

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

**REGULAR MEETING OF January 18, 2002**

Recessed from regular meeting of January 7, 2002, recessed meetings of January 9, 2002, January 11, 2002 and January 14, 2002.

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on January 18, 2002, 9:30 a.m., 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 Clerk of the Board then called the roll with the following results:

Present:

Supervisor W. T. (Bill) Banks-District I  
Supervisor Marc Sharpe-District II  
Supervisor David H. Richardson-District III  
Supervisor Karl M. Banks-District IV  
Supervisor Paul Griffin-District V  
Chancery Clerk Mike Crook  
County Administrator George Touart  
Sheriff Toby Trowbridge

Absent:

Supervisor W.T. "Bill" Banks gave the invocation, and Supervisor Paul Griffin led the Pledge of Allegiance.

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

**In the Matter of the Request for the Board to Sign Contract Documents on the Drainage Project in Mallard Point Subdivision**

WHEREAS, Tom Heard of Natural Resources Conservation Services came before the Board with the Request for the Board to Sign Contract Documents on the Drainage Project in Mallard Point Subdivision, for the purposes of stabilizing the drainage ditch upstream from Post Road for the protection of Post Road. Following discussion of this matter, Supervisor W. T. (Bill) Banks did move and Supervisor Marc Sharpe did second a motion to have the Board Attorney review the contract and, after review, to authorize the Board President to sign the contract document. (Copy of which is 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	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 January 18, 2002.

**In the Matter of the Request for the Board to Sign An Application for Emergency Work on Joe Hall**

WHEREAS, Tom Heard of Natural Resources Conservation Services brought before the Board an application for emergency work upstream from the Joe Hall Road bridge. Following discussion of this matter, Supervisor W. T. (Bill) Banks did move and Supervisor Marc Sharpe did second a motion to have the Board Attorney review the application and, after review, to authorize the Board President to sign the application for Emergency Work as needed to remove debris, re-build stream bank and protect with riprap on both sides upstream and downstream from Joe Hall Road bridge. (Copy of which is 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	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 January 18, 2002.

**In the Matter of the Resolution to Petition the Legislature to Assign the County an Additional County Judge Position**

WHEREAS, Bill Agin, County Judge, came before the Board of Supervisors with the following resolution to request an additional County Judge position for Madison County. Following discussion of this matter and acknowledgement of a letter from Judge Samac Richardson (Copy of the letter is in the miscellaneous file to these minutes.), Supervisor W. T. (Bill) Banks did move and Supervisor Paul Griffin did second a motion to adopt the following resolution and legislation:

WHEREAS, the Board of Supervisors of Madison County, Mississippi, in order to relieve the crowded condition of the docket in the county court and in the youth court of Madison County and particularly to facilitate and make possible the trial and disposition of the large number of causes on said docket and in the youth court, do hereby determine and conclude that there is required two (2) county judges for Madison County.

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

That the Board of Supervisors of Madison County, Mississippi, hereby requests that the Mississippi Legislature, at its 2002 Regular Session, enact legislation which authorizes the creation of an additional county court judgeship in Madison County, Mississippi, a draft copy of such proposed legislation being attached hereto and incorporated herein by this reference; and

That the Clerk of the Board of Supervisors is hereby directed to provide certified copies of this Resolution to those Senators and Representatives representing Madison County, or any portion thereof, for introduction, supervision and passage by the Mississippi Legislature.

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2002

By:

To:

BILL NO. \_\_\_\_\_

AN ACT TO ESTABLISH AN ADDITIONAL COUNTY COURT JUDGE FOR  
MADISON COUNTY AND OTHER RELATED PURPOSES

BE IT ENACTED BY THE

LEGISLATURE OF THE STATE OF MISSISSIPPI:

(1) In order to relieve the crowded condition of the docket in the county court and in the youth court of Madison County and particularly to facilitate and make possible the trial and disposition of the large number of causes on said docket and in the youth court, there shall be two (2) county judges for Madison County, Mississippi, provided for and elected as herein set out.

(2) For the purposes of nomination and election, the two (2) judgeships shall be separate and distinct, the presently existing judgeship and its succession to be denominated for purposes of appointment, nomination and election only as Place One and the judgeship hereby created and its succession for said selfsame purposes and none other to be designated as Place Two. There shall be no distinction whatsoever in the powers, duties and emoluments of the two (2) offices of county judge except that the county judge of Madison County who has been for the longest time continuously a county judge of said county shall have the right to assign cases, terms and dockets.

(3) While there shall be no limitation whatsoever upon the powers and duties of the said county judges other than as cast upon them by the Constitution and laws of this state, the county court of Madison County may, in the discretion of the county judge who has been for the longest time continuously a judge of said court, be divided into civil, equity, criminal and youth court divisions as a matter of convenience by the entry of an order upon the minutes of the court.

(4) The two (2) county judges shall be elected in the same year and in the same manner now prescribed by law for the existing county court judgeship of Madison County.

(5) The Board of Supervisors of Madison County may, in its discretion, set aside, appropriate and expend monies from the general fund to be used in the payment of salaries of judges, clerks, reporters, officers and employees of the youth court division of the county court, including the related facilities of the youth court division of the county court, and such funds shall be expended for no other purposes. The county shall not be reimbursed for the amount of any such levy provided for by this section under the terms of the Homestead Exemption Law.

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	Absent
Supervisor Paul Griffin-District V	Voted: Aye

The resolution, 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 January 18, 2002.

### **In the Matter of the Request to Use County Funds to pay Adolescent Offender Program Employees**

WHEREAS, George Touart, County Administrator, brought before the board the request to allow the use of County funds to pay the Adolescent Offenders Program employees until the County receives the initial grant funds requested. Following a discussion of this matter, Supervisor Marc Sharpe did move and Supervisor W.T. (Bill) Banks did second a motion to allow the use of County funds to pay the Adolescent Offenders Program employees until the County receives the initial grant funds requested.

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	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 January 18, 2002.

**In the Matter of the Memorandum of Agreement Between Madison County and Johnson Controls**

WHEREAS, a Memorandum of Agreement Between Madison County and Johnson Controls was brought before the Board along with a request to sign the memorandum regarding the parties' participation in a Community Development Block Grant project. Following a discussion of this matter, Supervisor W.T. (Bill) Banks did move and Supervisor Paul Griffin did second a motion to have the County Attorney review the Memorandum and authorize the Board President to sign the Memorandum a copy of which is as follows:

Johnson Controls, Inc.  
Automotive Systems Group  
49200 Halyard Drive  
Plymouth, Michigan 48170  
Attention: Robert E. Morris,  
Group Facilities Manager

Re: Memorandum of Agreement dated January 18, 2002 ("Memorandum"), between Madison County Mississippi ("Recipient") and Johnson Controls, Inc. ("Company")

Gentlemen:

As you know, as of the date hereof, Recipient and the Company have executed the Memorandum in order to permit Recipient to secure approximately \$4,000,000 in CDBG Economic Development Grant funding. This funding will permit Recipient and the Madison County Economic Development Authority ("MCEDA") to make certain infrastructure improvements on and around Recipient's proposed facility to be constructed at the intersection of Church Road and Old Jackson Road in Madison County, Mississippi, all as more fully set forth in that certain Ground Lease and Development agreement dated January 15, 2002 (the "Lease"), between Recipient, the Company and MCEDA.

In order to induce the Company's execution of, and performance of its obligations under, the Memorandum, the Lease and any other document executed or to be executed in connection therewith, this will confirm that notwithstanding anything to the contrary contained in the Memorandum, if the Company does not locate and construct its facility as contemplated under the Memorandum and Lease or if the Company fails to achieve or maintain the jobs requirement set forth in the Memorandum, in any case due to changes in economic conditions or other factors beyond the Company's reasonable control, the Company's total obligations under the Memorandum shall not exceed its pro-rata amount of the CDBG grant. The Company's pro-rata amount shall be the total CDBG funding under the Memorandum (not to exceed \$4,000,000.00) multiplied by a fraction, the numerator of which shall be the number of jobs the Company is required to create under the Memorandum (i.e., 150), and the denominator of which shall be the total number of jobs to be created by all suppliers to the Nissan facility and other firms located in the district which the CDBG grant funding will improve. In no event, however, shall the Company's obligations under the Memorandum exceed the sum of \$500,000.00. Finally, this will confirm that Section 2.a. of the Memorandum only requires creation of the jobs referenced therein for one payroll cycle, which is acknowledged to be 1/2 of one month.

We understand you will be relying upon this letter as a material inducement to your execution of the Memorandum and Lease.

Sincerely,

MADISON COUNTY, MISSISSIPPI

By: /s/ David H. Richardson

Witness

Name: David H. Richardson

Title: President

Supervisors

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	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 January 18, 2002.

**In the Matter of the Request to Sign Contract for Appraisals**

WHEREAS Woody Sample, brought before the Board the request to sign contracts for appraisals with Jim Craig and Robert Crook regarding the Community Development Block Grant Project on Church Rd. Following a discussion of this matter, Supervisor W.T. (Bill) Banks did move and Supervisor Karl M. Banks did second a motion to have the County Attorney review the contract and authorize the Board President to sign the contract hiring Jim Craig and Robert Crook for appraisal services.

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 January 18, 2002.

**In the Matter of the Amending the Madison County Zoning Ordinance for Robert Brown - Public Hearing**

WHEREAS, Robert Brown did file an Application to rezone certain property from its present R-1A, Residential Use District Classification to C-2 Commercial Use District Classification; and

WHEREAS, by Resolution properly adopted by the Board of Supervisors, a hearing was set for the January 18, 2002, at 10:00 o'clock a.m., and the Clerk did cause Notice of said hearing to be published in the Madison County Herald, a newspaper published and of general circulation in Madison County, Mississippi, in the manner and for the time required by law; and

WHEREAS, the hour of 10:00 o'clock a.m. on January 18, 2002 did arrive; and

WHEREAS, no objectors were present; and

WHEREAS, the matter was presented to the Board of Supervisors, and after a discussion thereof, Supervisor W. T. (Bill) Banks did move to close the public hearing and the following ordinance be adopted, to wit:

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

1. That the following described tract of real property be, and the same is hereby, rezoned from its present C-1 Commercial Use District Classification to C-2 Commercial Use District Classification, to wit:

Being situated in Section 27, Township 8 North, Range 2 East, Madison County, Mississippi, and more particularly described as follows:

For a Point of Beginning commence at a concrete monument representing the northwest plat corner of Twin Cedars Phase II-C, a subdivision of which the map or plat is of record and on file in the Office of the Chancery Clerk of Madison County, Mississippi, and run thence N 23 degrees 20 minutes 00 seconds E, along the easterly right-of-way of U.S. Highway 51 (Circa April 1999) for a distance of 2567.00 feet to an iron pin which is the Point of Beginning of the parcel herein described. From the Point of Beginning run thence N 89 degrees 44 minutes 18 seconds E for a distance of 440.85 feet to a point; thence run S 11 degrees 37 minutes 02 seconds W for a distance of 148.26 feet to a point; thence run S 16 degrees 57 minutes 44 seconds W for a distance of 317.03 feet to a point; thence run N 84 degrees 28 minutes 23 seconds W for a distance of 492.89 feet to a point on the easterly right-of-way of said U. S. Highway 51; thence run N 23 degrees 20 minutes 00 seconds E, along said easterly right-of-way for a distance of 434.50 feet to the Point of Beginning. This parcel contains 4.66 acres, more or less.

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.

That motion for adoption was seconded by Supervisor Karl Banks, and the foregoing Ordinance having been first reduced to writing was read, considered and approved, section by section, and then as a whole and was submitted to the Board of Supervisors for passage or rejection on roll call vote with the vote being 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

ORDAINED, ADOPTED AND APPROVED by the Board of Supervisors of Madison County, Mississippi, at a meeting thereof held on January 18, 2002.

WHEREUPON the President of the Board of Supervisors declared the motion carried on January 18, 2002.

**In the Matter of the Approval of a Special Exception for Methel Bell - Public Hearing**

WHEREAS, Methel Bell did file a Petition for Special Exception to move an existing residential structure onto property zoned R-2 Residential, located at 120 Echols St., in Sec.32, T9N-R1W, Madison County, Mississippi, and further identified as Tax Parcel #061I-32A-007, pursuant to the Zoning Ordinances of Madison County, Mississippi.

WHEREAS, the hour of 10:00 o'clock a.m. on January 18, 2002 did arrive; and

WHEREAS, no objectors were present; and

WHEREAS, the matter was presented to the Board of Supervisors, and after a discussion thereof, Supervisor Karl M. Banks did move to close the public hearing and the following ordinance be adopted, to wit:

**BE IT ORDERED BY THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI, AS FOLLOWS:**

1. That Methel Bell be allowed and granted a special exception to move an existing residential structure onto property zoned R-2 Residential, located at 120 Echols St., in Sec.32, T9N-R1W, Madison County, Mississippi, and further identified as Tax Parcel #061I-32A-007, pursuant to the Zoning Ordinances of Madison County, Mississippi.
2. The Board of Supervisors does hereby make the following findings certifying compliance with the specific rules governing this special exception and hereby finds that satisfactory provision and arrangement have been made concerning the following, to-wit:
  - a. Ingress and Egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe, the Board hereby finds that the conditions are acceptable for these properties.
  - b. Off-street parking and loading areas where required, with particular attention to the items noted above and the economic, noise, glare or odor effects of the special exception and adjoining properties and the properties generally in the district; the Board hereby finds that conditions are acceptable for this property.
  - c. Refuse and service areas, with particular reference to items noted above; the Board hereby finds that this is not applicable to this property.
  - d. Utilities, with reference to location, availability and compatibility; the Board hereby finds that utilities are available for this property.
  - e. Screening and buffering, with reference to type, dimensions and character; the Board hereby finds that this is not an applicable requirement for this property.
  - f. Signs, if any, and proposed exterior lighting, with reference to glare, traffic, safety, economic effect and compatibility in harmony to the properties in the district; the Board hereby finds that this is not applicable to this property and no requirement is made.

- g. Required yards and other open space; the Board hereby finds that setbacks and open space are readily available for said property.
- h. General compatibility with adjacent properties and other property in the district; the Board hereby finds that conditions for this property are generally compatible with adjacent properties and the conditions are acceptable.

The motion for adoption was seconded by Supervisor W. T. (Bill) Banks, the foregoing ordinance having first being reduced to writing and read, considered and approved section by section and then as a whole and was submitted to the Board of Supervisors for passage or rejection by the roll call vote with the vote being 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 January 18, 2002.

**In the Matter of the Approval of a Special Exception for Darrell Lindsey - Public Hearing**

WHEREAS, Darrell Lindsey did file a Petition for Special Exception to move an existing single family residential structure onto property zoned R-1 Residential, located at 253-B Church Road, in Sec.20, T8N-R2E, Madison County, Mississippi, and further identified as Tax Parcel #082D-20-016/03, pursuant to the Zoning Ordinances of Madison County, Mississippi.

WHEREAS, the hour of 10:00 o'clock a.m. on January 18, 2002 did arrive; and

WHEREAS, no objectors were present; and

WHEREAS, the matter was presented to the Board of Supervisors, and after a discussion thereof, Supervisor Karl M. Banks did move to close the public hearing and the following ordinance be adopted, to wit:

**BE IT ORDERED BY THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI, AS FOLLOWS:**

1. That Darrell Lindsey be allowed and granted a special exception to move an existing residential structure onto property zoned R-1 Residential, located at 253-B Church Road, in Sec.20, T8N-R2E, Madison County, Mississippi, and further identified as Tax Parcel #082D-20-016/03, pursuant to the Zoning Ordinances of Madison County, Mississippi.
2. The Board of Supervisors does hereby make the following findings certifying compliance with the specific rules governing this special exception and hereby finds that satisfactory provision and arrangement have been made concerning the following, to-wit:
  - a. Ingress and Egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe, the Board hereby finds that the conditions are acceptable for these properties.
  - b. Off-street parking and loading areas where required, with particular attention to the items noted above and the economic, noise, glare or



odor effects of the special exception and adjoining properties and the properties generally in the district; the Board hereby finds that conditions are acceptable for this property.

- c. Refuse and service areas, with particular reference to items noted above; the Board hereby finds that this is not applicable to this property.
- d. Utilities, with reference to location, availability and compatibility; the Board hereby finds that utilities are available for this property.
- e. Screening and buffering, with reference to type, dimensions and character; the Board hereby finds that this is not an applicable requirement for this property.
- f. Signs, if any, and proposed exterior lighting, with reference to glare, traffic, safety, economic effect and compatibility in harmony to the properties in the district; the Board hereby finds that this is not applicable to this property and no requirement is made.
- g. Required yards and other open space; the Board hereby finds that setbacks and open space are readily available for said property.
- h. General compatibility with adjacent properties and other property in the district; the Board hereby finds that conditions for this property are generally compatible with adjacent properties and the conditions are acceptable.

The motion for adoption was seconded by Supervisor Marc Sharpe, the foregoing ordinance having first being reduced to writing and read, considered and approved section by section and then as a whole and was submitted to the Board of Supervisors for passage or rejection by the roll call vote with the vote being 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 January 18, 2002.

### **In the Matter of the Approval of a Special Exception to Conduct Surface Mining for Lloyd Spivey - Public Hearing**

WHEREAS, Lloyd Spivey did file a Petition for Special Exception to Conduct Surface Mining on property zoned A-1 Agricultural, located off Catlett Rd, in Sec.7, T8N-R2E, Madison County, Mississippi, and further identified as Tax Parcel #82C-7-3, pursuant to the Zoning Ordinances of Madison County, Mississippi.

WHEREAS, the hour of 10:00 o'clock a.m. on January 18, 2002 did arrive; and

WHEREAS, no objectors were present; and

WHEREAS, the matter was presented to the Board of Supervisors, and after a discussion thereof, Supervisor W. T. (Bill) Banks did move to close the public hearing and the following ordinance be adopted, to wit:

**BE IT ORDERED BY THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI, AS FOLLOWS:**

1. That Lloyd Spivey be allowed and granted a special exception to Conduct Surface Mining on property zoned A-1 Agricultural, located off Catlett Rd, in Sec.7, T8N-R2E, Madison County, Mississippi, and further identified as Tax Parcel #82C-7-3, pursuant to the Zoning Ordinances of Madison County, Mississippi.
  
2. The Board of Supervisors does hereby make the following findings certifying compliance with the specific rules governing this special exception and hereby finds that satisfactory provision and arrangement have been made concerning the following, to-wit:
  - a. Ingress and Egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe, the Board hereby finds that the conditions are acceptable for these properties.
  - b. Off-street parking and loading areas where required, with particular attention to the items noted above and the economic, noise, glare or odor effects of the special exception and adjoining properties and the properties generally in the district; the Board hereby finds that conditions are acceptable for this property.
  - c. Refuse and service areas, with particular reference to items noted above; the Board hereby finds that this is not applicable to this property.
  - d. Utilities, with reference to location, availability and compatibility; the Board hereby finds that utilities are available for this property.
  - e. Screening and buffering, with reference to type, dimensions and character; the Board hereby finds that this is not an applicable requirement for this property.
  - f. Signs, if any, and proposed exterior lighting, with reference to glare, traffic, safety, economic effect and compatibility in harmony to the properties in the district; the Board hereby finds that this is not applicable to this property and no requirement is made.
  - g. Required yards and other open space; the Board hereby finds that setbacks and open space are readily available for said property.
  - h. General compatibility with adjacent properties and other property in the district; the Board hereby finds that conditions for this property are generally compatible with adjacent properties and the conditions are acceptable.

The motion for adoption was seconded by Supervisor Karl M. Banks, the foregoing ordinance having first being reduced to writing and read, considered and approved section by section and then as a whole and was submitted to the Board of Supervisors for passage or rejection by the roll call vote with the vote being 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 January 18, 2002.

**In the Matter of the Hearing of a Zoning Violation**

WHEREAS, Tony Dollar came before the Board in response to an alleged zoning violation. Following a discussion of this matter, Supervisor Paul Griffin did move and Supervisor W.T. (Bill) Banks did second a motion to continue the hearing on February 15, 2002. (Copies of the letters to Tony Dollar are 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 January 18, 2002.

**In the Matter of the Request to Sign Right of Way Instruments to Entergy**

WHEREAS, the Board of Supervisors took up the matter of a right of way requested by Entergy on Mt. Elam Road. Following a discussion of this matter, Supervisor Marc Sharpe did move and Supervisor W.T. (Bill) Banks did second a motion to authorize the President of the Board to sign the instrument giving right of way to Entergy to install poles and lines on Mt. Elam Rd. (Copy of the ROW instrument is 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 January 18, 2002.

**In the Matter Valerie D. Russell’s Request for an Emergency Permit to Move a House to His Property**

WHEREAS, Mr. Russell came before the Board of Supervisors on behalf of Valerie Russell with a request for an Emergency Permit to move an existing house to **his property**. Following a discussion of this matter, Supervisor Marc Sharpe did move and Supervisor Paul Griffin did second a motion to grant the request for an Emergency Permit to move an existing house to **his property**.

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 January 18, 2002.

**In the Matter of Road Department - Culvert Requests**

WHEREAS Helen Keller, Office Manager for the Road Department, with the Road Department came before the Board with requests for the installation of culverts as follows:

- Luttrell, Robert – 415 E Sowell Rd
- Crusoe, Kenneth – Lot 94 Twin Cedars Pt 2
- Brister, Ira – 246 Twin Lakes Dr
- Samuels, Eddie – 253 Church Rd

Following review and discussion, Supervisor Karl M. Banks 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 and to have the road department improve access to Mt. Pleasant Cemetery as allowed by Section 19-3-42 of the Mississippi Code of 1972. (Copy of the list of culverts is 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 David H. Richardson, President of said Board, as being duly carried on January 18, 2002.

**In the Matter of Hauling Report and Work Order Update**

WHEREAS, Helen Keller, Office Manager for the Road Department, came before the Board with the work order report and the November monthly reports. Following a discussion of this matter, Supervisor William T. (Bill) Banks did move and Supervisor Karl M. Banks did second the motion to acknowledge the hauling report and work order report. (Copy of the HR and WOU are 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 David H. Richardson, President of said Board, as being duly carried on January 18, 2002.

**In the Matter of Acknowledgement of the Letter Received from State Aid Road Construction Regarding Transfer of Funds on Project No. LSBP-45(4)**

WHEREAS, George Touart, County Administrator, came before the Board with the matter of a letter from State Aid Road Construction regarding transfer of funds on project no. LSBP-45(4) in case of unexpected overruns in cost. State Aid Road Construction transferred \$11,000 to the referenced project’s fund.

. Following a discussion of this matter, Supervisor William T. (Bill) Banks did move and Supervisor Paul Griffin did second the motion to acknowledge the receipt of the letter from State Aid Road Construction informing Madison County of the \$11,000 transfer.

(Copy of the letter from State Aid Road Construction is 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 David H. Richardson, President of said Board, as being duly carried on January 18, 2002.

**In the Matter of the Request for Approval of the Junior Auxiliary to Hang a Banner on the Historic Courthouse's Courtyard Fence**

WHEREAS, George Touart, County Administrator, came before the Board with the matter of a Request for Approval of the Junior Auxiliary to hang a banner on the Historic Courthouse courtyard fence. Following a discussion of this matter, Supervisor William T. (Bill) Banks did move and Supervisor Karl M. Banks did second the motion to approve the Junior Auxiliary to hang a banner on the Historic Courthouse courtyard fence on the week of January 31, 2002 through February 7, 2002, provided they remove it when through. (Copy of the letter from JA is 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 January 18, 2002.

**In the Matter of the Request for Approval of the American Cancer Society to Use the Historic Courthouse Courtyard**

WHEREAS, George Touart, County Administrator, came before the Board with the matter of a Request for Approval of the American Cancer Society to use the Historic Courthouse Courtyard. Following a discussion of this matter, Supervisor William T. (Bill) Banks did move and Supervisor Karl M. Banks did second the motion to approve the American Cancer Society to use the Historic Courthouse Courtyard for activities associated with the Relay for Life scheduled for April 26 & 27, 2002. (Copy of the letter from ACS is 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 January 18, 2002.

**In the Matter of the Request for Approval of the Purchase of Sheriff Uniforms**

WHEREAS, George Touart, County Administrator, came before the Board with the matter of a request for the Board to approve the purchase of Sheriff uniforms. Following a discussion of this matter, Supervisor Paul Griffin did move and Supervisor William T. (Bill) Banks did second the motion to approve the purchase of Sheriff uniforms from Mid-South Uniform and Supply, the only company that responded to the bid request.

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 January 18, 2002.

**In the Matter of the Request for Approval of Pay Raises for Certain Madison County Soil and Water Conservation District Employees**

WHEREAS, George Touart, County Administrator, came before the Board with the matter of a request for the Board to approve pay raises for certain Madison County Soil and Water Conservation District employees. Following a discussion of this matter, Supervisor Karl Banks did move and Supervisor William T. (Bill) Banks did second the motion to approve pay raises for the following Madison County Soil and Water Conservation District employees:

Celia Miller from \$22,050 to \$22,712  
Debbie Young from \$27,563 to \$28,390  
(Copy of the letter requesting the raise is 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 January 18, 2002.

**In the Matter of the Request for Approval of Pay for Adolescent Offender Program Employees**

WHEREAS, George Touart, County Administrator, came before the Board with the matter of a request for the Board to approve the pay for Adolescent Offender Program employees. Following a discussion of this matter, Supervisor Karl Banks did move and Supervisor William T. (Bill) Banks did second the motion to approve the pay for Adolescent Offender Program employees: Emma Deacon, \$18,000 annually, Kivonda Harris, \$25,000 annually. (Copy of the letter requesting the pay is 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 January 18, 2002.

**In the Matter of the Re-Setting of a Public Hearing**

WHEREAS, Dewey Hembree, came before the Board with the matter of a request for the Board to re-set a public hearing date for Gussie Haith. Following a discussion of this matter, Supervisor Karl Banks did move and Supervisor Paul Griffin did second the motion to set a public hearing of February 4, 2002. (Copy of the agreed order is 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 January 18, 2002.

## **In the Matter of the Resolution Asking Gov. Musgrove to Re-appoint Floyd Kirk**

WHEREAS, George Touart, County Administrator, came before the Board with the matter of a resolution requesting Gov. Ronnie Musgrove to re-appoint Floyd Kirk, Director of the Office of State Aid Road Construction

### RESOLUTION IN SUPPORT OF FLOYD A. KIRK

WHEREAS, Floyd A. Kirk, Executive Director of the Office of State Aid Road Construction for the State of Mississippi, is due for reappointment by Governor Ronnie Musgrove on or before January 22, 2002, having been initially appointed in August of 1995;

WHEREAS, Floyd A Kirk, is a father, grandfather and native of Sunflower County, Mississippi. Upon graduation from the Mississippi State University School of Engineering in 1959, Floyd A. Kirk worked with the Mississippi State Highway Department performing route surveys until he received his license as a professional engineer in 1963. Thereafter, he began work on the local level serving with distinction as Hinds County Assistant County Engineer and Hinds County Engineer from 1963 until 1975, developing invaluable experience through a direct working relationship with the Board of Supervisors and a large number of county personnel;

WHEREAS, Floyd A. Kirk, returned to Sunflower County, Mississippi from 1974 to 1979 gaining valuable private sector experience with planning, financing and managing a family farming operation in the Mississippi Delta;

WHEREAS, Floyd A. Kirk, returned to public service in 1979, serving as State Aid Division Highway Engineer, Northeast District Engineer, Roadway Review Engineer, and Mississippi Department of Transportation Construction Division Area Engineer before appointment to his present position where he has been a conduit for the efficient allocation of state and federal resources for the betterment of local infrastructure throughout the State of Mississippi;

WHEREAS, as Executive Director of the Office of State Aid Road Construction, Floyd A. Kirk has gained the respect and recognition of the Federal Highway Administration, the Governor's Office of the State of Mississippi, the Mississippi Legislature, the Mississippi Transportation Commission, the Mississippi Association of Supervisors and the Mississippi Association of County Engineers as a competent and efficient manager of highway and bridge programs which are essential to transportation needs of the citizens of Mississippi;

NOW THEREFORE, in recognition of his proven stewardship of federal and state funds for the local transportation needs of Mississippi counties, the Board of Supervisors of Madison County, Mississippi, do hereby resolve that reappointment of Floyd A. Kirk by the Governor of the State of Mississippi to the position of Executive Director is absolutely vital to the continued success of the State Aid Road Program in the State of Mississippi and respectfully urge Governor Ronnie Musgrove to reappoint him to this position of critical responsibility.

Following a discussion of this matter, Supervisor W.T. (Bill) Banks did move and Supervisor Marc Sharpe did second the motion to adopt the foregoing resolution. 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 adopted on January 18, 2002.



**In the Matter of the Request for Approval of Participation in the State Beaver Control Program**

WHEREAS, George Touart, County Administrator, came before the Board with the matter of a request for an appropriation of \$2,000 to pay for the County to participate in the State Beaver Control Program. Following a discussion of this matter, Supervisor W.T. (Bill) Banks did move and Supervisor Paul Griffin did second the motion to appropriate \$2,000 to pay for the County to participate in the State Beaver Control Program. (Copy of the request for county participation is 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 January 18, 2002.

**In the Matter of a Statement of Support for the State Beaver Control Program**

WHEREAS, George Touart, County Administrator, came before the Board with the matter of a request for the Board to write a letter of support of the State Beaver Control Program to the Legislature. Following a discussion of this matter, Supervisor W.T. (Bill) Banks did move and Supervisor Paul Griffin did second the motion to write a letter of support of the State Beaver Control Program to the Legislature. (Copy of the request for county participation is 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 January 18, 2002.

**In the Matter of the Request for Approval of Kate Parker for Part-Time Work**

WHEREAS, George Touart, County Administrator, came before the Board with the matter of a request for the Board to approve Kate Parker for after school work with Loretta Davis. Following a discussion of this matter, Supervisor W.T. (Bill) Banks did move to approve Kate Parker for after school work with Loretta Davis at a rate of \$6 per hour. Supervisor Paul Griffin did offer to second the motion if the motion was amended to include Brittany Miles as a part-time worker to help Gwyn Miles at the same rate. W.T. (Bill) Banks would not amend his motion, stating that he had no request from anyone concerning the hiring of Brittany Miles. (Copy of the request for hiring Kate Parker is in the Miscellaneous File to these Minutes)

The motion, having failed to receive the affirmative vote of the Board members present, was declared, by Mr. David H. Richardson, President of said Board, as being duly defeated on January 18, 2002.

**In the Matter of a Setting a Hearing Date for the Abandonment of A Public Road**

WHEREAS, Dewey Hembree, County Attorney, came before the Board with the matter of a request for the Board to set a public hearing date. Following a discussion of this matter, Supervisor Karl Banks did move and Supervisor Paul Griffin did second the motion to set a public hearing of February 22, 2002, for the abandonment of a section of lake Cavalier Rd, brought by petitioners Stubblefield and Bertaut.

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 January 18, 2002.

**In the Matter of Appointing Cline Wyman as County Arson Investigator**

WHEREAS, Toby Trowbridge, County Sheriff, came before the Board with the matter of a request for the Board to appoint Cline Wyman as County Arson Investigator. Following a discussion of this matter, Supervisor W.T. (Bill) Banks did move and Supervisor Karl M. Banks did second the motion appoint Cline Wyman as County Arson Investigator. (Copy of the request form is 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 January 18, 2002.

**In the Matter of a Authorizing the Sheriff to Spend Money in the Drug Seizure Fund for the Purchase of Fully Automatic Weapons**

WHEREAS, Toby Trowbridge, County Sheriff, came before the Board with the matter of a request for the Board to authorize the sheriff to spend money in the drug seizure fund for the purchase of sub-machine guns. Following a discussion of this matter, Supervisor Marc Sharpe did move and Supervisor W.T. (Bill) Banks did second the motion to authorizing the sheriff to spend money in the drug seizure fund for the purchase of two Colt RO635 fully Automatic Weapons at a total cost of \$1700 from Beta Sales, the lowest of the two quotes received. (Copies of the purchase order, requisition, and two quotes are 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 January 18, 2002.

There being no further business to come before the meeting of the Board of Supervisors of Madison County, MS, President of the Board of Supervisors, David H. Richardson announced that the meeting of the Board of Supervisors was recessed until 9:30 a.m., January 25, 2002.

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David H. Richardson, President

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Mike Crook, Chancery Clerk