

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

REGULAR MEETING OF MARCH 14, 2003
Recessed from regular meeting conducted on March 7, 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 14th day of March, 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 W.T. "Bill" Banks
Supervisor Marc Sharpe
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 Meeting with Members of the
Madison County Election Commission**

WHEREAS, the Board of Supervisors met with members of the Election Commission and representatives of Central Mississippi Planning & Development District regarding new precincts and polling places for Madison County due to the changes in the Supervisor District lines and the Justice Court District lines by the most recent county-wide redistricting plans adopted by the Board of Supervisors. The Board of Supervisors and the members of the Commission reviewed all of the various data and information, but took no action regarding this matter.

**In the Matter of the Petition filed by James Dixon
Seeking a Special Exception to Place a Mobile Home
in a R-1 Residential District**

WHEREAS, Mr. Brad Sellers did present a Petition filed by James Dixon seeking to place a mobile home in Section 13, Township 8 North, Range 2 East in Madison County, Mississippi in a R-1 Residential 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 James Dixon be allowed and granted a special exception for a three year period to place a mobile home in Section 13, Township 8 North, Range 2 East in a R-1 Residential District on property owned by James Dixon in Madison County, Mississippi, and being further identified as parcel number 82F-13-29/01 according to the most recent tax assessment records of Madison County.
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 no screening is required.
 - f. Signs, if any, and proposed exterior lighting, with reference to glare, traffic, safety, economic effect and compatibility in harmony to the properties in the district; the Board hereby finds that this is not applicable to this property and no requirement is made.
 - g. Required yards and other open space; the Board hereby finds that setbacks and open space are readily available for said property.
 - h. General compatibility with adjacent properties and other property in the district; the Board hereby finds that conditions for this property are generally compatible with adjacent properties and the conditions are acceptable.

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

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: 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 14th day of March, 2003.

**In the Matter of the Adoption of an Ordinance Re-zoning
Property for and on Behalf of Todd Cameron, Jr.**

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

WHEREAS, Todd Cameron, Jr., did file an Application to rezone certain property from its present A-1 Agricultural Use District Classification to a R-2 Residential Use District Classification; and

WHEREAS, by Resolution properly adopted by the Board of Supervisors on the 14th day of February, 2003, a hearing was set for the 14th day of March, 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 14th day of March, 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 the following described tract of real property be, and the same is hereby, rezoned from its present A-1 Agricultural Use District Classification to R-2 Residential Use District Classification, to wit:

A parcel of land lying and being situated in the SW¹/₄ of the SE¹/₄ of Section 19, T8N, R2E, Madison County, Mississippi, and being more particularly described as follows:

Commencing at the SE corner of Section 19, T9N, R2E, Madison County, Mississippi; thence run Westerly along the North line of Mannsdale Public Road for a distance of 1664.0 feet to the Point of Beginning; thence turn right through a deflection angle of 86 degrees 11 minutes and run Northerly for a distance of 170.00 feet; thence turn to the left through a deflection angle of 85 degrees 23 minutes and run Westerly along a line parallel with the North line of Mannsdale Public Road for a distance of 323.39 feet; thence turn to the left through a deflection angle of 94 degrees 37 minutes and run Southerly for a distance of 170.00 feet to a point on the North line of Mannsdale Public Road; thence turn left through a deflection angle 85 degrees 23 minutes and run Easterly along the North line of Mannsdale Public Road for a distance of 323.39 feet to the Point of Beginning.

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

ORDAINED, ADOPTED AND APPROVED by the Board of Supervisors of Madison County, Mississippi, at a meeting thereof held on the 14th day of March, 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 14th day of March, 2003.

**In the Matter of Amending the Madison County
Zoning Ordinance**

WHEREAS, the Board of Supervisors desired to amend its existing Zoning Ordinance to change Article IV Section 402.9; and

WHEREAS, the Board of Supervisors did previously advertise its intent to change the above referenced section of the Madison County Zoning Ordinance; and

WHEREAS, the date and time as advertised did arrive and the Board of Supervisors convened a public hearing regarding the proposed amendments to the Zoning Ordinance; and

WHEREAS, the Board of Supervisors received no objections to the proposed amendments and determined that said amendments were well taken and should be granted and that the Madison County Zoning Ordinance should be amended as follows:

Delete the text of subsection 402.9, Planned Unit Development (PUD), of Section 402, Zoning District regulations, of Article IV, Regulations and Substitute Therefore:

402.9 P-1 Planned Unit Development (PUD)

402.9-1 General Description

1. In order to encourage the development of properly planned residential communities on sites greater than 40 acres,

To allow flexibility in the design of large subdivision developments,
To take advantage of natural features of the landscape,
To create and maintain effective open areas,
To provide recreational amenities, and
To reduce the cost of maintaining public streets and providing public utilities,
The P-1 District is hereby created.

2. The intent of this district is to provide an area where a multiplicity of land uses are permitted, including single-family residential, multi-family residential, compatible commercial, and public/quasi-public facilities and utilities, and in which lands not otherwise used by structures and yards but required by the basic zoning of the site shall be set aside as common areas and/or open space areas accessible to residents of the district.

3. The Planned Unit Development District shall be a designation superimposed on one or more of the residential districts defined in this ordinance.

402.9-2 Permitted Uses - The following uses are permitted:

1. Any residential use permitted by rights in the Single Family Residential Districts, in the R-3, R-4, and R-5 Districts.

2. Any commercial use permitted by right in the C-1A, C-1, C-2 Commercial Districts, provided:

That such commercial use will be of service and convenience to the residence of the district,

That no commercial use or any structure designed for or devoted primarily to a commercial enterprise shall be permitted prior to the completion of thirty percent (30%) of the theoretical maximum number of lots and/or dwelling units, unless for cause the Board of Supervisors may require or approve a different percentage or specific number of lots and/or dwelling units, and

That all commercial uses (including appurtenant parking areas) within the P-1 District do not utilize more than fifteen (15%) of the gross area of the district.

3. Public roads and highways (excluding Federal Interstate Highways and scenic parkways which are regulated as special uses in the SU-1 District).

402.9-2A Uses Allowed upon Review by the Board of Supervisors and Subject to Any Limitations and Restrictions Deemed Necessary (Special Exceptions):

1. Public or quasi-public facilities and utilities in compliance with Section 401.5 and other regulations of this Ordinance.

2. Child care facilities when conducted in the owner's residence or in conjunction with a religious facility.

402.9-3 Required Density, Lot Area, Lot Width and Yards

1. Developments within P-1 Districts shall be limited to the number of residential units stipulated by the Board of Supervisors at Site Plan review and shall not exceed the theoretical maximum number of lots and/or dwelling units which could be constructed in the basic residential district(s) on which the P-1 district is superimposed.

The theoretical maximum density for a development within a P-1 district shall be the number of lots and/or dwelling units that a conventionally-designed preliminary lot layout (of a conceptual residential development situated within the property boundaries and on the topography of the site proposed for a Planned Unit Development) would show could reasonably be constructed on the site following the lot area, lot width and yard requirements for the site's basic zoning, the requirements of this Ordinance, and the requirements of the Subdivision Ordinance.

2. Residential Lot Area, Lot Width and Yards - No minimum lot area or lot width for dwellings is required by this Ordinance in P-1 districts.

The developer shall set reasonable and uniform minimum yard requirements for the various parts or phases of the development, and should such minimum dimensions be less than that of the basic residential district(s) on which the P-1 designation is superimposed, then such yard requirements shall be approved by the Board of Supervisors at Site Plan review. Such minimum dimensions shall not permit a dwelling or other such structure to be located closer than ten (10) feet to the right-of-way or easement line of a public or private street.

3. Commercial Lot Area, Lot Width and Yards - The minimum lot area, lot width and yards for commercial structures shall be the same as those required in the commercial district appropriate for that use, unless for cause the Board of Supervisors may require or approve different requirements at Site Plan Review.

402.9-4 Common Area and Open Space Requirement

1. For a development within a P-1 district, the developer shall set aside and convey,

To the developer's successive owners of developed properties associated in a maintenance Organization, and/or, to an acceptably structured and economically viable country club, at least ten percent (10) of the gross area of the development as common area and/or open space, which areas shall be accessible subject to reasonable rules, assessments and fees to all residents of the district.

2. The developer shall set aside, improve and donate unencumbered to a maintenance Organization as common area an amount of land and such improved facilities as are sufficient to permit and justify the operation of the Maintenance Organization as a entity functioning to fulfill its purpose(s) as provided in the covenants, conditions and restrictions to which developed lots and parcels within the development are to be subjected.

3. The amount of land to be set aside and donated to a Maintenance Organization, and the amount of land, if any, to be set aside and conveyed to a country club, shall be substantiated by the developer to the satisfaction of the Board of Supervisors at Site Plan

Review.

4. Open space may be any reasonable use of land that causes spaciousness between groupings, lots or dwelling units. Open space areas may include areas that are lakes, parks, golf courses, wide medians in boulevard streets, effective buffers along streets and property boundaries, and similar land uses which provide aesthetic views and/or provide areas adequate for low-impact recreational and pedestrian movement by residents living within the district. Common areas may contain improvements and must be owned and maintained by a Maintenance Organization or Country Club. Common areas may include lands that are open space.

5. To be considered as common area or open space which meet the requirements of this section of this Ordinance, the lands set aside and conveyed as common area or open space must be adequate in size and topography to be practically used for or serve their intended purpose(s).

6. Because subdivision construction within P-1 districts is anticipated to be logically phased or staged in parts, at initial Site Plan Review, the developer shall provide to the Board of Supervisors a general description of and donation schedule for the total amount of required common area and open space. Such description and schedule shall designate which parts, if not all, of said proposed common areas and open space will be improved, if any, and thereafter when, relative to the construction of proposed parts or phases of the development, the developer shall convey to the maintenance Organization or Country Club such common areas or open space.

7. Such schedule shall reasonably and cumulatively relate the amount of land to be set aside, the cost of common area improvements, if any, to be made by the developer, the estimated cost of maintaining such common area and open space by a Maintenance Organization or Country Club, and the number of lots and/or dwelling units anticipated to be completed at the time of such donation. Such description and schedule shall be approved by the Board of Supervisors as a part of Site Plan Review.

8. Should improvements to proposed common areas and open space not be completed in accordance with the approved donation schedule, prior to granting its approval of the record plat of a corresponding part or phase of the development, the Board of Supervisors shall require that a performance bond or other sufficient surety be posted with a disinterested Trustee who is acceptable to the Board and who is authorized and empowered to complete the proposed common area and open space improvements should the developer fail to do so within a timely manner.

402.9-5 Maintenance of Common Areas and Open Space

1. As a part of the plans and documents submitted for the Site Plan Review of a proposed development within the P-1 District, the developer shall include a draft of those covenants, conditions and restrictions to which developed lots and parcels within the development shall be subjected.

2. Such covenants, conditions and restrictions shall provide for the organization and operation of a Maintenance Organization in which each successive property owner (including successive purchasers) within the development shall be a mandatory member subject to reasonable rules, assessments and fees. Such covenants, conditions and restrictions shall also provide that any Country Club to which required common areas and/or open space is conveyed shall permit, subject to reasonable rules, assessments and fees, all residents of the development to be members.

3. The Maintenance Organization or Country Club must be responsible for liability insurance, property taxes, and the administration, operation, security, repair and maintenance of all common areas and open space areas, including any improvements thereon, owned and maintained by such organization or club.

4. The Maintenance Organization must provide for the reasonable and pro rata collection from the owners of developed lots and properties within the development of monies

sufficient to pay the costs for such insurance, taxes, administration, operation, security, repair and maintenance. The collection of such monies from such owners shall be enforceable by the Maintenance Organization having the authorities to assess such costs to such owners and to enforce the collection of unpaid assessments by placing a lien of the property of owners not paying proper assessments.

5. The legal structure of a Country Club accepting ownership and maintenance responsibility for common areas and/or open space shall provide that the owner(s) of such club are responsible for such insurance, taxes, administration, operation, security, repair and maintenance.

6. The record plat of a part or phase of a development within a P-1 district shall not be approved by the Board of Supervisors until the covenants, conditions and restrictions for such part or phase have been approved by the County Attorney, which shall review same to ensure that such covenants, conditions and restrictions provide for the purposes and contain the authorities herein enumerated and are otherwise in substantial conformance with the draft covenants, conditions and restrictions approved by the Board of Supervisors as a part of Site Plan Review.

402.9-6 Coordination with Subdivision Regulations

1. Prior to the initiation of construction, a comprehensive site plan of a proposed development within a P-1 district shall be submitted to the Board of Supervisors for Site Plan Review in accordance with Section 505.1 of this Ordinance.

2. Subdivision review under the Subdivision Ordinance may be carried out simultaneously with the Site Plan Review required by this Ordinance.

3. The development plan submitted for Site Plan Review shall be submitted in a form which satisfies the requirements of the Subdivision Ordinance for preliminary plats, or in such other form (or forms) as is necessary to show the infrastructure and other important features of the development and to present generally how the developer intends to progress construction of the development.

4. There shall be no substantial or material deviation from an approved Site Plan until such deviation has been approved by the Board of Supervisors.

5. The Board of Supervisors has the authority to require as a prerequisite to approval of a Site Plan for a development within a P-1 district such features, infrastructure, covenants, conditions and restrictions as the Board deems necessary to promote and preserve the health, safety, welfare and properties of the citizens of Madison County.

Following additional discussion of this matter, Supervisor W.T. "Bill" Banks moved and Supervisor Paul Griffin seconded a motion to amend the Madison County Zoning Ordinance 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 14th day of March, 2003.

In the Matter of Approval of a Variance to the Madison County Zoning Ordinance

WHEREAS, Bankplus and The Headrick Co. filed a petition with the Board of Supervisors seeking a variance from the maximum signage allowed in the C-2 Commercial District at 1243 Gluckstadt Road in Section 28, T8N, R2E, in Madison County, Mississippi; and

WHEREAS, Mr. Brad Sellers, Zoning Administrator, appeared before the Board of Supervisors and presented the petition and informed the Board that the maximum signage allowed for this site is 128 square feet and petitioner is requesting approximately 280 square feet; and

WHEREAS, the Madison County Planning Commission had recommended the approval of this variance and no one appeared to object to its being granted.

Following additional discussion of this matter, Supervisor W.T. "Bill" Banks moved and Supervisor Marc Sharpe seconded a motion specifically finding that

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. 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 14th day of March, 2003.

In the Matter of Creating an Overlay District

WHEREAS, the Board of Supervisors received a request from the Mannsdale Heritage Preservation Foundation to establish the Mannsdale-Livingston Preservation Overlay District as allowed by the Madison County Zoning Ordinance; and

WHEREAS, the Board of Supervisors did previously advertise its intent to adopt said overlay district at its meeting held at 10:00 a.m. on March 14, 2003 in the Board Room of the Chancery/Administrative Building; and

WHEREAS, the Board of Supervisors did convene on that date and reviewed the evidence offered in support of the creation of the Overlay District; and

WHEREAS, there was no opposition to the creation of said district and the Board of Supervisors after reviewing all the evidence presented determined that it was in the best interest of the citizens of Madison County to create the Mannsdale-Livingston Preservation Overlay District covering that area described on a plat of said district, which is found in the miscellaneous file to these minutes; and

WHEREAS, the Madison County Zoning Ordinance shall be amended to include the following:

ARTICLE II DEFINITIONS AND WORDS

SECTION 201 - DEFINITIONS

ADD THE FOLLOWING DEFINITIONS:

Bar: A structure or part of a structure used primarily for the sale or dispensing of alcoholic liquor by the drink.

Big Box Retail Establishments: A retail or wholesale commercial use which occupies 50,000 square feet or more of gross floor area and sells grocery items and/or general merchandise typically found in a department or discount store.

Certificate of appropriateness: An official signed and dated governmental document issued by a governing authority to permit specific work in an overlay-zoning district (see overlay zone).

Construction: Work which is neither alteration nor demolition. Essentially, it is the erection of a new structure, which did not previously exist, even if such a structure is partially joined to an existing structure.

Convenience Car Care Establishments: See Service Station.

Convenience Store: A commercial establishment containing not more than 3,000 square feet of retail sales area, not counting storage, which deals in grocery items of a convenience nature; such stores may or may not sell petroleum products (gasoline, diesel fuel, oil, etc.); maximum number of gas pumps allowed is four with a maximum capacity of filling eight vehicles at one time; however, such establishments shall NOT include the provision of mechanical service (repairs, oil change, etc.) for vehicles NOR automatic or manual car washing service. Any and all gas pumps must be screened from direct Highway view with appropriate landscaping.
See Service Station.

Fast Food Restaurant: See Restaurant, Fast Food.

Full Service Restaurant: See Restaurant, Full Service.

Garage, Mechanical (Repair Shop): A building or portion thereof, other than a private garage or storage garage, designed or used for servicing, repairing, equipping, of motor-driven vehicles and the storage of such vehicles; also, including selling, renting, or leasing of motor-driven vehicles in conjunction with repair work. Repair work includes, but is not limited to, painting, body repairs and other major repair of vehicles.

General Mercantile Store: A single store containing *more than 3,000 square feet but less than 10,000 square feet* which offers grocery items and general merchandise (which may include some general hardware items) and may or may not sell petroleum products (gasoline, diesel fuel, oil, etc.); however, such establishments shall NOT include the provision of mechanical service (repairs, oil change, etc.) for vehicles NOR automatic or manual car washing service; maximum number of gas pumps allowed is four with a maximum capacity of filling eight vehicles at one time; any and all gas pumps must be screened with appropriate landscaping from direct Highway view.

Landscape: Any improvement or vegetation including, but not limited to: shrubbery, trees, plantings, outbuildings, walls, courtyards, fences, swimming pools, planters, gates, street furniture, exterior lighting, and site improvements, including but not limited to, subsurface alterations, site re-grading, fill deposition, and paving.

DELETE MOBILE HOMES AND SUBSTITUTE THE FOLLOWING THEREFOR:

Manufactured Home: A single-family residential dwelling built in a factory in accordance with the National Manufactured Home Construction and Safety Standards Act after June 15, 1976. Manufactured homes shall be considered structures for the purposes of this Ordinance. Manufactured homes were previously referred to as mobile homes and any references herein to mobile homes shall mean manufactured homes.

ADD THE FOLLOWING DEFINITIONS:

Overlay Zone: A zoning district that is superimposed over more than one base-zoning district and is intended to protect certain features and buildings. Where standards of the overlay zone and base-zoning district are different, the more restrictive standards shall apply.

Recreational Vehicle: A vehicle primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. For the purposes of this Ordinance, a recreational vehicle shall be considered a vehicle and not a structure. The term recreational vehicle shall include pick up truck campers, motor homes, camping trailers, travel trailers and transient trailers.

Restaurant, Fast Food TYPE 1: A commercial establishment whose principal business is the sale of pre-prepared or rapidly prepared food and beverages for consumption either within the restaurant or for carry-out, and where either: (1) customers are not served food and beverages by a restaurant employee (waiter or waitress) at the same table or counter where items are consumed.

Restaurant, Fast Food TYPE 2: A commercial establishment whose principal business is the sale of pre-prepared or rapidly prepared food and beverages for consumption either within the restaurant or for carry-out, and where either: (1) customers are not served food and beverages by a restaurant employee (waiter or waitress) at the same table or counter where items are consumed and the establishment includes a drive-through service facility or offers curb service.

Restaurant, Full Service: A commercial establishment where customers are served food and beverages by a restaurant employee (waiter or waitress) at the same table or counter where items are consumed. This term does not include fast food restaurants as defined herein. Full service restaurants may offer some carryout service where food and beverages are consumed off the premises.

Service Station/ Convenience Car Care Establishment: A commercial use that is primarily used for the retail sale of gasoline, diesel fuel, oil, or vehicle accessories and incidental services including facilities for lubricating, washing, (either automatic or hand) and cleaning, or

otherwise servicing automobiles and light trucks. The use of the term service station shall include convenience car care establishments (lubrication, tune-up, etc.), but **DOES NOT include painting, body repairs or other major repair of vehicles.** Maximum number of gas pumps allowed is eight (8) with a maximum capacity of filling sixteen (16) vehicles at one time.

DELETE THE PRESENT DEFINITION OF STRUCTURE AND SUBSTITUTE THEREFOR:

Structure: Anything constructed or erected, the use of which requires a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, manufactured homes, walls, fences, and billboards, but shall not include recreational vehicles as defined by this ordinance. The term structure shall be construed as if followed by the words or part thereof. The term structure is not intended to include driveways, parking lots or utilities.

ADD THE FOLLOWING DEFINITIONS:

Subdivision: Any change in the boundaries of a single tax parcel that results in a division of land into more than 2 lots, other than a division of family property for use by direct family members.

Supermarket: A commercial establishment containing **20,000 but less than 50,000 square feet of gross floor area (including storage)** primarily selling food as well as other convenience and household goods.

ARTICLE IV

REGULATIONS

SECTION 402 -ZONING DISTRICT REGULATIONS

402.16 Mannsdale- Livingston Heritage Preservation(MLHP) District

402.16-1 General Description and Purposes - The **Mannsdale-Livingston Heritage Preservation (MLHP) District** is hereby created to preserve the integrity of the Mannsdale-Livingston area of Madison County. The area along what is now Mississippi Highway 463 is rich in beauty and historical significance. Pioneer families settled in this part of Madison County in the 1840's to 1890's establishing lavish plantations and sacred places of worship. Remnants of this lifestyle still grace the uniquely picturesque countryside. The Board of Supervisors of Madison County hereby recognizes that the Mannsdale-Livingston area is known for its extensive and concentrated historical buildings, including the Chapel of the Cross Church, built in 1848, which is nationally recognized as a significant historical church. Other structures dating back as far as the 1890's include:

1. (1) The old Chapel Rectory;
2. (2) The O'Keefe home;
3. (3) The Yeager home; and
4. (4) The Mann Plantation silo, carriage house and entrance pillars.

The second home built on the Annandale Plantation (circa 1920's) still stands. Also, the sites of Ingleside Plantation, the first Bennett Plantation home, the original China Grove Church, Glenarchy Academy (the one-room schoolhouse), Mannsdale Mercantile store, and the Mannsdale gin are located along this stretch of Highway 463. At the junction of Highways 463 and 22 still stand the old cedar trees, which lined the town square of the town of Livingston. Built beside Livingston Springs,

Livingston was the first town in Madison County in 1824 and served as the first county seat for Madison County from 1828 to 1833. This zoning district is designed to achieve the following goals:

- (1) Protect, enhance and perpetuate buildings that represent distinctive and significant elements of the District's historical, cultural, social, economic, political, archaeological, and architectural identity;
- (2) Insure the harmonious, orderly, and efficient growth and development of the District;
- (3) Strengthen civic pride and cultural stability through neighborhood conservation;
- (4) Stabilize the economy of the District through the continued use, preservation, and revitalization of its buildings;
- (5) Protect and enhance the District's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided;
- (6) Promote the use of buildings for the education, pleasure, and welfare of the people of the District; and
5. Provide a review process for the preservation and appropriate development of the District's buildings.
- (8) Insure a reasonable balance being struck whereby proposed development is encouraged while requiring management of their storm water in such a way as to protect the public health, safety and general welfare of the inhabitants of the District; protecting also downstream property owners and the public-at-large from excessive rate, volume and undesirable quality of storm water run-off.

The MLHP district shall be a *superimposed district* (commonly referred to as an overlay zone), overlying existing Agricultural, Residential, and Commercial base districts. **It is the purpose of this district to prevent the encroachment of incompatible land uses into the area.**

In order to promote road traffic safety of this area and to preserve the historical character of this area, it is also the purpose of this district to prevent the *overburdening* of Mississippi Highway 463. The Central Mississippi Planning and Development District (CMPDD) is the organization recognized by the U. S. Department of Transportation and the Mississippi Department of Transportation (MDOT) as responsible for transportation planning and policy-making in the Jackson Metropolitan Area. According to traffic projections performed by the CMPDD, there is no justification for widening Highway 463 *inside the Mannsdale-Livingston Heritage Preservation District* beyond its present two lanes for the foreseeable future. The **2025 Jackson Urbanized Area Transportation Plan** adopted by local elected officials on the CMPDD's Metropolitan Planning Organization Committee *does not include the widening of this section of Highway 463 through the year-2025.*

Finally, it is the intent of this district to preserve the historical, picturesque character of Mississippi Highway 463 and to require setbacks and landscaping as specified herein to insure that the unique setting is protected.

The boundaries of this district are as follows: The district shall include all property 1000 feet either side of the centerline of herein described roads except as noted. North/South Boundary-beginning at the southern boundary of China Grove Church *on the east side of Highway 463 only* and going north along Highway 463 to the Annandale Golf Club entrance

and then proceeding with both sides of the highway ending at the junction with Highway 22; East/West Boundary- beginning at the intersection of Gus Green Road and Cedar Hill Road going east along Cedar Hill Road through the intersection of Highway 463 and continuing along Gluckstadt Road to the eastern boundary which is the intersection of Dewees Road with Gluckstadt Road. The district will include that section of Stribling Road beginning at Highway 463 and continuing east to the intersection of McMillon Road. The district regulations will also apply for any new road or roads built in the future which may cross Highway 463 within the northern and southern boundaries of the district for 1/2 mile east or west of Highway 463. (See submitted map for outline of boundaries).

402.16-2

Uses Permitted Subject to Underlying Zoning - The following uses are permitted outright in the MLHP district *subject to the underlying zoning*:

1. 1. All agricultural uses permitted outright in underlying A-1 Agricultural zones and Residential Estate (R-1) zones and subject to the regulations of those zones.
2. 2. Single-family detached dwellings on *less than two (2) acres* (i.e., in underlying R-1A or R-2 zones) with only one principal dwelling per lot, customary accessory uses, and home occupations subject to limitations specified in Section 400.10. No lot having an area of less than two (2) acres shall be platted if such lot is not served by a public or private sewage disposal system.
3. 3. Public roads and highways (excluding Federal Interstate highways which are regulated as special uses in SU-1 districts).

4.

402.16-3

Uses Allowed Upon Review by the Board of Supervisors and Subject to Any Limitations and Restrictions Deemed Necessary (Special Exceptions): See Section 504.2 for the proper administrative procedures.

1. Public or quasi-public facilities and utilities in compliance with Section 401.5 and other regulations of this Ordinance.
6. Commercial uses in which the services performed and/or the merchandise offered for sale are conducted or displayed within enclosed buildings, *except for the display of small articles (i.e., those that can generally be hand-carried by one or two persons) outside of the commercial use. Such uses may only be established in underlying commercial zones (C-1, C1-A and C-2 zones).*
7. General mercantile stores.
8. Fast Food Restaurant Type 1 Only.
5. Supermarkets.
6. Service stations and convenience stores are allowed only along the Highway 463 corridor within 500 ft. of Highway 22.
7. Bars as part of a full-service restaurant only.
8. Surface mining operations of a temporary nature, such as lake construction or land development.
9. Public or private, non-commercial (such as open space and recreational facilities within a residential subdivision with use limited to members/ residents of the subdivision) recreational or open space facilities. **Country clubs are regulated as public/quasi-public facilities subject to the provisions of Section 401.05.**

402.16-4

Other Uses Expressly Prohibited in the MLHP District - The following uses are expressly prohibited in the Mannsdale-Livingston Heritage Preservation District:

9. Big box retail establishments.
2. Stand-alone bars (i.e., a bar that is not a part of a full-service restaurant), including dance halls, saloons and nightclub

- establishments.
3. Manufactured or mobile homes. However, all manufactured or mobile homes existing at the time of passage of this amendment shall be subject to the provisions of Section 405 (Nonconforming Uses) of this Ordinance.
 4. All warehousing uses, including self-storage warehouses or mini warehouses.
 10. All industrial or manufacturing zoning or uses.
 11. Mechanical garages as defined by this Ordinance.
 12. All commercial open-pit mining operations.
 13. Commercial feedlots.
 14. Billboards and other off-premise signs.
 15. Fast Food Restaurants Type 2 (those with drive through window or curb service).
 16. Apartments and/or residential condominiums.
 17. Service stations and convenience stores are not allowed, except on the Highway 463 corridor within 500 ft. of Highway 22.
 18. Commercial metal buildings.
 19. Hotels, motels or boarding houses.
 20. Bowling alleys or skating rinks.
 21. Auto or truck dealerships.
 22. Bingo parlors or any other type of gambling establishment.
 23. Any establishment promoting or selling pornographic material including, but not limited to the following: strip clubs; gentlemen's clubs; topless bars; or adult book/video stores.
 - 24.
 25. THIS LIST OF PROHIBITED USES IS NOT ALL INCLUSIVE AS OTHER USES MAY BE DEEMED INAPPROPRIATE UPON REVIEW BY THE MLHP DISTRICT AND THE MADISON COUNTY BOARD OF SUPERVISORS AND THEREBY BE PROHIBITED.

402.16-5 Building Heights - No structure shall exceed thirty-five feet or two and one-half stories (2 1/2) stories in height.

402.16-6 Minimum Lot Area, Minimum Lot Width, and Required Yards for Residential Uses in Underlying A-1 and R-1 Zones (Where Sewer Service Is NOT Provided)

1. Lot Area - Two (2) acres.
26. Lot Width - 100 feet at the front building setback line.
27. Front Yard - 50 feet.
4. Side Yard - 25 feet
28. Rear Yard - 50 feet

402.16-7 Minimum Lot Area, Minimum Lot Width, and Required Yards for ALL Underlying Zones (Where Sewer Service IS Provided) - Same as the underlying district.

402.16-8 Frontage of Lots in New Residential Subdivisions Upon Mississippi Highway 463 Prohibited - Lots in any new subdivision, other than a division of family property, containing two or more lots shall front on an interior circulation street. Frontage of lots in new subdivisions directly upon Mississippi Highway 463 is prohibited.

402.16-9 Fencing or Landscaping Required for All New Residential Subdivisions Along Mississippi Highway 463 or Other Arterial Roads: Since all R-2 County zoning of new residential subdivisions in the MLHP district approved on or after the effective date of this amendment must front on an interior circulation street, the developer of such subdivisions shall provide a 100 foot landscaped or no cut buffer zone, or a 60 foot landscaped buffer

zone with a black 6 foot high wrought iron fence along Mississippi Highway 463, Gluckstadt Road, Cedar Hill Road, Stribling Road or other arterial road which may be built in the future that crosses Highway 463 and borders the subdivision. The buffer zone shall be measured from the existing highway or road right of way. The proposed fence or landscaping is subject to review and approval by the Board of Supervisors. R-2 zoning is defined in accordance with the current county zoning in effect at the time of the establishment and approval of the MLHP District by the Board of Supervisors.

402.16-10 Landscaping & Lighting Required for All Commercial Developments in
— MLHP District: Developers of any commercial use proposed following
 adoption of this amendment shall provide appropriate landscaping on
 Mississippi Highway 463 or along any arterial road bordering the
 proposed commercial development. Before rezoning commences, an
 architectural plan along with landscaping, exterior lighting, servicing,
 drainage, and access plans will be submitted to the MLHPP Commission.
with In addition, lighting shall be compatible with the architectural design
 NO high intensity lights permitted. A sufficient number of antique
 designed streetlights will be used to achieve the foot-candles required and
 lighting shall be of a moonlight color--amber lighting is not allowed.
 Exterior lighting will be designed to minimize light pollution of all the
 adjacent properties.

A. Landscaped setback buffer zone of 80 ft. is required along
 Highway 463 and all arterial roads for all commercial zoned property
 within the district.

402.16-11 Noise Pollution: Since the purpose of the MLHP District is to preserve
 the historic rural atmosphere of the district, commercial establishments
 within the district must ensure that their enterprise will not adversely
 affect surrounding properties with noise pollution. The MLHP District
 will review the effect of noise pollution when considering the
 appropriateness of any proposed commercial applications.

402.16-12 Storm Water and Erosion Management:

A.Regulations Governing Rate of Run-Off.

- 1.Rate of run-off shall be determined at each point where run-off leaves the property being developed in its pre-development state.
- 2.The Storm Water Management System shall be designed so that Peak Flow Rate at any exit point in the post-developed condition shall be less than or equal to the Peak Flow Rate for that exit point in the pre-developed condition for the 2-year, 10-year, and 50-year 24-hour storms.
- 3.In addition to the Peak Flow requirement listed above, it shall be the responsibility of the developer and his/her engineer to ensure that the run-off of the 100 year storm event does not create a flooding problem at any street, drive or culvert within 500 feet of any run-off exit point from the property which did not pre-exist the development.

B.Regulations Regarding Velocity of Run-Off

- 1.Velocity calculations for the purpose of compliance with this ordinance shall be calculated using the 2-year/24 hour storm;
- 2.The velocity of flow at any of the storm water run-off exit points from the property for the post-development condition shall be less than or equal to the velocity of flow in the pre-developed condition.

C.Regulations Regarding Regimes of Flow

- 1.For the purpose of this ordinance, there will be considered to be two regimes of flow; sheet flow and concentrated flow;
- 2.Sheet flow shall be defined as any flow for there is no defined channel in the ground at the exit point from the property. Any flow designated as either "sheet flow" or "shallow concentrated" flow for the purpose of SDC TR-55 flow calculations will into the category of sheet flow for the purpose of this portion of the ordinance;
- 3.Concentrated flow shall be defined as any flow for which there is a defined channel or culvert in the ground at the exit point from the property;
- 4.Flow must exit the property in the post-developed condition in the same regime as it exited the property in the pre-developed condition.

402.16-13

Establishment of Mannsdale-Livingston Heritage Preservation

Commission: A **Mannsdale-Livingston Heritage Preservation Commission** is hereby established whose primary function shall be to review applications for Certificates of Appropriateness. This Commission shall also review all applications for rezoning, variances and special exceptions anywhere within the MLHP district. The Preservation Commission shall be an advisory body and shall forward their recommendations to the Board of Supervisors, who may accept or reject the recommendations of the Preservation Commission. The Madison County Zoning Administrator shall serve as an ex-officio member of the Mannsdale-Livingston Heritage Preservation Commission.

Membership on the Mannsdale-Livingston Heritage Preservation Commission shall be approved by the County and shall serve at the will and pleasure of the County. The Commission shall consist of nine (9) members from the voting membership of the Mannsdale Heritage Foundation as approved by the Mannsdale Heritage Foundation Board.

402.16-14

Terms of the Mannsdale-Livingston Heritage Preservation Commission - The nine (9) members of the MLHP Commission shall serve for three, six and nine year terms, with three members rotating off after the first three years, three more members rotating off after six years, and the last three members rotating off after nine years. The intent of this section is to insure that there are always experienced members on the Commission.

402.16-15

Meetings of the Mannsdale-Livingston Heritage Preservation Commission

The MLHP Commission shall hold meetings on an as-called basis when the Chairman or Vice-Chairman acting for the Chairman calls a meeting. Since reviews of applications for variances, special exceptions and rezoning require public hearings, the Commission shall meet following publication of a Notice of Public Hearing in a newspaper as specified in Section 700 of this Ordinance. The MLHP Commission shall forward their recommendations to the Board of Supervisors.

402.16-16

Duties of the Mannsdale-Livingston Heritage Preservation Commission -

The MLHP Commission shall have the following responsibilities:

29. To recommend amendments to the boundaries of the Mannsdale-Livingston Heritage Preservation District, which shall be shown on the Official Zoning Map of Madison County.
30. The Commission shall review all applications for **Certificates of Appropriateness**, and make recommendations to the Board of Supervisors regarding all such applications.
31. Review of Applications for **Rezoning, Variances, Special Exceptions**, in the Mannsdale-Livingston Heritage Preservation

- District.
32. The MLHP Commission shall review all **site plans** in the MLHP district as required by this ordinance.
 33. The Commission, subject to the requirements of the County, is authorized to apply for, receive, hold and spend funds from private and public sources, in addition to appropriations made by the County for the purpose for carrying out the provisions of this ordinance.
 34. The Commission is authorized to employ such staff or contract with technical experts or other persons as may be required for the performance of its duties and to obtain the equipment, supplies, and other materials necessary for its effective operation.

402.16-17 Rules of Conduct of the Mannsdale-Livingston Heritage Preservation Commission

1. The Commission annually shall elect from its membership a chairman and vice-chairman. It shall select a secretary from its membership or its staff. If neither the chairman nor the vice-chairman attends a particular meeting, the remaining members shall select an acting chairman from the members in attendance at such meeting.
35. The Commission shall develop and adopt rules of procedure, which shall govern the conduct of its business, subject to the approval of the County. Such rules of procedure shall be a matter of public record.
36. The Commission shall keep minutes and records of all meetings and proceedings including voting records, attendance, resolutions, findings, determinations, and decisions. All such material shall be a matter of public record.
37. The chairman or any two (2) members may call a special meeting to consider an urgent matter.
38. All meetings of the Commission shall be open to the public at all times unless an executive session is declared in the manner provided by State law.
39. Voting by the Commission on all matters coming before that body shall be held in public except for voting during executive session.
40. The decision of a majority of the Commission members present and voting shall represent the decision of the Commission.
- 41.

402.16-18 Review of Applications for Rezoning, Variances, Special Exceptions, in Mannsdale-Livingston Heritage Preservation District: BOTH the Mannsdale-Livingston Heritage Preservation (MLHP) Commission and the Madison County Planning Commission shall review applications for rezoning, variances and special exceptions. The MLHP Commission shall review these applications and submit their recommendations and findings to the Board of Supervisors. The Planning Commission shall also review such applications and forward their recommendations and findings, which may or may not be consistent with those of the MLHP Commission, to the Board of Supervisors.

402.16-19 Site Plan Required for Any Proposed New Construction in the Mannsdale-Livingston Heritage Preservation District - When any new construction (other than single-family dwellings) is proposed anywhere within the MLHP district, a **site plan** shall be prepared by persons responsible for initiating such construction in accordance with Section 505 of this Ordinance. Before an application may be considered for approval an architectural plan, landscaping plan including drainage, servicing plan,

access plan, and exterior lighting plan must be submitted to the MLHP Commission. Dimensions, specific site feature and basic topography information shall be shown on the site plan. The MLHP Commission shall review site plans for such construction. The site plan is subject to review and approval by the commission.

402.16-20

Procedures for Review of Site Plan - From the date of receipt of a proposed site plan, the MLHP Commission shall have thirty (30) business days in which to review site plans and make a recommendation to the Board of Supervisors. After reviewing all information relative to the site plan, the Mannsdale-Livingston Heritage Preservation Commission may recommend issuance of a Certificate of Appropriateness and issuance of a building permit or recommend denial by the Board of Supervisors. If the Commission determines that the proposed building or structure is *excessively similar or dissimilar* to other like structures within the district and makes a specific finding that the structure as proposed would *provoke one or more of the harmful effects as set forth in Section 406.16-21*, and that such finding is not based upon personal preferences as to taste, then the Commission may recommend that no Certificate of Appropriateness be issued and that an application for a building permit be denied by the Board of Supervisors. If the Commission recommends issuance of a Certificate of Appropriateness and a building permit, such recommendation shall be contingent upon final review and approval by the Board of Supervisors.

the

402.16-21

Certificate of Appropriateness Required - A Certificate of Appropriateness shall be required before any new construction (except single-family residences) can be undertaken within the MLHP District. Therefore:

42. The Commission shall serve as an *advisory body* to recommend approval or denial by the Board of Supervisors of applications for Certificates of Appropriateness.
43. In recommending approval and denial of applications for Certificates of Appropriateness, the Commission shall seek to accomplish the purposes of this ordinance.
44. All decisions of the Commission shall be in writing and shall state the findings of the Commission, its recommendations, and the reasons therein.

402.16-22

Purposes of a Certificate of Appropriateness - A "Certificate of Appropriateness" is a document issued by the Madison County Board of Supervisors approving a proposed new construction in the MLHP district. The purposes of the Certificate of Appropriateness are:

45. To conserve the values of existing buildings and structures.
46. To prevent *excessive uniformity and dissimilarity and inappropriateness or poor quality of design in the exterior appearance of structures.*
47. To prohibit unsightly and unsuitable structures that would be out of harmony or incongruent with the existing visual features within the district.
48. To prevent harm and damage to the District which will result from the absence of such review and manifest itself by:
 49. (a) lower property values;
 50. (b) decreased economic growth; or
 51. (c) diminished future opportunities for land use and development.

402.16-23

Procedures for Consideration of Applications for Certificates of Appropriateness - Anyone desiring to undertake new construction (except single-family residences) in the MLHP district must submit an application (on a form provided by the office of the Zoning Administrator) for a Certificate of Appropriateness to the Madison County Zoning Administrator, who shall forward this application to the Chairperson of the Mannsdale-Livingston Heritage Preservation Commission. The Commission shall review the application and either recommend approval, denial, or make recommendations for changes and modifications as it deems necessary in order for the applicant to meet the standards and guidelines for the action to be performed. If the applicant's plans meet the approval of the Commission, the Chairman of the Commission shall sign the Certificate and it shall be forwarded to the Board of Supervisors for review and final approval. Following approval by the Board of Supervisors, the Certificate shall be forwarded to the Building Official for issuance of a building permit.

If the Commission should reject the application or recommend changes and modifications not acceptable to the Applicant, the Applicant may appeal the Commission's decision directly to the Board of Supervisors.

No building permit shall be issued by the County building official for any proposed new construction in the MLHP district without a Certificate of Appropriateness.

402.16-24

Expiration of Certificates of Appropriateness- Certificates of Appropriateness shall expire six (6) months after final approval of the Certificate by the Board of Supervisors if construction or other proposed action has not been initiated within such time.

402.16-25

Hours of Operation for Properties with Underlying Restricted Commercial Zoning - Hours of commercial operation within the MLHP District will be as early as 6:00 A.M. to as late as 9:00 P.M. Exceptions to this will be considered by the MLHPC on an individual basis according to the nature of the business and the impact of extended hours upon the surrounding properties.

402.16-26

Sign Regulations for Properties with Underlying Restricted Commercial Zoning

The term "sign" shall further mean and include every device, frame, letter, figure, character, mark, point, design, picture, trademark or reading matter, which is used or intended to be used to attract attention or convey information when the same is placed out of doors in view of the general public. The "sign" shall also include any sign that shall be painted, printed, or otherwise affixed or placed on the wall or roof of any building, fence or other structure.

Allowable Exterior Signs and Maximum Area and Height for Signs in underlying C-1A Zones:

Ground-mounted signs.

1. No ground-mounted sign shall exceed a height of eight (8) feet above the surrounding grade (not including 6" curb) and shall not exceed an area of 70 square feet.
2. One ground mounted sign shall be allowed per project, except where the project fronts on two or more streets.

3. Ground mounted signs shall be limited to the name of the office complex or business.
4. A set back of 20 feet from the face of curb or edge of the pavement is required for all ground mounted signs.

Wall Mounted Signs.

1. A sign at the wall of a building with the face parallel to and within 12 inches of the plane of building wall.
2. A maximum of 10 square feet for each wall mounted sign.

Prohibited Signs.

1. Animated signs: Any sign, which includes action or motion.
2. Bench Sign: An advertising message on any portion of a bench.
3. Billboard: An outdoor advertising sign structure which advertises goods, products or services.
4. Canopy Sign: A sign mounted on and supported by a canopy, or found on the side of, below the roof line, or hanging beneath the canopy.
5. Changeable Copy Sign (Manual): A sign on which copy is changed manually with letters of changeable pictorial panels.
6. Changing Sign (Automatic): A sign such as an electronically or electrically controlled message center or reader board, where different copy changes are shown on the same lamp bank.
7. Roof Top Mounted Sign
8. Flashing Sign: Any sign which contains an intermittent or flashing light by means of animation, or an externally mounted intermittent light source.
9. Marquee Sign: A wall sign mounted on a permanent roof-like projection over the entry to an establishment.
10. Seasonal or Special Occasion Temporary Sign: A sign which is not permanent and is limited to a specific activity or in the celebration of holidays or other special events.

Agricultural (A-1) Low and Moderate Density Residential District (R-E, R-1, R-2) applicable PUD areas and Churches in all zoning districts:

- A. This section of the Ordinance shall apply to all districts designated by the Zoning Ordinance as Agricultural (A-1) low and moderate density residential (R-E R-1, R-2) such uses in PUD areas and churches in all zoning districts.

B. Allowable Subdivision Signs:

1. Subdivision identification sign - One subdivision identification shall be allowed at each entrance.
 - (i) a ground mounted sign is acceptable.
 - (ii) a wall mounted sign which is one integral surface mounted unit is acceptable.

C. Size:

The area of one face of the sign portion of the subdivision entrance identification shall not exceed seventy (70) square feet. In no case shall total sign area exceed seventy (70) square feet per side if double faced.

D. Location:

1. Subdivision Identification Sign - shall be set back a minimum of twenty (20') feet from the face of curb or edge of the pavement of any arterial street. In some instances a setback of more than twenty (20') feet may be required by the MLHPP District Committee for safety reasons.
2. Church, Public or Semi-public Building or Park Signs - Setback for these signs shall be one-half the distance of other buildings in the district.

E. Content:

1. Subdivision Identification and other identification signs shall indicate only the name of the subdivision or the name and address of the building or business.
2. Signs shall be restricted to letter, numbers and a business logo.
3. Public or semi-public building or park signs shall only display the name of the building or park, as well as, information relating to scheduled activities therein.

F. Billboards:

Billboards, an outdoor advertising sign structure which advertises goods, products or services, is prohibited along Highway 463 and all other roadways within the MLHP District.

Following additional discussion of this matter, Supervisor W.T. "Bill" Banks moved and Supervisor Marc Sharpe seconded a motion to create the Mannsdale-Livingston Preservation Overlay District as set forth above and to further amend the ordinance as set forth above. The vote on said matter being as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: 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 14th day of March, 2003.

In the Matter of Accepting a Petition to Amend the Official Zoning Ordinance and/or Official Zoning Map of Madison County, Mississippi

WHEREAS, Zoning Administrator Brad Sellers did advise the Board that he had received a petition to amend/change the Official Zoning Ordinance and/or Official Zoning Map of Madison County, MS, as follows and recommended that the Board accept such petition and forward it to the Planning Commission for review and recommendation:

Joe Kellum - Petition for a special exception to place a mobile home in an R-2 Residential District.

Following review and discussion, Supervisor W.T. "Bill" Banks moved and Supervisor Marc Sharpe seconded a motion to forward the petition as set forth above to the Planning Commission for review and recommendation. 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 14th day of March, 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 18th day of April, 2003, to-wit:

Virgie Mae McDonald - Petition for a special exception to place a mobile home in a R-2 Residential District located at 150 Lake Castle Road in Section 15, T7N, R1E in Madison County, Mississippi.

Delbert Goodloe – Petition to operate a surface mining operation in a A-1 Agricultural District located on a 4 acre site on Highway 51 in Section 28, T10N, R3E in Madison County, Mississippi.

Dwayne Ballard dba DDB Construction, Inc. – Petition to operate a surface mining operation in a R-1 Residential District located on North County Line Road in Section 30, T7N, R1E in Madison County, Mississippi.

JoAnn T. Weeks – Petition to operate a surface mining operation in a R-2 Residential District located on 18 acres near 2056 Highway 16 East in Section 14, T9N, R3E in Madison County, Mississippi.

Following review and discussion of these matters, Supervisor Marc Sharpe moved and Supervisor Paul Griffin 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, April 18, 2003. The vote on said matter being as follows:

Supervisor W. T. “Bill” Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: 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 14th day of March, 2003.

In the Matter of the Adoption of an Order Setting Forth Proposed State Aid Projects for Madison County

WHEREAS, Mr. Joe Johnson, County State Aid Engineer, appeared before the Board of Supervisors and presented an Order changing construction language and construction documents on the North Livingston Road project, that a copy of the Order may be found in the miscellaneous file to these minutes and part of the Order is as follows, to-wit:

**ORDER OF BOARD OF SUPERVISORS MADISON COUNTY,
SETTING FORTH PROPOSED STATE AID PROJECTS FOR
PERIOD JANUARY 1, 2001 THROUGH DECEMBER 31, 2003**

Pursuant to the provisions of Senate Bill No.1 of the Extraordinary Session of 1949 and as subsequently amended, We, the undersigned members of the Board of Supervisors of Madison County, hereby order that the proposed project(s) listed herein constitute the State Aid Program for Madison County for period January 1, 2001 through December 31, 2003.

In support of this order, the Board certifies and agrees that:

1. The State Aid System in said County has been designated by the Board and approved by the State Aid Engineer, as required by said Act.
2. The Board has employed a Registered Professional Engineer as County Engineer, who will employ such other competent technical assistant(s), as required, to properly supervise and inspect the work in compliance with the Rules and Regulations of the State Aid Engineer, all as required in said Act.
3. This program, which has been prepared by the County Engineer and approved by this Board, is herewith submitted to the State Aid Engineer for approval.
4. The Board will comply with all applicable Laws, Rules and Regulations in the acquisition of rights-of-way and will maintain the acquired rights-of-way for said project(s) to keep the same free of encroachments such as buildings, fences or any other obstructions. The Board designates Woody Sample as its right-of-way acquisition agent for the project(s) herein. The agent's address and phone number is 1013 North Flowood Drive, Flowood, MS 39232, (601)932-9050.
5. The Board herein affirms its acceptance of the Office of the State Aid Road Construction's policy for the accommodation of utilities as stated in S.O.P. No. SA II-2-8 and agrees to coordinate utility facility installation and/or adjustment in a timely manner so as not to impede project development.
6. The Board will maintain the project(s), after completion, in a regular and satisfactory manner subject to the approval of the State Aid Engineer, all as required in said Act.
7. The State Aid Engineer is authorized to effect such transfer of funds as are necessary to pay engineering costs on the project(s), as authorized by House Bill No. 328, Laws of 1970, and in accordance with the Rules and Regulations promulgated by the State Aid Engineer, dated April 13, 1998.
8. The State Aid Engineer is authorized to effect such transfer of funds as are necessary to pay testing expenses incurred PRIOR to the award of Contract on any project(s) included in this program.
9. In the event the Board cancels or withdraws any project(s) included in this program, the Board hereby agrees to reimburse its State Aid Fund for testing charges incurred.

Following additional discussion of this matter, Supervisor W.T. "Bill" Banks moved and Supervisor Marc Sharpe seconded a motion to approve the Order as submitted by Joe Johnson

changing construction language and construction documents on the North Livingston Road project and that a copy of said Order is found in the miscellaneous file to these minutes. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Absent
Supervisor Paul Griffin - District V	Voted: 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 14th day of March, 2003.

**In the Matter of Authorizing the Execution of a
Response to the Request from the State of Mississippi for a
Juvenile Accountability Incentive Block Grant Program**

WHEREAS, Dr. Sarah Beard with the Adolescent Offender Program appeared before the Board of Supervisors and presented correspondence from the State of Mississippi informing the Board of Supervisors that Madison County is eligible to receive the sum of \$28,638.00 under the Juvenile Accountability Incentive Block Grant Program provided that Madison County agreed to a 10% cash match of the total cost of the said program and to submit a response by March 14, 2003; and

WHEREAS, Dr. Beard requested the Board of Supervisors to approve the matching funds for this proposed grant and to authorize the Board President to execute the response to the State of Mississippi as requested.

Following additional discussion of this matter, Supervisor Karl M. Banks moved and Supervisor Paul Griffin seconded a motion to authorize the Board President to execute the response to the State of Mississippi for the Juvenile Accountability Incentive Block Grant Program to seek to obtain a grant in the amount of \$28,638.00 under said program, and further agreeing to provide the 10% cash match for said funding should they be received, and a copy of said documentation is found in the miscellaneous file to these minutes. The vote on said matter was as follows:

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

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board, as being duly carried on this the 14th day of March, 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
001-100-554	47840.97	9887.50	57728.47
001-100-556	13159.25	13322.51	26481.76
001-101-533	5813.86	554.63	6368.49
001-101-570	1089.00	188.00	1277.00
001-102-533	6148.82	1987.49	8136.31
001-103-510	504.79	109.10	613.89
001-103-521	637.00	98.00	735.00
001-103-544	6000.49	328.66	6329.15
001-103-571	3888.59	18.00	3906.59
001-104-581	32617.75	1917.00	34534.75
001-151-540	50000.00	79.24	50079.24
001-161-559	4404.45	98.00	4502.45
001-168-552	5300.00	1094.87	6394.87
001-200-613	23680.90	10.00	23690.90
001-220-543	17416.23	176.00	17592.23
001-450-533	6000.00	424.39	6424.39
013-000-701	3708522.61	16788.12	3725310.73
113-200-480		2000.00	2000.00
120-251-671	499.26	29.97	529.23
120-251-672	458.50	28.11	486.61
120-251-701	5005.00	2995.00	8000.00
137-676-571	7000.00	9770.00	16770.00
137-676-671	429.45	60.77	490.22
150-300-550		181.65	181.65
150-300-555	137021.01	14952.11	151973.12
150-300-955	194752.86	12940.46	207693.32
001 – General County			
001-100-952	467,242.09	(30293.39)	436948.70

Following discussion of this matter, Supervisor W.T. “Bill” Banks moved and Supervisor Karl M. Banks 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: 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 14th day of March, 2003.

In the Matter of Amending the Budgets of the Chancery Clerk and of the Tax Assessor for the Current Fiscal Year

WHEREAS, Mr. Wallace Collins with Collins & Corbin CPA's appeared before the Board of Supervisors and presented the budget updates for the Chancery Clerk's office and the Tax Assessor's office and requested to the Board of Supervisors to amend the current fiscal year budget as follows:

	<u>Chancery Clerk</u>	<u>Increase/Decrease</u>
001-101-447	Attending Board Meetings	375.00
001-101-448	County Auditor	1325.00
001-101-449	County Treasurer	250.00
001-101-465	State Retirement	190.00
001-101-466	Social Security Matching	149.00
001-101-469	Unemployment Service Fees	25.00
001-101-501	Postage	3500.00
001-101-502	Phone Service	750.00
001-101-521	Legal Ad	50.00
001-101-533	Office Machine Rental	5000.00
001-101-556	Other Prof Fees/Services	50.00
001-101-570	Insurance & Fidelity Bonds	350.00
001-101-571	Dues & Subscriptions	25.00
001-101-581	Other Contractual Services	1250.00
001-101-603	Office Supplies	4500.00
001-101-919	Equipment	2750.00
	Total	\$20,539.00

001-100-707 Fees/Expenses Req'd by Statute (20,539.00)

	<u>Tax Assessor</u>	<u>Increase/Decrease</u>
001-103-400	Tax Assessor	19919.00
001-103-402	Office Staff	6000.00
001-103-410	Mapping & Reappraisal Staff	63742.00
001-103-465	Retirement	8742.00
001-103-466	Social Security	6859.00
001-103-467	Workmans Comp	1550.00
001-103-468	Group Ins Matching	11000.00
001-103-469	Unemployment Fees	125.00
001-103-480	Travel	3250.00
001-103-501	Postage	1000.00
001-103-502	Phone Service	3500.00
001-103-510	Utilities	200.00
001-103-521	Legal Ad	319.00
001-103-533	Office Machine Rental	2000.00
001-103-542	Vehicle Repairs	250.00
001-103-544	Maint Contracts	2500.00
001-103-546	Other Repairs & Maintenance	25.00
001-103-570	Insurance & Fidelity Bonds	1275.00
001-103-571	Dues & Subscriptions	1625.00
001-103-581	Other Contractual Services	1000.00
001-103-603	Office Supplies	3500.00
001-103-639	Signs & Decals	38.00
001-103-671	Gasoline	1100.00
001-103-674	Lubricating Oil/Grease	63.00
001-103-682	Tags & Inspections	6.00
001-103-919	Equipment	625.00
	Total	\$140,213.00

001-100-569 Reappraisal (140,213.00)

Following discussion of this matter, Supervisor Karl M. Banks moved and Supervisor Paul Griffin 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: 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 14th day of March, 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 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 3368 to 3370 No. of Checks-166	288,384.92
	Claims 3467, 3978, 15817, 16266	
	Claims 16395, 16497, 16606 to 16762	
Fund 012	Claims 104 to 109 No. of Checks – 6	1,413.80
Fund 013	Claims 45 to 48 No. of Checks – 4	11,659.99
Fund 032	Claims to 1 No. of Checks – 2	517.48
Fund 096	Claims 5 to 5 No. of Checks – 1	3,120.00
Fund 097	Claims 102 to 106 No. of Checks – 5	903.98
Fund 105	Claims 103 to 109 No. of Checks – 7	14,833.14
Fund 113	Claims 7 to 7 No. of Checks – 1	500.00
Fund 115	Claims 12 to 12 No. of Checks – 1	50.00
Fund 116	Claims 24 to 25 No. of Checks – 2	33,000.00
Fund 119	Claims 18 to 19 No. of Checks – 2	26,019.31
Fund 120	Claims 10 to 11 No. of Checks – 2	3,058.08
Fund 137	Claims 88 to 106 No. of Checks – 19	31,803.72
Fund 150	Claims 4956 to 5036 No. of Checks – 81	164,060.17
Fund 160	Claims 547 to 550 No. of Checks – 4	14,989.64
Fund 170	Claims 22 to 23 No. of Checks – 2	61,701.20
Fund 173	Claims 4 to 4 No. of Checks – 1	36,805.00
Fund 174	Claims 4 to 5 No. of Checks – 2	59,888.91
Fund 190	Claims 44 to 48 No. of Checks – 5	1,275.40
Fund 250	Claims 5 to 5 No. of Checks – 1	3,510.00
Fund 280	Claims 59 to 59 No. of Checks – 1	39,932.22
Fund 401	Claims 28 to 29 No. of Checks – 2	1,395.03
Fund 681	Claims 1148 & 1154 No. of Checks – 2	208,617.37
Fund 682	Claims 13 to 13 No. of Checks – 1	142,444.97
Fund 693	Claims 2 to 14 No. of Checks – 13	836.94
Total for all Funds	No. of Checks-333	<u>\$1,150,721.27</u>

Following review of these claims Supervisor W.T. “Bill” Banks moved and Supervisor Karl M. 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	3368	Phillips Lumber & Home Center	\$12.20
001	3369	Phillips Lumber & Home Center	\$273.25
001	3370	Phillips Lumber & Home Center	\$28.27
001	3467	Neel-Schaffer, Inc.	\$53.34
001	3467	Neel-Schaffer, Inc.	\$17,981.57
001	3467	Neel-Schaffer, Inc.	\$14,699.01
001	3467	Neel-Schaffer, Inc.	\$300.25
001	3978	The Cabling Co.	\$500.00
001	3978	The Cabling Co.	\$105.00
001	16266	Madison County Medical Center	\$2,498.71
001	16395	Madison County Medical Center	\$8,997.75

001	16497	Dean & Dean Associates	\$3,394.03
001	16615	Dean & Dean Associates	\$11,496.90
150	4980	Burns Cooley Dennis, Inc.	\$14,952.11
170	22	Joe L. Johnson, P.E.	\$52,131.20
170	23	Joe L. Johnson, P.E.	\$9,570.00
171	4	Joe L. Johnson, P.E.	\$36,805.00

CLAIMS Rejected:

001	15817	Tom Butchard, Buddy Ellzey, et al	\$3,181.37
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Claims Added:

001		United States Post Office	\$412.00
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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: 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 14th day of March, 2003.

**In the Matter of Requesting the 25th Advance
Under an Existing Loan Agreement dated March 6, 2001**

The Board of Supervisors of Madison County, Mississippi (the "County") acting for and on behalf of the County, took up for consideration the matter of requesting and authorizing a Twenty-Fifth advance under the loan between the Mississippi Development Bank and the County dated March 6, 2001. After a discussion of the subject, Supervisor W.T. "Bill" Banks offered and moved for the adoption of the following resolution:

RESOLUTION OF THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI (THE "COUNTY") AUTHORIZING A TWENTY-FIFTH ADVANCE UNDER THAT CERTAIN LOAN AGREEMENT, DATED MARCH 6, 2001, BY AND BETWEEN THE MISSISSIPPI DEVELOPMENT BANK AND THE COUNTY.

WHEREAS, through its Resolution dated February 23, 2001, the Board of Supervisors of the County approved a loan from the Mississippi Development Bank to the County in an amount not to exceed \$13,000,000 (the "Loan") pursuant to the terms and conditions of that certain Loan Agreement (the "Loan Agreement"), dated March 6, 2001, by and between the Mississippi Development Bank and the County;

WHEREAS, the Board of Supervisors of the County now finds it necessary to approve the twenty-fifth advance under the Loan for the purpose of paying construction fees and expenses incurred in connection with the construction of the new County Jail/Sheriff complex and the new Flora public library and the Madison County Historical Courthouse (the "Project");

WHEREAS, pursuant to Mississippi Code §31-25-27, the County is authorized to request an advance under the Loan to raise money for the Project;

WHEREAS, pursuant to Section 3.02 of the Loan Agreement, the minimum Request for Advance shall be in the amount of \$100,000;

WHEREAS, on April 13, 2001, the County received the first advance under the Loan in the amount of \$308,541;

WHEREAS, on June 15, 2001, the County received the second advance under the Loan in the amount of \$273,988;

WHEREAS, on July 18, 2001, the County received the third advance under the Loan in the amount of \$733,431.34;

WHEREAS, on July 25, 2001, the County received the fourth advance under the Loan in the amount of \$800,000;

WHEREAS, on September 5, 2001, the County received the fifth advance under the Loan in the amount of \$396,890.71;

WHEREAS, on September 12, 2001, the County received the sixth advance under the Loan in the amount of \$522,574.12;

WHEREAS, on October 29, 2001, the County received the seventh advance under the Loan in the amount of \$374,670.43;

WHEREAS, on November 21, 2001, the County received the eighth advance under the Loan in the amount of \$356,998.69;

WHEREAS, on January 7, 2002, the County received the ninth advance under the Loan in the amount of \$262,926.02;

WHEREAS, on January 24, 2002, the County received the tenth advance under the Loan

in the amount of \$460,822.84.

WHEREAS, on February 25, 2002, the County received the eleventh advance under the Loan in the amount of \$546,739.07.

WHEREAS, on April 1, 2002, the County received the twelfth advance under the Loan in the amount of \$518,006.58.

WHEREAS, on April 23, 2002, the County received the thirteenth advance under the Loan in the amount of Two Hundred Ninety-Seven Thousand Three Hundred Seventy-Seven and 68/100 Dollars (\$297,377.68).

WHEREAS, on May 14, 2002, the County received the fourteenth advance under the Loan in the amount of Three Hundred Fifty-Five Thousand Three Hundred Ninety-Eight and 99/100 Dollars (\$355,398.99).

WHEREAS, on June 11, 2002, the County received the fifteenth advance under the Loan in the amount of Four Hundred Twenty Thousand Eight Hundred Ninety-Nine and 06/100 Dollars (\$420,899.06).

WHEREAS, on July 5, 2002, the County received the sixteenth advance under the Loan in the amount of Three Hundred Thirty-Eight Thousand Six Hundred Six and 43/100 Dollars (\$338,606.43).

WHEREAS, on July 25, 2002, the County received the seventeenth advance under the Loan in the amount of Two Hundred Ninety-Nine Thousand Sixteen and 28/100 Dollars (\$299,016.28).

WHEREAS, on September 3, 2002, the County received the eighteenth advance under the Loan in the amount of Four Hundred Fifty-One Thousand Nine Hundred Forty-Two and 58/100 Dollars (\$451,942.58).

WHEREAS, on September 19, 2002, the County received the nineteenth advance under the Loan in the amount of One Hundred Sixty-Four Thousand One Hundred Forty-Five and 20/100 Dollars (\$164,145.20).

WHEREAS, on October 11, 2002, the County received the twentieth advance under the Loan in the amount of Five Hundred Thirty-One Thousand Four Hundred Forty-Eight Thousand and 94/100 Dollars (\$531,448.94).

WHEREAS, on November 12, 2002, the County received the twenty-first advance under the Loan in the amount of Two Hundred One Thousand Two Hundred Forty-Nine and 99/100 Dollars (\$201,249.99).

WHEREAS, on November 13, 2002, the County received the twenty-second advance under the Loan in the amount of One Hundred Sixty-Six Thousand Ninety-One and 30/100 Dollars (\$166,091.30).

WHEREAS, on December 19, 2002, the County received the twenty-third advance under the Loan in the amount of Two Hundred Fifty Thousand Five Hundred Forty-Eight and 75/100 Dollars (\$250,548.75).

WHEREAS, on January 29, 2003, the County received the twenty-fourth advance under the Loan in the amount of One Hundred Ninety-One Thousand Two Hundred Fourteen and 60/100 Dollars (\$191,214.60).

WHEREAS, through its Resolution dated February 23, 2001, the Board of Supervisors of the County approved the substantial form of the Request for Advance to be used with each advance under the Loan.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS

OF MADISON COUNTY, MISSISSIPPI:

Section 1. The Board of Supervisors of the County hereby finds that it is necessary and in the public interest to request an advance in the amount of One Hundred Forty -One Thousand Four Hundred Fifty-Eight and 81/100Dollars (\$141,458.81) from the Loan to raise money for the Project.

Section 2. The Board of Supervisors of the County hereby authorizes and approves the twenty-third advance under the Loan in the amount of One Hundred Forty -One Thousand Four Hundred Fifty-Eight and 81/100Dollars (\$141,458.81) for the Project.

Section 3. The President of the Board of Supervisors and the Chancery Clerk are hereby authorized and directed to execute the Request for Twenty-Fifth Advance on behalf of the County with such changes, completions, insertions and modifications as shall be approved by the officers executing same.

Section 4. The disbursement by the Trustee of the Twenty-Fifth Advance to the County shall be noted on Schedule I of the Promissory Note. The repayment of the principal amount of the Twenty-Fifth Advance shall be payable in monthly installments which shall be set forth on Schedule II of the Promissory Note. The term for repayment of amounts advanced hereunder shall not exceed twenty-five (25) years.

Section 5. The Board of Supervisors hereby directs the Chancery Clerk to deposit and/or credit the proceeds of this advance into the 2001 Mississippi Development Bank Pool Loan Fund created in connection with the Loan.

Section 6. The Board of Supervisors authorizes and directs the Chancery Clerk to pay the invoice(s), submitted with the Request for Twenty-Fifth Advance, within five (5) business days of receipt of the funds.

Section 7. The President of the Board of Supervisors and Chancery Clerk are hereby authorized and directed for and on behalf of the County to take any and all action as may be required by the County to carry out and give effect to the aforesaid documents authorized pursuant to this Resolution and to execute all papers, documents, certificates and other instruments that may be required for the carrying out of the authority conferred by this Resolution in order to evidence the authority.

Section 8. The Board of Supervisors hereby approves the Schedule of Principal Installments, as set forth in **Exhibit A**, for the twenty-fifth advance under the Loan to be attached to the Promissory Note entered into by the County on March 6, 2001.

Supervisor Marc Sharpe seconded the motion to adopt the foregoing Resolution and, the question being put to a roll call vote, the result was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: 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 14th day of March, 2003, a copy of a signed resolution is found in the miscellaneous file to these minutes.

**EXHIBIT A
SCHEDULE OF PRINCIPAL INSTALLMENTS**

**SCHEDULE II
SCHEDULE OF PRINCIPAL INSTALLMENTS**

Draw #25 - monthly principal payments of \$589.82 for first 239 months with monthly principal payments of \$589.82 for remaining 1 month.

In the Matter of the Approval of a Pay Request from Dean and Dean/Associates, Approval of Two Pay Applications to C.E. Frazier Construction Co. for Construction Work to the Madison County Corrections Facility, Jail Housing Unit “B”

WHEREAS, the Board of Supervisors has been presented a pay request from Dean and Dean Associates/architects for professional services rendered in connection with the construction work for the Madison County Corrections Facilities in the amount of \$152.25; and

WHEREAS, the Board of Supervisors also received two applications and certificates for payment submitted for and on behalf of C.E. Frazier Construction Co. for construction work performed on that contract regarding Phase Two for the Madison County Jail Housing Unit B Sheriff’s Complex in the amounts of \$126,945.90 for Application No. 8 and \$153,421.20 for Application No. 9.

Following discussion of this matter, Supervisor W.T. “Bill” Banks moved and Supervisor Marc Sharpe seconded a motion to approve the pay request for payment to Dean and Dean/Associates Architects in the amount of \$152.25 for professional services in connection with the construction of the Madison County Corrections Facility and to further approve two applications and certificates for payment for C.E. Frazier Construction, Co. in the amounts of \$126,945.90 for Application No. 8 and \$153,421.20 for Application No. 9 for construction work to the Jail Housing Unit B of the Madison County Sheriff’s Complex and that a copy of said pay request and applications and certificates for payment are found in the miscellaneous file to these minutes. The vote on said matter was follows:

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

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 14th day of March, 2003.

**In the Matter of Approval of Travel for
Karl M. Banks and Paul Griffin to Attend the
MS Association of Supervisors Minority Conference**

WHEREAS, the Board of Supervisors did receive notification from the MS Association of Supervisors Minority Conference of its annual conference to be conducted between March 27, 2003 and March 29, 2003 in Hattiesburg, Mississippi; and

WHEREAS, the Board of Supervisors discussed approving travel for Karl M. Banks and Paul Griffin to said conference and that a copy of the proposed invoice is found in the miscellaneous file to these minutes and that travel should be approved for hotel accommodation as set forth in said forms as well as registration fees provided therein.

Following discussion of this matter, Supervisor W.T. "Bill" Banks moved and Supervisor Marc Sharpe seconded a motion to approve travel for Karl M. Banks and Paul Griffin to the MS Association of Supervisors Minority Conference to be conducted between March 27, 2003 and March 29, 2003, as shown in a copy of an invoice 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 14th day of March, 2003.

**In the Matter of an Order Authorizing Placement of
Culverts Along Public Roads Necessary for the
Preservation and Maintenance of County Roads and
Determining That Such Culverts Are of Public Benefit**

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

Alicia Nowell – 309 Fox Hollow

Following review and discussion, Supervisor Karl M. Banks moved and Supervisor Paul Griffin seconded a motion to approve the Road Department installing the above stated culverts, finding that such placement is necessary for the preservation and maintenance of County Roads and that the installing of such culverts are of public benefit. The vote on said matter was as follows, to-wit:

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

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 14th day of March, 2003.

In the Matter of the Approval of the Compensatory Time Report and the September and October Monthly Reports for the Department of Road Management

WHEREAS, Ms. Helen Keller with the Road Department did present to the Board of Supervisors the Compensatory Time Report as well as Monthly Reports for the months of September and October (Copies of said reports are found in the miscellaneous file to these minutes.)

Following review and discussion of this matter, Supervisor Marc Sharpe moved and Supervisor Paul Griffin seconded a motion to accept and approve the foregoing reports as set forth above as submitted by the Road Manager and acknowledge the copies of same are on file in the miscellaneous file to these minutes. The vote on said matter was follows:

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

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 14th day of March, 2002.

In the Matter of the Approval of Personnel Changes of the Department of Road Management

WHEREAS, Mr. Lawrence Morris, Road Manager did further present unto the Board of Supervisors a memorandum recommending the hiring of Tracy Burrough, Heavy Equipment Operator at Step 272 at \$2,253.33 per month, and that a copy of said memorandum is found in the miscellaneous file to these minutes.

Following review and discussion of this matter Supervisor Paul Griffin moved and Supervisor Karl M. Banks seconded a motion to approve the hiring of Tracy Burrough as Heavy Equipment Operator at Step 272 at a monthly salary of \$2,253.33, and that a copy of said memorandum is found in the miscellaneous file to these minutes. The vote on said matter was follows:

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

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 14th day of March, 2003.

In the Matter of Authorizing the Board Attorney to Prepare Leases for the New Polling Places

WHEREAS, the Board of Supervisors contemplated obtaining some eight or nine new polling places due to the recent county-wide redistricting and changes prior to the upcoming elections and desire the Board Attorney to prepare Polling Place Leases for all precincts necessary due to the redistricting and/or changing of certain polling places within existing precincts as requested by the Madison County Election Commission.

Following additional discussion of this matter, Supervisor W.T. “Bill” Banks moved and Supervisor Marc Sharpe seconded a motion to authorize the Board Attorney to prepare Polling Leases for both new and existing precincts prior to the upcoming elections having determined that said professional services were necessary and in the best interest of the citizens 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: 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 14th day of March, 2003.

In the Matter of Acknowledging the Receipt of the Retainage from the Contractor on the Rice Road Project

WHEREAS, Hemphill Construction Co. presented unto the Board of Supervisors a certificate of deposit in the amount of \$31,500.00 to represent the retainage to be held by Madison County in connection with the construction on the State Aid Construction Project on Rice Road.

Following additional discussion of this matter, Supervisor W.T. “Bill” Banks moved and Supervisor Marc Sharpe seconded a motion to acknowledge receipt of the certificate of deposit for the retainage on the State Aid Construction Project on Rice Road as recommended by the State Aid Engineer, Joe Johnson. 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 14 day of March, 2003.

In the Matter of Acknowledging Receipt of Funds from BFI

WHEREAS, the Board of Supervisors received a check from BFI Industries in the amount of \$43,265.35 representing tipping fees due Madison County under that contract between Madison County and BFI.

Following additional discussion of this matter, Supervisor Karl M. Banks moved and Supervisor Paul Griffin seconded a motion to acknowledge receipt of a check from BFI Industries in the amount of \$43,265.35 for tipping fees due Madison County as a result of the contract between BFI and 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: 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 14th day of March, 2003.

In the Matter of Acknowledging Receipt of a Letter from Greif Bros. Corporation Requesting Extension of a Tax Exemption

WHEREAS, the Board of Supervisors' Attorney, Dewey Hembree, did receive a letter from Robert Buchanan with Greif Bros. Corporation requesting the continuance of a tax exemption for Van Leer Containers, which is located in Canton, Mississippi.

Following additional discussion of this matter, Supervisor Paul Griffin moved and Supervisor W.T. "Bill" Banks seconded a motion to acknowledge receipt of the request from Greif Bros. Corporation and to request the Board Attorney to research this matter to determine whether or not said tax exemption would remain in effect. 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 14th day of March, 2003.

**In the Matter of Authorization of the Clerk to
Issue a Check for Payroll to Jessie Thomas**

RESOLUTION

WHEREAS, the Board of Supervisors has been requested to approve the issuance of a payroll check to Jessie Thomas in the amount of \$553.50 for 61.5 hours worked at the Madison County Road Department.

NOW BE IT THEREFORE RESOLVED BY THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI that the Clerk of this Board is hereby directed to immediately pay the sum of \$553.50 for 61.5 hours from the budget of the Madison County Road Department to Jessie Thomas for 61.5 hours.

After discussion on this matter, Supervisor Marc Sharpe 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 W.T. "Bill" Banks. 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 14th day of March, 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 Marc Sharpe and seconded by Supervisor W.T. "Bill" Banks and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Friday, March 21, 2003 at 9:30 a.m.

David H. Richardson, President
Madison County Board of Supervisors