

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

REGULAR MEETING OF DECEMBER 5, 2003  
Recessed from regular meeting conducted on December 1, 2003

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on the 5th day of December, 2003, 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 members were present that day:

Present:

Supervisor Karl M. Banks  
Supervisor Marc Sharpe  
Supervisor W. T. "Bill" Banks  
Supervisor David H. Richardson  
Supervisor Paul Griffin  
Sheriff Toby Trowbridge

Absent:

Mike Crook, Chancery Clerk

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

**In the Matter of Approval of Appraisal Services on  
Yandell Road**

WHEREAS, Mr. Woody Sample with Sample & Associates, Inc. appeared before the Board of Supervisors and recommended the payment of \$4,401.00 to Jerry Mask for primary appraisal services on the Yandell Road project and to further recommend payment of \$2,250.00 to Old Town Realty & Appraisal Services, Inc. for review appraisal services.

Following additional discussion of this matter, Supervisor W.T. "Bill" Banks moved and Supervisor Karl M. Banks seconded a motion to pay Jerry Mask for primary appraisal services on the Yandell Road project in the amount of \$4,401.00 and to pay Old Town Realty & Appraisal Services, Inc. for review appraisal services in the amount of \$2,250.00 and to further request that said claims be placed on the Docket of Claims, and that a memo from Sample & Associates regarding this invoice is 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 5th day of December, 2003.

**In the Matter of Approval of Appraisal Services on  
Gluckstadt Road**

WHEREAS, Mr. Woody Sample with Sample & Associates, Inc. appeared before the Board of Supervisors and recommended the payment of \$1,200.00 to Jerry Mask for review appraisal services on the Gluckstadt Road project.

Following additional discussion of this matter, Supervisor W.T. "Bill" Banks moved and Supervisor Karl M. Banks seconded a motion to pay Jerry Mask for review appraisal services on the Gluckstadt Road project in the amount of \$1,200.00 and to further request that said claim be placed on the Docket of Claims, and that a memo from Sample & Associates regarding this invoice is 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 5th day of December, 2003.

**In the Matter of Approval of a Requisition Form for  
CDBG Project**

WHEREAS, the Board of Supervisors received CDBG Requisition No.34 from Sample & Associates on CDBG Project Nos. 1118-01-045-ED-01 & 1113-96-045-ED-01 and that copies of said Requisition Form are found in the miscellaneous file to these minutes.

Following discussion of this matter, Supervisor W.T. "Bill" Banks moved and Supervisor Marc Sharpe seconded a motion to authorize the Board President to sign Requisition Form No.34 for payment of expenses under said grants as set forth below as recommended by Mr. Sample on said construction project:

Engineering Associates, Inc. (final)	\$31,394.65
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And that a copy of said form and related documentation are 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 5th day of December, 2003.

**In the Matter of Acknowledging the Receipt of a  
Check from BFI**

WHEREAS, Mr. Jim McNaughton with Butch Lambert & Associates appeared before the Board of Supervisors and presented a check from BFI in the amount of \$46,038.00 representing a monthly payment of the host fee due Madison County pursuant to the agreement with BFI regarding the Little Dixie Landfill.

Following additional discussion, Supervisor Karl M. Banks moved, and Supervisor Paul Griffin seconded a motion to acknowledge receipt of the check from BFI in the amount of \$46,038.00 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 5th day of December, 2003.

**In the Matter of Approving an Order to Amend the Solid Waste Plan for Madison County, Mississippi on the Ballard Property**

**ORDER AMENDING THE SOLID WASTE PLAN FOR MADISON COUNTY, MISSISSIPPI**

WHEREAS, the Madison County Board of Supervisors heretofore adopted comprehensive Solid Waste Management Plan (the “SWMP”) pursuant to the Solid Waste Planning Act of 1991 (Mississippi Code Section 17-17-201 et seq.); and

WHEREAS, there has been an application for the amendment of said SWMP to include the lands described in Exhibit “A” to this Order; and

WHEREAS, the Board of Supervisors gave notice of said proposed amendment in the time and manner provided by law; and

WHEREAS, the Board of Supervisors conducted a public hearing on the proposed amendment on October 13, 2003, and

WHEREAS, the Board of Supervisors solicited and considered the comments of interested parties at said public hearing, and comments received during the public notice period ; and

WHEREAS, the Board of Supervisors has reviewed the lengthy and numerous submissions of the parties regarding the proposed amendment to the **SWMP**; and

WHEREAS, the Board of Supervisors has considered the need for this facility; and

WHEREAS, the Board of Supervisors has specifically found that it has a need for a rubbish landfill of this nature in Madison County based upon a review of the County’s current SWMP and population, commercial and industrial growth; and

WHEREAS, the Board of Supervisors has considered environmental justice issues that might arise as a result of the permitting of such a rubbish landfill; and

WHEREAS, the Board of Supervisors has determined that no adverse impact to any specific population or minority population will occur as a result of the amendment to the SWMP; and

WHEREAS, **ABL, LLC (the “Owner”)** has agreed to certain restrictive covenants concerning **the lands described in Exhibit A attached hereto this Order relating to the proposed rubbish landfill to be located thereon, which restrictive covenants are to be executed by Owner and recorded in the land records of Madison County, Mississippi as a condition to the proposed amendment to the SWMP**; and

WHEREAS, the Board of Supervisors has entered into a Host Fee Agreement with ABL, LLC and Madison South Rubbish Landfill, Inc. for the payment of certain fees for the operation of the proposed rubbish landfill; and

WHEREAS, the Board of Supervisors has determined that the SWMP should be amended.

IT IS THEREFORE ORDERED, that the Solid Waste Management Plan of Madison County is amended to include that certain tract of land owned by ABL, LLC and fully described below as the site of a rubbish landfill, subject to the conditions set forth herein, **and conditioned on Owner executing and recording in the land records of Madison County the Restrictive Covenants in the form attached hereto and marked as Exhibit B.** The Madison County Board of Supervisors specifically recognizes concerns of the residents and landowners surrounding the proposed site and a need to insure protection of the health, safety and welfare of all of the citizens of Madison county, Mississippi and finds that it is appropriate to impose upon the operator of any facility of this type on this property certain conditions and requirements.

IT IS THEREFORE FURTHER ORDERED, that prior to the construction of any such facility at the ABL, LLC site there shall be in place such agreements between the Madison County

Board of Supervisors and any proposed operators and/or owners of the site as shall be deemed necessary by the Madison County Board of Supervisors to protect the health, safety and welfare of the citizens of Madison County, Mississippi.

It is ordered that Section 5-5 of the plan is amended to add the following language:

**Madison South Rubbish Landfill – Class 1 Rubbish Landfill**

The Madison South Rubbish Landfill will be a Class 1 Rubbish Landfill located on the property whose address is 2350 North County Line Road, just north of the BFI Little Dixie Landfill, **as more particularly described in Exhibit A hereto**. The facility is located in Sections 19 and 30, Township 7 North, Range 1 East of Madison County, Mississippi and is currently owned by the ABL, LLC.

The landfill will receive rubbish waste from Hinds and Madison Counties.

The Madison South Rubbish Landfill (the “Operator”) will have a full time staff and equipment for the necessary employees to operate the facility.

The Operator will receive rubbish waste only and comply with all applicable laws and regulations. Modifications may be necessary, from time to time, to comply with changes in laws and regulations.

Following additional discussion of this matter, Supervisor Karl M. Banks moved and Supervisor W.T. “Bill” Banks seconded a motion to approve the Order Amending the Solid Waste Plan for Madison County, Mississippi as set forth above, and that a copy of said Order and other documentation is 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 5th day of December, 2003.

**EXHIBIT A**

**LEGAL DESCRIPTION OF THE PROPERTY**

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Tract 1:

N½ of the SW¼ of Section 19, Township 7 North, Range 1 East in Madison County, Mississippi.

Tract 2:

SE¼ of the SW¼, Section 19, Township 7 North, Range 1 East in Madison County, Mississippi.

Tract 3:

The SW¼ of the SW¼ of Section 19, and the W½ of the NE¼, the NE¼ of the NW¼, and the N½ of the NW¼ of the NW¼ of Section 30, all in Township 7 North, Range 1 East, Madison County, Mississippi as conveyed by that Warranty Deed recorded in Book 538 at Page 149 in

the land records of Madison County, Mississippi.

**EXHIBIT B**

**RESTRICTIVE COVENANTS CONCERNING LANDFILL**

WHEREAS, ABL, LLC, a Mississippi limited liability company (herein after referred to as “Owner”), whose address is P.O. Box 500, Clinton, Mississippi 39060, is the Owner of that certain real property located in Madison County, Mississippi, is more particularly described on Exhibit A attached hereto and made a part hereof (the “Property”); and

WHEREAS, Owner and Madison County Mississippi (the “County”) have entered into an Agreement for the purpose for establishing a landfill on the Property to receive rubbish wastes from a Service Area comprised of Madison and Hinds counties, Mississippi; and

WHEREAS, the County has determined that the Property should be included in the Solid Waste Plan of Madison County, Mississippi; subject, however, to compensation to the County for locating a landfill in the County in the form of Host Fees; and

WHEREAS, Owner has agreed to burden the Property with restrictive covenants providing for Host Fees to compensate the County for any landfill located thereon and that any such landfill shall be limited to the disposal of rubbish.

NOW, THEREFORE, Owner does hereby covenant and agree respecting the Property that any landfill which shall be located on the Property, or any part thereof, pursuant to the Solid Waste Management Act, Section 17-17-201 *et seq.* of the Mississippi Code, will receive only Rubbish as defined therein, and will require Host Fees payable to Madison County for all waste material disposed of on the Property as follows:

Up to 75 tons per day:	\$0.00 per ton;
From 76 to 125 tons per day:	\$0.75 per ton (on all tonnage received);
Over 126 tons per day:	\$1.00 per ton (on all tonnage received).

The foregoing Host Fees shall be increased annually beginning one year after the date of these Restrictive Covenants by an amount equal to the percentage increase in the Consumer Price Index (“CPI”) for the preceding year, and further are subject to amendment in the event of an expansion of the Service Area as provided in the agreement between Owner and County as referenced above. CPI shall mean the revised Consumer Price Index for all urban consumers, all items included, for the South Urban Region, based on the latest available figures from the Department of Labor, Bureau of Labor statistics.

The Restrictive Covenants set forth herein shall be and constitute a burden on the Property from and after the date hereof and shall be covenants running with land, shall be binding on Owner and any successor owner of the Property, their heirs, representatives successors and assigns, and any operator or permittee of any landfill thereon, and shall be enforceable by specific performance and injunctive relief, as well as all other remedies afforded by law.

These Restrictive Covenants shall remain in force and effect for so long as the Solid Waste Plan of Madison County, Mississippi, as the same may be amended or modified, includes the Property therein.

WITNESS THIS the \_\_\_\_\_ day of \_\_\_\_\_, 2003.

**ABL, LLC**

**By:** \_\_\_\_\_

**STATE OF MISSISSIPPI**  
**COUNTY OF \_\_\_\_\_**

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for said county and state, on this \_\_\_\_\_ day of \_\_\_\_\_, 2003, within my jurisdiction, the within named \_\_\_\_\_, who acknowledged that he is \_\_\_\_\_ of **ABL, LLC**, a Mississippi limited liability company, and that for and on behalf of the said company, and as its act and deed, he executed the above and foregoing instrument, after first having been duly authorized by said company so to do.

\_\_\_\_\_  
**Notary Public**

MY COMMISSION EXPIRES:

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**In the Matter of Approving an Order to Amend the Solid Waste Plan for Madison County, Mississippi on the Bilberry Property**

**ORDER AMENDING THE SOLID WASTE PLAN FOR MADISON COUNTY, MISSISSIPPI**

WHEREAS, the Madison County Board of Supervisors heretofore adopted a comprehensive Solid Waste Management Plan (the "SWMP") pursuant to the Solid Waste Planning Act of 1991 (Mississippi Code Section 17-17-201 et seq); and

WHEREAS, there has been an application for the amendment of said SWMP; and

WHEREAS, the Board of Supervisors gave notice of said proposed amendment in the time and manner provided by law; and

WHEREAS, the Board of Supervisors conducted a public hearing on the proposed amendment on November 7, 2003, and

WHEREAS, the Board of Supervisors solicited and considered the comments of interested parties at said public hearing, as well as comments received at numerous other hearings held on the same subject; and

WHEREAS, the Board of Supervisors has reviewed the lengthy and numerous submissions of the parties regarding the proposed amendment to the SWMP; and

WHEREAS, the Board of Supervisors has considered the need for this facility; and

WHEREAS, the Board of Supervisors has specifically found that it has a need for an additional landfill of this nature in Madison County based upon the numerous exhibits submitted by the parties; and

WHEREAS, the Board of Supervisors has considered environmental justice issues that might arise as a result of the permitting of such landfill; and

WHEREAS, the Board of Supervisors has determined that no adverse impact to any specific population or minority population will occur as a result of the amendment to the SWMP; and

WHEREAS, the Bilberry Family Limited Partnership has agreed to certain restrictive covenants concerning the **lands described in Exhibit A attached hereto relating to the proposed landfill to be located thereon, which restrictive covenants have been executed by Owner and recorded in the land records of Madison County, Mississippi as a condition to the proposed amendment to the SWMP;** and

WHEREAS, the Board of Supervisors has entered into a Host Fee Agreement with the Bilberry Family Limited Partnership and IESI for the payment of certain fees for the operation of the proposed landfill (\$1.50 per ton for the first 1,000 tons per day and \$2.00 per ton for any amount over 1,000 tons per day); and

WHEREAS, the Board of Supervisors has determined that the Solid Waste Management Plan should be amended.

IT IS THEREFORE ORDERED, that the Solid Waste Management Plan of Madison County is amended to include that certain tract of land known as the Bilberry property and fully described below as the site of a subtitle D solid waste management facility, subject to the conditions set forth herein, **and conditioned on the Restrictive Covenants attached hereto as Exhibit B.** The Madison County Board of Supervisors specifically recognizes concerns of the residents and landowners surrounding the proposed site and a need to insure protection of the health, safety and welfare of all of the citizens of Madison county, Mississippi and finds that it is appropriate to impose upon the operator of any facility of this type on this property certain conditions and requirements.

IT IS THEREFORE FURTHER ORDERED, that prior to the construction of any such



facility at the Bilberry site, there shall be in place such agreements between the Madison County Board of Supervisors and any proposed operators and/or owners of the site as shall be deemed necessary by the Madison County Board of Supervisors to protect the health, safety and welfare of the citizens of Madison County, Mississippi.

It is ordered that Section 5-5 of the plan is amended to add the following language:

#### North County Line Landfill

The North County Line Landfill is on a 169 acre tract of property located on North County Line Road, just north of the BFI Little Dixie Landfill, **as more particularly described in Exhibit A hereto**. The facility is located at Section 30 and 31, Township 7 North, Range 1 East and is currently owned by the Bilberry Family Limited Partnership. Approximately 103 of the 169 acres will be available for landfilling.

The landfill has a natural clay liner (Yazoo Clay). The landfill is or will be equipped with methane gas collection system. The cell receiving waste will have a leachate collection system. Leachate will be trucked by trailer to a private facility for disposal. The facility will be equipped with scales - and groundwater monitoring wells.

The landfill will receive MSW from Hinds, Madison, Rankin, Copiah, Warren, Yazoo, Leake, Scott, Smith, Simpson, Claiborne, Attala and Holmes.

The Bilberry Limited Partnership, IESI, or another suitable operator (the "Operator") will have a full time staff and equipment for the necessary employees to operate the facility.

The Operator will receive waste and comply with all applicable law and regulations. Modifications may be necessary, from time to time, to comply with changing law and regulations. Possible modifications may include a recording system, improved liner, drainage layer and improved leachate collection system, and expansion of the methane collection system.

Following additional discussion of this matter, Supervisor Karl M. Banks moved and Supervisor W.T. "Bill" Banks seconded a motion to approve the Order Amending the Solid Waste Plan for Madison County, Mississippi as set forth above, and that a copy of said Order and other documentation is 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 5th day of December, 2003.

### **EXHIBIT A**

#### Legal Description of Land

The following described tract of land and being situated in Madison County, Mississippi, to-wit:

#### Township 7 North, Range 1 East

The S $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  and the S  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  and W  $\frac{1}{2}$  of the SW  $\frac{1}{4}$ , Section 30; and the N  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 31; all located in the above Township and Range, less and except the following described land conveyed to Browning-Ferris Industries of

Mississippi, Inc., to-wit:

A tract or parcel of land containing 34.04 acres, more or less, lying and being situated in the NW ¼ of the NW ¼ of Section 31 and the SW ¼ of the SW ¼ of Section and being more fully described as follows:

Commencing at the Northeast corner of the NW ¼ of said Section 31; run thence

West for a distance of 1320.0 feet, to an iron pin and the point of beginning of there herein described property; thence

South for a distance of 660.0 feet, to an iron pin; thence

North 89 degrees 26 minutes 16 seconds West for a distance of 1273.64 feet, to an iron pin and the Easterly row of North County Line Road; thence

North 0 degrees 56 minutes 31 seconds West along said row for a distance of 1156.04 feet, to an iron pin; thence

South 89 degrees 26 minutes 18 seconds East for a distance of 1292.64 feet, to an iron pin; thence

South for a distance of 495.71 feet, to the Point of Beginning.

## **EXHIBIT B**

### **RESTRICTIVE COVENANTS CONCERNING LANDFILL**

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WHEREAS, the Bilberry Family Limited Partnership, a Texas family limited partnership duly authorized to do business in Mississippi (herein after refer to as “Owner”) whose address is c/o Bilberry Exploration, 10120 Northwest Freeway, Suite 200, Houston, Texas 77092, is the Owner of that certain real property located in Madison County, Mississippi, is more particularly described on Exhibit “A” attached hereto and made a part hereof (the “Property”); and

WHEREAS, Owner, Madison County, Mississippi (the “County”) and a third party company have entered into an Agreement for the purpose of establishing a landfill on that Property; and

WHEREAS, the County has determined that the Property should be included in the Solid Waste Plan of Madison County, Mississippi, subject, however, to compensation to the County for locating a landfill in the County in the form of Host Fee; and

WHEREAS, Owner has agreed to burden the Property with restrictive covenants providing for Host Fees to compensate the County for any landfill located thereon.

NOW THEREFORE, Owner does hereby covenant and agree respecting the property that any landfill which shall be located on the Property, or any part thereof, for disposal of solid waste pursuant to the Solid Waste Management Act, Section 17-17-201 et seq. of the Mississippi Code will require Host Fees payable to Madison County for all solid waste disposed of on the Property as follows:

Up to 1,000 tons per day:	\$1.50 per ton
Over 1,000 tons per day:	\$2.00 per ton

The foregoing Host Fees shall be increased annually beginning one year after the date of the Restrictive Covenants by an amount equal to the percentage increase in the Consumer Price Index (“CPI”) for the preceding year. CPI shall mean the revised Consumer Price Index for all urban consumers, all items included, for the South Urban Region, based on the latest available

figures from the Department of Labor, Bureau of Labor statistics.

The Restrictive Covenants set forth herein shall be and constitute a burden on the Property from and after the date hereof and shall be covenants running with land, shall be binding on Owner and any successor owner of the Property, their heirs, representatives successors and assigns, and any operator or permittee of any landfill thereon, and shall be enforceable by specific performance and injunctive relief, as well as all other remedies afforded by law.

These Restrictive Covenants shall remain in force and effect for so long as the Solid Waste Plan for Madison County, Mississippi, as the same may be amended or modified, includes the Property therein.

WITNESS THIS THE \_\_\_\_\_ day of \_\_\_\_\_, 2003.

**BILBERRY FAMILY PARTNERSHIP**

**By: Bilberry Family Management Trust, General Partner**

**By: \_\_\_\_\_  
Charles G. Bilberry, Co-Trustee**

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for said county and state, on this \_\_\_\_ day of \_\_\_\_\_, 2003, within my jurisdiction, the within named Charles G. Bilberry, who acknowledged that he is Co-Trustee of the Bilberry Family Management Trust, and in said representative capacity for the Bilberry Family Management Trust acting as general partner of the Bilberry Family Limited Partnership for and on behalf of the said limited partnership, he executed the above and foregoing instrument, after first having been duly authorized so to do.

\_\_\_\_\_  
Notary Public

My Commission Expires:  
\_\_\_\_\_

**In the Matter of the Abandonment of County  
Right-of-Way on Property Owned by Glen T. Ray**

WHEREAS, the Board of Supervisors previously advertised a notice for a public hearing concerning the abandonment of a section of that county right-of-way over and above property owned by Glen T. Ray for at least two times, not less than two weeks prior to the date of said hearing, being December 5, 2003 at 10:00 a.m.; and

WHEREAS, the date and hour for said public hearing did arrive and the Board of Supervisors; and

WHEREAS, no one appeared and objected to the abandonment of said section and the Board of Supervisors did specifically make the following findings:

That the section of roadway sought to be abandoned will not provide primary access to occupied properties after an alternative route has been constructed by the State of Mississippi; and

That the traffic on this section of roadway for a period of at least ten (10) consecutive years has been intermittent and of such low volume that no substantial public purpose is being served thereby and that for a period of at least the previous five (5) consecutive years the Board of Supervisors has not maintained such section as a part of the county road system and that the public interest and convenience does not require the section of roadway to remain open to the public and that it is in the public interest and convenience to close and vacate and abandon this section of the roadway as described below.

Following discussion of this matter, Supervisor Paul Griffin moved and Supervisor Karl M. Banks seconded a motion to incorporate the previously stated findings by the Board of Supervisors into the minutes and to abandon a section of the county road system consisting of the following described property, to-wit:

A certain strip or parcel of land lying and being situated in the Northwest ¼ of Section 24, T7N, R1E, Madison County, Mississippi and more particularly described as follows:

Commence at the Northwest corner of said Section 24; thence run East for a distance of 733.4 feet to a point; thence South for a distance of 300.8 feet to a point; said point being the point of beginning of the property herein described; thence Southeasterly along a curve, with a radius of 35.0 feet for a distance of 55.0 feet to an iron pin; thence South 46 degrees 11 minutes East for a distance of 11.24 feet to a point; thence Southeasterly along a curve with a radius of 530.0 feet, for a distance of 175.76 feet to an iron pin; thence South 65 degrees 11 minutes East for a distance of 85.41 feet to an iron pin; thence Southeasterly along a curve, with a radius of 125.0 feet, for a distance of 151.63 feet to an iron pin; thence South 4 degrees 19 minutes West for a distance of 523.54 feet to an iron pin on the north right-of-way of Steed Road; thence North 78 degrees 35 minutes 10 seconds West along said right-of-way for a distance of 40.3 feet to an iron pin; thence North 4 degrees 19 minutes East for a distance of 518.58 feet to an iron pin; thence Northwesterly along a curve, with a radius of 85.0 feet, for a distance of 103.11 feet to an iron pin; thence North 65 degrees 11 minutes West for a distance of 85.41 feet to an iron pin; thence Northwesterly along a curve with a radius of 570.0 feet, for a distance of 189.02 feet to a point; thence North 46 degrees 11 minutes West for a distance of 11.24 feet to an iron pin; thence Northeasterly along a curve, with a radius of 35.0 feet, for a distance of 122.33 feet to the aforesaid point of beginning and containing 0.92 acres, more or less.

That said motion did further require the Road Manager of Madison County to post clearly visible signs at 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 Madison 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  
Supervisor Paul Griffin - District V

Voted: Aye  
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 5th day of December, 2003.

**In the Matter of the Amendment of the Planned Unit  
Development at Lake Caroline**

WHEREAS, Mr. Gary Cress, a member of Caroline Twenty-Two, LLC, appeared before the Board of Supervisors with a proposed site plan deviation for property located within the Lake Caroline Planned Unit Development area located in the S½ of Section 2 and the N½ of the N½ of Section 11, all in Township 8 North, Range 1 East, Madison County, Mississippi; and

WHEREAS, the Board reviewed the proposed deviation in the development plans under the Planned Unit Development Ordinance and determined that said deviations from the original plan were minor in scope and that a copy of the proposed plan changes as submitted by Caroline Twenty-Two, LLC is found in the miscellaneous file to these minutes.

Following additional discussion and review of the materials submitted by Caroline Twenty-Two, LLC, Supervisor Karl M. Banks moved and Supervisor Marc Sharpe seconded a motion to approve the deviation from the approved development plan at Lake Caroline, a Planned Unit Development, to reflect the changes as is found on the site plan prepared by Sterling Consultants, Inc., a copy of which is found in the miscellaneous file to these minutes, the Board having specifically determined that said deviation was minor in nature and that the changes requested were in the best interest of the citizens of Madison County and consistent with the original development plan for Lake Caroline, as amended. 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 5th day of December, 2003.

**In the Matter of a Petition for Rezoning Filed by  
Community First Development, Inc.**

WHEREAS, the Board of Supervisors did previously conduct and close a public hearing on the petition filed by Community First Development, Inc. seeking to rezone certain property in Madison County, Mississippi from R-1 Residential Use District Classification to R-2 Residential Use District Classification with a PUD Overlay; and

WHEREAS, the Board of Supervisors after reviewing said matter decided to continue the proceedings until 10:00 a.m. on Friday, December 12, 2003 for further consideration by this Board.

Following additional discussion of this matter, Supervisor W.T. "Bill" Banks moved and Supervisor Karl M. Banks seconded a motion to continue the consideration of the petition filed by Community First Development, Inc. as set forth above until Friday, December 12, 2003 at 10:00 a.m. The vote on said matter being 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 5th day of December, 2003.

**In the Matter of Conducting a Public Hearing on a  
Petition for a Variance Filed by Robert Lloyd**

WHEREAS, the Board of Supervisors did previously advertise its intent to conduct a public hearing on a petition for two variances filed by Robert Lloyd pursuant to Article 5, Section 504 of the Zoning Ordinance of Madison County, Mississippi requesting a variance to the required front side setback and the maximum buildable area in C-2 Highway Commercial District classification on property lying and being situated in Madison County, Mississippi and described as follows, to-wit:

Property located at Gluckstadt Road situated in Section 29, Township 8 North, Range 2 East, Madison County, Mississippi, further identified as being Tax Parcel No. 82I-29-014

WHEREAS, the date and hour as advertised did arrive and the Board of Supervisors opened a public hearing for consideration of the above described petition and received comment from the petitioner and determined that there were no objections to the petition as filed; and

WHEREAS, the matter was presented to the Board of Supervisors and after discussion thereof, Supervisor W.T. "Bill" Banks offered the following ordinance and moved that it be adopted, to-wit:

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI as follows, to-wit:

That the following described tract of real property be, and the same is hereby granted a variance to the required front side setback and the maximum buildable area in C-2 Highway Commercial District classification on property lying and being situated in Madison County, Mississippi described as follows, to-wit:

Property located at Gluckstadt Road situated in Section 29, Township 8 North, Range 2 East, Madison County, Mississippi, further identified as being Tax Parcel No. 82I-29-014

That the Madison County Zoning District Map be and the Land Use Plan and the same are hereby amended so as to reflect the foregoing variance for the above described real property.

That the Board does hereby specifically find as follows, to-wit:

That special conditions and circumstances exist which are peculiar to the land, structure or building involved in this variance which are not applicable to other lands, structures or buildings in the same district; and

That the literal interpretation of the provisions of the Zoning Ordinance of Madison County would deprive the petitioner of the rights commonly enjoyed by other properties in the same district under the terms of the Madison County Zoning Ordinance; and

That the special conditions and circumstances causing this request do not result from the actions of the applicant; and

That granting of the variance requested would not confer on the applicant any special privilege that is denied by the Zoning Ordinance of Madison County to other lands, structures or buildings in the same district; and

That the variance allowed by this Ordinance is the minimum variance that will make possible the reasonable use of the land, structure or building involved; and

That the Board of Supervisors does specifically find that the granting of said variance will be harmony with the general purpose and intent of the Madison County Zoning Ordinance and will not be injurious to the neighborhood or to the wise detrimental to the public welfare thereof.



That the motion for adoption was seconded by Supervisor Paul Griffin and the foregoing ordinance having been first reduced to writing was read, considered and approved, section by section and then as whole and was submitted to the Board of Supervisors for passage or rejection on a 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: 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 5th day of December, 2003.

**In the Matter of the Approval of a Tax Exemption  
for Natcom, Inc.**

**INTERIM RESOLUTION OF THE BOARD OF  
SUPERVISORS OF MADISON COUNTY, MISSISSIPPI,  
CONDITIONALLY GRANTING TO NATCOM, INC., AS A  
MANUFACTURER/PROCESSOR, AN ADDITIONS  
EXEMPTION FROM AD VALOREM PROPERTY TAXES FOR ITS 2002  
ADDITIONS, AS AUTHORIZED BY §27-31-105, *INTER ALIA*, OF THE  
MISSISSIPPI CODE OF 1972, AS AMENDED**

The Board next took up for consideration the matter of granting a certain tax exemption from ad valorem property taxes, and the following Interim Resolution, having first been reduced to writing, was introduced:

INTERIM RESOLUTION OF THE BOARD OF SUPERVISORS  
OF MADISON COUNTY, MISSISSIPPI, CONDITIONALLY  
GRANTING TO NATCOM, INC., AS A  
MANUFACTURER/PROCESSOR, AN ADDITIONS  
EXEMPTION FROM AD VALOREM PROPERTY TAXES FOR  
ITS 2002 ADDITIONS, AS AUTHORIZED BY §27-31-105,  
*INTER ALIA*, OF THE MISSISSIPPI CODE OF 1972, AS  
AMENDED

WHEREAS, this Board finds as a fact that:

**I.**

Natcom, Inc. ("**Natcom**"), by and through Stacy Holt, its Corporate Controller, timely filed, in triplicate and under oath, its written application and the written addendum ("**Addendum**") thereto of Bankers Direct Leasing, a division of EAB Leasing Corp. ("**Lessor**") subsequent thereto (collectively "**Application**") for exemption ("**Additions Exemption**") from ad valorem property taxation ("**Taxes**") pursuant to §27-31-105, *inter alia* ("**Statues**"), of the Mississippi Code of 1972, as amended.

**II.**

Natcom is engaged in the business of pager, advanced messaging, and cellular phone repair and refurbishing, operating a manufacturing/processing enterprise ("**Enterprise**") at its facility ("**Facility**") located at 222 Marketridge Drive in unincorporated Madison County ("**County**"), State of Mississippi ("**State**"), within the meaning of, and as enumerated in, the Statues, using land, buildings, building improvements, furniture and fixtures, and machinery and equipment located in the County.

**III.**

Natcom completed certain additions to/at the Facility in 2002 ("**2002 Additions**"). The 2002 Additions consisted of certain real property improvements, machinery and equipment, and furniture and fixtures owned by Natcom, as well as certain equipment owned by Lessor, leased by Lessor to Natcom under a certain Master Lease Agreement ("**Lease**"), and used by Natcom in its Enterprise at the Facility.

**IV.**

As a result, title to certain items of the 2002 Additions is actually held by Lessor as the owner/lessor, with such portion of the 2002 Additions being leased by Lessor to Natcom for use in the Facility, and title to certain other items of the 2002 Additions is actually held by Natcom as the owner of a portion of the 2002 Additions comprising part of the Facility. Consequently, the 2002 Additions, for all purposes of the Application and this Interim Resolution, consist both of items of tangible property in which Natcom has a leasehold interest but which are owned by Lessor as the owner/lessor and leased to Natcom and of items of tangible property which are

actually owned by Natcom and which are not owned by Lessor as the owner/lessor and are not leased to Natcom

## V.

While the Lessor has included such leased equipment on its personal property tax assessment to the Tax Assessor of the County ("**Assessor**") and will pay the Taxes on the leased equipment directly to the County, pursuant to the Lease, Natcom is required to reimburse the Lessor for Taxes paid by the Lessor on the leased equipment. Therefore, even though title to such leased equipment remains in the name of Lessor, Natcom bears the ultimate responsibility and burden for the payment of any and all Taxes with respect to the lease equipment.

## VI.

The Statutes authorize and empower this Board, in its discretion and in addition to all other exemptions granted by the laws of the State, to grant an Additions Exemption from Taxes on tangible property which is located in the County and used in connection with, or necessary to, the operation of the enterprises described in the classes enumerated therein, specifically including manufacturers and processors, except that the Additions Exemption does not extend to Taxes on the products of such enterprises or to Taxes on automobiles and trucks belonging to such enterprises and operating on or over the highways of the State (collectively "**Eligible Property**"), or to any State Taxes or to Taxes for school district purposes ("**School Taxes**"). In addition, a lessee of Eligible Property owned by the lessor but utilized by the lessee in an enterprise qualifying for an Additions Exemption may be granted an Additions Exemption based upon the lessee's qualifying use of the Eligible Property in its enterprise where the lessee is leasing such Eligible Property from the lessor under a lease which obligates the lessee to pay any Taxes on such leased Eligible Property. Therefore, as authorized by the Statutes, the interests of Natcom and Lessor in the 2002 Additions to/at the Facility qualify as Eligible Property used in connection with, or necessary to, the operation of the Enterprise and may, in the discretion of this Board, be exempt from all Taxes imposed thereon by the County, but specifically excepting School Taxes and any State Taxes.

## VII.

The 2002 Additions contributed to an increase in employment at the Facility of approximately seventy (70) full-time employees during 2002 and in an aggregate annual payroll increase for 2002 of approximately One Million Seven Hundred Fifty Thousand Dollars (\$1,750,000). Therefore, the 2002 Additions assisted in an increase in employment and payroll at the Facility and in the retention of the existing jobs and payroll at the Facility, as well as in creation of other ancillary jobs in the County (collectively "**County Jobs**"), through which Natcom has already made and will continue to make a major contribution and commitment to the economic development of the County.

## VIII.

The Eligible Property comprising the 2002 Additions used in connection with, or necessary to, the operation of Natcom's manufacturing/processing enterprise, which is to be exempted by the Additions Exemption and which does not include any products of Natcom or any automobiles and trucks of Natcom operating on and over the highways of the State, is described in Exhibit "A" attached hereto, incorporated herein by reference, and expressly made a part hereof for all purposes to be exempted is Six Hundred Eighty-Seven Thousand Eight Hundred Twenty-Three Dollars and Four Cents (\$687,823.04) as itemized as required by the Statutes in Exhibit "A", which Natcom thus making both a significant additional capital investment in the County and an additional major contribution to the economic development of the County through the 2002 Additions to/at its Facility in the County (collectively with the County Jobs, "**Economic Impact**").

## IX.

The 2002 Additions were completed, and operation of the 2002 Additions was begun, during 2002. The Statues require that the application for the Additions Exemption be filed on or

before June 1<sup>st</sup> of the year immediately following the year of completion of the additions, *i.e.*, more particularly, June 1, 2003 for the 2002 Additions. Pursuant to the Statutes, the Application was timely filed in order for the Additions Exemption to be effective January 1, 2003 (“**Commencement Date**”) with respect to the 2002 Additions.

**X.**

Therefore, Natcom respectfully requested that this Board, in recognition of the fact that the industrial development tax incentives, in the form of the Additions Exemption, constituted an inducement to Natcom, and thus played a major role in Natcom’s decision, to make the 2002 Additions to/at its Facility in the County, grant to Lessor and Natcom an Additions Exemption from all such Taxes, excepting any State Taxes and School Taxes, imposed by the County on the Eligible Property utilized in the 2002 Additions to/at the Facility.

**XI.**

Under the Statutes the maximum term of the Additions Exemption for the 2002 Additions is a period of ten (10) years. Therefore, Natcom requested this Board grant such Additions Exemption for the 2002 Additions for a period of ten (10) years, with such Additions Exemption for the 2002 Additions to begin with the Commencement Date and continue for a period of ten (10) years thereafter (“**Term**”) until December 31, 2012 (“**Termination Date**”).

**XII.**

Sufficient consideration in the form of the Economic Impact and certain other good and valuable nonmonetary consideration (collectively “**Consideration**”) has been and will be received by the County from Natcom to support the approval of the granting by the County of the Additions Exemption to Natcom for the 2002 Additions.

**XIII.**

The Enterprise is providing and will provide employment and a payroll at the Facility in the County, and this Board should acknowledge Natcom’s contribution and commitment to the economic development of the County by exercising its discretionary authority to grant to Natcom such Additions Exemption for the Eligible Property comprising the Additions to/at the Facility for the Term.

**XIV.**

The Madison County Economic Development Authority (“**Developer**”) has renewed and approved the Application and has recommended to this Board that the Additions Exemption requested by Natcom in the Application of its 2002 Additions should be granted.

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of Madison County, Mississippi, that, in recognition of its above findings and the Consideration, this Board hereby:

(A) Finds that the 2002 Additions to the Facility were in fact made to a bona fide enterprise described in a class of enterprises enumerated by the Statutes, being, more specifically, a manufacturing/processing enterprise, and were completed in 2002 with the meaning of the Statutes;

(B) Finds that this Board recognizes and acknowledges that the Additions Exemption available to Natcom constituted an inducement to Natcom and thus played a major role in Natcom’s decision to make the 2002 Additions to/at the Facility in the County;

(C) Finds further that Natcom is a manufacturer/processor which is also eligible for an Additions Exemption from all Taxes imposed by the County on the

Eligible Property, excepting State Taxes and School Taxes, in an amount to be determined annually by the appropriate taxing authorities, as provide by Mississippi law, for a period of ten (10) years commencing with the Commencement Date, continuing for the Term, and ending on the Termination Date;

(D) Finds further that the financial ability, technical qualifications, and business experience of Natcom are such that the 2002 Additions to the Facility will promote the industrialization of the County and State, will supply employment to the citizens of the County and State, and will promote the development of the County and surrounding community; that the Developer and all other appropriate County authorities to this Board that the Additions Exemption requested by Natcom in the Application for its 2002 Additions should be granted;

(E) Approves conditionally, subject to the appropriate investigation, approval, and certification by the Mississippi State Tax Commission (“**Commission**”), the Additions Exemption for the Eligible Property comprising the 2002 Additions requested in the Application for a period of ten (10) yeas, beginning with the Commencement Date and continuing for the Term until the Termination Date, for the Eligible Property described in Exhibit “A” used in connection with, or necessary to, the operation of the Facility in the County;

(F) Finds that Exhibit “A” attached hereto and found in the miscellaneous file to these minutes contains an itemized listing of the true value of all Eligible Property to be exempted, as required by the Statutes;

(G) Directs that the original and three (3) certified copies of the filed Application and a certified transcript of this conditional approval by this Board of the Application, including a certified transcript of this Interim Resolution of approval thereof, be forwarded to the Ad Valorem Division of the Commission within thirty (30) days of the date of the certified transcript of this Interim Resolution, in order for the Commission to investigate and determine that the Eligible Property is eligible for exemption under, and should be exempted in accordance with, the Statutes; and that a certified copy of the filed Application and a certified transcript of this conditional approval by this Board of the Application, including this Interim Resolution of approval thereof, also be forwarded to the Assessor;

(H) Declares the intention and agreement of this Board, upon approval of the Application by the Commission and receipt by the County of the certificate of approval of the Commission, to enter order on its Minutes:

- (i) declaring that the Eligible Property is exempt under the Additions Exemption and establishing the Commencement Date and Termination Date;
- (ii) actually and finally granting to Lessor and Natcom the Additions Exemption applied for in the Application by Natcom for the 2002 Additions to/at the Facility;
- (iii) requesting that the Assessor take all necessary and appropriate actions in preparation of the tax rolls necessary to implement such Additions Exemption, beginning with the Commencement Date and continuing for the Term and until the Termination Date thereof, including making appropriate notations on the tax rolls so that the Eligible Property will be treated as provided for in such final order and in the Statutes; and
- (iv) directing the Clerk of this Board to record the final order approving the Application in a book kept in the Clerk’s office for such purposes; to file one (1) copy of the Application, this Interim Resolution, and the final order approving the Application with the State Auditor of Public Accounts; and to file one (1) copy of the

final order approving the Application with both the Commission and the Assessor; and

(I) Directs the Clerk of this Board to record the Application, together with this Interim Resolution approving the Application, in the Minutes of this Board.

After a full discussion of this matter, Supervisor W.T. "Bill" Banks moved that the foregoing Interim Resolution be adopted (a copy of which is found in the miscellaneous file to these minutes), and said motion was seconded by Supervisor Marc Sharpe. The President of the Board then put the question to a roll call vote, and 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: 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 5th day of December, 2003.

**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:

Tony McBride – 2001 Loring Road  
Eddie Reeves – 119 Beaufort Circle  
Mike Kirkpatrick – 560 N. Old Canton Road  
Cindy Lloyd – 554 N. Old Canton Road  
Carl Whittington – 175 Sweetright Road

Following review and discussion, Supervisor W.T. “Bill” Banks moved and Supervisor Paul Griffin seconded 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 5th day of December, 2003.

**In the Matter of Approval of the Work Order Update Report for the Road Department and Approval of September and October Monthly Reports**

WHEREAS, the Road Department did present to the Board of Supervisors the Work Order Update Report (a copy of said report is found in the miscellaneous file to these minutes); and

WHEREAS, the Road Department did further present unto the Board of Supervisors the Monthly Reports for the months of September and October (a copy of said reports are found in the miscellaneous file to these minutes).

Following review and discussion of said matter, Supervisor Karl M. Banks moved and Supervisor W.T. “Bill” Banks seconded a motion to accept and to further approve the Work Order Update Report and the September and October Monthly Reports from the Madison County Road Department and that copies of said reports are found in the miscellaneous file to these minutes. 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 5th day of December, 2003.

**In the Matter of Acknowledging the Receipt of Fire Protection Services Agreements**

WHEREAS, the Board of Supervisors received a copy of the Fire Protection Agreement from the South Madison County Fire Protection District, Farmhaven Fire Protection District and the Town of Flora Fire Department District, all agreeing to respond to fires and other emergencies normally responded to by their departments in areas of Madison County whose location is within five miles of fire station, and that a copy of said Fire Protection Agreements are found in the miscellaneous file to three minutes.

Following additional discussion of this matter, Supervisor Karl M. Banks moved and Supervisor W.T. "Bill" Banks seconded a motion to authorize the Board President to execute the Fire Protection Service Agreements with the South Madison County Fire Protection District, the Farmhaven Fire Protection District and the Town of Flora Fire Department District and to appropriate the sums due said fire protection districts according to the terms of said agreements. 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 5th day of December, 2003.

**In the Matter of the Consideration of a Petition for Reduction in Assessment of Taxes**

WHEREAS, Mr. Todd Cameron presented a petition for reduction in assessment in the amount of \$5,920.00 which was as follows, to-wit:

<u>Name</u>	<u>Parcel No.</u>	<u>Amount</u>	<u>Reason</u>
Phillip Browning Est	072D-17A-058	\$5,920.00	MS Code §27-35-143(11)

Following additional discussion of this matter, Supervisor W.T. "Bill" Banks moved and Supervisor Marc Sharpe seconded a motion to approve the reduction in tax assessments as requested by the taxpayer in the amount and for the reason as set forth above and that a copy of said petition is 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 5<sup>th</sup> day of December, 2003.



**In the Matter of Approving a Name Change for Parcel No. 081F-13-013**

WHEREAS, Mr. Todd Cameron appeared before the Board of Supervisors and presented a correction to the assessment for Parcel No. 081F-13-013 to reflect the current owner's name to be Lake Caroline, Inc. for the 2003 taxes currently due per the request of the Tax Collector.

Following additional discussion of this matter, Supervisor Karl M. Banks moved and Supervisor Paul Griffin seconded a motion to approve the change of name for tax parcel 081F-13-013 to reflect the true ownership of said property being in Lake Caroline, Inc., and a copy of said memo from Todd Cameron is 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 5th day of December, 2003.

**In the Matter of Approving a Correction to a Homestead Exemption on Property Owned by Mark & Betty Williamson**

WHEREAS, Mr. Todd Cameron appeared before the Board of Supervisors and presented a memorandum, a copy of which is found in the miscellaneous file to these minutes, recommending that the homestead exemption of Mark & Betty Williamson on parcel number 071E-22-013/02.21 be corrected to show the true value of the homestead credit to be \$300.00 as opposed to \$1.00 and that he further recommended that the Tax Assessor and Chancery Clerk submit an amended homestead form to correct the records at the State Tax Commission.

Following additional discussion of this matter, Supervisor Karl M. Banks moved and Supervisor Paul Griffin seconded a motion to correct the homestead exemption as set forth above and to notify the State Tax Commission as set forth above, and that a copy of the memorandum from Todd Cameron is 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 5th day of December, 2003.

**In the Matter of Acknowledging the Refund of Taxes to Ms. Neoma Davis**

WHEREAS, Todd Cameron appeared before the Board of Supervisors and presented a request for the authorization of the Tax Collector to make a tax refund to Ms. Neoma Davis due to the double assessment of taxes and that the lot was combined with another lot not owned by Ms. Davis on Parcel No. 093C-07D-090; and

WHEREAS, the Board of Supervisors reviewed said matters and determined that Ms. Davis was due a refund for Parcel No. 093C-07D-090 set forth above in the amount of \$65.20 for 2001 and \$103.01 for 2002, and that a copy of the memorandum and other documentation regarding this refund is found in the miscellaneous file to these minutes.

Following additional discussion of this matter, Supervisor Karl M. Banks moved and Supervisor Paul Griffin seconded a motion to authorize the refund from the Madison County Tax Collector in the total amount of \$168.21 to Ms. Neoma Davis for the reasons as stated above, and that a copy of the memorandum and other documentation are 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 5th day of December, 2003.

**In the Matter of Acknowledging the Refund of Taxes to Ms. Arkela Brent**

WHEREAS, Todd Cameron appeared before the Board of Supervisors and presented a request for the authorization of the Tax Collector to make a tax refund to Ms. Arkela Brent being Parcel No. 82A-01-052 due to the house being incorrectly placed on the tax rolls for the tax year 2002 due to the fact that the house was not complete at the beginning of 2002; and

WHEREAS, the Board of Supervisors reviewed said matters and determined that Ms. Brent was due a refund for Parcel No. 82A-01-052 set forth above in the amount of \$1,149.35, and that a copy of the memorandum and other documentation regarding this refund is found in the miscellaneous file to these minutes.

Following additional discussion of this matter, Supervisor Karl M. Banks moved and Supervisor W.T. "Bill" Banks seconded a motion to authorize the refund from the Madison County Tax Collector in the amount of \$1,149.35 to Ms. Arkela Brent for the reasons as stated above, and that a copy of the memorandum and other documentation are 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 5th day of December, 2003.

**In the Matter of Acknowledging the Refund of Taxes to  
Ms. Emmie Simpson**

WHEREAS, Todd Cameron appeared before the Board of Supervisors and presented a request for the authorization of the Tax Collector to make a tax refund to Ms. Emmie Simpson due to the property being taxed for improvements when it is a vacant lot on Parcel No. 102G-36-011/01.12; and

WHEREAS, the Board of Supervisors reviewed said matters and determined that Ms. Simpson was due a refund for Parcel No. 102G-36-011/01.12 as set forth above in the amount of \$886.49, and that a copy of the memorandum and other documentation regarding this refund is found in the miscellaneous file to these minutes.

Following additional discussion of this matter, Supervisor Paul Griffin moved and Supervisor Karl M. Banks seconded a motion to authorize the refund from the Madison County Tax Collector in the total amount of \$886.49 to Ms. Emmie Simpson for the reasons as stated above, and that a copy of the memorandum and other documentation are 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 5<sup>th</sup> day of December, 2003.

**In the Matter of the Consideration of Petitions for  
Reduction in Assessment of Taxes**

WHEREAS, Mr. Todd Cameron presented petitions for reduction in assessment in the amount of \$323,989.00 which was as follows, to-wit:

<u>Name</u>	<u>Parcel No.</u>	<u>Amount</u>	<u>Reason</u>
Lula Covington LP	092F-13C-157	\$41,149.00	MS Code §27-35-143(2)
Jordan Atlanta Harris	071G-36D-051/02	\$63,052.00	MS Code §27-35-143(2)
Southeastern Automatic Sprinkler	082I-29-010/09	\$7,059.00	MS Code §27-35-143(2)
William Bacon et al	072I-31C-007	\$54,910.00	MS Code §27-35-143(2)
Delbert Hoseman Jr.	072I-31C-010.01	\$23,914.00	MS Code §27-35-143(2)
Fowler Real Estate LP	072I-30D-001	\$239,858.00	MS Code §27-35-143(2)
Ridgeland Construction One	072H-33C-097	\$294,287.00	MS Code §27-35-143(2)
Catherine B. Paine	082I-30-001/04	\$8,466.00	MS Code §27-35-143(2)
Acie & Patricia Whitlock Jr	071F-14A-019	\$8,397.00	MS Code §27-35-143(2)
Emmie Simpson	102G-36-011/01.12	\$12,047.00	MS Code §27-35-143(11)
Catherine B. Paine	082I-30-001/04	\$3,651.00	MS Code §27-35-143(2)
Charles & Catherine Paine	082I-30-001/02	\$39,866.00	MS Code §27-35-143(11)
Paul Griffin	105C-08-023/01	\$1,290.00	MS Code §27-35-143(11)
Floyce & Paula Goodin	071C-06D-066/01	\$2,686.00	MS Code §27-35-143(2)
Harold G. Corbin	072C-06B-040	\$2,250.00	MS Code §27-35-143(2)
Harold G. Corbin	072B-10D-040/74	\$85.00	MS Code §27-35-143(2)
Mary Ella McDonald	071B-03-042/01	\$6,535.00	MS Code §27-35-143(2)
Gulf South Medical LLC	071G-35B-031/07	\$238,517.00	MS Code §27-35-143(13)
Andrew & Sherry Meltzer	072E-16B-162	\$10,370.00	MS Code §27-35-143(11)
Henri C. Fuselier	072A-11B-010/01.34	\$6,262.00	MS Code §27-35-143(11)
Barney Davis III et ux	072C-06C-116/01.16	\$1,762.00	MS Code §27-35-143(2)
Catherine L. David	072B-10D-040/85.02	\$6,814.00	MS Code §27-35-143(2)
Luther Rayford	105C-08-019/01	\$3,256.00	MS Code §27-35-143(11)
Bear Creek Water Assoc.	072B-10A-012/03	\$645.00	MS Code §27-35-143(13)

Following additional discussion of this matter, Supervisor Karl M. Banks moved and Supervisor Marc Sharpe seconded a motion to approve the reduction in tax assessments as requested by the taxpayers in the amounts and for the reasons as set forth above and that copies of said petitions are 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: Absent

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 5<sup>th</sup> day of December, 2003.

**In the Matter of the Rezoning of Certain Land Owned by  
C.L. and Vimla Rai Situated in Section 21, Township 8  
North, Range 2 East, Madison County, Mississippi**

**ORDER REZONING AND RECLASSIFYING REAL PROPERTY  
FROM CLASSIFICATION OF R-1 RESIDENTIAL ESTATE DISTRICT  
TO CLASSIFICATIONS OF C-2 HIGHWAY COMMERCIAL DISTRICT  
AND C-1A RESTRICTED COMMERCIAL DISTRICT**

WHEREAS, on September 15, 2003, C. L. Rai and Vimla Rai, Petitioners, filed with the Board of Supervisors of Madison County, Mississippi, a Petition to Rezone and Reclassify Real Property; and

WHEREAS, in the said Petition, the Petitioners sought to rezone and reclassify a tract or parcel of land (“subject property”) situated in Section 21, Township 8 North, Range 2 East, Madison County, Mississippi, and consisting of 34.76 acres, more or less, from a classification of R-1 Residential Estate District to a classification of C-2 Highway Commercial District; and

WHEREAS, the subject property is located generally at the northwest corner of the intersection of Interstate Highway 55 with Gluckstadt Road and is bordered on the west by Church Road; and

WHEREAS, the subject property is part of a 44.76-acre tract of land owned by the Petitioners, with ten of those 44.76 acres already being zoned C-2 Highway Commercial District; and

WHEREAS, the Petitioners were seeking to rezone the 34.76-acre subject property so that all of their land would be in the same zoning classification of C-2 Highway Commercial District; and

WHEREAS, the subject property, consisting of 34.76 acres, more or less, is described as follows:

A parcel of land lying and being situated in the South Half (S 1/2) of the Southwest Quarter (SW 1/4) of Section 21, Township 8 North, Range 2 East, Madison County, State of Mississippi, and more particularly described as follows:

Commence at the Southwest corner of Section 21, Township 8 North, Range 2 East, and run thence North for a distance of 1,165.4 feet; run thence South 88 degrees 03 minutes East for a distance of 12.00 feet to the POINT OF BEGINNING of the parcel herein described; from said POINT OF BEGINNING, run thence South 88 degrees 03 minutes East for a distance of 671.12 feet; run thence North for a distance of 186.07 feet; run thence North 89 degrees 26 minutes East for a distance of 1,350.87 feet to the west right-of-way line of Interstate Highway 55; run thence the following bearings and distances along the said west right-of-way line: South 25 degrees 31 minutes West for a distance of 20.83 feet; South 29 degrees 27 minutes West for a distance of 803.89 feet; South 43 degrees 29 minutes West for a distance of 618.35 feet; South 63 degrees 00 minutes West for a distance of 287.08 feet to the north right-of-way line of Gluckstadt Road; run thence the following bearings and distances along the said north right-of-way line: South 89 degrees 21 minutes West for a distance of 500.15 feet; South 00 degrees 24 minutes East for a distance of 25.00 feet; South 89 degrees 21 minutes West for a distance of 432.44 feet to the east right-of-way line of Church Road; run thence North 00 degrees 11 minutes West along the east right-of-way line for a distance of 1,156.80 feet to the POINT OF BEGINNING, containing 44.76 acres, more or less.

LESS AND EXCEPT that portion of the above-described parcel, located at the southeast corner thereof, which is currently zoned C-2 Highway Commercial District under the Madison County Zoning Ordinance; and

WHEREAS, the Petition was set for a public hearing before the Madison County Planning Commission on October 16, 2003; and

WHEREAS, notice of that public hearing was published in accordance with law; and

WHEREAS, after conducting a public hearing on October 16, 2003, the Madison County Planning Commission recommended that the Petition be approved, subject to certain conditions; and

WHEREAS, the Board of Supervisors of Madison County thereupon subsequently scheduled a public hearing for November 21, 2003, to consider the Petition and the recommendation of the Madison County Planning Commission; and

WHEREAS, notice of that public hearing was published in accordance with law; and

WHEREAS, the Board of Supervisors of Madison County conducted a public hearing on November 21, 2003, and at the conclusion of the public hearing tabled the matter for further consideration; and

WHEREAS, the Board of Supervisors of Madison County resumed consideration of the matter at a meeting held on December 5, 2003; and

WHEREAS, at the meeting held on December 5, 2003, the Petitioners, acting by and through their attorney, orally amended the Petition so as to seek to rezone the western 250 feet of the subject property, running along the east right-of-way line of Church Road, to a classification of C-1A Restricted Commercial District rather than C-2 Highway Commercial District; and

WHEREAS, the Petitioners, acting by and through their attorney, further agreed to place and maintain a landscaped buffer area 40 feet in width adjacent to the east right-of-way line of Church Road and within that portion of the subject property to be rezoned to a classification of C-1A Restricted Commercial District; and

WHEREAS, the Petitioners, acting by and through their attorney, further agreed to place on that portion of the subject property to be rezoned to a classification of C-2 Highway Commercial District a restrictive covenant prohibiting that portion from being used for (a) automotive and related repair shops, body shops, automotive and related sales and servicing, and (b) carpenter shops, electrical, plumbing and heating shops, furniture upholstery and similar establishments, which would ordinarily be permitted uses in the C-2 Highway Commercial District under Section 402.7-2(5)-(6) of the Madison County Zoning Ordinance; and

WHEREAS, the Board of Supervisors of Madison County finds that the Petitioners have proved that there has been substantial change in the character of the general area justifying the requested rezoning; and

WHEREAS, the Board of Supervisors of Madison County further finds that there is a public need for the requested rezoning; and

WHEREAS, the Board of Supervisors of Madison County further finds that it would be in the best interest of Madison County that the subject property be rezoned to classifications of C-2 Highway Commercial District and C-1A Restricted Commercial District, in accordance with the amended Petition, subject to the condition of a landscaped buffer zone and subject to the restrictive covenant mentioned above; and

WHEREAS, the Board of Supervisors of Madison County further finds that all legal requirements for the rezoning of the subject property have been met,

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

Section 1. The eastern portion of the subject property, consisting of all of the subject

property except for a 250-foot wide strip lying along the eastern right-of-way line of Church Road, which eastern portion consists of 28.121 acres, more or less, and is described as follows:

A parcel of land lying and being situated in the South Half (S 1/2) of the Southwest Quarter (SW 1/4) of Section 21, Township 8 North, Range 2 East, Madison County, State of Mississippi, and more particularly described as follows:

Commence at the Southwest corner of Section 21, Township 8 North, Range 2 East, and run thence North for a distance of 1,165.4 feet; run thence South 88 degrees 03 minutes East for a distance of 12.00 feet; run thence South 88 degrees 03 minutes East for a distance of 250 feet to the POINT OF BEGINNING of the parcel herein described; from said POINT OF BEGINNING, run thence South 88 degrees 03 minutes East for a distance of 421.12 feet; run thence North for a distance of 186.07 feet; run thence North 89 degrees 26 minutes East for a distance of 1,350.87 feet to the west right-of-way line of Interstate Highway 55; run thence the following bearings and distances along the said west right-of-way line: South 25 degrees 31 minutes West for a distance of 20.83 feet; South 29 degrees 27 minutes West for a distance of 803.89 feet; South 43 degrees 29 minutes West for a distance of 618.35 feet; South 63 degrees 00 minutes West for a distance of 287.08 feet to the north right-of-way line of Gluckstadt Road; run thence the following bearings and distances along the said north right-of-way line: South 89 degrees 21 minutes West for a distance of 500.15 feet; South 00 degrees 24 minutes East for a distance of 25.00 feet; South 89 degrees 21 minutes West for a distance of 182.44 feet; run thence North 00 degrees 11 minutes West and parallel with the east right-of-way line of Church Road for a distance of 1,156.80 feet to the POINT OF BEGINNING.

LESS AND EXCEPT that portion of the above-described parcel, located at the southeast corner thereof, which is currently zoned C-2 Highway Commercial District under the Madison County Zoning Ordinance,

is hereby rezoned from a classification of R-1 Residential Estate District to a classification of C-2 Highway Commercial District.

Section 2. The western portion of the subject property, being a 250-foot-wide strip lying along the east right-of-way line of Church Road, which western portion consists of 6.639 acres, more or less, and is described as follows:

A parcel of land lying and being situated in the South Half (S 1/2) of the Southwest Quarter (SW 1/4) of Section 21, Township 8 North, Range 2 East, Madison County, State of Mississippi, and more particularly described as follows:

Commence at the southwest corner of Section 21, Township 8 North, Range 2 East, and run thence North for a distance of 1,165.4 feet; run thence South 88 degrees 03 minutes East for a distance of 12.00 feet to a point on the east right-of-way line of Church Road and the POINT OF BEGINNING of the parcel herein described; from said POINT OF BEGINNING, run thence South 88 degrees 03 minutes for a distance of 250 feet; run thence South 00 degrees 11 minutes East and parallel with the east right-of-way line of Church Road for a distance of 1,156.80 feet to a point on the north right-of-way line of Gluckstadt Road; run thence South 89 degrees 21 minutes West along the north right-of-way line of Gluckstadt Road for a distance of 250 feet to the east right-of-way line of Church Road; run thence North 00 degrees 11 minutes West along the east right-of-way line of Church Road for a distance of 1,156.80 feet to the POINT OF BEGINNING,

is hereby rezoned from a classification of R-1 Residential Estate District to a classification of C-1A Restricted Commercial District.

Section 3. The rezoning of the western portion of the subject property to a classification of C-1A Restricted Commercial District is made subject to the condition that the Petitioners or

their successors in title place and maintain within the western portion of the subject property a landscaped buffer zone 40 feet in width, which buffer zone will lie immediately adjacent to the east right-of-way line of Church Road.

Section 4. The rezoning of the eastern portion of the subject property to a classification of C-2 Highway Commercial District is made subject to the condition that the Petitioners place on the eastern portion of the subject property a restrictive covenant prohibiting the subject property from being used for (a) automotive and related repair shops, body shops, automotive and related sales and servicing, and (b) carpenter shops, electrical, plumbing and heating shops, furniture upholstery and similar establishments, which uses are ordinarily permitted within the C-2 Highway Commercial District, but which uses would be inappropriate for the eastern portion of the subject property.

Section 5. The Zoning Administrator is ordered and directed to modify the Official Zoning Map of Madison County to indicate that the eastern portion of the subject property, consisting of 28.121 acres, more or less, has been rezoned to a classification of C-2 Highway Commercial District and that the western portion of the subject property, consisting of 6.639 acres, more or less, has been rezoned to a classification of C-1A Restricted Commercial District, all as set forth above.

Following additional discussion of this matter, Supervisor Karl M. Banks moved and Supervisor Paul Griffin seconded a motion to rezone the above described property as set forth above, and that a copy of the Order, Restrictive Covenants and other documentation are 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 5<sup>th</sup> day of December, 2003.



**In the Matter of Approving a Supplemental Agreement on  
State Aid Project No. BR-0045(19)BO**

WHEREAS, Mr. Joe Johnson, State Aid Engineer, appeared before the Board of Supervisors and requested the Board to approve the Supplemental Agreement with Glynn W. Leonard, Inc. on state aid project no. BR-0045(19)BO in Madison County, Mississippi, and that a copy of said agreement is found in the miscellaneous file to these minutes.

Following additional discussion of this matter, Supervisor W.T. "Bill" Banks moved and Supervisor Marc Sharpe seconded a motion to approve the Supplemental Agreement to add filter fabric to the above referenced state aid project on Barnes and Matlock Roads in Madison County, Mississippi per the recommendation of the State Aid Engineer and that a copy of said Supplemental Agreement dated April 24, 2003 is 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: Absent
Supervisor Paul Griffin - District V	Voted: Absent

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 5th day of December, 2003.

**In the Matter of Accepting a Project for Maintenance Being  
Project No. SAP-45(48)**

**ORDER OF THE BOARD OF SUPERVISORS OF MADISON COUNTY ACCEPTING  
THE CONTRACT FOR STATE AID  
PROJECT NO. SAP-45(48)**

WHEREAS, the Board of Supervisors of Madison County, Mississippi awarded a contract to Dickerson & Bowen, Inc., known as State Aid Project No. SAP-45(48).

WHEREAS, the Madison County Engineer and the State Aid Engineer advise that they consider the construction portion of this contract to have been completed according to all its provisions and recommend that the Contractor be released from further maintenance responsibilities.

NOW, THEREFORE, IT IS HEREBY ORDERED by this Board that the contractor for the project designated above, be released from further maintenance responsibility under the contract, effective September 24, 2001.

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

Following discussion of this matter, Supervisor W.T. "Bill" Banks moved and Supervisor Marc Sharpe seconded a motion to accept an Order for maintenance on State Aid Project BR-0045(48), and that a copy of said order is 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: Absent
Supervisor Paul Griffin - District V	Voted: Absent

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 5th day of December, 2003.

**In the Matter of Authorizing the Board President to Execute a Special Use Permit for the United States Department of the Interior for a Bridge Project on Old Canton Road at Brashier’s Creek in Madison County**

WHEREAS, the Board of Supervisors received a Special Use Permit from the United States Department of the Interior for the construction and replacement of a bridge on Old Canton Road at Brashier’s Creek in Madison County, Mississippi near mile marker 103 on the Natchez Trace Parkway.

Following additional discussion of this matter, Supervisor Marc Sharpe moved and Supervisor W.T. “Bill” Banks seconded a motion to authorize the Board President to execute the Special Use Permit as set forth above for the construction of a replacement bridge on Old Canton Road, and that copies of Special Use Permit are 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: Absent
Supervisor Paul Griffin - District V	Voted: Absent

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 5th day of December, 2003.

**In the Matter of Acknowledging the Receipt of Construction Plans on the McClellan/Ridgecrest Bridge Project**

WHEREAS, Mr. Rudy Warnock with Warnock & Associates appeared before the Board of Supervisors and presented a set of construction plans on the McClellan/Ridgecrest Bridge project for the Board’s review.

Following additional discussion of this matter, Supervisor Marc Sharpe moved and Supervisor W.T. “Bill” Banks seconded a motion to acknowledge receipt of the construction plans on the McClellan/Ridgecrest Bridge project in Madison County, MS, and that copies of said construction plans are 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: Absent
Supervisor Paul Griffin - District V	Voted: Absent

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 5th day of December, 2003.

**In the Matter of the Approval of Utility Permits**

WHEREAS, Mr. Rudy Warnock with Warnock & Associates, LLC did present unto the Board of Supervisors the following Utility Permits:

Bellsouth Telecommunications – to place cable for services on Weisenberger Road

Entergy – to construct on Abernathy Road

Following additional discussion of this matter, Supervisor W.T. “Bill” Banks moved and Supervisor Marc Sharpe seconded a motion to approve the President signing the Utility Permits for Bellsouth and Entergy as set forth above per the terms contained in said permits, copies of which are 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: Absent
Supervisor Paul Griffin - District V	Voted: Absent

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 5th day of December, 2003.

**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 – Phillip Douglas Morgan and wife, Christy Marie Morgan  
located as Lot 42, Livingston Subdivision, Part I  
Madison County, Mississippi  
Term of Lease - 40 years

<u>Year</u>	<u>Annual Rent</u>
1-5	\$674.00
6-10	\$741.40
11-15	\$808.80
16-20	\$876.20
21-25	\$943.60
26-30	\$1,011.00
31-35	\$1,078.40
36-40	\$1,145.80

Lessee – Andy L. Swanner and wife, Amy W. Swanner  
located as Lot 16, Woodbury Park Subdivision  
Madison County, Mississippi  
Term of Leases – 40 years

<u>Year</u>	<u>Annual Rent</u>
1-5	\$556.00
6-10	\$611.60
11-15	\$667.20
16-20	\$722.80
21-25	\$778.40
26-30	\$834.00
31-35	\$889.60
36-40	\$945.20

Lessee – Carl Stokes and wife, Dorothy Boyd Stokes  
located as Lot 44, Calumet Subdivision, Part Four  
Madison County, Mississippi  
Term of Leases – 40 years

<u>Year</u>	<u>Annual Rent</u>
1-5	\$438.00
6-10	481.80
11-15	525.60
16-20	569.40
21-25	613.20
26-30	657.00
31-35	700.80
36-40	\$744.60

Lessee – Stewart Properties, LLC  
located as 7.5± acres east of St. Augustine Subdivision, Part 2  
Madison County, Mississippi  
Term of Leases – 40 years  
Renewal & Extension of Development Lease Contract

<u>Year</u>	<u>Annual Rent</u>
1-5	\$750.00

Lessee – John James Glorioso and wife, Tammy Mallette Glorioso  
located as Lot 173, Sherbourne Subdivision, Part 4  
Madison County, Mississippi  
Term of Leases – 40 years

<u>Year</u>	<u>Annual Rent</u>
1-5	\$256.66
6-10	\$279.99
11-15	\$303.32
16-20	\$326.65
21-25	\$349.98
26-30	\$373.31
31-35	\$396.64
36-40	\$419.97

Lessee – Stephen L. Morris and wife, Kim R. Morris  
located as Lot 114, Sherbourne Subdivision, Part 4  
Madison County, Mississippi  
Term of Leases – 40 years

<u>Year</u>	<u>Annual Rent</u>
1-5	\$256.66
6-10	\$279.99
11-15	\$303.32
16-20	\$326.65
21-25	\$349.98
26-30	\$373.31
31-35	\$396.64
36-40	\$419.97

Following discussion of this matter, Supervisor Marc Sharpe moved and Supervisor W.T. “Bill” Banks seconded a motion to approve the 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: 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 5th day of December, 2003.

**In the Matter of the Approval of Tuition  
To a Interdiction Class for Deputy Sheriffs in  
Pearl, MS**

**RESOLUTION**

WHEREAS, Lt. Randall Tucker with the Madison County Sheriff's Department requested the Board to approve tuition costs in the amount of \$100.00 per student to send MSGT. Brad Harbour and MSGT. Chris Picou to an Interdiction Class in Pearl, Mississippi on December 3-5, 2003.

NOW BE IT THEREFORE RESOLVED BY THE SUPERVISORS OF MADISON COUNTY, MISSISSIPPI the Clerk is hereby authorized to issue a check in the amount of \$200.00 being a rate of \$100.00 per student for MSGT. Brad Harbour and MSGT. Chris Picou to attend an Interdiction Class on December 3-5, 2003 in Pearl, Mississippi.

After discussion on the matter, Supervisor Paul Griffin offered and moved for the adoption of the above and foregoing Resolution (a copy of which is found in the miscellaneous file to these minutes), which was seconded by Supervisor Marc Sharpe. 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 5<sup>th</sup> day of December, 2003.

**In the Matter of the Authorization of the Clerk  
to Issue a check for Insurance to Fox-Everett, Inc.**

**RESOLUTION**

WHEREAS, Fox-Everett, Inc. is requesting payment in the amount of \$117,733.21 for insurance provided to Madison County; and

WHEREAS, the Board of Supervisors finds said claim is valid and desires to submit payment due to Fox-Everett, Inc. in the amount of \$117,733.21

NOW BE IT THEREFORE RESOLVED BY THE SUPERVISORS OF MADISON COUNTY, MISSISSIPPI that the Clerk of this Board is hereby directed to pay the sum of \$117,733.21 from the payroll account to Fox-Everett, Inc. for insurance provided to Madison County.

After discussion on the matter, Supervisor Karl M. Banks offered and moved for the adoption of the above and foregoing Resolution (a copy of which is found in the miscellaneous file to these minutes), which was seconded by Supervisor Marc Sharpe. 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 5<sup>th</sup> day of December, 2003.

**In the Matter of the Acknowledgment of the Receipt of  
Funds from Levi Strauss**

WHEREAS, Sheriff Toby Trowbridge appeared before the Board of Supervisors and presented a check in the amount of \$1,500.00 from Levi Strauss as a donation to the Madison County SWAT Team.

Following a discussion of this matter Supervisor Paul Griffin moved and Supervisor Karl M. Banks seconded a motion to accept the donation from Levi Strauss in the sum of \$1,500.00 for the Madison County SWAT team and directed that said check proceeds be deposited in the Madison County Sheriff's Drug Fund. 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 5<sup>th</sup> day of December, 2003.



**In the Matter of Accepting the Low Quote for Two Video Cameras and Installation of Cameras for the Madison County Jail**

WHEREAS, Sheriff Toby Trowbridge appeared before the Board of Supervisors and presented quotes received for two video cameras and installation of said cameras for the Madison County Jail and the quotes were as follows, to-wit:

Mississippi Communications	\$3,500.00
Ozborn Communications	\$2,757.00

Following additional discussion of this matter, Supervisor Karl M. Banks moved and Supervisor Marc Sharpe seconded a motion to accept the low quote of Ozborn Communications at an amount of \$2,757.00 for 2 video cameras and installation of said cameras at the Madison County Jail as set forth above, and that copies of said quotes are 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 5th day of December, 2003.

**In the Matter of the Purchase of Three Remote Radio Units for the Madison County Sheriff's Office**

WHEREAS, Sheriff Toby Trowbridge appeared before the Board of Supervisors and presented two quotes for the purchase of three remote radio units for the Madison County Sheriff's Office and said quotes were as follows, to-wit:

Mississippi Communications	\$3,120.00
Ozborn Communications	\$3,002.00

Following additional discussion of this matter, Supervisor Karl M. Banks moved and Supervisor Paul Griffin seconded a motion to authorize the purchase of three remote radios units for the Madison County Sheriff's Office from Ozborn Communications in the amount of \$3,002.00 said purchase being of the low quote as recommended by the Sheriff, and that copies of said quotes are 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 5th day of December, 2003.

**In the Matter of Issuing a Purchase Order for the Purchase of a Camera for the Madison County Coroner**

WHEREAS, the Board of Supervisors received a request from Kathryn M. Smith to purchase cameras for the Madison County Coroner's Office including the following quotes, to-wit:

Roper Supply	\$439.95 each
Deville Camera & Video	\$389.00 each

Following additional discussion of this matter, Supervisor Karl M. Banks moved and Supervisor W.T. "Bill" Banks seconded a motion to accept the low quote of Deville Camera in the amount of \$1,167.00 for the purchase of three Olympus Stylus 400 cameras for use by the Madison County Coroner's office and to further issue a purchase order for said cameras, and that a copy of said quotes are 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 5th day of December, 2003.

**In the Matter of Acknowledging Receipt of an Order from the Madison County Court and to Increase the Salary of Hazel Cunningham, Madison County Youth Court Prosecutor**

WHEREAS, the Board of Supervisors received an Order from the Honorable William S. Agin, County Court Judge, directing the issuance of \$900.00 on behalf of the bailiff, Jim Minninger, for the purchase of clothing to be used and worn during the fulfillment of his official duty; and

WHEREAS, the Board of Supervisors also received a letter from the Honorable William S. Agin, County Court Judge, requesting the implementation of a salary increase for the Youth Court Prosecutor, Hazel Cunningham, in the amount of \$5,000.00 beginning with the month of December, 2003.

Following additional discussion of this matter, Supervisor Paul Griffin moved and Supervisor W.T. "Bill" Banks seconded a motion to acknowledge the receipt of the order authorizing the expenditure of funds for a clothing allowance for the bailiff for the County Court and to further approve the increase in salary of Hazel Cunningham, Madison County Youth Court Prosecutor by the sum of \$5,000.00 over and above the previously approved salary for Ms. Cunningham for this position, and that a copy of said orders are 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 5<sup>th</sup> day of December, 2003.

**In the Matter of Authorizing the Hiring of an Administrative Assistant for the Madison County Economic Development Authority**

WHEREAS, the Board of Supervisors received a letter from Jerry Acy, Director of the Madison County Economic Development Authority, regarding the hiring of an administrative assistant, Ricci Boyer, at an annual salary of \$34,000 with full benefits, and a copy of the letter is found in the miscellaneous file to these minutes.

Following additional discussion of this matter, Supervisor Paul Griffin moved and Supervisor Karl M. Banks seconded a motion to approve the hiring of Ricci Boyer as an Administrative Assistant for the Madison County Economic Development Authority at an annual salary of \$34,000 with full benefits as per the request of Jerry Acy, and that a copy of a memorandum from Jerry Acy is 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 5<sup>th</sup> day of December, 2003.

**In the Matter of Entering into “Closed Session” to Determine Whether or not the Board should declare an Executive Session**

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

Following this discussion and pursuant to terms of Mississippi Code Annotated Section 25-41-7, as Amended, Supervisor Karl M. Banks offered and Supervisor Paul Griffin seconded the motion to make a closed determination upon the issue of whether or not to declare an executive session for the purpose of discussing pending legal claims and personnel with the following persons deemed necessary for discussions, deliberations and recording of such executive session, to-wit: members of the Board, Sheriff Toby Trowbridge, Brad Sellers and the Board Attorney. 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 5th day of December, 2003.

**In the Matter of Entering into Executive Session**

WHEREAS, a discussion of the nature of the matters requiring executive session was had and Supervisor David H. Richardson, informed the Board that he wished to discuss pending legal claims and personnel matters.

Following a brief discussion, Supervisor Karl M. Banks offered and Supervisor W.T. “Bill” Banks seconded a motion to enter into “Executive Session” to discuss pending legal claims and personnel matters as provided by 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	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 and he then declared the Board of Supervisors to be in “Executive Session” for the consideration of such matters on this the 5th day of December, 2003.

President Richardson then reopened the meeting and informed the public of the reason for the Executive Session being taken. No formal action was taken by the Board in this Executive Session and after a brief discussion, and upon a unanimous vote of the Board with all five members now present it was ordered and the President declared the Board to again be in “Open Session” to discuss all County business.

**In the Matter of the Approval of a Contract with  
Bear Creek Water Association**

WHEREAS, the Board of Supervisors next discussed a proposed contract with Bear Creek Water Association for the relocation of water lines on North Livingston Road; and

WHEREAS, the Board of Supervisors discussed the claims of Bear Creek Water Association to rights along and adjacent to existing North Livingston Road and determined that it would be in the best interest of the citizens of Madison County to settle any and all claims with Bear Creek Water Association by entering into an agreement for the relocation of water lines along said construction project as allowed by law.

Following additional discussion of this matter, Supervisor W.T. "Bill" Banks moved and Supervisor Marc Sharpe seconded a motion to authorize the Board President to execute an agreement for the relocation of water lines of Bear Creek Water Association along North Livingston Road, copies of which are 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: No

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 5th day of December, 2003.

**In the Matter of the Authorizing Contracts for the Purchase of Commodities for a Period of 6 Months**

WHEREAS, the Board of Supervisors reviewed the needs for the purchases of various commodities and determined that it would be in the best interest of Madison County to advertise for bids for the purchase of the following items for a 6 month period:

- Hot Mix Asphalt
- Polyethylene Pipe
- Concrete Pipe
- Metal Corrugated Pipe
- Precast Concrete Bridge, Slabs, Caps and Accessories
- Equipment Rental Without Operator
- Limestone Aggregate
- Grader Blades
- Oil Products
- Mudjacking Service
- Traffic Striping
- Concrete
- Steel Pilings

Following additional discussion of this matter, Supervisor Karl M. Banks moved and Supervisor W.T. "Bill" Banks seconded a motion to authorize the advertisement for bids for the purchase of commodities for a 6 month period for the following items:

- Hot Mix Asphalt
- Polyethylene Pipe
- Concrete Pipe
- Metal Corrugated Pipe
- Precast Concrete Bridge, Slabs, Caps and Accessories
- Equipment Rental Without Operator
- Limestone Aggregate
- Grader Blades
- Oil Products
- Mudjacking Service
- Traffic Striping
- Concrete
- Steel Pilings

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 5th day of December, 2003.

**In the Matter of Acknowledging the Receipt of a Letter from Mr. Brad Sellers**

WHEREAS, Mr. Brad Sellers, County Administrator tendered the Board of Supervisors his notice of resignation from the position of Madison County Administrator effective December 31, 2003.

Following additional discussion of this matter, Supervisor W.T. "Bill" Banks moved and Supervisor Karl M. Banks seconded a motion to accept the resignation of Brad Sellers from the position of Madison County Administrator effective December 31, 2003, and that copies of said letter are 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 5th day of December, 2003.

**In the Matter of the Approval of Paying the Interest Due on a Loan at Merchants & Farmers Bank Regarding the Madison County, MS Courthouse Project Refunding Bonds**

**RESOLUTION**

WHEREAS, the Board of Supervisors desires to appropriate funds for payment of a loan to Merchants & Farmers Bank to pay the interest due on this account in regard to the Madison County, Mississippi Courthouse Project Refunding Bonds.

NOW BE IT THEREFORE RESOLVED BY THE SUPERVISORS OF MADISON COUNTY, MISSISSIPPI that the Clerk of this Board is hereby directed to immediately pay the sum of \$120,057.31 to Merchants & Farmers Bank to pay the interest that is now due on the Madison County, Mississippi Courthouse Project Refunding Bonds per the invoice from Merchants & Farmers Bank attached hereto.

After discussion on the matter, Supervisor W.T. "Bill" Banks offered and moved for the adoption of the above and foregoing Resolution (a copy of which is found in the miscellaneous file to these minutes), which was seconded by Supervisor Marc Sharpe. 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 5<sup>th</sup> day of December, 2003.

**In the Matter of the Approval of Paying the Interest  
Due on a Loan at Merchants & Farmers Bank Regarding the  
Madison County, MS Courthouse and Public Buildings  
Project Bonds, Series 1998**

**RESOLUTION**

WHEREAS, the Board of Supervisors desires to appropriate funds for payment of a loan to Merchants & Farmers Bank to pay the interest due on this account in regard to the Madison County, Mississippi Courthouse and Public Buildings Project Bonds, Series 1998.

NOW BE IT THEREFORE RESOLVED BY THE SUPERVISORS OF MADISON COUNTY, MISSISSIPPI that the Clerk of this Board is hereby directed to immediately pay the sum of \$885.73 to Merchants & Farmers Bank to pay the interest that is now due on the Madison County, Mississippi Courthouse and Public Buildings Project Bonds, Series 1998 per the invoice from Merchants & Farmers Bank attached hereto.

After discussion on the matter, Supervisor W.T. "Bill" Banks offered and moved for the adoption of the above and foregoing Resolution (a copy of which is found in the miscellaneous file to these minutes), which was seconded by Supervisor Marc Sharpe. 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 5<sup>th</sup> day of December, 2003.



**In the Matter of Extending a Resolution Proclaiming  
a State of Emergency**

**RESOLUTION REQUESTING GOVERNOR TO PROCLAIM  
A STATE OF EMERGENCY**

WHEREAS, on April 7, 2003, the Board of Supervisors of the County of Madison found that due to the impact of flood and severe storm, a condition of extreme peril to life and property did exist in Madison County; and

WHEREAS, on April 11, 2003, April 18, 2003, April 25, 2003, May 2, 2003, May 5, 2003, May 9, 2003, May 16, 2003, May 23, 2003, May 30, 2003 June 2, 2003, June 6, 2003, June 13, 2003, June 27, 2003, July 3, 2003, July 7, 2003, July 11, 2003, July 18, 2003, July 25, 2003, August 1, 2003, August 4, 2003, August 8, 2003, August 15, 2003, August 22, 2003, August 28, 2003, September 2, 2003, September 5, 2003, September 12, 2003, September 19, 2003, September 26, 2003, September 30, 2003, October 6, 2003, October 10, 2003, October 17, 2003 October 24, 2003, November 3, 2003, November 7, 2003, November 14, 2003, November 21, 2003, November 24, 2003 and December 1, 2003 in accordance with State Law 33-15-17(d) the Board of Supervisors declared that an emergency continued to exist throughout said county; and

WHEREAS, the Board determines that said State of Emergency still exist and should be extended an additional seven (7) days;

NOW THEREFORE, IT IS HEREBY DECLARED AND ORDERED that a State of Emergency in Madison County be extended an additional seven (7) days; and

Following additional discussion, Supervisor Karl M. Banks moved and Supervisor Marc Sharpe seconded a motion to extend the Proclamation of a State of Emergency. 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 5th day of December, 2003.

There being no further business to come before the meeting of the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor W.T. "Bill" Banks and seconded by Supervisor Karl M. Banks and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Friday, December 12, 2003 at 9:30 a.m.

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David H. Richardson, President  
Madison County Board of Supervisors