

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

REGULAR MEETING OF FEBRUARY 22, 2002  
recessed from regular meeting conducted on February 15, 2002

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on the 22<sup>nd</sup> day of February, 2002, at the Madison County Chancery/Administrative Building in Canton, Mississippi, as follows, to-wit:

The President of the Board, David H. Richardson, presided and called the meeting to order. The following parties were present:

Present:

Absent:

Supervisor W.T. "Bill" Banks  
Supervisor Marc Sharpe  
Supervisor David H. Richardson  
Supervisor Karl M. Banks  
Supervisor Paul Griffin  
Sheriff Toby Trowbridge  
Mike Crook, Chancery Clerk  
George Touart, County Administrator

None

Supervisor W.T. "Bill" Banks opened the meeting with a prayer and Supervisor Paul Griffin led the Pledge of Allegiance to the Flag of the United States of America.

The President announced that the members of the Board present constituted a quorum and declared the meeting duly convened.

**In the Matter of Establishing Just Compensation for  
Real Property to be Purchased by Madison County and to  
Authorize Sample & Associates to Make an Offer to Purchase  
Real Property on behalf of Madison County**

WHEREAS, Mr. Woody Sample, with Sample & Associates, Inc., did appear before the Board of Supervisors and present four parcels to be acquired by Madison County, Mississippi, along with evidence of appraised value for each parcel.

Following discussion of this matter Supervisor W.T. "Bill" Banks did move and Supervisor Marc Sharpe did second a motion to establish just compensation for each of the four parcels as follows:

Eddie Lee and Mary Samuels –	Perpetual Easement and Temporary Construction Easement - \$1,260.00
Eddie Lee Samuels -	Perpetual Easement and Temporary Construction Easement - \$3,325.00
Darrell and Shander Lindsey -	Perpetual Easement and Temporary Construction Easement - \$790.00
William Mansell -	Road Right-of-Way and Perpetual Easement - \$25,705.00

And to further authorize Sample & Associates, Inc. to make an offer to pay unto the above named individuals said amounts for the purchase of the easements as set forth above. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Absent
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board, as being duly carried on this the 22<sup>nd</sup> day of February, 2002.

**In the Matter of a Resolution in Regard to State Revolving Fund  
Wastewater Facility Construction And Other Matters Germane Thereto  
on behalf of Madison County Economic Development Authority**

**RESOLUTION MADISON COUNTY BOARD OF SUPERVISORS  
IN REGARD TO STATE REVOLVING FUND (DEQ) WASTEWATER  
FACILITY CONSTRUCTION AND OTHER MATTERS GERMANE THERETO**

WHEREAS, the Madison County Board of Supervisors and the Madison County Economic Development Authority have undertaken a joint project to provide wastewater collection and transportation facilities to the Central Mississippi Industrial Park to the main wastewater connector line from Nissan to the Big Black River (POTW); and

WHEREAS, in order to provide adequate funds for the project Madison County Economic Development Authority needs to make application to the Department of Environmental Quality for a state revolving fund in an amount not to exceed Four Million Four Hundred Thousand Dollars (\$4,400,000.00) in the name of Madison County Economic Development Authority in that the Madison County Economic Development Authority has the legal authority to provide such services; and

WHEREAS, the Madison County Board of Supervisors authorizes the application for said loan by the Madison County Economic Development Authority and the Madison County Board of Supervisors does hereby agree to make debt service payments on the subject loan over and above the normal operating and debt service requirements of the Madison County Economic Development Authority and less any consumer income generated by charges levied by Madison County Economic Development Authority to users thereof; and

WHEREAS, notwithstanding any other provisions of this agreement, Madison County Economic Development Authority agrees and is hereby bound not to spend any proceeds from the Revolving Fund (DEQ) Loan until a resolution is approved by a majority vote at any duly convened meeting of the Madison County Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED, by the Madison County Board of Supervisors that the Madison County Economic Development Authority be authorized and directed to apply to the Department of Environmental Quality for a state revolving fund loan note not to exceed Four Million Four Hundred Thousand Dollars (\$4,400,000.00) for the purpose of constructing a wastewater collection and transmission system from the Central Mississippi Industrial Park center and that further the Madison County Board of Supervisors agree to provide the necessary debt services to the Madison County Economic Development Authority for repayment of the loan less income generated by the subject system and charged by the Madison County Economic Development Authority and that further the commitment to pay said debt service shall be over and above the normal operations and debt service requirements of the Madison County Economic Development Authority; however, the Madison County Economic Development Authority and the Madison County Board of Supervisors agree that should additional grants be obtained from the Economic Development Administration or other sources, the amount of the loan shall be reduced thereby.

After discussion of the matter, Supervisor W.T. "Bill" Banks offered and moved for the adoption of the above and foregoing Resolution, which was seconded by Supervisor Marc Sharpe. The question being put to a roll call vote, the result was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Absent
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board, as being duly carried on this the 22<sup>nd</sup> day of February, 2002.

**In the Matter of Authorizing Tax Refunds**

WHEREAS, Gideon & Chotard Development, Inc. has requested the Board of Supervisors to refund taxes for years 1998, 1999 and 2000 for Parcel No. 071F-24C-054, due to the fact that said parcel was assessed erroneously as having a house in place when in fact it was a vacant lot; and

WHEREAS, the taxes paid by Gideon & Chotard Development, Inc. on the above referenced parcel total \$7,635.18 and that the taxes should have been \$1,210.82 for the three year period and that the Board of Supervisors does hereby find that the sum of \$6,424.36 should be refunded to Gideon & Chotard Development, Inc. due to said erroneous assessment and that said taxpayer should seek the additional \$1,722.57 paid in chancery clerk fees and interest from the Chancery Clerk and the purchaser at the tax sales for said property (a copy of an interoffice memorandum is found in the miscellaneous file to these minutes further explaining the refund requested); and

WHEREAS, William P. Starks, II, also requested a refund for an erroneous assessment on Parcel No. 072I-30C-103, as a builders affidavit was filed on said parcel thereby qualifying it for a partial exemption, and that the taxes paid to the Tax Collector totaled \$2,086.19 and the taxes should have been \$295.80 and that William P. Starks, II is entitled to a refund of \$1,790.39 and that the additional fees paid to the Chancery Clerk and purchaser at the tax sale for interest which totaled \$289.71 should be addressed by the Chancery Clerk and the purchaser at the previous tax sale and not by Madison County (a copy of interoffice memorandum outlining additional facts concerning this matter is found in the miscellaneous file to these minutes); and

WHEREAS, Sinecure Investments, LLC, also requested a refund for taxes erroneously assessed to said LLC regarding Parcel No. 071F-24D-042, which was actually property condemned and owned by the State of Mississippi Highway Department and that said refund due as a result of said erroneous assessment totals \$1,562.42 (a copy of an interoffice memorandum outlining additional facts concerning this matter is found in the miscellaneous file to these minutes).

Following discussion of this matter, Supervisor Paul Griffin did move and Supervisor Marc Sharpe did second a motion to approve a refund to Gideon & Chotard Development, Inc. in the amount of \$6,424.36 for the reasons as set forth above and to further grant a refund William P. Starks, II totaling \$1,790.39 for the reasons as set forth above and to further grant a refund to Sinecure Investments, LLC in the amount of \$1,562.42 for the reasons as set forth above. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board, as being duly carried on this the 22<sup>nd</sup> day of February, 2002.

**In the Matter of the Petition for Reduction of Assessments**

WHEREAS, a petition for reduction of assessment was submitted to the Board of Supervisors regarding the following parcels of land:

<u>Owner</u>	<u>Parcel No.</u>
DL & Dale Lawrence	104I-32-025
Gideon & Chotard Development, Inc.	071F-24C-054
Ole South Designs, LLC	082I-29-165
Architectural Homes, Inc.	081F-13-058
Mickey P. & Dolley D. Wallace	081H-34-235
Woodgreen Group, Inc.	072B-04C-093

And that a copy of said Petition for Reduction of Assessment is found in the miscellaneous file to these minutes and that the total reduction and assessments as requested amounts to \$61,750.00 and that the Board of Supervisors desires to grant said request.

Following discussion of this matter, Supervisor Karl Banks did move and Supervisor W.T. "Bill" Banks did second a motion to grant the Petition for Reduction of Assessment for the following Parcel Nos:

<u>Parcel No.</u>	<u>Amount of Change</u>
104I-32-025	(4,060.00)
071F-24C-054	(2,640.00)
082I-29-165	(12,140.00)
081F-13-058	(18,110.00)
081H-34-235	(9,560.00)
072B-04C-093	(15,240.00)

pursuant to Section 27-35-143(11) and that the president be authorized to sign an order granting said reductions in assessments. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 22<sup>nd</sup> day of February, 2002.

**In the Matter of a Public Hearing on the  
Request to Abandon a Section of the County  
Road System**

**RESOLUTION**

WHEREAS, the Board of Supervisors did previously advertise a Notice for a Public Hearing concerning the closing of a strip of land between existing Lake Cavalier Road and the aforesaid Lots 6 & 7, Part II, Lake Cavalier Subdivision, being an old roadbed formerly occupied by Lake Cavalier Road; and

WHEREAS, the Board of Supervisors having met at the appropriate date and time designated in said Notice, and conducted a public hearing on the question of such abandonment; and

WHEREAS, the Board of Supervisors does hereby find that said roadway does not provide primary access to occupied property, and that traffic on said section has, for a period of at least ten (10) consecutive years, been intermittent and of such low volume that no substantial public purposes are being served thereby; and that the Board of Supervisors has, for a period of at least the previously five (5) consecutive years, not maintained such section as part of the county road system.

NOW BE IT THEREFORE RESOLVED BY THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI that the following described roadway, being to-wit:

PARCEL NO.1

Being situated in Lake Cavalier-Part 2, a subdivision, the map or plat of which is recorded in Plat Book 4 at Page 12 of the Chancery Records of Madison County at Canton, Mississippi, and being more particularly described be metes and bounds as follows, to wit:

Commence at the northeast corner of Lot 6 of the said Lake Cavalier-Part 2, said northeast corner being the POINT OF BEGINNING for the parcel herein described; thence South 32°46'00" West for a distance of 255.55 feet along the southeastern line of the said Lot 6 to a point which is 35 feet from measured at right angles to the centerline of Lake Cavalier Road; thence North 36°10'20" East for a distance of 63.32 feet along a line which is 35 feet from and parallel to the said centerline of Lake Cavalier Road; thence run 148.12 feet along the arc of a 1,229.96 foot radius curve to the right along a line which is 35 feet from and parallel to the said centerline of Lake Cavalier Road, said arc having a 148.04 foot chord which bears North 39°27'14" East; thence run 39.80 feet along the arc of a 591.16 foot radius curve to the right along a line which is 35 feet from and parallel to the said centerline of Lake Cavalier Road, said arc having a 39.80 foot chord which bears North 44°39'53" East; thence North 44°55'12" West for a distance of 29.89 feet to the POINT OF BEGINNING, containing 0.0641 acres, more or less.

AND:

PARCEL NO.2

Being situated in Lake Cavalier-Part 2, a subdivision, the map or plat of which is recorded in Plat Book 4 at Page 12 of the Chancery Records of Madison County at Canton, Mississippi, and being more particularly described be metes and bounds as follows, to wit:

Commence at the southeast corner of Lot 7 of said Lake Cavalier-Part 2, said southeast corner being the POINT OF BEGINNING for the parcel herein described; thence South 88°20'00" East for a distance of 43.27 feet along the extension of the southern line of the said Lot 7 to a point which is 35 feet from measured at right angles to the centerline of Lake Cavalier Road; thence run 29.78 feet along the arc of a 591.16 foot radius curve to the left along a line which is 35 feet from and parallel to the said centerline of Lake Cavalier Road, said arc having a 29.77 foot chord which bears South 48°02'12" West; thence North 44°55'12" West for a distance of 29.89 feet to the POINT OF BEGINNING, containing 0.0101 acres, more or less.

is hereby abandoned from the county road system and said easement, if it ever existed, is now abrogated, and that signs shall be posted and clearly visible in locations in the intersection of the abandoned roadway, with the county road system indicating that the abandoned section is no longer part of the county road system, and is not maintained by the county.

Following discussion on the matter, Supervisor W.T. "Bill" Banks offered and moved for the adoption of the above and foregoing Resolution, which was seconded by Supervisor Paul Griffin. The question being put to a roll call vote, the result was as follows:

Supervisor W. T. "Bill" Banks	Voted: aye
Supervisor Marc Sharpe	Voted: aye
Supervisor David H. Richardson	Voted: aye
Supervisor Karl M. Banks	Voted: aye
Supervisor Paul Griffin	Voted: aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 22<sup>nd</sup> day of February, 2002.

**In the Matter of the Approval of a Plat for  
Johnstone Subdivision**

WHEREAS, Mr. Brad Sellers did present unto the Board of Supervisors a plat for Johnstone Subdivision for the Board's review and approval.

Following discussion of this matter, Supervisor Karl M. Banks did move and Supervisor W.T. "Bill" Banks did second a motion approve said plat and authorize the President and all necessary parties to sign said plat and that it be recorded in the Land Records of Madison County, Mississippi. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 22<sup>nd</sup> day of February, 2002.

**In the Matter of the Presentation of  
Two Petitions for Rezoning**

WHEREAS, Mr. Brad Sellers did appear before the Board of Supervisors and did present two petitions, requesting rezoning of certain property in Madison County, Mississippi by Parkside of Madison and by Paul Morrison.

Following discussion of this matter Supervisor W.T. "Bill" Banks moved to table the Parkside of Madison request until the appropriate documentation concerning the rezoning had been filed. The motion died lack for second and Mr. Sellers indicated he would have both petitioners provide the Board with additional information and documentation, prior to proceeding with either petition to the Planning Commission.



**In the Matter of the Authorization for the Advertisement of Bids for Drainage for Post Oak Road Through Mallard Pointe Subdivision**

WHEREAS, Mr. Rudy Warnock did appear before the Board of Supervisors and request for authority to advertise for bids for a drainage project for drainage of Post Oak Road through Mallard Pointe Subdivision pursuant to a grant obtained through the Soil and Water Conservation Service.

Following discussion of this matter, Supervisor W.T. "Bill" Banks did move and Supervisor Paul Griffin did second a motion to authorize the advertisement for bids for construction and improvements to a drainage area for the benefit of Post Oak Road through the Mallard Pointe Subdivision. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board, as being duly carried on this the 22<sup>nd</sup> day of February, 2002.

**In the Matter of Authorizing the Readvertisement For Bids for Tank Cars Culverts**

WHEREAS, Mr. Rudy Warnock did further present unto the Board of Supervisors a request to advertise for bids for tank car culverts due to the fact that the Board did not receive any bids on said item during its initial advertisement.

Following discussion of this matter, Supervisor Paul Griffin did move and Supervisor Karl M. Banks did second a motion to advertise for term contracts for the provision of tank car culverts for use on the Madison County Road System. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board, as being duly carried on this the 22<sup>nd</sup> day of February, 2002.

**In the Matter of Approving Lease  
Contracts for 16th Section Property**

WHEREAS, the Madison County School Board has approved the following 16th Section Leases and forwarded them to the Board for review and approval (Copies of said Leases can be found in the Miscellaneous File to these Minutes):

Lessee – City of Madison  
Granted as: Sixteenth Section Runway Protection Zone Easement  
and Right-of-Way  
located as the common corner of Sections 16, 17, 20 and 21 of  
Township 7 North, Range 2 East,  
City of Madison, Madison County, Mississippi  
Term of Lease - 25 years

<u>Years</u>	<u>Annual Rent</u>
Remaining Term	\$4,480.00

Lessee – City of Madison  
Granted as: Sixteenth Section Land Tree Trimming Easement and Right-of-Way  
located as the common corner of Sections 16, 17, 20 and 21 of  
Township 7 North, Range 2 East  
City of Madison, Madison County, Mississippi  
Term of Lease – 25 years

<u>Year</u>	<u>Annual Rent</u>
Remaining Term	\$1,110.00

Lessee – City of Madison  
Granted as: Sixteenth Section Land Lease Contract  
located as common corners of Sections 16, 17, 20 and 21  
Township 7 North, Range 2 East  
City of Madison, Madison County, Mississippi  
Term of Lease – 25 years

<u>Year</u>	<u>Annual Rent</u>
Remaining Term	\$4,180.00

Following discussion of this matter, Supervisor Marc Sharpe did move and Supervisor W.T. “Bill” Banks did second to approve the Amended 16th Section Leases, as set forth above, as submitted by the Madison County School Board. The vote on said matter was as follows:

Supervisor W. T. “Bill” Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board, as being duly carried on this the 22<sup>nd</sup> day of February, 2002.

**In the Matter of the Request for Funds by the  
Madison County Medical Center**

WHEREAS, Mr. Hank Rainer did present unto the Board of Supervisors a Resolution requesting funds in the amount of \$200,000 for the purposes of funding payroll, accounts payable and other operating needs of the Madison County Medical Center.

Following discussion of this matter Supervisor Paul Griffin did move and Supervisor W.T. "Bill" Banks did second a motion to amend the county budget to transfer from the general fund the sum of \$200,000 to the Madison County Medical Center for the purposes as requested in the Resolution (a copy of which may be found in the miscellaneous file to these minutes). The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board, as being duly carried on this the 22<sup>nd</sup> day of February, 2002.

### **In the Matter of the Approval of the Transfer of Sick Leave for County Employees**

WHEREAS, the following employees of Madison County, Mississippi did request to transfer 56 hours of their sick leave to Cathie Thomas, a county employee, as she has depleted her sick leave due to medical reasons, to-wit:

Helen Keller	9 1/3 hours
Larry Thomas	9 1/3 hours
Earl McDuffy	9 1/3 hours
Melvin Stevenson	9 1/3 hours
H.L. Ransom	9 1/3 hours
Lawrence Morris	9 1/3 hours

WHEREAS, the following employees also requested to transfer their sick leave hours to Mr. Gaddis Fuqua, a county employee, as he has depleted his sick leave hours due to medical reasons, to-wit:

Lawrence Morris	8 1/3 hours
Larry Thomas	8 1/3 hours
Earl McDuffy	8 1/3 hours

Following discussion of this matter, Supervisor Paul Griffin did move and Supervisor W.T. "Bill" Banks did second a motion to approve the transfer of sick leave time from the above named county employees to Cathie Thomas and Gaddis Fuqua as set forth above. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board, as being duly carried on this the 22<sup>nd</sup> day of February, 2002.

### **In the Matter of the Authorization of the County Administrator to Process the Request of Taxpayers in Circumstances Where Said Taxpayers Assessments Have Changed**

WHEREAS, Mr. George Touart, County Administrator, did present unto the Board of Supervisors a request for authorization to allow his office to process the requests of taxpayers, who are seeking to change their assessment, as provided for by law and to give notice to the public of the availability of this process and to further develop forms for presentation to the Board of Supervisors regarding said matters.

Following discussion of this matter Supervisor W.T. "Bill" Banks did move and Supervisor Marc Sharpe did second a motion to authorize the County Administrator to implement a process to assist the taxpayers of Madison County by processing changes to their tax assessment as provided for by law and to notify the public of the availability of this service and to further develop forms to assist said taxpayers in the presentation of these matters to the Board of Supervisors for their review. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board, as being duly carried on this the 22<sup>nd</sup> day of February, 2002.

**In the Matter of the Authorization of the Board Attorney to Obtain Easements On/Along the Rice Road Project**

WHEREAS, Mr. Dewey Hembree, County Board Attorney, did present unto the Board of Supervisors a request for authorization to prepare easements in conjunction with the Rice Road Project which will involve the intersections of Rice Road, Hoy Road and Tisdale Road.

Following discussion of this matter Supervisor Marc Sharpe did move and Supervisor W.T. "Bill" Banks did second a motion to authorize the Board Attorney to prepare easements in conjunction with the Rice Road Construction Project as it intersects with Hoy Road and Tisdale Road in Madison County, Mississippi at his regular hourly rate. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board, as being duly carried on this the 22<sup>nd</sup> day of February, 2002.

**In the Matter of the Authorization of the Board Attorney to Obtain Easements On/Along Post Oak Road and its Drainage Through the Mallard Pointe Subdivision**

WHEREAS, Mr. Dewey Hembree, County Board Attorney, did present unto the Board of Supervisors a request for authorization to prepare easements in conjunction with the Post Oak Road and its drainage through the Mallard Point Subdivision Project which will involve the easements through Mallard Pointe Subdivision.

Following discussion of this matter Supervisor W.T. "Bill" Banks did move and Supervisor Karl M. Banks did second a motion to authorize the Board Attorney to prepare easements in conjunction with the Post Oak Road and its drainage through Mallard Pointe Subdivision in Madison County, Mississippi at his regular hourly rate. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board, as being duly carried on this the 22<sup>nd</sup> day of February, 2002.

**In the Matter of the Creation of the County  
Wastewater Authority**

There came on for consideration by the Board, the matter of the public hearing upon the question of the public convenience and necessity of the creation of the Madison County Wastewater Authority, and the time and date of said hearing having arrived, and after a thorough presentation of the matters involved and the conduct of the hearing, Supervisor Karl M. Banks offered the following resolution and moved its adoption, to-wit:

RESOLUTION OF THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI ADJUDICATING ITS FINDINGS THAT THE PUBLIC CONVENIENCE AND NECESSITY REQUIRE THE CREATION OF THE MADISON COUNTY WASTEWATER AUTHORITY AND THAT THE CREATION OF THE AUTHORITY IS ECONOMICALLY SOUND AND DESIRABLE, AND DECLARING ITS INTENTION TO CREATE THE MADISON COUNTY WASTEWATER AUTHORITY ON APRIL 1, 2002 AND FOR PURPOSES GERMANE THERETO.

WHEREAS, a resolution was adopted by the Board of Supervisors of Madison County proposing the creation of a wastewater authority known as the Madison County Wastewater Authority in Madison County, Mississippi, for the purpose of providing wastewater services in the area within the proposed boundaries of such authority; and,

WHEREAS, the resolution included (1) a Statement of the necessity for the service or services to be supplied by the proposed authority, (2) the proposed corporate name for the authority, (3) the proposed boundaries of the authority, and (4) an estimate of the cost of the acquisition or construction of the facilities to be operated by the authority, which estimate, however, shall not serve as a limitation upon the financing of improvements or extensions to the facilities; and,

WHEREAS, the Board of Supervisors, in adopting said resolution, did set Friday, December 14, 2001, at 10:00 o'clock A. M., in the Board of Supervisors Room in the Chancery Administrative Building at Canton, Mississippi, as the time, date and place for a public hearing upon the question of the public convenience and necessity of the creation of said authority; and,

WHEREAS, a public notice signed by the Clerk of the time, date and place of the public hearing was published in the Madison County Herald, a newspaper within the meaning of the statute, having a general circulation within such proposed authority, in the issues of November 22 and 29 and December 6 and 13, 2001, being once a week for at least three consecutive weeks prior to the date of the hearing, and the first of such publications was made not less than twenty-one days prior to the date of such hearing and the last such publication was made not more than seven days prior to the date of such hearing, and such notice contained the date of such hearing, the place at which it shall be held, and the purpose of the hearing; and,

WHEREAS, the Board of Supervisors did convene on Friday, December 14, 2001, at 10:00 o'clock A.M., in the Board of Supervisors Room in the Chancery Administrative Building at Canton, Mississippi, being the time, date and place fixed for such public hearing; and;

WHEREAS, the Board of Supervisors did hear the evidence offered by the witnesses for the proposed authority, and data offered in support of the creation and incorporation of the authority; and;

WHEREAS, after hearing the evidence, information and other data, the Board did find (1) That the public convenience and necessity require the creation of the authority, and (2) That the creation of the authority is economically sound and desirable:

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

1. 1. That the public convenience and necessity require the creation of the Madison County Wastewater Authority, within the territorial limits as herein described, and the creation of the authority is economically sound and desirable.
2. 2. That the contemplated territorial limits of said authority shall be Madison County, Mississippi.
3. 3. That the Board of Supervisors of Madison County, Mississippi, hereby declares its intention to create the Madison County Wastewater Authority, within Madison County, Mississippi, on April 1, 2002 at a meeting of the Board of Supervisors of Madison County, Mississippi, to be held at 9:30 o'clock A. M., in the Board of Supervisors Room in the Chancery Administration Building at Canton, Mississippi.
4. 4. That the Administrator of the Board be and he is hereby authorized, directed and empowered to cause to be published in the Madison County Herald, a newspaper having a general circulation within such proposed authority, a certified copy of this resolution, once a week for at least three consecutive weeks prior to the date of April 1, 2002 being the date upon which this Board intends to create such authority, the first such publication to be made not less than twenty-one days prior to the date of April 1, 2002, and the last such publication to be made not more than seven days prior to such date, said publications to be made in the issues of March 7, 14, 21 and 28, 2002.

The motion for the adoption of the resolution was seconded by Supervisor W.T. "Bill" Banks and after discussion, the resolution was read and considered section by section and as a whole, and a vote was taken thereon, section by section, and as a whole, with the following results:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board, as being duly carried on this the 22<sup>nd</sup> day of February, 2002.

**In the Matter of the Approving a Claim for  
Phelps Dunbar**

WHEREAS, the Madison County Board of Supervisors did previously hold a claim from Phelps Dunbar Law Firm, being Claim No. 448 in the amount of \$6,904.01; and

WHEREAS, the Board of Supervisors did previously place a limit on the approval of payment of legal fees in conjunction with this matter at the sum of \$5,000.00; and

WHEREAS, the invoice, as presented, does not include actual legal fees over the \$5,000.00 amount stated, as certain out of pocket costs are included within said figure; and

WHEREAS, the Board of Supervisors does desire to amend its previous limitation to an amount as agreed upon by the parties, which the Board will take up during the March, 2002, meeting of the Board of Supervisors; and

WHEREAS, the Board of Supervisors does hereby find that said invoice as stated above contains legal fees less than the sum of \$5,000.00 as previously authorized and that the entire invoice should be paid in full at this time and that the parties will re-evaluate the contract for professional services at the March, 2002, term of the Board of Supervisors.

Following additional discussion of this matter, Supervisor Karl M. Banks did move and Supervisor Marc Sharpe did second a motion to pay Claim No. 448 in the amount of \$6,904.01, after finding that the amount of legal fees involved in said invoice was below the \$5,000.00 limit as placed on the provision of these services by the Board of Supervisors and that the Board of Supervisors does hereby recognize that said professional services are necessary and in the best interest of the County and that said limitation should be increased at an amount to be determined at the March, 2002 meeting of the Board of Supervisors. The vote on said matter was follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 22<sup>nd</sup> day of February, 2002.



**In the Matter of the Authorization of the President to Sign a Letter Agreement with Copeland, Cook, Taylor and Bush, Attorneys at Law**

WHEREAS, the Board of Supervisors did receive a letter concerning the leasing of the Madison County Medical Center from the law firm of Copeland, Cook, Taylor and Bush, which disclosed prior representation by said law firm of Health Management Associates, Inc. and requesting the Board's acknowledgement of same.

Following discussion of this matter Supervisor Karl M. Banks did move and Supervisor W.T. "Bill" Banks did second a motion to authorize the Board President to sign the letter agreement with Copeland, Cook, Taylor & Bush (a copy of which is found in the miscellaneous file to these minutes) recognizing that said prior representation did not relate to the proposed lease transaction with the County. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 22<sup>nd</sup> day of February, 2002.

**In the Matter of the Authorization of Registration and Payment Dues for Paul Griffin and Karl M. Banks to the National Organization of Black County Officials, Inc.**

WHEREAS, Mr. Paul Griffin did present unto the Board of Supervisors an invitation, which he received to join the National Organization of Black County Officials, Inc. and did request the Board to approve the payment of the registration and dues for said organization at for his membership and to renew the membership for Karl M. Banks in said organization.

Following discussion of this matter Supervisor Karl M. Banks did move and Supervisor W.T. "Bill" Banks did second a motion to pay the registration and dues for and on behalf of Paul Griffin and Karl M. Banks to the National Organization of Black County Officials, Inc. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 22<sup>nd</sup> day of February, 2002.

**In the Matter of an Order Authorizing Placement of Culverts Along Public Roads**

**Necessary for the Preservation and Maintenance  
of County Roads and Determining That Such  
Culverts Are of Public Benefit**

WHEREAS, the Board of Supervisors has received requests from the Road Department for the installation of culverts as follows:

Gary Springer – 438 Putnam Road  
Kenny Simmons – Highway 22 – Madison County

Following review and discussion, Supervisor Paul Griffin did move and Supervisor W.T. “Bill” Banks did second a motion to approve the Road Department installing the above stated culverts, finding that such placement is necessary for the preservation and maintenance of County Roads and that the installing of such culverts are of public benefit. The vote on said matter was as follows, to-wit:

Supervisor W. T. “Bill” Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 22<sup>nd</sup> day of February, 2002.

**In the Matter of the Approval of the Work  
Order Update and the Equipment Repair Recap  
Report of the Department of Road Management**

WHEREAS, Mr. Lawrence Morris, Road Manager, did present to the Board of Supervisors the current work order update, Equipment Repair Report and the February Recap Report for the Department of Road Management (Copies of said reports are found in the miscellaneous file to these minutes.)

Following review and discussion of this matter Supervisor Paul Griffin did move and Supervisor W.T. “Bill” Banks did second a motion to accept and approve the above referenced reports as submitted by the Road Manager. The vote on said matter was follows:

Supervisor W. T. “Bill” Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 22<sup>nd</sup> day of February, 2002.

**In the Matter of the Request to Extend a Contract with  
AMR Ambulance Service for Madison County**

WHEREAS, Mr. William Bassett, with AMR did appear before the Board of Supervisors and present a request to extend a contract between AMR Ambulance Service and Madison County, Mississippi extending the contract for ambulance service within Madison County, Mississippi an additional two years.

Following discussion of this matter Supervisor W.T. "Bill" Banks did move and Supervisor Karl M. Banks did second a motion to acknowledge the request to extend the ambulance service contract and to name George Touart as administrator on said contract. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 22<sup>nd</sup> day of February, 2002.

**In the Matter of the Acknowledgement of the Contract  
From AMR Ambulance Services**

WHEREAS, Mr. William Bassett did present a contract for execution by the Board as set forth above.

Following discussion of this matter Supervisor Karl M. Banks did move and Supervisor W.T. "Bill" Banks did second a motion to authorize the President to execute said contract for ambulance services for and on behalf of Madison County, Mississippi. The vote on this matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 22<sup>nd</sup> day of February, 2002.

**In the Matter of the Transfer of Funds to the  
Southwest Madison County Fire Protection District**

WHEREAS, Ms. Lynn Harmount appeared before the Board of Supervisors and requested the transfer of ad valorem tax funds collected for and on behalf of the Southwest Madison County Fire Protection District to said district for its own administration and use, as

provided for by law.

Following discussion of this matter, Supervisor W.T. "Bill" Banks did move and Supervisor Karl M. Banks did second a motion to transfer all funds collected for and on behalf of the Southwest Madison County Fire Protection District to said district for its use in providing fire protection services for Madison County, Mississippi. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 22<sup>nd</sup> day of February, 2002.

There being no further business to come before the meeting of the Board of Supervisors of Madison County, MS, upon motion duly made by Supervisor Karl M. Banks and seconded by Supervisor W.T. "Bill" Banks and approved by unanimous vote of all those present, the meeting of the Board of Supervisors was recessed until Thursday, February 28, 2002 at 9:30 a.m.

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David H. Richardson, President