

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

REGULAR MEETING OF DECEMBER 19, 2003
Recessed from regular meeting conducted on December 12, 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 19th 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:

Absent:

Supervisor Karl M. Banks
Supervisor Marc Sharpe
Supervisor W. T. "Bill" Banks
Supervisor David H. Richardson
Supervisor Paul Griffin
Sheriff Toby Trowbridge
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 Authorizing a Counter-offer on the
Purchase of Right-of-Way on Yandell Road from J.D. Rankin**

WHEREAS, Woody Sample with Sample & Associates appeared before the Board of Supervisors and requested authority to negotiate for the purchase of right-of-way on Yandell Road in Madison County, Mississippi from J.D. Rankin and to further make the counter-offer to Mr. Rankin in the amount of \$35,000 for eight (8) parcels of right-of-way necessary for said road project.

Following additional discussion of this matter, Supervisor W.T. "Bill" Banks moved and Supervisor Karl M. Banks seconded a motion to authorize Mr. Sample to make a counter offer to Mr. J.D. Rankin for the purchase of eight (8) parcels of right-of-way from him on the Yandell Road project in the amount of \$35,000 and to increase the Board's determination of just compensation for said eight (8) parcels to the sum of \$35,000, and that a copy of a memorandum from Mr. Sample 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 19th day of December, 2003.

**In the Matter of the Receipt of Bids on the
Parkway East (Outside the City of Madison)
Project**

WHEREAS, the Parkway East Public Improvement Board and the Madison County Board of Supervisors did previously advertise for the receipt of bids for construction of a road improvement project by the Parkway East Public Improvement District; and

WHEREAS, the Board of Supervisors did previously authorize the advertisement for receipt of said bids in the *Madison County Herald*, a newspaper of general circulation in Madison County, Mississippi notifying the general public of the Board's intent to receive bids until 10:00 a.m. on the 19th day of December, 2003 and that said date and hour did arrive and the Board received the following bids:

<u>Contractor</u>	<u>Alternate No. 1</u>			<u>Alternate No. 2</u>		
	<u>Option A</u>	<u>Option B</u>	<u>Option C</u>	<u>Option A</u>	<u>Option B</u>	<u>Option C</u>
Hemphill Construction Co., Inc.	\$12,079,961.27 unit price bid	\$12,666,211.02 unit price bid	\$13,785,408.57 unit price bid	\$9,993,143.75 unit price bid	\$10,661,370.10 unit price bid	\$11,159,901.75 unit price bid
Hill Brothers Construction	\$13,609,318.08 lump sum bid	\$14,340,592.48 lump sum bid	\$15,662,740.18 lump sum bid	\$11,730,926.68 lump sum bid	\$12,368,014.98 lump sum bid	\$12,973,664.88 lump sum bid
	\$13,609,318.08 unit price bid	\$14,340,592.48 unit price bid	\$15,662,740.18 unit price bid	\$11,730,926.68 unit price bid	\$12,368,014.98 unit price bid	\$12,973,664.88 unit price bid
Key Constructors, Inc.	\$16,265,000 lump sum bid	\$17,050,000 lump sum bid	\$17,965,000 lump sum bid	\$13,510,000 lump sum bid	\$14,265,000 lump sum bid	\$14,985,000 lump sum bid
	\$13,013,341.57 unit price bid	\$13,642,864.07 unit price bid	\$14,369,164.12 unit price bid	\$10,801,835.26 unit price bid	\$11,412,360.56 unit price bid	\$11,986,854.51 unit price bid
T.L. Wallace Construction, Inc.	\$15,128,989.78 lump sum bid	\$15,844,033.58 lump sum bid	\$17,185,702.58 lump sum bid	\$12,273,712.60 lump sum bid	\$12,945,827.30 lump sum bid	\$13,554,991.00 lump sum bid
	\$14,128,989.78 unit price bid	\$14,844,003.58 unit price bid	\$16,185,702.58 unit price bid	\$11,273,712.60 unit price bid	\$11,945,827.30 unit price bid	\$12,554,991.00 unit price bid
Yates Construction	\$11,356,981.29 unit price bid	\$12,019,058.67 unit price bid	\$13,168,265.66 unit price bid	\$8,909,093.00 unit price bid	\$9,569,308.64 unit price bid	\$10,138,661.23 unit price bid

Following additional discussion of this matter, Supervisor Karl M. Banks moved and Supervisor W.T. "Bill" Banks seconded a motion to acknowledge receipt of the above referenced bids and to take said bids under advisement and refer them to the Parkway East Public Improvement Board for their consideration. 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 19th day of December, 2003.

**In the Matter of the Adoption of an Ordinance Rezoning
Property for and on Behalf of John Fair and Further
Granting a Variance to Required Side and Rear Setbacks in a
C-2 Commercial District**

**ORDINANCE BY THE BOARD OF SUPERVISORS
OF MADISON COUNTY, MISSISSIPPI,
AMENDING THE MADISON COUNTY ZONING ORDINANCE**

WHEREAS, John Fair, did file an Application to rezone certain property from its present R-1 Residential Use District Classification to a C-2 Highway Commercial Use District Classification; and

WHEREAS, by Resolution properly adopted by the Board of Supervisors on the 14th day of November, 2003, a hearing was set for the 19th day of December, 2003, at 10:00 o'clock a.m., and the Clerk did cause Notice of said hearing to be published in the Madison County Herald, a newspaper published and of general circulation in Madison County, Mississippi, in the manner and for the time required by law; and

WHEREAS, the hour of 10:00 o'clock a.m. on the 19th day of December, 2003, did arrive; and

WHEREAS, there were no objections; 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:

1. That there has been a material change in the circumstances of the surrounding neighborhood and that there is a public need that the following described tract of real property be, and the same is hereby, rezoned from its present R-1 Residential Use District Classification to C-2 Highway Commercial Use District Classification, to wit:

Being situated in the NW ¼ of Section 27, T8N, R2E, Madison County, Mississippi and being more particularly described as follows:

Commencing at the intersection of the Western right-of-way line of U.S. Highway 51 with the new North right-of-way line of Weisenberger Road as described in Deed Book 213 at Page 360 of the chancery records of Madison County, Mississippi, said Point of Beginning being 979.92 feet East of and 1923.66 feet South of an iron pipe marking the NW corner of aforesaid Section 27; thence run North 23 degrees 23 minutes 17 seconds East along the West right-of-way line of said U.S. Highway 51 a distance of 200.00 feet to the Point of Beginning; thence continue North 23 degrees 23 minutes 17 seconds East along said West right-of-way line of U.S. Highway 51 a distance of 58.37 feet to a point; thence departing said West right-of-way line of U.S. Highway 51 run South 86 degrees 42 minutes 57 seconds West a distance of 210.64 feet to a point; thence run South 77 degrees 29 minutes 31 seconds East a distance of 191.67 feet to a point on the West right-of-way line of said U.S. Highway 51 and the Point of Beginning, said parcel contains .13 acres, more or less.

That the Madison County Zoning Ordinance be and the Zoning District Map and Land Use Plan be and the same are hereby amended so as to reflect the foregoing change in the zoning of the above described real property.

That Mr. John Fair is further granted a variance for the above described real property to allow for construction within the side and rear setbacks of a proposed convenience store

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

b) that the literal interpretation of the provision of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;

c) that these special conditions and circumstances do not result from the actions of the applicant; and

d) that the granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district.

And the Board did specifically find that the reasons set forth above as stated in the petition justify the granting of the variance and that the variance is the minimal variance that will make possible the reasonable use of the land, structure or building and that the granting of the variance will be in harmony with the general purpose intent of the ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

ORDAINED, ADOPTED AND APPROVED by the Board of Supervisors of Madison County, Mississippi, at a meeting thereof held on the 19th day of December, 2003.

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

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

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 19th day of December, 2003.

**In the Matter of the Adoption of an Ordinance Re-zoning
Property for and on Behalf of Jack and Theresa Cummins**

**ORDINANCE BY THE BOARD OF SUPERVISORS
OF MADISON COUNTY, MISSISSIPPI,
AMENDING THE MADISON COUNTY ZONING ORDINANCE**

WHEREAS, Jack and Theresa Cummins, did file an Application to rezone certain property from its present T-1 Mobile Home Park Use District Classification to a R-1 Residential Use District Classification; and

WHEREAS, by Resolution properly adopted by the Board of Supervisors on the 14th day of November, 2003, a hearing was set for the 19th day of December, 2003, at 10:00 o'clock a.m., and the Clerk did cause Notice of said hearing to be published in the Madison County Herald, a newspaper published and of general circulation in Madison County, Mississippi, in the manner and for the time required by law; and

WHEREAS, the hour of 10:00 o'clock a.m. on the 19th day of December, 2003, did arrive; and

WHEREAS, there were no objections; and

WHEREAS, the matter was presented to the Board of Supervisors and after discussion thereof Supervisor Karl M. 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:

1. That there has been a material change in the circumstances of the surrounding neighborhood and that there is a public need that the following described tract of real property be, and the same is hereby, rezoned from its present T-1 Mobile Home Park Use District Classification to R-1 Residential Use District Classification, to wit:

A lot or parcel of land described as: Commencing at the intersection of the North line of the Old Natchez Trace and the East line of Mississippi State Highway No. 43, said intersection being 2.5 feet West of Natchez Trace Parkway monument No. P-269; and run North 37 degrees 47 minutes West along the East line of said Highway No. 43 for 374.00 feet to a point; run thence North 50 degrees 32 minutes East for 141.70 feet to the Point of Beginning of the property herein described; run thence North 40 degrees 24 minutes West for 512.80 feet to a point; run thence North 56 degrees 56 minutes East for 355.80 feet to a point; run thence South 39 degrees 26 minutes East for 472.80 feet to a point; run thence South 50 degrees 32 minutes West for 315.00 feet to the Point of Beginning.

That the Madison County Zoning Ordinance be and the Zoning District Map and Land Use Plan be and the same are hereby amended so as to reflect the foregoing change in the zoning of the above described real property.

ORDAINED, ADOPTED AND APPROVED by the Board of Supervisors of Madison County, Mississippi, at a meeting thereof held on the 19th day of December, 2003.

That 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 a whole and was submitted to the Board of Supervisors for passage or rejection on roll call vote with the vote being as follows, to wit:

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

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 19th day of December, 2003.

**In the Matter of the Adoption of an Ordinance Re-zoning
Property for and on Behalf of Gluckstadt Investment Corp.**

**ORDINANCE BY THE BOARD OF SUPERVISORS
OF MADISON COUNTY, MISSISSIPPI,
AMENDING THE MADISON COUNTY ZONING ORDINANCE**

WHEREAS, Gluckstadt Investment Corp., did file an Application to rezone certain property from its present R-1 Residential Use District Classification to a C-2 Commercial Use District Classification; and

WHEREAS, by Resolution properly adopted by the Board of Supervisors on the 14th day of November, 2003, a hearing was set for the 19th day of December, 2003, at 10:00 o'clock a.m., and the Clerk did cause Notice of said hearing to be published in the Madison County Herald, a newspaper published and of general circulation in Madison County, Mississippi, in the manner and for the time required by law; and

WHEREAS, the hour of 10:00 o'clock a.m. on the 19th day of December, 2003, did arrive; and

WHEREAS, there were no objections; and

WHEREAS, the matter was presented to the Board of Supervisors and after discussion thereof Supervisor Karl M. 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:

1. That there has been a material change in the circumstances of the surrounding neighborhood and that there is a public need that the following described tract of real property be, and the same is hereby, rezoned from its present R-1 Residential Use District Classification to C-2 Commercial Use District Classification, to wit:

A certain parcel of land being situated in the NW ¼ of Section 28, T8N, R2E, Madison County, MS, lying West of Interstate Highway 55 and being more particularly described as follows:

Begin at the Point of Intersection of the South right-of-way line of Gluckstadt Road (as now laid out and improved, July 2002) with the West line of the aforesaid Section 28, T8N, R2E and from said Point of Beginning, run thence along said South right-of-way line of Gluckstadt Road the following bearings and distances: North 89 degrees 31 minutes 21 seconds East for a distance of 447.56 feet to a set ½ inch iron pin; South 00 degrees 40 minutes 29 seconds East for a distance of 35.20 feet to a set ½ inch iron pin; North 89 degrees 18 minutes 50 seconds East for a distance of 500.00 feet to a concrete right-of-way monument marking the Point of Intersection of said South right-of-way line of Gluckstadt Road with the West right-of-way line of Interstate Highway 55 (as now laid out and improved, July 2002); leaving said South right-of-way line of Gluckstadt Road, run thence along said West right-of-way line of Interstate Highway 55 the following bearings and distances; South 30 degrees 15 minutes 25 seconds East for a distance of 148.63 feet to a concrete right-of-way monument; South 13 degrees 40 minutes 33 seconds West for a distance of 468.26 feet to a concrete right-of-way monument; South 29 degrees 45 minutes 06 seconds West for a distance of 489.16 feet to a concrete right-of-way monument marking the Point of Curvature of a 1.5614 degree curve bearing to the right having a central angle of 19 degrees 30 minutes 00 seconds and a radius of 3,669.83 feet; run thence along the arc of said curve an arc length of 1,068.82 feet to an existing iron pin of the aforesaid West line of Section 28, T8N, R2E; said curve having a chord bearing of South 38 degrees 05 minutes 44 seconds West and a chord distance of 1,065.05 feet; leaving said West right-of-way line of Interstate Highway 55; run thence North 00 degrees 22 minutes 30 seconds West along said West line of Section 28

for a distance of 1,871.74 feet to the point of Beginning containing 27.893 acres, more or less.

This rezoning is contingent on the owner filing covenants acceptable to the Zoning Administrator and preventing any amendment without the approval of the Madison County Board of Supervisors. That the Madison County Zoning Ordinance be and the Zoning District Map and Land Use Plan be and the same are hereby amended so as to reflect the foregoing change in the zoning of the above described real property.

ORDAINED, ADOPTED AND APPROVED by the Board of Supervisors of Madison County, Mississippi, at a meeting thereof held on the 19th day of December, 2003.

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

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

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 19th day of December, 2003.

**In the Matter of the Adoption of an Ordinance Re-zoning
Property for and on Behalf of George Whitten and
Miranda Rowan**

**ORDINANCE BY THE BOARD OF SUPERVISORS
OF MADISON COUNTY, MISSISSIPPI,
AMENDING THE MADISON COUNTY ZONING ORDINANCE**

WHEREAS, George Whitten and Miranda Rowan, did file an Application to rezone certain property from its present R-1 Residential Use District Classification to a C-2 Commercial Use District Classification; and

WHEREAS, by Resolution properly adopted by the Board of Supervisors on the 14th day of November, 2003, a hearing was set for the 19th day of December, 2003, at 10:00 o'clock a.m., and the Clerk did cause Notice of said hearing to be published in the Madison County Herald, a newspaper published and of general circulation in Madison County, Mississippi, in the manner and for the time required by law; and

WHEREAS, the hour of 10:00 o'clock a.m. on the 19th day of December, 2003, did arrive; and

WHEREAS, there were no objections; and

WHEREAS, the matter was presented to the Board of Supervisors and after discussion thereof Supervisor Karl M. 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:

1. That there has been a material change in the circumstances of the surrounding neighborhood and that there is a public need that the following described tract of real property be, and the same is hereby, rezoned from its present R-1 Residential Use District Classification to C-2 Commercial Use District Classification, to wit:

Commence at the NE corner of Section 28, T8N, R2E, thence run due South 1162.22 feet to the West right-of-way of Railroad; thence run South 23 degrees 13 minutes West, 557.18 feet along said right-of-way to the North right-of-way of Weisenberger Road; thence run North 67 degrees 36 minutes West 313.71 feet along said right-of-way to the center of creek for the Point of Beginning; thence run north 67 degrees 36 minutes West 293.52 feet along said right-of-way to iron pin at the SE corner of Holtsinger tract; thence run North 02 degrees 10 minutes East 272.48 feet along the East line of said Holtsinger tract; thence run South 85 degrees 30 minutes East 200.00 feet; thence run South 30 degrees 20 minutes East, 279.52 feet; thence run South 32 degrees 00 minutes West, 150.00 feet to the point of beginning, said tract containing 2.12 acres and located in the NE ¼ of the NE ¼ and the SE ¼ of NE ¼, Section 28, T8N, R2E, Madison County, MS.

That the Madison County Zoning Ordinance be and the Zoning District Map and Land Use Plan be and the same are hereby amended so as to reflect the foregoing change in the zoning of the above described real property.

ORDAINED, ADOPTED AND APPROVED by the Board of Supervisors of Madison County, Mississippi, at a meeting thereof held on the 19th day of December, 2003.

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

Supervisor W. T. "Bill" Banks - District I
Supervisor Marc Sharpe - District II

Voted: Aye
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 19th day of December, 2003.

**In the Matter of the Petition filed by Cellular South
Seeking a Special Exception to Erect and Operate a
300 ft. Communications Tower on Property within a R-1
Residential Use District**

WHEREAS, Mr. Brad Sellers did present a Petition filed by Cellular South seeking to erect and operate a 300 foot communications tower on property in a R-1 Residential Use District for a public hearing on said matter and informed the Board of Supervisors that the Madison County Planning Commission had recommended its approval.

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

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

1. That Cellular South be allowed and granted a special exception to erect and operate a 300 foot communications tower on property in a R-1 Residential Use District on property owned by Cellular South in Section 17, T7N, R1E, Madison County, Mississippi, and being further identified as follows:

A parcel of land being approximately 200 feet by 200 feet, more or less and being located in the SW portion of the SW $\frac{1}{4}$ of Section 8 and part of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 17, lying East of Society Ridge Road in T7N, R1E and being a part of the following described land to wit:

The E $\frac{1}{2}$ of NE $\frac{1}{4}$, less 69 acres off the North side thereof; the SE $\frac{1}{4}$; the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$; and all that part of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ lying South and East of the County Road as presently laid out and situated; all being in Section 8, T7N, R1E; and the E $\frac{1}{2}$ and the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 17, T7N, R1E; all in Madison County, Mississippi containing 636 acres, more or less.

2. The Board of Supervisors does hereby make the following findings certifying compliance with the specific rules governing this special exception and hereby finds that satisfactory provision and arrangement have been made concerning the following, to-wit:
 - a. Ingress and Egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe, the Board hereby finds that the conditions are acceptable for these properties.
 - b. Off-street parking and loading areas where required, with particular attention to the items noted above and the economic, noise, glare or odor effects of the special exception and adjoining properties and the properties generally in the district; the Board hereby finds that conditions are acceptable for this property.
 - c. Refuse and service areas, with particular reference to items noted above; the Board hereby finds that this is not applicable to this property.
 - d. Utilities, with reference to location, availability and compatibility; the Board hereby finds that utilities are available for this property.
 - e. Screening and buffering, with reference to type, dimensions and character; the Board hereby finds that this is not an applicable requirement for this property.

- f. Signs, if any, and proposed exterior lighting, with reference to glare, traffic, safety, economic effect and compatibility in harmony to the properties in the district; the Board hereby finds that this is not applicable to this property and no requirement is made.
- g. Required yards and other open space; the Board hereby finds that setbacks and open space are readily available for said property.
- h. General compatibility with adjacent properties and other property in the district; the Board hereby finds that conditions for this property are generally compatible with adjacent properties and the conditions are acceptable.
- i. Cellular South will allow free access to the various departments of Madison County, Mississippi to locate emergency transmission equipment on the tower once it has been erected.

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

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

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board, as being duly carried on this the 19th day of December, 2003.

**In the Matter of the Petition filed by Cellular South
Seeking a Special Exception to Erect and Operate a
250 ft. Communications Tower on Property within a A-1
Agricultural Use District**

WHEREAS, Mr. Brad Sellers did present a Petition filed by Cellular South seeking to erect and operate a 250 foot communications tower on property in an A-1 Agricultural Use District for a public hearing on said matter and informed the Board of Supervisors that the Madison County Planning Commission had recommended its approval.

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

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

1. That Cellular South be allowed and granted a special exception to erect and operate a 250 foot communications tower on property in an A-1 Agricultural Use District on property owned by Cellular South in Section 18, T8N, R3E, Madison County, Mississippi, and being further identified as follows:

A parcel of land located in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 18, T8N, R3E, Madison County, Mississippi and more particularly described as follows, to-wit:

Commence at the intersection of the South line of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 18, T8N, R3E, Madison County, Mississippi with the East right-of-way line of the old Jackson-Canton Highway and run thence North 00 degrees 09 minutes 40 seconds East along the said East right-of-way line for 592.50 feet; thence run North 89 degrees 44 minutes 40 seconds East for 799.70 feet to a $\frac{1}{4}$ inch rebar marking the SW corner of the B Bar N, LLC parcel as recorded in Deed Book 498 at Page 581 in the office of the Chancery Clerk of Madison County, Mississippi; thence run on and along the South line of said parcel of land North 89 degrees 44 minutes 40 seconds East for 305.16 feet; thence, leaving said South line, run North 00 degrees 18 minutes 14 seconds West for 13.21 feet to the Point of Beginning.

2. The Board of Supervisors does hereby make the following findings certifying compliance with the specific rules governing this special exception and hereby finds that satisfactory provision and arrangement have been made concerning the following, to-wit:
 - a. Ingress and Egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe, the Board hereby finds that the conditions are acceptable for these properties.
 - b. Off-street parking and loading areas where required, with particular attention to the items noted above and the economic, noise, glare or odor effects of the special exception and adjoining properties and the properties generally in the district; the Board hereby finds that conditions are acceptable for this property.
 - c. Refuse and service areas, with particular reference to items noted above; the Board hereby finds that this is not applicable to this property.
 - d. Utilities, with reference to location, availability and compatibility; the Board hereby finds that utilities are available for this property.

- e. Screening and buffering, with reference to type, dimensions and character; the Board hereby finds that this is not an applicable requirement for this property.
- f. Signs, if any, and proposed exterior lighting, with reference to glare, traffic, safety, economic effect and compatibility in harmony to the properties in the district; the Board hereby finds that this is not applicable to this property and no requirement is made.
- g. Required yards and other open space; the Board hereby finds that setbacks and open space are readily available for said property.
- h. General compatibility with adjacent properties and other property in the district; the Board hereby finds that conditions for this property are generally compatible with adjacent properties and the conditions are acceptable.
- i. Cellular South will allow free access to the various departments of Madison County, Mississippi to locate emergency transmission equipment on the tower once it has been erected.

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

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

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board, as being duly carried on this the 19th day of December, 2003

In the Matter of Conducting a Public Hearing and Approving the Board President Executing an Application for a CAP Loan from the Mississippi Development Authority

WHEREAS, the Board of Supervisors had previously authorized its intent to conduct a hearing on the issue whether to borrow up to \$500,000 from the Mississippi Development Authority through a CAP Loan program; and

WHEREAS, the Board of Supervisors had previously advertised its intent to conduct said public hearing on the 19th day of December, 2003 at 10:00 a.m. and did publish said notice; and

WHEREAS, the date and hour did arrive and the Board of Supervisors conducted a public hearing regarding the Board's intent to enter into a loan agreement with the Mississippi Development Authority in a principal amount not-to-exceed \$500,000 for the purposes of completing the capital improvements identified in renovations and expansion of a building now housing Oxford Automotive, a Nissan supplier; and

WHEREAS, no one appeared to object to said application and Mr. Jerry Acy with the Madison County Economic Development Authority appeared before the Board of Supervisors and recommended the Board apply for said loan to assist in the expansion of the facility as set forth above.

Following additional discussion of this matter, Supervisor Paul Griffin moved and Supervisor Marc Sharpe seconded a motion to close the public hearing and authorize the Board President to execute an application to the Mississippi Development Authority for a CAP Loan in an amount not-to-exceed \$500,000 for the purposes of completing capital improvements to that building owned by Madison County which now is leased by Oxford Automotive, a Nissan Supplier. 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 19th day of December, 2003.

**In the Matter of Amending the Budget to
Provide for a Modification to the Adolescent
Offender Program**

WHEREAS, the Honorable William S. Agin, County Court Judge, appeared before the Board of Supervisors and requested the Board to amend the current budget to reflect changes in salary to include retirement and other benefits to personnel employed under the program, as allowed by the State of Mississippi, and a copy of the Subgrant Modification Signature Sheet is found in the miscellaneous file to these minutes.

Following additional discussion of this matter, Supervisor W.T. "Bill" Banks moved and Supervisor Paul Griffin seconded a motion to amend the budget to provide for changes in compensation to personnel to allow the payment of retirement benefit and to authorize the Board President to execute the Subgrant Modification sheet which 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: 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 19th day of December, 2003.

**In the Matter of the Approval of a Contract with
Dave Collins Detectives Security Services, Inc. for the
Adolescent Offender Program**

WHEREAS, the Honorable William S. Agin, County Court Judge, appeared before the Board of Supervisors and requested that the Board approve a contract for the Adolescent Offender Program with Dave Collins Detectives Security Services, Inc. to provide for security for the Madison County Adolescent Offender Program at a rate of \$12.00/hour for four days a week, not-to-exceed those amounts budgeted previously for this service; and

WHEREAS, the Board of Supervisors after considering said matter did determine that said services were professional in nature and would be in the best interest of the citizens of Madison County to employ Dave Collins and the Detectives Security Services, Inc. as recommended by Judge Agin, and that copies of the proposal and recommendation are found in the miscellaneous file to these minutes.

Following additional discussion of this matter, Supervisor W.T. "Bill" Banks moved and Supervisor Paul Griffin seconded a motion to approve the contract for professional services with Dave Collins Detectives Security Services, Inc., as set forth above, the Board having specifically determined that said professional services were necessary and in the best interest of the citizens of Madison County, and that copies of Judge Agin's recommendation and the proposal for said services 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: 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 19th day of December, 2003.

In the Matter of Approving an Amendment to the Budget for the Madison County Law Library

WHEREAS, the Honorable William S. Agin, County Court Judge, appeared before the Board of Supervisors and requested the Board to amend the current budget to provide for the payment to Jennifer Boydston, Court Clerk, to receive additional compensation in the amount of \$100.00 per month for maintenance to the Madison County Library; and

WHEREAS, the Board reviewed said request and determined it would be in the best interest of the citizens of Madison County to amend said budget and to transfer those funds necessary from General County to provide for this request.

Following additional discussion of said matter, Supervisor W.T. "Bill" Banks moved and Supervisor Paul Griffin seconded a motion to amend the current fiscal year budget to reflect an increase in those sums budgeted for the Madison County Law Library to pay Jennifer Boydston, Law Clerk, the sum of \$100.00 per month to maintain and update the documents contained in the Madison County Law Library on a regular basis as recommended by Judge Agin. 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 19th day of December, 2003.

In the Matter of Approval of the Work Order Update Report for the Road Department and Approval of November Monthly Report

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 Report for the month of November (a copy of said report is found in the miscellaneous file to these minutes).

Following review and discussion of said matter, Supervisor W.T. "Bill" Banks moved and Supervisor Karl M. Banks seconded a motion to accept and to further approve the Work Order Update Report and the November Monthly Report 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 19th day of December, 2003.

**In the Matter of Authorization of the Issuance of a
Check for Postage for the Madison County Road Department**

RESOLUTION

WHEREAS, the Board of Supervisors received a request from the Road Manager for postage in connection with the duties of the Department of Road Management; and

WHEREAS, the Road Manager requested that \$74.00 be appropriated to the office to be used as described above and the Board desired to approve said requested, and to further amend the budget for the above referenced amount.

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 \$74.00 to the United States Postal Service for two rolls of stamps for use by the Road Department of Madison County, 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 19th day of December, 2003.

**In the Matter of Approval of Issuing an Invoice to the
Mississippi Department of Transportation for Grass
Cutting Services on Mississippi State Highway No.22**

WHEREAS, Ms. Helen Keller with the Madison County Road Department appeared before the Board of Supervisors and presented a proposed invoice in the amount of \$8,141.20 to be sent to the Mississippi Department of Transportation for grass cutting services provided by Madison County along Highway 22.

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 sign said invoice and forward it to the Mississippi Department of Transportation for processing, and a copy of said 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 19th day of December, 2003.

**In the Matter of Amending the Lease Between Madison County and
The Madison Countians Allied Against Poverty**

WHEREAS, Ms. Pat Bruce with the Madison Countians Allied Against Poverty appeared before the Board of Supervisors and presented a letter requesting permission to amend the lease with Madison County to allow the placement of a mobile home on county property adjacent to the currently being leased by said organization; and

WHEREAS, the Board did resolve and specifically find that the county owned property to be used for the location of said trailer is no longer needed for county related purposes and is not to be used in the operation of the county and that the sale of the property in the manner otherwise provided by law is not necessary or desirable for the financial welfare of the county in that the use of the county property by MADCAAP in this amended the lease would promote and foster the development and improvement of the community in which it is located in the civic, social, educational, cultural, moral, economic and industrial welfare thereof.

Following additional discussion of this matter, Supervisor Karl M. Banks moved and Supervisor Marc Sharpe seconded a motion to approve amending the lease with Madison Countians Allied Against Poverty to include the use of additional property for the location of a trailer as requested by that letter which is found in the miscellaneous file to these minutes, and that the Board does specifically determine and resolve that the county-owned property is no longer needed for county related purposes and is not to be used in the operation of the county and that the sale of the property in the manner otherwise provided for by law is not necessary or desirable for the financial welfare of the county and that the use of said property for the placement of this trailer by MADCAAP would promote and foster the development and improvement of the community in which it is located in the civic, social, educational, cultural, moral, economic and industrial welfare thereof, and a copy of the letter 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 19th day of December, 2003.

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

WHEREAS, Mr. Todd Cameron presented a petition for reduction in assessment in the amount of \$58,253.00 which was as follows, to-wit:

<u>Name</u>	<u>Parcel No.</u>	<u>Amount</u>	<u>Reason</u>
Peoples Undertaking Co	092F-24A-157/01	\$30,894.00	MS Code §27-35-143(11)
Peoples Undertaking Co	092F-24A-137	\$823.00	MS Code §27-35-143(2)
Peoples Undertaking Co	092F-24A-138	\$264.00	MS Code §27-35-143(2)
Peoples Undertaking Co	092F-24A-139	\$161.00	MS Code §27-35-143(2)
Vanguard Enterprises, LLC	093D-19B-136	\$14,461.00	MS Code §27-35-143(11)
Catherine L. David	072B-10D-040/85.02	\$6,814.00	MS Code §27-35-143(2)
Willie & Mary Ann Sones	071C-06D-031	\$1,373.00	MS Code §27-35-143(2)
Galen E & Georgia Querin	071F-24B-004/03	\$3,463.00	MS Code §27-35-143(2)

Following additional discussion of this matter, Supervisor W.T. "Bill" Banks moved and Supervisor Paul Griffin 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: 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 19th day of December, 2003.

**In the Matter of Approving an Amendment to the Figures
Regarding Stated Assessed Evaluations on the 2003
Recapitulation of the Assessment of Real and Personal Property of
Madison County**

WHEREAS, the Board of Supervisors has received a copy of a memorandum from the Tax Assessor, Gerald Barber, outlining the discovery of an error in the software used in the recapitulation of the assessment of real and personal property; and

WHEREAS, said memo did set out that by virtue of the above referenced error that there were four parcels which are set forth as follows:

Parcel No.	Name	True Value	Assessed Value
65-000	Canton Sales & Storage	94,494	14,174
14087-000	Falcon Products	10,619,851	1,592,978
14001-000	Parker Hannifin	344,796	51,719
11004-000	Multicraft Madison	12,282,649	1,842,397

WHEREAS, by virtue of the mistake in the software said parcels were not included in the column on the recap sheet as personal property within “Industry Subject to Section 27-39-329 and school tax” column; and

WHEREAS, the error in the software did not cause any miscalculation in the total personal property assessed but rather in the various categories affected by the above referenced four parcels.

Following additional discussion of this matter, Supervisor Paul Griffin moved and Supervisor Marc Sharpe seconded a motion to amend the Board minutes and the 2003 recapitulation of assessment of personal property to reflect the inclusion of those parcels as set forth above and that a copy of the recalculation of the impact on reassigning these four parcels is found in the miscellaneous file to these minutes as presented by consultants for the Madison County Tax Collector and are made a part hereof by reference. 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 19th day of December, 2003.

**In the Matter of Approval of an Interim Resolution Granting a
Free Port Exemption from Ad Valorem Personal Property
Taxes to Multicraft International d/b/a Trillium Madison**

[INTERIM]

**RESOLUTION OF THE BOARD OF SUPERVISORS OF MADISON COUNTY,
MISSISSIPPI, CONDITIONALLY GRANTING A FREE PORT EXEMPTION
FROM AD VALOREM PERSONAL PROPERTY TAXES TO
MULTICRAFT INTERNATIONAL d/b/a TRILLIUM MADISON AS A WAREHOUSER,
AS AUTHORIZED BY §§ 27-31-51, *ET SEQ.*, 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 personal property taxes to Multicraft International d/b/a Trillium Madison, and the following Resolution, having first been reduced to writing, was introduced:

RESOLUTION OF THE BOARD OF SUPERVISORS OF MADISON
COUNTY, MISSISSIPPI, CONDITIONALLY GRANTING A FREE PORT
EXEMPTION FROM AD VALOREM PERSONAL PROPERTY TAXES TO
MULTICRAFT INTERNATIONAL d/b/a TRILLIUM MADISON AS A
WAREHOUSER, AS AUTHORIZED BY §§ 27-31-51, *ET SEQ.*, OF THE
MISSISSIPPI CODE OF 1972, AS AMENDED

WHEREAS, this Board finds as follows:

I.

Multicraft International d/b/a Trillium Madison (“Trillium”) is doing business in the State of Mississippi (“State”), operating as a wholesale manufacturer/distributor of automotive, consumer and industrial electrical systems, molded parts, and subassemblies. Trillium, by and through Kennie Bumpas, its Treasurer, timely filed with this Board, in triplicate and under oath, its written Application (“Application”) for exemption (“Free Port Exemption”) from ad valorem personal property taxation (“Taxes”) pursuant to §§ 27-31-51, *et seq.* (“Statutes”) of the Mississippi Code of 1972, as amended (“Code”).

II.

Trillium operates its combined warehouse or storage facility (“Warehouse”) and manufacturing enterprises (collectively “Facility”), at 1239 Highway 51, in the City of Madison, State of Mississippi 39110, for the receipt, handling, distribution, storage and reshipment of Trillium’s inventory of products (“Products”).

III.

In 2000, Trillium was faced with a decision regarding the closing of one of seven of its production facilities, one of which was the Facility in the County. Trillium chose to transfer production from other locations in the state and to consolidate production capacity into its Facility in the County in late 2001 (“Expansion”).

IV.

The Warehouse regularly engages in the receipt, handling, distribution, storage and reshipment of Trillium’s personal property in the form of the Products which have been transferred to such Warehouse. The Expansion of the Facility in 2001 resulted in a significant increase in Trillium’s inventory of products at the Warehouse.

V.

A portion of all of such Products to be handled by the Warehouse will be transferred to such Warehouse for storage and handling in transit to a final destination outside the State. Such Warehouse is not a natural or artificial cave or cavity in the earth and, consequently, is eligible for licensing under the provisions of the Statutes as a “free port warehouse.”

VI.

Trillium will, therefore, be applying to the Ad Valorem Division of the Mississippi State Tax Commission (“Commission”) for a Free Port Warehouse Privilege License (“License”), both in order to qualify under the definition of a “free port warehouse” as set forth in § 27-31-51 of the Code and in order to operate as a duly licensed “free port warehouse” according to the provisions of the Statutes and the Free Port Warehouse Rules and Regulations (“Rules”) of the Commission. However, the Commission will not issue the License until the local taxing authorities have agreed to grant, and have authorized the granting of, the Free Port Exemption conditioned upon the issuance of the License by the Commission.

VII.

As authorized by § 27-31-53 of the Code and in addition to all other exemptions granted under the laws of the State, all of Trillium’s products in transit through the State which are (1) moving in interstate commerce through or over the territory of the State, or (2) consigned or transferred to Trillium’s private “free port warehouse” located at the Warehouse within the county for storage in transit to a final destination outside the State, whether specified when transportation begins or otherwise, may, in the discretion of, and for such period of time as prescribed by, this Board, be exempt from all Taxes, including Taxes for school district purposes (“School Taxes”), imposed thereon by the County under the Free Port Exemption. Furthermore, such Products exempted therefrom should not be deemed to have acquired a situs in the State for the purposes of such Taxes and should not be deprived of exemption because, while in the Warehouse, the Products are bound, divided, broken in bulk, labeled, relabeled, or repackaged.

VIII.

Pursuant to § 27-31-55 of the Code and the Rules, Trillium will keep all required books and records and will file all required reports and inventories with the specified taxing authorities, which the taxing authorities can utilize in making a determination of Taxes, if any, to be paid by Trillium at the conclusion of each applicable calendar year. Pursuant to § 27-31-57 of the Code, all of such books and records of Trillium shall be subject to inspection by the duly authorized agents of the specified taxing authorities.

IX.

On January 1, 2003, Trillium’s Products totaled approximately \$10.5 million in true value, with approximately 95%, or \$10.0 million, of such Products to be shipped outside the State and thus eligible for the Free Port Exemption.

X.

In CY 2001 and 2002, Trillium hired approximately 50 new employees, with a corresponding aggregate annual payroll increase of approximately Six Hundred Fifty Thousand Dollars (\$650,000.00), as a result of the Expansion. Trillium directly provided, and the expansion assisted in preserving, employment for approximately 150 employees as of January 1, 2003, with an aggregate annual payroll of approximately 2.6 million in 2003, at the facility in the County, and the Facility also indirectly results in the creation and maintenance of other ancillary jobs in the County (collectively “County Jobs”) and in an additional overall positive indirect economic benefit to the County (collectively with County Jobs, “Economic Impact”).

XI.

Through such Facility, Trillium is operating an enterprise in the County which is and will be warehousing Products which will be held in its inventory in the County, is maintaining and creating the County Jobs, and has and will, therefore, be making a major contribution and commitment to the present economic development of the County.

XII.

Therefore, pursuant to the provisions of the Statutes, Trillium respectfully requested that

this Board grant to Trillium, effective January 1, 2004, a Free Port Exemption from all Taxes, including School Taxes, otherwise imposed by the County on such Products of Trillium, for an unlimited period, except to any extent otherwise limited by law (“Term”).

XIII.

Sufficient consideration in the form of the Economic Impact and certain other good and valuable nonmonetary consideration will be received by the County to support the approval of the granting of the Free Port Exemption by the County.

XIV.

This Board is authorized and empowered by the provisions of the Statutes, upon the issuance by the Commission of a License to Trillium for the Warehouse, to grant the Free Port Exemption to Trillium with respect to the Products of Trillium which will be located within the County.

XV.

Since neither the Statutes nor the Rules prescribe a due date for the filing by Trillium with the County either of the Application for a Free Port Exemption or of an application with the Commission for a License in order for the Free Port Exemption to be effective as of any particular date and since the 2004 property tax assessment rolls are not required to be filed with this Board by the Tax Assessor for the County (“Assessor”) until the First Monday in July, 2004, Trillium requested that this Board exercise its discretion to grant the Free Port Exemption to Trillium effective as of the Effective Date, and, solely with respect to the 2004 tax period (as the initial tax period for which the Free Port Exemption is to be effective with respect to the Products of Trillium), to extend the filing by Trillium of its initial Form 60-003, “Report of Inventory,” as of the Effective Date, a well as any other required paperwork, forms, or documents necessary to implement the Free Port Exemption (collectively “Form 60-003”), until June 30, 2004 (“Extended Due Date”).

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Madison County, State of Mississippi, as follows:

1. That the Application for the Free Port Exemption submitted by Trillium, for the Term, as provided by Mississippi law and pursuant to the Statutes, be and the same is hereby conditionally approved, subject to the issuance by the Commission of the License and the timely filing by Trillium with the Assessor of its initial Form 60-003 by the Extended Due Date, commencing as of the Effective Date.

1. 2. That this Board:

- (A) Finds that the Warehouse is a “free port warehouse” eligible to be licensed as such by the Commission under the provisions of the Statutes, and is, therefore, eligible for a Free Port Exemption from all such Taxes, including School Taxes, imposed by the County on its Products in an amount annually to be determined by the appropriate taxing authorities, as provided by State Law;
- (B) Approves conditionally, subject to the issuance of a License to Trillium therefor by the Commission and the timely filing by Trillium with the Assessor of its initial Form 60-003 by the Extended Due Date, the granting of the Free Port Exemption as of the Effective Date for the Term;
- (C) Directs that a certified copy of the filed Application and a certified transcript of this conditional approval by this Board of the Application for a Free Port Exemption, including this **[interim]** Resolution of approval thereof, be forwarded to the Ad Valorem Division of the Commission, in order for the Commission to issue the License to Trillium, and also to the Assessor;

- (D) Approve, solely with respect to 2002, as the initial tax period for which the Free Port Exemption is to be effective with respect to the Products to Trillium, the extension of the due date for the filing by Trillium of its initial Form 60-003, until the Extended Due Date;
- (E) Declares the intention and agreement of this Board, upon the issuance of the License by the Commission to Trillium and receipt by the County of a copy thereof and the timely filing by the Extended Due Date with the Assessor by Trillium of its initial Form 60-003, to enter a final order on its Minutes;
 - (i) finding that Trillium is the operator of a licensed free port warehouse and is also both eligible for and, pursuant to this **[interim]** Resolution, entitled to a Free Port Exemption from all such Taxes, including School Taxes, imposed by the County on its Products, in an amount annually to be determined by the appropriate taxing authorities, as provided by State law;
 - (ii) granting the Free Port Exemption as of the Effective Date and for the Term;
 - (iii) declaring that the Products which are subject to the Free Port Exemption:
 - (a) shall not be deemed to have acquired a situs in the State for the purpose of the Taxes; and
 - (b) shall not be deprived of the Free Port Exemption because they are bound, divided, broken in bulk, labeled, relabeled, or repackaged;
 - (iv) requesting that the Assessor take all actions in preparation of the tax rolls necessary and appropriate to implement the Free Port Exemption, beginning with the Effective Date and continuing for the Term;
 - (v) declaring that, upon any expiration of the Term of the Free Port Exemption, Trillium shall, except as may otherwise be limited by law, be eligible to file with the County an application for an extension of this, or for a new subsequent, Free Port Exemption for its products and supporting the granting of the Free Port Exemption by the County, and agreeing to review and consider in good faith such application for a favorable determination with respect to the granting by the County of such an extension or new subsequent Free Port Exemption; and
 - (vi) directing the Clerk of this Board to record the final order of this Board approving the Application in a book kept in the Clerk's office for such purposes and to file a copy of the final order approving the Application with both the Commission and the Assessor; and

2. 3. That the Clerk of this Board be, and is hereby, directed to spread a copy of the Application and this **[interim]** Resolution on the Minutes of this Board.

After a full discussion of this matter, Supervisor Paul Griffin moved that the foregoing **[interim]** Resolution be adopted, and said Motion was seconded by Supervisor W.T. "Bill" Banks. 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: Absent
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 19th day of December, 2003.

**In the Matter of the Approval of Granting Exemption from
Ad Valorem Taxes to Primos, Inc.**

**RESOLUTION OF BOARD OF SUPERVISORS OF MADISON COUNTY,
MISSISSIPPI GRANTING EXEMPTION
FROM AD VALOREM TAXES**

The Board next took up for consideration the matter of granting tax exemption from ad valorem taxes for PRIMOS, INC. and the following Resolution, having first been reduced to writing, was introduced.

**RESOLUTION OF THE BOARD OF SUPERVISORS OF MADISON COUNTY,
MISSISSIPPI GRANTING TAX EXEMPTION FROM AD VALOREM TAXES
FOR A PERIOD OF TEN (10) YEARS, TO PRIMOS, INC. AS AUTHORIZED BY
SECTION 27-31-101 ET SEQ., OF THE MISSISSIPPI CODE OF 1972, AS
AMENDED**

WHEREAS, Applicant, filed in triplicate with this Board its Application for exemption from ad valorem taxation; and

WHEREAS, Applicant has produced written verification and documentation to this Board as to the authenticity and correctness of its Application in regard to the true value of the prayed for exemption, the completion date of said enterprise; and

WHEREAS, this Board finds as a fact that the property described in the aforesaid Application constitutes an industrial enterprise of public utility which was completed on the 20th day of May, 2002, and that said Company is entitled to the exemption sought for a period of ten (10) years, beginning on May 20, 2002, subject to approval and certification by the Mississippi State Tax Commission; and

NOW, THEREFORE, BE IT RESOLVED BY the Board of Supervisors of Madison County, Mississippi, as follows:

1. That the Application for ad valorem tax exemption by Applicant for a period of ten (10) years beginning May 20, 2002, on the property described in the Application filed by said Company for tax exemption be, and the same is hereby approved, subject to approval and certification by the Mississippi State Tax Commission.
2. That Applicant is hereby granted tax exemption from ad valorem taxes, except School District ad valorem taxation, for a period of ten (10) years, beginning May 20, 2002.
3. That the Clerk of this Board be, and he is hereby directed to spread a copy of this Order on the minutes of this Board; and that said Clerk shall forward the original and three certified copies of the Application and a certified copy of the transcript of this Order approving said Application to the Mississippi State Tax Commission for its approval and certification; and said Clerk shall also forward one certified copy to the Tax Assessor of Madison County and obtain the Certificate of said Tax Assessor stating that both the real and personal property as itemized in the Application has been placed on the appropriate tax roll as "Non-Taxable", except for School District ad valorem taxes, for the duration of the exemption period only.

After a full discussion of this matter, Supervisor Paul Griffin moved that the foregoing Resolution be adopted and said motion was seconded by Supervisor W.T. "Bill" Banks, and upon the question being put to a vote, the Resolution is hereby adopted by the members of the Board of Supervisors present. 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: Absent
Supervisor David H. Richardson - District III	Voted: Aye

Supervisor Karl M. Banks - District IV
Supervisor Paul Griffin - District V

Voted: Absent
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 19th day of December, 2003.

**In the Matter of the Approval of Granting Exemption from
Ad Valorem Taxes to D.B.C. Corporation**

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF MADISON COUNTY, MISSISSIPPI AUTHORIZING
EXEMPTION FROM PERSONAL PROERTY AD VALOREM TAXES**

The Board next took up for consideration the matter of granting tax exemption from personal property ad valorem taxes for D.B. C. Corporation, formerly DeBeukelaer Corporation, and the following Resolution, having first been reduced to writing, was introduced.

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MADISON, MISSISSIPPI GRANTING TAX EXEMPTION FROM PERSONAL PROPERTY AD VALOREM TAXES FOR A PERIOD OF TEN (10) YEARS, TO D.B.C. CORPORATION AS AUTHORIZED BY SECTION 27-31-101 ET SEQ., OF THE MISSISSIPPI CODE OF 1972, AS AMENDED

WHEREAS, D.B.C. Corporation filed in triplicate with this Board its Application for exemption from ad valorem taxation; and

WHEREAS, D.B.C. Corporation has produced written verification and documentation to this Board as to the authenticity and correctness of its Application in regard to the true value of the requested exemption, and the completion date of the expansion upon which it bases its Application; and

WHEREAS, this Board finds as a fact that the property described in the aforesaid Application constitutes machinery and equipment replacements and additions, and in effect, an expansion which was completed during calendar year 2002, and that said Company is eligible for the exemption sought for a period of ten (10) years, beginning on December 31, 2002, subject to approval and certification by the Mississippi State Tax Commission, as set forth in Section 27-31-101, et seq., of the Mississippi Code of 1972, as amended; and

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

1. That the Application for ad valorem tax exemption by D.B.C. Corporation for a period of ten (10) years beginning on the 31st day of December, 2002, on the property described in the Application filed by said Company for tax exemption, be and the same is hereby approved, subject to approval and certification by the Mississippi State Tax Commission.

2. That D.B.C. Corporation is hereby granted tax exemption on personal property ad valorem taxes, except State and School District ad valorem taxation, for a period of ten (10) years, beginning on December 31, 2002, for the personal property described in Exhibit "A" to D.B.C. Corporations' Application.

3. Should the Applicant close or otherwise cease operation as a manufacturing facility as set forth in its Application filed herein, then and in the event, the exemption herein granted shall terminate effective December 31 of the year in which Applicant closes or otherwise ceases operation.

4. That the Clerk of this Board be, and he is hereby directed to spread a copy of this Order on the minutes of this Board; and that said Clerk shall forward the original and three certified copies of the Application and a certified copy of the transcript of this Order approving said Application to the Mississippi State Tax Commission for its approval and certification; and said Clerk shall also forward one certified copy to the Tax Assessor of Madison County and obtain the Certificate of said Tax Assessor stating that the real and personal property itemized in the Application has been placed on the appropriate tax roll as "Non-Taxable", except for State and School District ad valorem taxes, for the duration of the exemption period only.

After a full discussion of this matter, Supervisor W.T. "Bill" Banks moved that the

foregoing Resolution be adopted and said motion was seconded by Supervisor Paul Griffin, and upon the question being put to a vote, the Resolution is hereby adopted by the members of the Board of Supervisors present. 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: Absent
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 19th day of December, 2003.

**In the Matter of the Approval of Granting Final Exemption from
Ad Valorem Taxes to D.B.C. Corporation**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF MADISON
COUNTY, MISSISSIPPI GRANTING FINAL EXEMPTION FROM
PERSONAL PROERTY AD VALOREM TAXES**

The Board next took up for consideration the matter of granting tax exemption for ad valorem taxes for D.B. C. Corporation, formerly DeBeukelaer Corporation, and the following Resolution, being first reduced to writing, was introduced.

**RESOLUTION OF THE MADISON COUNTY BOARD OF SUPERVISORS,
MADISON COUNTY, MISSISSIPPI GRANTING FULL FINAL APROVAL OF
PERSONAL PROPERTY AD VALOREM TAX EXEMPTION TO D.B.C.
CORPORATION**

WHEREAS, heretofore, D.B.C. Corporation, authorized to do business and doing business in Madison County, Mississippi filed with the Board of Supervisors of Madison County, Mississippi, an application for exemption from personal property ad valorem taxes, except State and School District ad valorem taxes for a period of ten (10) years as authorized by Sections 27-31-101 and 27-31-105, of the Mississippi Code of 1972, as amended, which said application was approved by the Madison County Board of Supervisors, Madison County, Mississippi, subject to the approval of the State Tax Commission of the State of Mississippi; and

WHEREAS, the State Tax Commission of the State of Mississippi approved said Application; and

WHEREAS, a certified copy of the aforesaid State Tax Commission's approval has been received by the Madison County Board of Supervisors, Madison County, Mississippi, and recorded in its Minutes.

NOW THEREFORE, in consideration of the premises, the Madison County Board of Supervisors, does hereby finally approve said application for exemption from personal property ad valorem taxes for a period of ten (10) years, beginning on December 31, 2002, and concluding on December 31, 2012; subject to the termination provisions as set forth in its previous Resolution.

The foregoing Resolution granting personal property ad valorem tax exemption except State and School District ad valorem taxes to D.B.C. Corporation, was made on motion by Supervisor W.T. "Bill" Banks, seconded by Supervisor Paul Griffin, and adopted this day. 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: Absent
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 19th day of December, 2003.

**In the Matter of Authorizing the Settlement of a
Condemnation Case on North Livingston Road**

RESOLUTION

WHEREAS, the Board of Supervisors has previously filed a condemnation action being Civil Action No. 2003-0349 against Burnell McDonald and Willie Earl McDonald involving right-of-way necessary for the state aid project on North Livingston Road; and

WHEREAS, the Board of Supervisors has received an offer from the attorneys of Burnell McDonald and Willie Earl McDonald to settle these matters for the sum of \$1,000.00 each.

NOW BE IT THEREFORE RESOLVED BY THE SUPERVISORS OF MADISON COUNTY, MISSISSIPPI that the Clerk of this Board is hereby directed to settle the claim of Mr. Burnell McDonald against the Madison County for the sum of \$1,000.00, and to further settle the claim of Mr. Willie Earl McDonald against Madison County for the sum of \$1,000.00 for the settlement of said condemnation case.

After discussion on the matter, Supervisor Karl M. Banks offered and moved for the adoption of the above and foregoing Resolution (a copy of said resolution is found in the miscellaneous file to these minutes), which was seconded by Supervisor W.T. "Bill" Banks. 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: Absent
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 19th day of December, 2003.

**In the Matter of Authorizing the Settlement of a
Condemnation Case on North Livingston Road**

RESOLUTION

WHEREAS, the Board of Supervisors has previously filed a condemnation action being Civil Action No. 2003-0349 against Bobbie Smith involving right-of-way necessary for the state aid project on North Livingston Road; and

WHEREAS, the Board of Supervisors has received an offer from the attorney of Bobbie Smith to settle this matter for the sum of \$2,000.00 each.

NOW BE IT THEREFORE RESOLVED BY THE SUPERVISORS OF MADISON COUNTY, MISSISSIPPI that the Clerk of this Board is hereby directed to settle the claim of Mr. Bobbie Smith against the Madison County for the sum of \$2,000.00 for the settlement of said condemnation case.

After discussion on the matter, Supervisor Karl M. Banks offered and moved for the adoption of the above and foregoing Resolution, which was seconded by Supervisor W.T. "Bill" Banks. 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: Absent
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 19th day of December, 2003.

**In the Matter of Approval of the Hiring of
Temporary Workers for the Madison County Election Commission**

WHEREAS, the Board of Supervisors received a memorandum from Ms. Azzie Jackson and Mr. Francis H. Hayes requesting approval to hire temporary employees at the Madison County Election Commission and they are as follows, to-wit:

Lucius Martin – hire through January 2, 2004 at a rate of \$7.00/hour
Darrel Jackson – hire though January 2, 2004 at a rate of \$7.00/hour

Following additional discussion of this matter, Supervisor Karl M. Banks moved and Supervisor W.T. "Bill" Banks seconded a motion to approve the hiring of Lucius Martin and Darrel Jackson with the Madison County Election Commission at the rates and for the time period as set forth above, and that a copy of the memorandum from the Election Commission 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: Absent
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 19th day of December, 2003.

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

WHEREAS, Zoning Administrator Brad Sellers did present the Board of Supervisors with the following petitions to amend/change the Official Zoning Ordinances and/or Official Zoning Map of Madison County, MS as follows and recommended that the Board authorize the giving of public notice of its intent to conduct public hearings on said petitions at 10:00 a.m. on the 30th day of January, 2004, to-wit:

APAC, Mississippi - Petition to conduct surface mining in an A-1 Agricultural Use District located on Robinson Springs Road in Section 25, T8N, R1E in Madison County, Mississippi.

Jacqueline Rucker Stokes – Petition for a special exception to place a mobile home in a R-2 Residential Use District on Rankin Road in Madison County, Mississippi.

Siliba H. & Lamia R. Dabit – Petition to rezone a 10 acre tract in R-1 Residential Use District to I-1 Industrial Use District on Industrial Drive North in Section 21, T8N, R2E, Madison County, MS.

Larry Bailey – Petition for a variance to front setbacks on Lot 1 in Davis Subdivision in Madison County, Mississippi.

Richard Newman – Petition for a variance to front setbacks in a C-1A District on property located on Gluckstadt Road in Madison County, Mississippi.

Phoenix Development, LLC – Petition to rezone R-1 Residential Use District to C-2 Commercial Use District on property located on Church Road in Section 22, T8N, R2E in Madison County, MS.

Denbury Resources, Inc.– Petition for a special exception for a dehydration facility on Twelve Oaks Road to remove moisture from a CO2 well at this site in Section 36, T8N, R2E, Madison County, Mississippi.

Following review and discussion of these matters, Supervisor Paul Griffin moved and Supervisor Karl M. Banks seconded a motion to authorize the giving of public notice of the intent of the Board of Supervisors to conduct public hearings on the petitions to amend/change the Official Zoning Ordinances and/or Official Zoning Map of Madison County, MS, set forth above at 10:00 a.m. on Friday, January 30, 2004. The vote on said matter being as follows:

Supervisor W. T. “Bill” Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Absent
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 19th 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 – Tereance Elmore and wife, Kathy Elmore
located as Lot 162, Sherbourne Subdivision, Part 4
Madison County, Mississippi
Term of Lease - 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 – Barry L. Prather and wife, Cheryl Q. Prather
located as Lot 109, 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 – R&S Investments, LLC
located as 2’x6’ located in SE ¼ of SE ¼ of Section 16, T8N, R1E at the
intersection of Hwy 463 and Stribling Road
Madison County, Mississippi
Term of Temporary Easement for Construction Signs – 1 year

Amount of Lease - \$100.00

Following discussion of this matter, Supervisor Paul Griffin 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: Absent
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 19th day of December, 2003.

In the Matter of the Approval of the Use of the Second Floor of the Historic Courthouse for an MDOT Meeting

WHEREAS, Warnock & Associates, LLC has requested the use of the Second Floor of the Historic Madison County Courthouse on Monday, December 22, 2003 to conduct a public hearing which is a part of the requirements of MDOT being made by the City of Canton.

Following additional discussion of this matter, Supervisor Karl M. Banks moved and Supervisor Paul Griffin seconded a motion to approve the use of the Second Floor of the Historic Courthouse to conduct a public hearing on December 22, 2004 being held by Warnock & Associates & the Mississippi Department of Transportation. The vote on said matter being as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Absent
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 19th day of December, 2003.

In the Matter of Acknowledging Receipt of a Check from the U.S. Marshall's Office

WHEREAS, Sheriff Toby Trowbridge appeared before the Board of Supervisors and presented a check in the amount of \$60,510.00 from the United States Marshall's Office representing the reimbursement for housing of federal prisoners at the Madison County Detention Facility.

Following additional discussion of this matter, Supervisor Karl M. Banks moved and Supervisor W.T. "Bill" Banks seconded a motion to acknowledge receipt of the check in the amount of \$60,510.00 from the United States Marshall's Office. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Absent
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 19th day of December, 2003.

In the Matter of the Acknowledgment of Reimbursement from the Department of Corrections to Madison County for State Inmates Housed at the Madison County Jail

WHEREAS, Sheriff Toby Trowbridge did appear before the Board of Supervisors and request acknowledgment of the billing report to the Mississippi Department of Corrections regarding active inmates housed in Madison County Jail (copies of which are found in the Miscellaneous File to these Minutes).

Following a discussion of said matter, Supervisor Karl M. Banks moved and Supervisor Paul Griffin seconded a motion to authorize the President to execute the form requesting the reimbursement amount at \$20.00 per day plus all medical expenses from the State of Mississippi for said inmates as referenced above. 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: Absent
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 19th day of December, 2003.

In the Matter of Authorizing the Purchase of Computers at the State Contract Price

WHEREAS, Sheriff Toby Trowbridge appeared before the Board of Supervisors and requested authority to purchase nine computers from Business Communications, Inc. at the state contract price for the sum of \$13,749.00.

Following additional discussion of this matter, Supervisor Karl M. Banks moved and Supervisor W.T. "Bill" Banks seconded a motion to authorize the Sheriff's office to purchase nine computers from Business Communications, Inc. at the state contract price along with the accessories as set forth on two purchase orders which are found in the miscellaneous file to these minutes and said price totaling \$13,749.00. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Absent
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 19th 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 W.T. “Bill” Banks 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 litigation 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: Absent
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 19th 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 litigation and personnel matters.

Following a brief discussion, Supervisor Karl M. Banks offered and Supervisor Paul Griffin seconded a motion to enter into “Executive Session” to discuss litigation 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: Absent
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 19th 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 Authorizing the Rescinding of an Amended Agreement with Canton Municipal Utilities

WHEREAS, the Board of Supervisors next discussed a previous amended agreement which was approved for execution by the Board President at a previous meeting of this Board on November 7, 2003; and

WHEREAS, the Board of Supervisors after reviewing additional information concerning said agreement determined that it was not in the best interest of the citizens of Madison County to execute said amended agreement with Canton Municipal Utilities and that said action taken by this Board on November 7, 2003 is hereby rescinded and that the President of this Board should not be authorized to execute the amended agreement as previously proposed.

Following additional discussion of said matter, Supervisor Karl M. Banks moved and Supervisor Paul Griffin seconded a motion to rescind the approval of the amended agreement with Canton Municipal Utilities by action of this Board taken on November 7, 2003. 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: Absent
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 19th day of December, 2003.

In the Matter of Acknowledging Receipt of a Balance Sheet and Income Statement for the Madison County Nursing Home

WHEREAS, Mr. Wallace Collins, CPA, appeared before the Board of Supervisors and presented a Balance Sheet and Income Statement as of November 30, 2003 for the Madison County Nursing Home and requested the Board to acknowledge receipt of same.

Following additional discussion of this matter, Supervisor Karl M. Banks moved and Supervisor W.T. "Bill" Banks seconded a motion to acknowledge receipt of the Income Statement and Balance Sheet for the Madison County Nursing Home, copies of which 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: Absent
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 19th day of December, 2003.

In the Matter of Requesting Merchants & Farmers Bank to Transfer Payroll Accounts to Madison County

WHEREAS, Mr. Wallace Collins, CPA, appeared before the Board of Supervisors and presented copies of two bank statements for payroll accounts for the Madison County Medical Center reflecting balances of \$5,547.62 and \$1,545.24 and recommended that the Board request Merchants & Farmers Bank, the owner of these funds, to transfer said accounts to the General Fund of Madison County as these are for payroll accounts which are no longer required for the Madison County Medical Center's operation.

Following additional discussion of this matter, Supervisor Karl M. Banks moved and Supervisor Paul Griffin seconded a motion to request Merchants & Farmers Bank to transfer the sum of \$5,547.62 from account no. 700022683 at Merchants & Farmers Bank and to further request the transfer of the sum of \$1,545.24 from account no. 700022500 at Merchants & Farmers Bank to the General County Fund. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Absent
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 19th day of December, 2003.

In the Matter of Acknowledging Receipt of a Letter of Resignation from Lamar Warnock at the Madison County Planning Commission

WHEREAS, the Board of Supervisors has received a letter from Lamar Warnock resigning from the Madison County Planning Commission.

Following additional discussion of said matter, Supervisor W.T. "Bill" Banks moved and Supervisor Karl M. Banks seconded a motion to acknowledge receipt of the resignation of Lamar Warnock from the Madison County Planning Commission. 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: Absent
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 19th 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 29, 2003 at 9:30 a.m.

David H. Richardson, President
Madison County Board of Supervisors