

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

REGULAR MEETING OF DECEMBER 29, 2003

Being the first day of the December Term of the Board of Supervisors

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on the 29th 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
Mike Crook, Chancery Clerk
Sheriff Toby Trowbridge

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 the Receipt of Bids on the
Parkway East (Inside the City of Madison)
Project**

WHEREAS, the Madison County Board of Supervisors did previously advertise for the receipt of bids for construction of a part of a road improvement project known as Parkway East; 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 29th 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. | \$642,442.03 unit price bid | \$680,558.03 unit price bid | \$746,797.03 unit price bid | \$537,459.00 unit price bid | \$573,151.00 unit price bid | \$605,963.00 unit price bid |
| Yates Construction | \$798,652.53 unit price bid | \$843,356.13 unit price bid | \$926,611.06 unit price bid | \$692,570.38 unit price bid | \$738,814.98 unit price bid | \$778,519.55 unit price bid |

Following additional discussion of this matter, Supervisor Marc Sharpe moved and Supervisor Paul Griffin seconded a motion to acknowledge receipt of the above referenced bids and to take said bids under advisement. 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 29th day of December, 2003.

**In the Matter of the Adoption of an Ordinance Re-zoning
Property for and on Behalf of Dr. S.L. Sethi**

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

WHEREAS, Dr. S.L. Sethi, 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 1st day of December, 2003, a hearing was set for the 29th 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 29th day of December, 2003, did arrive; and

WHEREAS, the Board of Supervisors heard testimony in support of the petition and received documentation in support of said petition which is found in the miscellaneous file to these minutes; and

WHEREAS, the Board of Supervisors heard testimony against the petition and received documentation supporting the objections, copies of which are found in the miscellaneous file to these minutes; and

WHEREAS, the matter was presented to the Board of Supervisors and after discussion thereof Supervisor Marc Sharpe 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:

**See Exhibit 1 to these minutes which is an executed copy of the Ordinance
approved and contains a description of the property**

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 subject to the adoption of the restrictive covenants on the property as agreed and submitted by the owner.

ORDAINED, ADOPTED AND APPROVED by the Board of Supervisors of Madison County, Mississippi, at a meeting thereof held on the 29th 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
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 29th day of December, 2003.

**In the Matter of the Adoption of an Ordinance Re-zoning
Property for and on Behalf of Dr. S.L. Sethi**

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

WHEREAS, Dr. S.L. Sethi, did file an Application to rezone certain property from its present R-1 Residential Use District Classification to a R-1A Residential Use District Classification; and

WHEREAS, by Resolution properly adopted by the Board of Supervisors on the 1st day of December, 2003, a hearing was set for the 29th 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 29th day of December, 2003, did arrive; and

WHEREAS, the Board of Supervisors heard testimony in support of the petition and received documentation in support of said petition which is found in the miscellaneous file to these minutes; and

WHEREAS, the Board of Supervisors heard testimony against the petition and received documentation supporting the objections, copies of which are found in the miscellaneous file to these minutes; and

WHEREAS, the matter was presented to the Board of Supervisors and after discussion thereof Supervisor Marc Sharpe 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 R-1A Residential Use District Classification, to wit:

See Exhibit 2 to these minutes which is an executed copy of the Ordinance approved and contains a description of the property

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 subject to the adoption of the restrictive covenants on the property as agreed and submitted by the owner with the provision that said covenants not be amended without the approval of the Madison County Board of Supervisors.

ORDAINED, ADOPTED AND APPROVED by the Board of Supervisors of Madison County, Mississippi, at a meeting thereof held on the 29th 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
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 29th day of December, 2003.

**In the Matter of the Adoption of an Ordinance Re-zoning
Property for and on Behalf of Dr. S.L. Sethi**

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

WHEREAS, Dr. S.L. Sethi, did file an Application to rezone certain property from its present R-1 Residential Use District Classification to a R-5 Patio Home Residential Use District Classification; and

WHEREAS, by Resolution properly adopted by the Board of Supervisors on the 1st day of December, 2003, a hearing was set for the 29th 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 29th day of December, 2003, did arrive; and

WHEREAS, the Board of Supervisors heard testimony in support of the petition and received documentation in support of said petition which is found in the miscellaneous file to these minutes; and

WHEREAS, the Board of Supervisors heard testimony against the petition and received documentation supporting the objections, copies of which are found in the miscellaneous file to these minutes; and

WHEREAS, the matter was presented to the Board of Supervisors and after discussion thereof Supervisor Marc Sharpe 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 R-5 Patio Home Residential Use District Classification, to wit:

See Exhibit 3 to these minutes which is an executed copy of the Ordinance approved and contains a description of the property

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 subject to the adoption of the restrictive covenants on the property as agreed and submitted by the owner with the provision that said covenants not be amended without the approval of the Madison County Board of Supervisors.

ORDAINED, ADOPTED AND APPROVED by the Board of Supervisors of Madison County, Mississippi, at a meeting thereof held on the 29th 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
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 29th day of December, 2003.

**In the Matter of the Adoption of Certain
Amendments to the Madison County Zoning Ordinance**

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

WHEREAS, the Board of Supervisors, on its own motion, did file an application and propose to amend the current Zoning Ordinances of Madison County, Mississippi to add a R-1B Moderate Density Residential District and a TIP Technical Industrial Park District designation to said Ordinances and to further amend certain provisions under the C-2 Highway Commercial District Classification; and

WHEREAS, by Resolution properly adopted by the Board of Supervisors on the 1st day of December, 2003, a hearing was set for the 29th 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 29th 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 surrounding zoning issues in Madison County, Mississippi and that there is a public need that the Madison County Zoning Ordinances be amended as follows, to-wit:

**See Exhibit 4 to these minutes for a copy of the Amendments approved to
The Madison County Zoning Ordinances**

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 changes.

ORDAINED, ADOPTED AND APPROVED by the Board of Supervisors of Madison County, Mississippi, at a meeting thereof held on the 29th 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: 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 29th day of December, 2003.

**In the Matter of the Authorization of
The Board President to execute a letter
To the Superintendent of the Natchez
Trace Parkway**

WHEREAS, Mr. William Smith, III, appeared before the Board of Supervisors and requested the Board authorize the execution of a letter to the Superintendent of the Natchez Trace Parkway, requesting a permit from said entity to allow the County to access a site in Madison County, Mississippi, known as "Lost Rabbit" over and across a reserved easement on the "Boyd Mound" site, which is owned and maintained by the Natchez Trace Parkway.

Following a discussion of said matter, Supervisor W.T. "Bill" Banks moved and Supervisor Marc Sharpe seconded a motion to authorize the President to execute a letter, a copy of which is found in the miscellaneous file to these minutes, to the Superintendent of the Natchez Trace Parkway, requesting a permit from said entity to allow the County to access a site in Madison County, Mississippi, known as "Lost Rabbit" over and across a reserved easement on the "Boyd Mound" site, which is owned and maintained by the Natchez Trace Parkway. 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: 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 29th day of December, 2003.

**In the Matter of Accepting ROW
on the Yandell Road Project**

WHEREAS, Mr. Woody Sample with Sample & Associates appeared before the Board of Supervisors and requested the acceptance of certain Warranty Deeds and Quitclaim Deeds for right-of-way on the Yandell Road project from J. D. Rankin, et al and Sheffield Development LLC, and that copies of said deeds 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 accept the right-of-way of the deeds presented by Woody Sample on right-of-way owned by J. D. Rankin, et al and Sheffield Development LLC, and that copies of said deeds 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 29th day of December, 2003.

In the Matter of Approval of an Invoice from Sample & Associates

WHEREAS, Mr. Woody Sample with Sample & Associates appeared before the Board of Supervisors and presented an invoice in the amount of \$1,600.00 for professional services performed by Sample & Associates in the acquisition of right-of-way on the Yandell Road project.

Following additional discussion of this matter, Supervisor W.T. "Bill" Banks moved and Supervisor Paul Griffin seconded a motion to acknowledge receipt of the invoice from Sample & Associates and requested that said claim for \$1,600.00 be placed on the docket of claims, and that 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: 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 29th day of December, 2003.

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

WHEREAS, the Board of Supervisors received CDBG Requisition No.35 from Sample & Associates on CDBG Project Nos. 1118-01-045-ED-01 & 1113-96-045-ED-01 and that copies of said Requisition Form are found in the miscellaneous file to these minutes.

Following discussion of this matter, Supervisor W.T. "Bill" Banks moved and Supervisor Marc Sharpe seconded a motion to authorize the Board President to sign Requisition Form No.35 for payment of expenses under said grants as set forth below as recommended by Mr. Sample on said construction project:

| | |
|---------------------------|--------------|
| Illinois Central | \$111,546.25 |
| Sample & Associates, Inc. | \$10,000.00 |
| Southern Rock, LLC. | \$8,392.51 |

And that a copy of said form and related documentation are found in the miscellaneous file to these minutes. The vote on said matter was as follows:

| | |
|---|---------------|
| Supervisor W. T. "Bill" Banks - District I | Voted: Aye |
| Supervisor Marc Sharpe - District II | Voted: Aye |
| Supervisor David H. Richardson - District III | Voted: Aye |
| Supervisor Karl M. Banks - District IV | Voted: 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 29th day of December, 2003.

In the Matter of Approving a Change Order and a Budget Shift on the Nissan Suppliers Project Being Project No. 01-045-ED-IF-01

WHEREAS, Mr. Woody Sample with Sample & Associates appeared before the Board of Supervisors and presented a change order on CDBG Project No. 01-045-ED-IF-01 and informed the Board of Supervisors that change orders had been approved by the Mississippi Development Authority and further informed the Board of Supervisors that a budget shift of \$8,477.28 would be required to complete said change orders as approved.

Following additional discussion of this matter, Supervisor Paul Griffin moved and Supervisor Marc Sharpe seconded a motion to approve Change Order No.5 to the construction project on CDBG Project No. 01-045-ED-IF-01 and that the budget for said project should be amended to shift \$8,477.28 from CDBG utility relocation fund to the CDBG road improvement fund, and that a copy of said change order and budget shift 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 29th day of December, 2003.

In the Matter of Approval of the Board President to Execute a Request for Cash for the Adolescent Offender Program

WHEREAS, Dr. Sarah Beard with the Adolescent Offender Program appeared before the Board of Supervisors and presented a Request for Cash for the Adolescent Offenders Program from the Madison County Department of Human Services in the amount of \$24,500.00, and a copy of said Request for Cash 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 authorize the Board President to execute said Request for Cash and to further authorize the transfer of \$24,500.00 to the Department of Human Services for the Adolescent Offender Program, and that a copy of said request 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 29th day of December, 2003.

In the Matter of Accepting a Final Plat on Hartfield Subdivision, Part Two

WHEREAS, Mr. Brad Sellers, Zoning Administrator, presented a final plat for Hartfield Subdivision, Part 2 located in Madison County, Mississippi and requested the Board to approve the filing of said plat.

Following discussion of this matter, Supervisor Marc Sharpe moved and Supervisor W.T. "Bill" Banks seconded a motion to authorize the Board President to execute the plat for and on behalf of the Board of Supervisors and allow said plat to be filed in the land records of Madison County. The vote on said matter was as follows:

| | |
|---|---------------|
| Supervisor W. T. "Bill" Banks - District I | Voted: Aye |
| Supervisor Marc Sharpe - District II | Voted: Aye |
| Supervisor David H. Richardson - District III | Voted: Aye |
| Supervisor Karl M. Banks - District IV | 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 29th day of December, 2003.

In the Matter of the Declaration of Surplus Property and Authorization of Transfer of Property to the Southwest Fire Protection District

WHEREAS, the Board of Supervisors of Madison County, Mississippi determined and declared the Chevrolet Pick-up Truck, formerly used by the Director of Emergency Management for the County prior to the purchase of the new truck with grant proceeds received from State and Federal authorities, to be surplus property, as allowed by law; and

WHEREAS, the Board of Supervisors has determined that it would be in the best interest of the citizens of Madison County to transfer said Truck to the Southwest Madison County Fire Protection District, as an inter-governmental transfer, as allowed by law, as an appropriation for fire protection services to be used as a brush fire truck by said district.

Following additional discussion of this matter, Supervisor Marc Sharpe moved and Supervisor W.T. "Bill" Banks seconded a motion to declare the Chevrolet Pick-up Truck, formerly used by the Director of Emergency Management for the County prior to the purchase of the new truck with grant proceeds received from State and Federal authorities, to be surplus property and to authorize the Clerk and the County Administrator to transfer said Truck to the Southwest Madison County Fire Protection District, as an inter-governmental transfer, as allowed by law, as an appropriation for fire protection services to be used as a brush fire truck by said district. 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 29th day of December, 2003.

In the Matter of Amending the Budget for the Current Fiscal Year

WHEREAS, Mr. Wallace Collins with Collins & Corbin CPA's appeared before the Board of Supervisors and presented the budget update and requested to the Board of Supervisors to amend the current fiscal year budget as follows:

| | Original Budget | Increase/(Decrease) | New Budget |
|-------------------------------------|------------------------|----------------------------|-------------------|
| <u>Tax Collector</u> | | | |
| 001-104-480 | 949.82 | 325.02 | 1274.84 |
| <u>District Attorney</u> | | | |
| 001-168-502 | 3375.00 | 72.72 | 3447.72 |
| 001-168-533 | 1875.00 | 310.17 | 2185.17 |
| <u>Elections</u> | | | |
| 001-180-409 | 500.00 | 182.50 | 682.50 |
| <u>Constables</u> | | | |
| 001-262-691 | 10000.00 | 537.22 | 1537.22 |
| <u>Planning & Zoning</u> | | | |
| 012-190-555 | 6000.00 | 435.00 | 6435.00 |
| <u>Grand Gulf</u> | | | |
| 013-300-555 | | 26475.83 | 26475.83 |
| 013-300-955 | | 5000.00 | 5000.00 |
| <u>CDBG Nissan</u> | | | |
| 045-703-911 | 40497.46 | 39115.66 | 79613.12 |
| <u>E-911</u> | | | |
| 097-230-615 | 330.92 | 24.98 | 355.90 |
| <u>Fire Ins. Rebate</u> | | | |
| 114-251-581 | | 6800.00 | 6800.00 |
| <u>Economic Dev</u> | | | |
| 137-676-603 | 12000.00 | 738.68 | 12738.68 |
| <u>AOP</u> | | | |
| 190-540-581 | 23885.58 | 340.00 | 24225.58 |
| <u>\$13 Million</u> | | | |
| 301-220-911 | 6317.50 | 222338.15 | 228655.65 |
| 001-General County | | | |
| 001-100-952 | 1218509.48 | -1427.63 | 1217081.85 |
| <u>Joe Hall Road</u> | | | |
| 176-300-249 | | 145293.00 | 145293.00 |
| 176-300-387 | | 8607.05 | 8607.05 |

Following discussion of this matter, Supervisor W.T. "Bill" Banks moved and Supervisor Marc Sharpe seconded a motion to amend the current fiscal year budget by making the changes to the items as set forth above. The vote on said matter was as follows:

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

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 29th day of December, 2003.

In the Matter of the Approval of a Resolution for the Current Claims Docket and the Claims Docket as Amended

WHEREAS, the Board of Supervisors next reviewed the claims docket for December 29, 2003 as amended for Madison County, Mississippi; and

WHEREAS, the Chancery Clerk did assure the Board of Supervisors that all claims had been properly documented and where necessary, purchase orders were obtained in advance as required by law; and

WHEREAS, the following is a summary of all claims and funds from which said claims are to be paid:

| | | | <u>Total Amount</u> |
|---------------------|------------------------------|--------------------|-----------------------|
| Fund 001 | Claims 16615 | No. of Checks-137 | 307,534.23 |
| | Claims 21795, 21797 to 21931 | | |
| Fund 012 | Claims 270 to 281 | No. of Checks – 12 | 19,828.91 |
| Fund 013 | Claims 148 to 149 | No. of Checks – 2 | 53,559.42 |
| Fund 095 | Claims 30 to 31 | No. of Checks – 2 | 15,333.35 |
| Fund 097 | Claims 282 to 286 | No. of Checks – 5 | 20,783.18 |
| Fund 105 | Claims 272 to 277 | No. of Checks – 6 | 24,806.61 |
| Fund 114 | Claims 33 to 36 | No. of Checks – 4 | 15,158.59 |
| Fund 116 | Claims 54 | No. of Checks – 1 | 180.06 |
| Fund 120 | Claims 37 | No. of Checks – 1 | 61.72 |
| Fund 137 | Claims 313 to 318 | No. of Checks – 6 | 4,893.02 |
| Fund 150 | Claims 5939 to 5955 | No. of Checks – 17 | 42,439.38 |
| Fund 160 | Claims 669 to 673 | No. of Checks – 5 | 62,035.47 |
| Fund 170 | Claims 28, 619 | No. of Checks – 2 | 43,969.86 |
| Fund 173 | Claims 27 to 29 | No. of Checks – 3 | 240,177.32 |
| Fund 190 | Claims 157 to 163 | No. of Checks – 7 | 1,851.69 |
| Fund 280 | Claim 77 | No. of Checks – 1 | 1,543.37 |
| Fund 301 | Claim 40 | No. of Checks – 1 | 222,338.65 |
| Fund 401 | Claim 76 to 77 | No. of Checks – 2 | 6,970.70 |
| Fund 690 | Claim 32 to 33 | No. of Checks – 2 | 5,980.58 |
| Fund 691 | Claim 31 to 32 | No. of Checks – 2 | 4,892.59 |
| Fund 693 | Claim 34 | No. of Checks – 1 | 746.00 |
| Total for all Funds | | No. of Checks-219 | <u>\$1,095,084.70</u> |

Following review of these claims Supervisor Paul Griffin moved and Supervisor W.T. “Bill” Banks seconded a motion to pay the claims as set forth above with the exception of the following held claims:

| <u>Fund</u> | <u>Claim No.</u> | <u>Claimant</u> | <u>Amount Held</u> |
|-------------|------------------|-----------------------------|--------------------|
| 001 | 16615 | Dean & Dean Associates | \$11,496.90 |
| 150 | 5945 | Empire Truck Sales, Inc. | \$14,400.86 |
| 160 | 671 | Warnock & Associates, Inc. | \$21,000.00 |
| 160 | 673 | Warnock & Associates, Inc. | \$22,562.50 |
| 170 | 28 | Joe L. Johnson, P.E. | \$22,468.74 |
| 170 | 619 | Williford Gearhart & Knight | \$21,501.12 |

CLAIM TO BE ADDED TO DOCKET:

| <u>Fund</u> | <u>Claim No.</u> | <u>Claimant</u> | <u>Amount ADDED</u> |
|-------------|------------------|-----------------------------|---------------------|
| 190 | 165 | Dr. Sarah Beard | \$300.00 |
| 001 | Not Assigned | Copeland Cook Taylor & Bush | \$3,476.00 |

Claim 270 in Fund 012 should be paid to Fuelman instead of Cingular
 Claim 284 in Fund 097 should be paid to Fuelman instead of Cingular
 Claim 272 in Fund 105 should be paid to Fuelman instead of Cingular

Claim 54 in Fund 116 should be paid to Fuelman instead of Cingular
Claim 313 in Fund 137 should be paid to Fuelman instead of Cingular

CLAIM TO BE REJECTED:

| <u>Fund</u> | <u>Claim No.</u> | <u>Claimant</u> | <u>Amount REJECTED</u> |
|-------------|------------------|------------------------------|------------------------|
| 013 | 149 | Engineering Associates, Inc. | \$26,475.83 |
| 173 | 27 | Tillotson Enterprises, Inc. | \$84,000.00 |
| 173 | 28 | The Clarion Ledger | \$155.07 |
| 173 | 29 | Joe L. Johnson, P.E. | \$156,022.25 |

Said motion further directed that invoice numbers should be attached to each claim on the claims docket and further directed the Chancery Clerk to publish the Summary of Claims as required by law and to authorize the President to sign and approve the Claims Docket, a copy of which is found in the miscellaneous file to these minutes with a separate signed Resolution approving payment of said claims, and that a copy of said Resolution 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 29th day of December, 2003.

In the Matter of Amending the Budget for the Current Fiscal Year

WHEREAS, Mr. Wallace Collins with Collins & Corbin CPA's appeared before the Board of Supervisors and presented the budget update and requested to the Board of Supervisors to amend the current fiscal year budget as follows:

| | Original Budget | Increase/(Decrease) | New Budget |
|---------------------------------------|------------------------|----------------------------|-------------------|
| <u>Planning & Zoning</u> | | | |
| 012 | 25000.00 | 169000.00 | 194000.00 |
| <u>Grand Gulf</u> | | | |
| 013 | 1300000.00 | 1336000.00 | 2636000.00 |
| <u>E-911</u> | | | |
| 097 | 95000.00 | 155000.00 | 250000.00 |
| <u>Road Dept.</u> | | | |
| 150 | 100000.00 | 113000.00 | 213000.00 |
| <u>Hospital I & S Fund</u> | | | |
| 250 | | 45000.00 | 45000.00 |
| <u>Indust I & S Fund</u> | | | |
| 280 | | 41000.00 | 41000.00 |

Following discussion of this matter, Supervisor W.T. "Bill" Banks moved and Supervisor Marc Sharpe seconded a motion to amend the current fiscal year budget by making the changes to the items as set forth above. The vote on said matter was as follows:

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

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 29th day of December, 2003.

**In the Matter of the Approval of the
Transfer of Funds For the Repayment
Of Hospital/Nursing Home Indebtedness**

WHEREAS, Mr. Wallace Collins, with Collins and Corbin, CPA's, appeared before the Board of Supervisors and requested that the Board approve the transfer of the sum of \$45,617.29 from the Old Hospital interest and sinking fund, being fund #250-800-951 to fund #13, being Grand Gulf fund #013-000-387, the County Reserve Fund to cover Hospital/Nursing Home Debt service and related costs and to amend the current fiscal year budget to reflect this change.

Following additional discussion of this matter, Supervisor W.T. "Bill" Banks moved and Supervisor Marc Sharpe seconded a motion to authorize the transfer of the sum of \$45,617.29 from the Old Hospital interest and sinking fund, being fund #250-800-951 to fund #13, being Grand Gulf fund #013-000-387, the County Reserve Fund, to cover Hospital/Nursing Home Debt service and related costs and to amend the current fiscal year budget to reflect this change, and that a copy of said request 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 29th day of December, 2003.

**In the Matter of Acknowledging the Receipt of a Fire
Protection Services Agreement**

WHEREAS, the Board of Supervisors received a copy of the Fire Protection Agreement from the West Madison County Fire Protection District agreeing to respond to fires and other emergencies normally responded to by this department in areas of Madison County whose location is within five miles of fire station, and that a copy of said Fire Protection Agreement is found in the miscellaneous file to these minutes.

Following additional discussion of this matter, Supervisor W.T. "Bill" Banks moved and Supervisor Marc Sharpe seconded a motion to authorize the Board President to execute the Fire Protection Service Agreement with the West Madison County Fire Protection District and to appropriate the sums due said fire protection district according to the terms of said agreements. The vote on said matter was as follows:

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

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 29th day of December, 2003.

**In the Matter of the Approval of the Minutes from
December 1 and 5, 2003 Meeting**

WHEREAS, the Board of Supervisors reviewed the Minutes of the previous meetings of the Board of Supervisors during the meetings of December 1 and December 5, 2003.

Following additional discussion, Supervisor Marc Sharpe moved, and Supervisor Paul Griffin seconded a motion to approve the Minutes and to authorize the President to sign said minutes after corrections have been made and deliver said minutes to the Chancery Clerk for recording and to make copies available to the Data Processing Department for the purposes of posting said minutes on the web page maintained by Madison County, Mississippi. The vote on said matter was as follows:

| | |
|---|---------------|
| Supervisor W. T. "Bill" Banks - District I | Voted: Aye |
| Supervisor Marc Sharpe - District II | Voted: Aye |
| Supervisor David H. Richardson - District III | Voted: Aye |
| Supervisor Karl M. Banks - District IV | Voted: 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 29th day of December, 2003.

**In the Matter of Appointing Vivian McDonagh as
Trustee for the Madison County Nursing Home
Board to serve for unexpired term of Frank Carlisle**

WHEREAS, the Board of Supervisors next discussed the appointment of a Trustee to the Madison County Nursing Home to fill the unexpired term of Frank Carlisle, who resigned and determined that Vivian McDonagh should be appointed to fill the unexpired term of Mr. Carlisle the District II representative, whose term expires in August, 2005.

Following additional discussion of this matter, Supervisor Marc Sharpe moved and Supervisor W.T. "Bill" Banks seconded a motion to appoint Vivian McDonagh as the District II representative for the Madison County Nursing Home to serve for the unexpired term of Frank Carlisle as set forth above. The vote on said matter was as follows:

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

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 29th 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 Paul Griffin and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was adjourned.

David H. Richardson, President
Madison County Board of Supervisors