington Way and Covington Bend
- (2) Comcast - seeking to place underground CATV cable on Fontanelle Blvd.
- (3) Bear Creek Water Assoc. - seeking to bore numerous steel casings to Normandy Circle, Dover Lane, Greystone Drive, Greystone Court, Chapel Lane and Cedar Hill Road
- (4) Bear Creek Water Assoc. - seeking to 12" pvc water line installed in an 18" steel casing bored and jacked under Weisenberger Road
- (5) Bear Creek Water Assoc. - seeking to install 24 wastewater and water pipeline crossings on Parkway East

**10. Certification of Drug Free Workplace Program**

At the request of County Administrator Donnie Caughman, that certain "Certificate of the County with Respect to Drug Free Workplace Policy," a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes was and is hereby approved and the Board President was and is hereby authorized and directed to execute the same.

**11. Acknowledgment of Parkway East Public Improvement Districts Invoices**

Those certain Parkway East Public Improvement District Pay Request Invoice nos. 204-213 and no. 215 were and are hereby acknowledged, and true and correct copies of each of which may be found in the Miscellaneous Appendix to these Minutes.

Thereafter, Mr. Tim Johnson did offer and Mr. Douglas L. Jones did second a motion to approve, adopt, and authorize Items (3) through (11) 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	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously, and each item was and is approved, adopted and authorized.

SO ORDERED this the 15<sup>th</sup> day of October, 2007.

***In re: Approve Interlocal Agreement Relating to  
Collection of Special Assessments - Parkway***

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**South Public Improvement District**

WHEREAS, Mr. Jet Hollingsworth, Esq. with the law firm of Butler, Snow, O’Mara, Stevens and Cannada, PLLC appeared before the Board and presented an Interlocal Agreement relating to collection of special assessments for Parkway South Public Improvement District within Madison County, and

WHEREAS, Mr. Hollingsworth requested the Board approve same and authorize the Board President to execute said interlocal agreement, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to approve the interlocal agreement for collection of special assessment for Parkway South Public Improvement District and to authorize the Board President to execute same. The vote on the matter being as follows:

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

the matter carried unanimously and said interlocal agreement was and is hereby approved and the Board President was and is hereby authorized.

SO ORDERED this the 15<sup>th</sup> day of October, 2007.

***In re: Approval of Payment of Parkway East Public Improvement District Claim in the Amount of \$68,587.20 and Acknowledgment and Acceptance of Budget for Construction of the Intersection of Parkway East and Reunion Boulevard***

WHEREAS, Assistant County Engineer John Granberry appeared before the Board on behalf of County Engineer Rudy Warnock with respect to that certain outstanding claim in the total amount of \$68,587.20 submitted by the Parkway East Public Improvement District (the District) pursuant to that certain Memorandum of Understanding and the Addendum thereto previously approved by the Board, the same representing costs incurred by or assets surrendered by said District due to the construction of the Parkway East intersection with Reunion Boulevard, and

WHEREAS, Mr. Granberry reported that although there was some concern that the county had reimbursed the District for dirt and dirt excavation costs via reimbursement of invoices from W. G. Yates & Sons containing charges for such services as contained within the \$206,385.56 figure reimbursed on September 14, 2007, Mr. Granberry reported that these were not the only costs incurred by the District with respect to dirt used in the construction of said intersection, and

WHEREAS, Mr. Granberry reported that the District incurred expenses totaling \$42,431.00 paid by said District unto the Estate of Dudley Bozeman for certain excavation materials and costs which were used in the construction of said intersection over and above the dirt and excavation costs incurred by W. G. Yates, the quantities thereof comprising the borrow pit used to retrieve dirt for said intersection, and

WHEREAS, Mr. Granberry reported that the sum of \$68,587.20 represented a total of 19,052 cubic yards of borrow material that had been relocated and used at the intersection construction site thus far in the project, at a cost of \$3.60 per cubic yard to the District (\$.50 per yard for reimbursement of the District’s payment to the Bozeman Estate for excavation, plus \$3.10 per cubic yard for actual dirt cost directly to the District), and

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WHEREAS, Mr. Granberry pointed out that the District would otherwise have this dirt available to it to use elsewhere in the project, hence the necessity to reimburse it a reasonable value therefor, and

WHEREAS, Mr. Granberry reported that the balance represented additional excavation costs, all of which are set forth in and subject to that certain intersection budget prepared by the engineer for said District, Ron McMaster, P. E., a true and correct copy of which is attached hereto as Exhibit M, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Granberry reported that even adding together the sums paid as reimbursement of the W. G. Yates invoices with these additional sums, the District's total cost for dirt used in the construction of the intersection pursuant to the aforesaid MOU was very reasonable and less than the same would cost directly in the open market, and

WHEREAS, Chancery Clerk Arthur Johnston responded that he concurred with Mr. Granberry's overall assessment of the matter and requested that the Board acknowledge and accept the aforesaid intersection budget and adhere thereto, the same conforming to the terms and conditions of the county's MOU with said District,

Following discussion, Mr. Tim Johnson did offer and Mr. Paul Griffin did second a motion to (1) approve and authorize payment of the claim of the Parkway East Public Improvement District in sum of \$68,587.20 based upon the recommendation of Mr. Granberry, and (2) acknowledge and accept that certain "Parkway East-Reunion Intersection Project County Cost" budget, a true and correct copy of which is attached hereto as Exhibit M, 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	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and (1) said claim was and is hereby approved and the Chancery Clerk was and is hereby directed to issue a pay warrant unto the Parkway East Public Improvement District in the amount of \$68,587.20 and (2) said budget was and is hereby acknowledged and accepted.

SO ORDERED this the 15<sup>th</sup> day of October, 2007.

***In re: Discussion of Utility Relocation Associated with Richton Road Relocation Project***

WHEREAS, Mr. John Granberry on behalf of County Engineer Rudy Warnock appeared before the Board and presented a unit bid work authorization form from Canton Municipal Utilities for the relocation of utilities associated with the Richton Road Relocation Project, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes,

WHEREAS, Mr. Warnock reported that the bid form included the cost to encase the water and gas lines impacted by the relocation,

Following discussion, Mr. Tim Johnson did offer and Mr. Andy Taggart did second a motion to approve payment to Canton Municipal Utilities for the cost to encase the water and gas lines impacted by the relocation. The vote on the matter being as follows:

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Supervisor Douglas L. Jones	Not Present and Not Voting <sup>1</sup>
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and the Chancery Clerk was and is hereby authorized to issue pay warrant to Canton Municipal Utilities.

SO ORDERED this the 15<sup>th</sup> day of October, 2007.

***In re: Consideration of Change Order No. 6/Median 18 Crossover at Madison Station Elementary School***

WHEREAS, Mr. John Granberry on behalf of County Engineer Rudy Warnock appeared before the Board and presented Change Order No. 6 pertaining to crossover at west entrance of Madison Station Elementary School submitted by Utility Constructors, Inc.,

Following discussion, Mr. Andy Taggart did offer and Mr. Tim Johnson did second a motion to approve said Change Order No. 6, a true and correct copy of which is attached hereto as Exhibit D, spread hereupon and incorporated herein by reference and authorize the payment of the sums set forth therein. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and said Change Order No. 6 was and is hereby approved and the Chancery Clerk was and is authorized to issue a pay warrant accordingly.

SO ORDERED this the 15<sup>th</sup> day of October, 2007.

***In re: Approval of Payment of Parkway East Public Improvement District Invoice No. 214 Submitted to Madison County***

WHEREAS, Mr. John Granberry on behalf of County Engineer Rudy Warnock appeared before the Board and presented Invoice No. 214 submitted by the Parkway East Public Improvement District in the total amount of \$631,337.81 pursuant to that certain Memorandum of Understanding and the Addendum thereto previously approved by the Board, as well as the budget for the construction of the Parkway East intersection with Reunion Boulevard, and

WHEREAS, Mr. Granberry assured the Board that the same representing reimbursements owed to said PID due to the construction of the Parkway East intersection with Reunion Boulevard, and

WHEREAS, Mr. Granberry reported that said pay estimate consisted of four (4) unnumbered invoices for which reimbursement to the PID was sought, the same being from (1) the contractor, W. G. Yates for \$466,142.37; (2) McMaster & Associates for \$45,739.69; (3) Burns Cooley Dennis for \$655.75; and (4) the PID directly for \$118,800.00, the latter item

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<sup>1</sup>Prior to call of the question, Mr. Jones briefly excused himself from the meeting and departed the meeting room, returning shortly thereafter.

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representing additional cost to the PID of dirt removed from the PID's borrow pit and used in the construction of said intersection, and

WHEREAS, a true and correct copy of said Invoice No. 214, together with the invoices it comprises, may be found in the Miscellaneous Appendix to these Minutes, and

Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to approve and authorize payment of said Invoice # 214 in the amount of \$631,337.81 under and pursuant to the county's MOU with said District subject to and conditioned upon the signature of the County Engineer on said Invoice. The vote on the matter being as follows:

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

the matter carried unanimously and said invoice was and is hereby approved and the Chancery Clerk was and is hereby directed to issue a pay warrant unto the Parkway East Public Improvement District in the amount of \$631,337.81.

SO ORDERED this the 15<sup>th</sup> day of October, 2007.

***In re: Approval of Claims Docket for October 15, 2007***

WHEREAS, the Board reviewed the claims docket for October 15, 2007; 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:

Fund	Claim Nos.	No. of Claims	Amount
001	7 to 455	449	585,921.17
012	1 to 7	7	4,529.22
051	1 to 1	1	5,082.25
097	2 to 10	9	3,663.60
105	1 to 2	2	155,327.27
116	1 to 2	2	149.16
119	1 to 1	1	140.00
120	1 to 5	5	408.21
121	1 to 2	2	244.23
150	3 to 41	39	100,976.81
160	2 to 9	8	27,611.68
190	2 to 7	6	2,237.04
302	7 to 10	4	26,333.02
305	1 to 1	1	2,610.00
401	1 to 1	1	31,697.53
TOTAL ALL FUNDS		537	946,931.19

**HELD CLAIMS**

Payee	Trans #	Claim #	Amount
Warnock & Associates, LLC	209212	40	\$ 824.00
Warnock & Associates, LLC	209208	9	\$7,079.91

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Following discussion, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to approve the aforesaid claims docket as presented, less and except the above-listed held items. 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 E, 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	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said Claims Docket was and is hereby approved, subject to the above-listed held items, and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 15<sup>th</sup> day of October, 2007.

Thereafter, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to authorize, approve and direct the Chancery Clerk to issue pay warrants in remittance of the above listed held items, the same being the claims of Warnock & Associates, LLC bearing claim numbers 40 and 9 on the aforesaid docket. The vote on the matter being as follows:

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

the matter carried by a majority (3-2) vote of the Board and said claims were and are hereby approved, and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 15<sup>th</sup> day of October, 2007.

***In re: Approval of 16th Section Leases***

WHEREAS, County Administrator Donnie Caughman appeared before the Board and reported that the Madison County School Board has approved the following 16th Section leases and forwarded them 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: Baxter W. Walls and wife, Adrienne B. Walls  
 Description: Lot 39, Sherbourne Subdivision, Part 1  
 Lease Term: 40 years, beginning October 19, 2007

<u>Year</u>	<u>Annual Rent</u>
1 - 5	\$ 637.00
6-10	700.70
11- 15	764.40
16 - 20	828.10
21 - 25	891.80
26 - 30	955.50
31 - 35	1,019.20
36 - 40	1,082.90

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Mr. Tim Johnson did offer and Mr. Paul Griffin did second a motion to approve said 16<sup>th</sup> section lease. The vote on the matter being as follows:

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

the matter carried by the majority vote (4-1) of the Board and said lease was and is hereby approved.

SO ORDERED this the 15<sup>th</sup> day of October, 2007.

Thereafter, Mr. Tim Johnson did offer and Mr. Paul Griffin did second a motion to approve the following 16<sup>th</sup> section lease as follows:

Lessee:	City of Madison
Description:	7.85 acres, more or less, being situated in the NW 1/4 of the SW 1/4 of Section 16, T7N, R2E, AND Parcel I, Calumet, Part Four containing 8.4 acres, more or less
Lease Term:	ending September 31, 2027
Annual Rent:	\$9,800.00 beginning October 1, 2007

The vote on the matter being as follows:

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

the matter carried unanimously and said lease was and is hereby approved.

SO ORDERED this the 15<sup>th</sup> day of October, 2007.

***In re: Acknowledge One Mill Levy Order***

WHEREAS, Chancery Clerk Arthur Johnston appeared before the Board and reported to the Board he had received correspondence from the Mississippi State Commission approving the expending of the avails of the one (1) mill levy collected for the 2006 tax roll year,

Mr. Karl M. Banks did offer and Mr. Douglas L. Jones did second a motion to acknowledge the State Tax Commission's approval of the expending of the avails of the one (1) mill levy a true and correct copy of the Order of the Tax Commission to such effect may be found in the Miscellaneous Appendix to these Minutes. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Not Present and Not Voting <sup>2</sup>
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and expenditure of the one (1) mill

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<sup>2</sup>Prior to call of the question, Mr. Johnson excused himself from the meeting and departed the meeting room.

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levy was and is hereby acknowledged.

SO ORDERED this the 15<sup>th</sup> day of October, 2007.

**In re: Approval of Emergency Declaration Pertaining to the West Madison Utility District**

WHEREAS, Emergency Management/E911 Director Butch Hammack appeared before the Board and presented a Proclamation of Existence of a Local Emergency together with that certain handwritten Declaration executed by Chancery Clerk Arthur Johnston to the same effect dated October 13, 2007, and requested the Board authorize the Board President to execute same, and ratify the purchases made pursuant thereto, and

WHEREAS, Mr. Hammack reported that the emergency declaration was required due to a water system failure at West Madison Utility District on Saturday, October 13, 2007,

Following discussion, Mr. Karl M. Banks did offer and Mr. Douglas L. Jones did second a motion to (1) approve and ratify the aforesaid emergency declarations due to water system failure at West Madison Utility District, (2) ratify the purchases made pursuant thereto and (3) find, determine and declare that the State of Emergency continues to exist with respect to the matters set forth therein. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and said emergency declaration was and is hereby approved and ratified, the purchase made pursuant thereto ratified and approved and said emergency deemed continuing.

SO ORDERED this the 15<sup>th</sup> day of October, 2007.

**In re: Acknowledge Inventory Report**

WHEREAS, County Comptroller Mark Houston appeared before the Board and presented the 2007 Madison County Annual Asset and Inventory Report and requested the Board acknowledge receipt of same,

Mr. Karl M. Banks did offer and Mr. Douglas L. Jones did second a motion to acknowledge the 2007 Madison County Annual Asset and Inventory Report. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and said Inventory Report was and is hereby acknowledged.

SO ORDERED this the 15<sup>th</sup> day of October, 2007.

**In re: Entering into "Closed Session" to Determine Whether or**

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

**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 to ascertain whether an Executive Session was needed as to potential real estate acquisition,

Following discussion and pursuant to the terms of Miss. Code Ann. § 25-41-7, as amended, Mr. Paul Griffin did offer and Mr. Douglas L. Jones 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 potential real estate acquisition, with the following persons deemed necessary for Board discussions, deliberations, and recording of such Executive Session, to wit: members of the Board, Chancery Clerk Arthur Johnston, Board Attorney Edmund L. Brunini, County Administrator Donnie Caughman, County Comptroller and Deputy Chancery Clerk Mark Houston, Right of Way Agent Woody Sample, Mr. John Bell Crosby, Mr. D. I. Smith, and Sheriff Toby Trowbridge. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and the Board took up the matter of entering into Executive Session.

SO ORDERED this the 15<sup>th</sup> day of October, 2007.

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

WHEREAS, a discussion of the nature of the matters requiring Executive Session was had and the Board Attorney informed the Board that there were certain matters concerning potential real estate acquisition that required discussion in executive session, and

WHEREAS, the Board Attorney advised the Board that, consequently, discussion thereof was properly the subject of executive session,

Following discussion, Mr. Paul Griffin did offer and Mr. Douglas L. Jones did second a motion to enter into Executive Session to discuss potential real estate acquisition. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and President Taggart declared the Board of Supervisors to be in Executive Session for the consideration of such matters and the Chancery Clerk announced to the public the purpose for the Executive Session.

SO ORDERED this the 15<sup>th</sup> day of October, 2007.

Mr. Karl M. Banks did offer and Mr. Andy Taggart did second a motion to authorize the payment of all expenses necessary to and associated with the redesign of Calhoun Station Parkway so as to allow for curb and gutter rather than open median insofar as the same traverses the Rai and Tucker tracts, so as to require a narrower right of way "footprint," such expenses to include all related engineering fees. The vote on the matter being as follows:

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

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

the matter carried by the unanimous vote of those present and Mr. Sample was and is hereby directed and the Chancery Clerk was and is hereby directed to issue pay warrant.

SO ORDERED this the 15<sup>th</sup> day of October, 2007.

Thereafter, Mr. Douglas L. Jones did offer and Mr. Paul Griffin did second a motion to authorize and direct the county's right of way agent, Mr. Woody Sample to extend an offer of up to a sum certain to Ms. Beverly Pettigrew Kraft in exchange for the acquisition of all necessary right of way on property owned by her on Gluckstadt Road necessary for the widening thereof and for a release by her of all claims related to a prescriptive easement previously acquired by the county. 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 <sup>3</sup>
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and the Chancery Clerk was and is hereby directed to issue pay warrant in the appropriate amount as reported by Mr. Sample upon conclusion of negotiations.

SO ORDERED this the 15<sup>th</sup> day of October, 2007.

Thereafter, Mr. Paul Griffin did offer and Mr. Douglas L. Jones did second a motion to adjourn the Executive Session and announce to the public the action taken therein. 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 President declared Executive Session declared adjourned, and the Chancery Clerk did announce to the public the action taken therein.

SO ORDERED this the 15<sup>th</sup> day of October, 2007.

***In re: Acknowledgment of Donation to Drug Seizure Fund***

After hearing briefly from Sheriff Toby Trowbridge, Mr. Douglas L. Jones did offer and Mr. Paul Griffin did second a motion to acknowledge receipt of \$100.00 check to the Drug Seizure Fund received from an anonymous donor. The vote on the matter being as follows:

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

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<sup>3</sup>Prior to the call of the question, Mr. Banks excused himself from the meeting and departed the meeting room.

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

Supervisor Andy Taggart  
Supervisor Karl M. Banks  
Supervisor Paul Griffin

Aye  
Not Present and Not Voting  
Aye

the matter carried by the unanimous vote of those present and said check was and is hereby acknowledged received for the deposit into the Drug Seizure Account.

SO ORDERED this the 15<sup>th</sup> day of October, 2007.

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 Douglas L. Jones and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Monday, October 22, 2007 for the purpose of conducting certain public hearings as previously noticed, and any other business which may properly come before the Board.

\_\_\_\_\_  
Andy Taggart, President  
Madison County Board of Supervisors

Date signed: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Arthur Johnston, Chancery Clerk

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

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