

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

REGULAR MEETING OF OCTOBER 17, 2003  
Recessed from regular meeting conducted on October 10, 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 17th day of October, 2003, at the Madison County Chancery/Administrative Building in Canton, Mississippi, as follows, to-wit:

The President of the Board, David H. Richardson, presided and called the meeting to order. The following members were present that day:

Present:

Absent:

Supervisor Karl M. Banks  
Supervisor Marc Sharpe  
Supervisor W. T. "Bill" Banks  
Supervisor David H. Richardson  
Supervisor Paul Griffin  
Mike Crook, Chancery Clerk  
Sheriff Toby Trowbridge

The President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Supervisor W.T. "Bill" Banks opened the meeting with a prayer and Supervisor Paul Griffin led the Pledge of Allegiance to the Flag of the United States of America.

**In the Matter of the Petition filed by American Family Association, Inc.  
Seeking a Special Exception to Erect a 498 Foot Radio Tower  
in an A-1 Agricultural District**

WHEREAS, Mr. Brad Sellers did present a Petition filed by American Family Association, Inc. seeking to erect a 498 foot radio tower in Section 18, Township 10 North, Range 5 East in Madison County, Mississippi in an A-1 Agricultural 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 Paul Griffin 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 American Family Association, Inc. be allowed and granted a special exception to erect a 498 foot radio tower in an A-1 Agricultural Use District on property owned by American Family Association, Inc. and being further known as follows:

Commence at the SE corner of the SE  $\frac{1}{4}$  of Section 18, T10N, R5E, Madison County, Mississippi; thence North 3464.17 feet; thence West 2263.94 feet to the Point of Beginning of the property herein described; thence South 33 degrees 45 minutes 18 seconds East 678.84 feet; thence South 56 degrees 14 minutes 42 seconds West 668.31 feet; thence North 33 degrees 45 minutes 18 seconds West 944.51 feet; thence North 77 degrees 55 minutes 27 seconds East 719.18 feet to the Point of Beginning, being 12.45 acres, more or less, and being part of the SE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  and a part of the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  all in Section 18, Township 10 North, Range 5 East, Madison County, MS

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.
- i. The petitioner has agreed to allow Madison County to locate its own communication facilities on said tower at no cost to Madison County.

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

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

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 17th day of October, 2003.

**In the Matter of the Adoption of an Ordinance Re-zoning  
Property for and on Behalf of Landstock, LLC**

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

WHEREAS, Landstock, LLC did file an Application to rezone certain property from its present R-1 Residential Use District Classification to a C-2 Commercial Use District Classification with covenants to be placed along said property; and

WHEREAS, by Resolution properly adopted by the Board of Supervisors on the 12<sup>th</sup> day of September, 2003, a hearing was set for the 17<sup>th</sup> day of October, 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 17<sup>th</sup> day of October, 2003, did arrive; and

WHEREAS, there were no objections; and

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

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

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

A parcel of land containing 12.28 acres, more or less, being situated in the NE ¼ of Section 15 and the NW ¼ of Section 14, T8N, R2E, Madison County, Mississippi, and being more particularly described as follows:

Commence at a concrete monument marking the NW corner of Section 14; run thence East for a distance of 701.30 feet; thence South for a distance of 1332.48 feet to a point on the Western right-of-way line of U.S. Highway 51; thence run along said right-of-way line West 23 degrees 43 minutes 28 seconds West for a distance of 1005.87 feet to the Point of Beginning for the parcel herein described; thence continue along said right-of-way South 23 degrees 43 minutes 28 seconds West for a distance of 425.20 feet to the Northeast corner of Lot 1, J.R. Davis Subdivision (plat located in Cabinet A Lot 62, Madison County Chancery Clerk's Office); thence leave said right-of-way and run along the northern line of Lot 1 North 89 degrees 40 minutes 22 seconds West for a distance of 1368.99 feet to the Eastern right-of-way line of the Illinois Central Gulf Railroad; thence leave said Northern line and run along said railroad right-of-way North 23 degrees 14 minutes 02 seconds East for a distance of 423.64 feet; thence leave said right-of-way and run South 89 degrees 40 minutes 22 seconds East for a distance of 1372.94 feet to the point of beginning.

That the Madison County Zoning Ordinance and Land Use Plan 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 and that the Petitioner submit covenants in a form acceptable to the Zoning Administrator.

ORDAINED, ADOPTED AND APPROVED by the Board of Supervisors of Madison County, Mississippi, at a meeting thereof held on the 17<sup>th</sup> day of October, 2003.

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

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

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 17th day of October, 2003.

**In the Matter of the Adoption of an Ordinance Re-zoning  
Property for and on Behalf of Horizon Development, LLC**

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

WHEREAS, Horizon Development, LLC did file an Application to rezone certain property from its present R-2 Residential Use District Classification to a T-1 Mobile Home Park District Classification with covenants to placed along said property; and

WHEREAS, by Resolution properly adopted by the Board of Supervisors on the 12<sup>th</sup> day of September, 2003, a hearing was set for the 17<sup>th</sup> day of October, 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 17<sup>th</sup> day of October, 2003, did arrive; and

WHEREAS, there were no objections; and

WHEREAS, the matter was presented to the Board of Supervisors and after discussion thereof Supervisor Karl M. Banks offered the following Ordinance and moved that it be adopted, to wit:

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

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

Beginning at a ½ inch iron pipe at a fence corner, 10.91 feet East and 4041.88 feet north of an iron rod at a 4-way fence intersection marking the Southwest corner of Section 33, T9N, R1W, Madison County, Mississippi as per record description found in Book 156, Page 670 of the records of the Chancery Clerk of Madison County, Canton, MS; run thence North 88 degrees 35 minutes 29 seconds East 354.71 feet to a 1 inch iron pipe on a fence line, and the Point of Beginning of this description; run thence South 304.28 feet to an iron pin; thence North 16 degrees 25 minutes 28 seconds West 298.09 feet to a point; thence North 29 degrees 15 minutes 55 seconds West 54.93 feet to a point; thence North 88 degrees 35 minutes 29 seconds East 101.72 feet to the point of Beginning; said described tract containing 0.32 acres, more or less, in the NW ¼ of Section 33, T9N, R1W, Madison County, Mississippi.

That the Madison County Zoning Ordinance and Land Use Plan 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 and that the Petitioner submit covenants in a form acceptable to the Zoning Administrator.

ORDAINED, ADOPTED AND APPROVED by the Board of Supervisors of Madison County, Mississippi, at a meeting thereof held on the 17<sup>th</sup> day of October, 2003.

That motion for adoption was seconded by Supervisor Paul Griffin, and the foregoing Ordinance having been first reduced to writing was read, considered and approved, section by section, and then as a whole and was submitted to the Board of Supervisors for passage or

rejection on roll call vote with the vote being as follows, to wit:

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

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 17th day of October, 2003.

**In the Matter of the Adoption of an Ordinance Re-zoning  
Property for and on Behalf of Bradshaw, LLC**

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

WHEREAS, Bradshaw, LLC did file an Application to rezone certain property from its present R-1 Residential Use District Classification to a C-1 Commercial Use District Classification with covenants to placed along said property; and

WHEREAS, by Resolution properly adopted by the Board of Supervisors on the 12<sup>th</sup> day of September, 2003, a hearing was set for the 17<sup>th</sup> day of October, 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 17<sup>th</sup> day of October, 2003, did arrive; and

WHEREAS, there were no objections; and

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

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

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

A parcel of land lying and situated in the NE ¼ and in the NW ¼ of Section 27, T8N, R2E, Madison County, Mississippi, being more particularly described as follows:

Commence at the SE corner of the NE ¼ of Section 27 and run thence South 89 degrees 56 minutes 45 seconds West along the south line of the NE ¼ of said Section 27 for a distance of 5.00 feet to an iron pin; thence run South 89 degrees 56 minutes 45 seconds West along said south line for a distance of 1938.80 feet to an iron pin; thence run North 00 degrees 00 minutes 00 seconds East for a distance of 660.00 feet to an iron pin; thence run South 90 degrees 00 minutes 00 seconds West for a distance of 845.65 feet to an iron pin; thence run North 00 degrees 00 minutes 00 seconds East for a distance of 200.00 feet to a point which is the Point of Beginning of the parcel herein described; from the Point of Beginning, run thence North 00 degrees 00 minutes 00 seconds East for a distance of 513.79 feet to an iron pin on the southerly right-of-way of Yandell Road (circa February, 1999); thence run North 57 degrees 42 minutes 00 seconds East along said southerly right-of-way for a distance of 374.94 feet to a point on the westerly line of an American Telephone and Telegraph Company right-of-way and easement as described in Deed Book 39, Page 30; thence leaving said southerly right-of-way of Yandell Road, run South 30 degrees 35 minutes 12 seconds East, along said westerly line of said right-of-way and easement, for a distance of 442.90 feet to a point; thence run South 20 degrees 03 minutes 29 seconds West along said westerly line of said right-of-way and easement, for a distance of 567.28 feet to a point; thence leaving said westerly line of said right-of-way and easement, run South 90 degrees 00 minutes 00 seconds West for a distance of



147.73 feet to a point; thence run North 45 degrees 00 minutes 00 seconds West for a distance of 282.84 feet to the Point of Beginning, containing 8.02 acres, more or less.

That the Madison County Zoning Ordinance and Land Use Plan 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 and that the Petitioner submit covenants in a form acceptable to the Zoning Administrator.

ORDAINED, ADOPTED AND APPROVED by the Board of Supervisors of Madison County, Mississippi, at a meeting thereof held on the 17<sup>th</sup> day of October, 2003.

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

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

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 17th day of October, 2003.

**In the Matter of the Adoption of an Ordinance Re-zoning  
Property for and on Behalf of Eddie Neal**

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

WHEREAS, Eddie Neal did file an Application to rezone certain property from its present R-1 Residential Use District Classification to a R-2 Residential Use District Classification with covenants to be placed along said property; and

WHEREAS, by Resolution properly adopted by the Board of Supervisors on the 12<sup>th</sup> day of September, 2003, a hearing was set for the 17<sup>th</sup> day of October, 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 17<sup>th</sup> day of October, 2003, did arrive; and

WHEREAS, there were no objections; and

WHEREAS, the matter was presented to the Board of Supervisors and after discussion thereof Supervisor Karl M. Banks offered the following Ordinance and moved that it be adopted, to wit:

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

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

Commence at the SE corner of the SW ¼ of Section 18, T8N, R2E; thence run West along the South line of Section 18, for a distance of 481.8 feet to the point of beginning; thence run South 00 degrees 03 minutes West 261.36 feet; thence West 481.8 feet; thence North 00 degrees 03 minutes East 803.13 feet; thence run East 214.7 feet; thence North 00 degrees 03 minutes East 170.2 feet to the south right-of-way of a 30 foot gravel road; thence South 73 degrees 04 minutes East along said south right-of-way 279.0 feet; thence South 00 degrees 03 minutes West 633.54 feet to the point of beginning, containing 9.7 acres.

That the Madison County Zoning Ordinance and Land Use Plan 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 and that the Petitioner submit covenants in a form acceptable to the Zoning Administrator.

ORDAINED, ADOPTED AND APPROVED by the Board of Supervisors of Madison County, Mississippi, at a meeting thereof held on the 17<sup>th</sup> day of October, 2003 subject to the landowner filing covenants setting forth a minimum square footage for all residential structures within the area of 2400 square feet.

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

Supervisor W. T. "Bill" Banks - District I

Voted: Aye

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

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 17th day of October, 2003.

**In the Matter of the Petition filed by Cassandra Moore  
Seeking a Special Exception to Place a Mobile Home  
in a R-2 Residential District**

WHEREAS, Mr. Brad Sellers did present a Petition filed by Cassandra Moore seeking to place a mobile home in Section 29, Township 9 North, Range 1 West in Madison County, Mississippi in a R-2 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 Karl M. 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 Cassandra Moore be allowed and granted a special exception for a three year period to place a mobile home in Section 29, Township 9 North, Range 1 West in a R-2 Residential District on property owned by Cassandra Moore in Madison County, Mississippi, and being further identified as parcel number 61I-29C-023/01.0 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 W.T. "Bill" Banks, the foregoing ordinance having first being reduced to writing and read, considered and approved section by section and then as a whole and was submitted to the Board of Supervisors for passage or rejection by the roll call vote with the vote being as follows, to wit:

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

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 17<sup>th</sup> day of October, 2003.

**In the Matter of Acknowledging No Protest Concerning a  
Petition to Amend the Solid Waste Plan and Granting the  
Petitioner the Right to Amend his Petition**

WHEREAS, the Board of Supervisors has previously published a public notice setting forth a thirty day comment period on the petition filed by Madison South Rubbish Landfill, Inc.; and

WHEREAS, the Board of Supervisors does desire to acknowledge the end of said thirty day comment period as advertised by the Board of Supervisors and to further acknowledge that it has received no protest concerning this petition; and

WHEREAS, the Board of Supervisors further desires to allow the petitioner to amend his petition to delete certain language from the proposed Amendment to the Solid Waste Plan and that a copy of said amended language is found in the miscellaneous file to these minutes; and

WHEREAS, the Board of Supervisors further desires to take this matter under advisement for further consideration by this Board as allowed by law.

Following additional discussion of said matter, Supervisor Karl M. Banks moved, and Supervisor W.T. "Bill" Banks seconded a motion to acknowledge the end of the thirty day comment period in regard to the amendment of the Madison County Solid Waste Plan as set forth above and to further authorize the petitioner to be allowed to amend the proposed changes to the petition for amendment to the Madison County Solid Waste Plan, copies of which are found in the miscellaneous file to these minutes and to further take said matter under advisement for further consideration by this Board and to authorize the Board Attorney to meet with the consultants hired by Madison County to review the Madison County Solid Waste Plan and to report back to the Board of Supervisors concerning its options in acting on said petition. 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 17th day of October, 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 21st day of November, 2003, to-wit:

Walter L. Harbor – Petition to rezone property from R-1 Residential District to R-2 Residential with PUD Overlay District to develop this property to include commercial, residential, multi-family residential, 18 hole golf course and club house located on Nichols Road and Highway 51 in Sections 1, 2 and 3 in Township 8 North, Range 2 East in Madison County, Mississippi.

C.L. Rai - Petition to rezone property from R-1 Residential District to C-2 Commercial District located at the northwest corner of I-55 and Gluckstadt Road in Section 21, T8N, R3E in Madison County, Mississippi.

Ashton Park, LLC – Petition to rezone property from R-1 Residential District to R-2 Residential District located on Old Canton Road in Section 2, T7N, R2E to create a residential subdivision in Madison County, Mississippi.

Ashton Park, LLC – Petition to rezone property from R-1 Residential District to R-2 Residential District located on Old Canton Road in Section 2, T7N, R2E in Madison County, Mississippi to create a residential subdivision

Community First Development, Inc. – Petition to rezone R-1 Residential District to R-2 Residential District to develop a residential subdivision located at Yandell Road and Clarkdell Road in Section 27, T8N, R2E in Madison County, Mississippi

184 Limited Partnership – Petition to rezone R-1 Residential District to R-2 Residential District to be developed as part of Bridgewater Subdivision located in Section 22, T7N, R1E in Madison County, Mississippi

Lee McKee and Ashley Taylor – Petition for a variance to side setbacks with a request for a variance of 1 foot to the required 5 foot side setback located at 120 Camden Court in Lake Caroline in Madison County, Mississippi.

Robert Lloyd – Petition for a variance to front setback and maximum buildable area in C-2 located on Gluckstadt Road in Section 29, T8N, R2E in Madison County, Mississippi.

John Travis – Petition for a special exception to conduct surface mining operations on 15 acres located on Livingston Road in Section 28, T7N, R1E in Madison County, Mississippi.

Greg Sahler – Petition for a special exception to conduct surface mining operations in an A-1 Agricultural Use District to excavate a 5 acre lake on Cedar Hill Road in Section 7, T8N, R1E in Madison County, Mississippi.

Rev. Amzie Cotton – Petition to for a special exception to relocate an existing structure into an R-1 Residential District located at 208 Cobbsville Road in Section 29, T10N, R3E in Madison County, Mississippi.

John Fair – Petition to rezone property from R-1 Residential District to C-2 Commercial District with a variance to the required set and rear setbacks located at the corner of Weisenberger Road and Highway 51 in Section 27, T8N, R2E in Madison County,

Mississippi.

Following review and discussion of these matters, Supervisor Karl M. Banks 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, November 21, 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: 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 17th day of October, 2003.



**In the Matter of Approving an Amendment to Certain Restrictions Imposed on Parkside Madison Subdivision**

WHEREAS, Mr. Will Randle, a member of Community Development Group, LLC, the developer of Parkside Madison Subdivision, appeared before the Board of Supervisors and requested the Board to approve the amendment of certain restrictions imposed on the aforesaid development to lower the square footage minimum in said planned unit development to 1500 square foot as opposed to the previous designated 1750 square feet.

Following additional discussion of this matter and further review of the evidence submitted by Mr. Randle, Supervisor Karl M. Banks moved and Supervisor Paul Griffin seconded a motion to lower the square foot minimum on homes built within said subdivision to 1500 square feet heated and cooled per the request of Mr. Randle. 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 17th day of October, 2003.

**In the Matter of Approving an Emergency Permit for Teresa Cummins**

WHEREAS, Ms. Teresa Cummins appeared before the Board of Supervisors and requested authority for the Zoning Administrator to issue an emergency building permit to allow Ms. Cummins to construct a residence on property zoned T-1 Mobile Home District; and

WHEREAS, Mr. Brad Sellers, Zoning Administrator, informed the Board that Ms. Cummins had filed a petition seeking to rezone said property from T-1 Mobile Home District to R-1 Residential District.

Following additional discussion of this matter, Supervisor Karl M. Banks moved and Supervisor Paul Griffin seconded a motion to authorize the Zoning Administrator to issue a building permit to Ms. Cummins provided she continue with the rezoning process for this 5 acres parcel it being unlikely that said parcel because of its configuration could ever be developed as a mobile home park. 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 17<sup>th</sup> day of October, 2003.

**In the Matter of Approval of a Final Plat for Easthaven Subdivision**

WHEREAS, Mr. Brad Sellers, Zoning Administrator, appeared before the Board of Supervisors and presented a final plat for Easthaven Subdivision and requested the approval of said final plat and to further approve the filing of the Declaration of Covenants and Restriction, the Letter of Credit and to further accept all streets and easements amending county-wide road map and registry regarding said development.

Following additional discussion of this matter, Supervisor Paul Griffin moved and Supervisor Karl M. Banks seconded a motion to approve the final plat of Easthaven Subdivision as being recorded and as recommended by the Zoning Administrator, and to further approve the filing of the Declaration of Covenants and Restriction, the Letter of Credit and to further accept all streets and easements and amending the county-wide road map and registry to reflect these additions. 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 17th day of October, 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 and To Approve the Work Order Update and Monthly Reports For the Road Department**

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

Robert Woodall – 105 Pinegrove Drive  
Cliff Adams – 101 Aaron Lane

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

WHEREAS, the Board of Supervisors also received the Monthly Reports for the months of February 2003, March 2003 and April 2003 from the Madison County Road Department (copy of said reports are found in the miscellaneous file to these minutes.

Following review and discussion, Supervisor W.T. “Bill” Banks moved and Supervisor Karl M. Banks seconded a motion to approve the Road Department installing the above stated culvert, finding that such placement is necessary for the preservation and maintenance of County Roads and that the installing of such culvert is of public benefit and to further accept and to further approve the Work Order Update and three Monthly Reports as submitted by the Road Departments, copies of which are found in the miscellaneous file to these minutes. The vote on said matter was as follows, to-wit:

Supervisor W. T. “Bill” Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: 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 17th day of October, 2003.

**In the Matter of Approval of an Application with the Mississippi Emergency Management Agency**

WHEREAS, Mr. Bill Weisenberger, Director of E-911 Services, appeared before the Board of Supervisors and requested authority for the Board President to sign an application for the Emergency Management Assistance Program for the Fiscal Year 2004 for Madison County through the Mississippi Emergency Management Agency.

Following review and discussion of this matter, Supervisor W.T. "Bill" Banks moved and Supervisor Paul Griffin seconded a motion to authorize the Board President to sign said application for the Emergency Management Assistance Program through the Mississippi Emergency Management Agency, and that copies of said application 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: 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 17th day of October, 2003.

**In the Matter of Acknowledging Receipt of a Letter from Frazier Davidson Attorneys**

WHEREAS, the Board of Supervisors received a letter dated October 15, 2003 from Frazier Davidson Attorneys regarding an automobile accident by Moses Everett on a county roadway; and

WHEREAS, the Board of Supervisors desired to acknowledge receipt of said letter and to authorize the Board Attorney to review the facts and circumstances surrounding the accident in question.

Following additional discussion of this matter, Supervisor Paul Griffin moved and Supervisor W.T. "Bill" Banks seconded a motion to acknowledge receipt of the letter from Frazier Davidson Attorneys, a copy of which is found in the miscellaneous file to these minutes, and to further authorize the Board Attorney to review the facts and circumstances surrounding said accident and the claim of Mr. Everett. 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 17th day of October, 2003.

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

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

Following additional discussion of this matter, Supervisor Paul Griffin moved and Supervisor W.T. "Bill" Banks seconded a motion to authorize the Board President to execute the Fire Protection Service Agreement with the Flora Fire Department and to appropriate the sums due said fire protection district according to the terms of said agreement. 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 17th day of October, 2003.

**In the Matter of Extending a Garbage Contract Between the Town of Flora and Madison County for the Collection and Disposal of Garbage and Rubbish**

WHEREAS, the Board of Supervisors next considered the renewal of the Collection & Disposal Agreement with the Town of Flora for garbage and rubbish which expires November 30, 2003 and determined that it would be in the best interest of the citizens of Madison County to renew the contract through November 30, 2004.

Following additional discussion of this matter, Supervisor W.T. "Bill" Banks moved and Supervisor Marc Sharpe seconded a motion to authorize the extension of the contract between Madison County and the Town of Flora for the collection and disposal of garbage and rubbish within the Town of Flora at the same rate as stated in the existing contract, and that a copy of the letter from the Town of Flora 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 17th day of October, 2003.

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

WHEREAS, the Board of Supervisors has entered into a contract with BFI for a tipping fee for solid waste deposited in the Little Dixie Landfill in Madison County, Mississippi; and

WHEREAS, the Board of Supervisors has received a check in the amount of \$45,459.10 from BFI for said fees and desires to accept same.

Following additional discussion of this matter, Supervisor Marc Sharpe moved and Supervisor Paul Griffin seconded a motion to acknowledge receipt of a check from BFI in the sum of \$45,459.10 representing tipping fees due Madison County under its existing contract. 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: 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 17th day of October, 2003.

**In the Matter of Voiding a Tax Sale for  
Stacy Tyler**

WHEREAS, Randall and Stacy Tyler has requested the Board of Supervisors to void a tax sale conducted on Parcel No. 72E-22C-125 located in Madison County, Mississippi due to an erroneous assessment; and

WHEREAS, the Board of Supervisors investigated said matter and determined that the parcel which is for property located at 408 Ashbourn Court – Madison, Mississippi should not have been assessed with improvements until the tax year 2003 and therefore the sale conducted for the 2002 taxes on said parcel should be voided and that the taxes should be recalculated for the vacant lot as it existed on January 1, 2002.

Following additional discussion of this matter, Supervisor W.T. "Bill" Banks moved and Supervisor Karl M. Banks seconded a motion to void the tax sale for Parcel 72E-22C-125 on property owned by Randall and Stacy Tyler in Madison County, Mississippi due to an erroneous assessment and that copies of the documentation supporting this act 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 17th day of October, 2003.

**In the Matter of the Approval of Corrections/Deletions of Homestead Exemptions**

WHEREAS, Mr. Todd Cameron appeared before the Board of Supervisors and presented corrections and/or deletions of homestead exemptions on property in Madison County, Mississippi and that copies of said corrections/deletions are found in the miscellaneous file to these minutes.

Following additional discussion of this matter, Supervisor W.T. "Bill" Banks moved and Supervisor Marc Sharpe seconded a motion to approve the corrections of Homestead Exemptions as presented by Mr. Cameron and that copies of the corrections/deletions are found in these minutes for the following individuals on the following parcel numbers:

James M. Ward	073C-06B-10
James M. Ward	114B-04-012
Dawn M. Simmons	72I-30D-174
Donald J. Vice	81A-01-001/01.04
Robin M. Burdine	072H-33A-171/00.00
Lisa Oliphaut Cauthen	72D-17C-101

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 17th day of October, 2003.

**In the Matter of Accepting the Low Quote for the Purchase of Monocular Night Vision Equipment**

WHEREAS, the Board of Supervisors desired to purchase a pair of monocular night vision equipment for use by the Wildlife, Game and Fish representatives in Madison County and the Board did obtain two quotes for the purchase of this equipment as follows, to-wit:

Forestry Suppliers, Inc.	\$1,844.98
Galls Incorporated	\$2,621.47

Following additional discussion of this matter, Supervisor Karl M. Banks moved and Supervisor Paul Griffin seconded a motion to accept the low quote of \$1,844.98 from Forestry Suppliers, Inc. as set forth above, and that a copy of said quotes 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 17th day of October, 2003.

**In the Matter of Appropriation of Funds to the Madison County Human Resource Agency**

WHEREAS, the Board of Supervisors had previously budgeted for grants and subsidies to the Madison County Human Resource Agency on a monthly basis being the amount of \$30,000.00; and

WHEREAS, the Board of Supervisors has received a request from Mr. Walter Jones, Executive Director of the Madison County Human Resource Agency for its October 2003 disbursement.

Following additional discussion of this matter, Supervisor Karl M. Banks moved and Supervisor Paul Griffin seconded a motion to authorize the expenditure and transfer for the sum of \$30,000 to the Madison County Human Resource Agency as part of its annual allotment as budgeted by Madison County. 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 17th day of October, 2003.

**In the Matter of the Approval of the Physical Inventory Report**

WHEREAS, Mr. Barry Parker, Inventory Control Clerk, presented to the Board of Supervisors the End of Year Physical Inventory and Summary Statement (Form F) and a Reconciliation Sheet for each type of fixed asset for Board approval.

Following additional discussion of this matter, Supervisor Karl M. Banks moved and Supervisor W.T. "Bill" Banks seconded a motion to approve the end of year Physical Inventory, the Summary Statement (Form F) and a Reconciliation Sheet for each type of fixed asset in Madison County, copies of which are found in the miscellaneous file to these minutes. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: 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 17th day of October, 2003.



**In the Matter of Authorizing a Public Hearing for the Abandonment of a Public Road**

WHEREAS, the Board of Supervisors had previously accepted right-of-way from Glen T. Ray on property situated in Section 24, T7N, R1E, Madison County, Mississippi as is depicted on a survey found in the miscellaneous file to these minutes; and

WHEREAS, the Board of Supervisors has received a request from Mr. Ray for the County to abandon this right-of-way as it is no longer needed for county purposes; and

WHEREAS, Mississippi law requires that the Board of Supervisors first advertise and conduct a public hearing on this matter prior to taking any action; and

WHEREAS, the Board of Supervisors desires to set this matter for a public hearing on December 5, 2003 at 10:00 a.m. in the Board Meeting Room of the Madison County Chancery/Administration Building and the Board further directs the Board Attorney to prepare the appropriate notice and to do any and all other things necessary to place this matter before the Board for consideration on that date

Following additional discussion of this matter, Supervisor Paul Griffin moved and Supervisor Marc Sharpe seconded a motion to conduct a public hearing for the abandonment of right-of-way on property owned by Glen T. Ray and to further authorize the Board Attorney to issue notice for a public hearing to be held on December 5, 2003 at 10:00 a.m. 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 17th day of October, 2003.

**In the Matter of Authorizing the Board Attorney to Investigate the Claim of Tax Partners, LLC**

WHEREAS, the Board of Supervisors has received a claim from Tax Partners, LLC regarding phone service to the county E-911 office and desires to authorize the Board Attorney to investigate this claim, copies of which are found in the miscellaneous file to these minutes.

Following additional discussion of this matter, Supervisor Karl M. Banks moved and Supervisor Paul Griffin seconded a motion to authorize the Board Attorney to investigate the claim of Tax Partners, LLC for phone service from the County E-911 office, the Board having first determined that said professional services of the attorney 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 17th day of October, 2003.

**In the Matter of Authorizing the Board Attorney to Acquire Right-of-Way on the McClellan/Ridgecrest Project**

WHEREAS, Mr. Rudy Warnock, County Engineer, appeared before the Board of Supervisors and requested authority for the Board Attorney to begin acquiring right-of-way along the McClellan Street/Ridgecrest Drive bridge project.

Following additional discussion of said matter, Supervisor Marc Sharpe moved and Supervisor Karl M. Banks seconded a motion to authorize the Board Attorney to prepare the documents for acquisition of right-of-way and to search title on the bridge project located at McClellan Street and Ridgecrest Drive. 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 17th day of October, 2003.

**In the Matter of Approval of the Final Plat for the Villages of Lake Caroline, Phase IV and Phase V**

WHEREAS, Mr. Brad Sellers, Zoning Administrator, appeared before the Board of Supervisors and presented a final plat for the Villages of Lake Caroline, Phase IV and Villages of Lake Caroline, Phase V and requested the approval of said final plat and to further approve the filing of the Declaration of Covenants and Restriction, the Letter of Credit and to further accept all streets and easements amending county-wide road map and registry regarding said development.

Following additional discussion of this matter, Supervisor Karl M. Banks moved and Supervisor Paul Griffin seconded a motion to approve the final plats of the Villages of Lake Caroline, Phase IV and the Villages of Lake Caroline, Phase V as being recorded and as recommended by the Zoning Administrator, and to further approve the filing of the Declaration of Covenants and Restriction, the Letter of Credit and to further accept all streets and easements and amending the county-wide road map and registry to reflect these additions. 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 17th day of October, 2003.

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

WHEREAS, the Board of Supervisors was presented with a Request for Cash for the Adolescent Offenders Program from the Madison County Department of Human Services in the amount of \$12,500.00, and a copy of said Request for Cash is found in the miscellaneous file to these minutes.

Following additional discussion of this matter, Supervisor W.T. "Bill" Banks moved and Supervisor Paul Griffin seconded a motion to authorize the Board President to execute said Request for Cash and to further authorize the transfer of \$12,500.00 to the Department of Human Services for the Adolescent Offender Program, and that a copy of said request is found in the miscellaneous file to these minutes. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: 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 17th day of October, 2003.

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

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

Following this discussion and pursuant to terms of Mississippi Code Annotated Section 25-41-7, as Amended, Supervisor W.T. "Bill" Banks offered and Supervisor Karl M. Banks seconded the motion to make a closed determination upon the issue of whether or not to declare an executive session for the purpose of discussing potential litigation matters with the following persons deemed necessary for discussions, deliberations and recording of such executive session, to-wit: members of the Board, Sheriff Toby Trowbridge, and the Board Attorney. The vote on said matter was as follows:

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

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board, as being duly carried on this the 17th day of October, 2003.

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

WHEREAS, a discussion of the nature of the matters requiring executive session was had and Supervisor David H. Richardson, informed the Board that he wished to discuss potential litigation on right-of-way on a state aid road.

Following a brief discussion, Supervisor W.T. "Bill" Banks offered and Supervisor Karl M. Banks seconded a motion to enter into "Executive Session" to discuss potential litigation on a state aid project as provided by law. The vote on said matter was as follows:

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

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board, as being duly carried and he then declared the Board of Supervisors to be in "Executive Session" for the consideration of such matters on this the 17th day of October, 2003.

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

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

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

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

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

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

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

Following additional discussion, Supervisor W.T. "Bill" Banks moved and Supervisor Karl M. Banks seconded a motion to extend the Proclamation of a State of Emergency. The vote on said matter was as follows:

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

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 17<sup>th</sup> day of October, 2003.

There being no further business to come before the meeting of the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor W.T. "Bill" Banks and seconded by Supervisor Marc Sharpe and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Friday, October 24, 2003 at 10:00 a.m.

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David H. Richardson, President  
Madison County Board of Supervisors