

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

REGULAR MEETING OF FRIDAY, DECEMBER 14, 2001

Recessed from regular meeting of December 3, 2001 and continued meeting of  
December 07, 2001

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 December 2001, 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 Clerk of the Board then called the roll with the following results:

Present:  
Supervisor William T. (Bill) Banks  
Supervisor Karl M. Banks  
Supervisor Marc Sharpe  
Supervisor David H. Richardson  
Supervisor Paul Griffin  
Chancery Clerk Mike Crook  
Sheriff Toby Trowbridge

Absent:

Sheriff Toby Trowbridge gave the invocation and Supervisor Marc Sharpe led in the Pledge of Allegiance.

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

**In the Matter of Public Hearing – Wastewater Authority Resolution**

There came on for consideration by the Board, the matter of the public hearing upon the question of the public convenience and necessity of the creation of the Madison County Wastewater Authority, and the time and date of said hearing having arrived, and after a thorough presentation of the matters involved and the conduct of the hearing, Supervisor Karl M. Banks offered the following resolution and moved its adoption, to-wit:

RESOLUTION OF THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI ADJUDICATING ITS FINDINGS THAT THE PUBLIC CONVENIENCE AND NECESSITY REQUIRE THE CREATION OF THE MADISON COUNTY WASTEWATER AUTHORITY AND THAT THE CREATION OF THE AUTHORITY IS ECONOMICALLY SOUND AND DESIRABLE, AND DECLARING ITS INTENTION TO CREATE THE MADISON COUNTY WASTEWATER AUTHORITY AND FOR PURPOSES GERMANE THERETO.

WHEREAS, a resolution was adopted by the Board of Supervisors of Madison County proposing the creation of a wastewater authority known as the Madison County Wastewater Authority in Madison County, Mississippi, for the purpose of providing wastewater services in the area within the proposed boundaries of such authority; and,

WHEREAS, the resolution included (1) a Statement of the necessity for the service or services to be supplied by the proposed authority, (2) the proposed corporate name for the authority, (3) the proposed boundaries of the authority, and (4) an estimate of the cost of the acquisition or construction of the facilities to be operated by the authority, which estimate, however, shall not serve as a limitation upon the financing of improvements or extensions to the facilities; and,

WHEREAS, the Board of Supervisors, in adopting said resolution, did set Friday, December 14, 2001, at 10:00 o'clock A. M., in the Board of Supervisors Room in the Chancery Administrative Building at Canton, Mississippi, as the time, date and place for a public hearing upon the question of the public convenience and necessity of the creation of said authority; and,

WHEREAS, a public notice signed by the Clerk of the time, date and place of the public hearing was published in the Madison County Herald, a newspaper within the meaning of the statute, having a general circulation within such proposed authority, in the issues of November 22 and 29 and December 6 and 13, 2001, being once a week for at least three consecutive weeks prior to

the date of the hearing, and the first of such publications was made not less than twenty-one days prior to the date of such hearing and the last such publication was made not more than seven days prior to the date of such hearing, and such notice contained the date of such hearing, the place at which it shall be held, and the purpose of the hearing; and,

WHEREAS, the Board of Supervisors did convene on Friday, December 14, 2001, at 10:00 o'clock A.M., in the Board of Supervisors Room in the Chancery Administrative Building at Canton, Mississippi, being the time, date and place fixed for such public hearing; and; WHEREAS, the Board of Supervisors did hear the evidence offered by the witnesses for the proposed authority, and data offered in support of the creation and incorporation of the authority; and;

WHEREAS, after hearing the evidence, information and other data, the Board did find ( 1) That the public convenience and necessity require the creation of the authority, and (2) That the creation of the authority is economically sound and desirable:

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

1. 1. That the public convenience and necessity require the creation of the Madison County Wastewater Authority, within the territorial limits as herein described, and the creation of the authority is economically sound and desirable.
2. 2. That the contemplated territorial limits of said authority shall be Madison County, Mississippi.
3. 3. That the Board of Supervisors of Madison County, Mississippi, hereby declares its intention to create the Madison County Wastewater Authority, within Madison County, Mississippi.

RESOLVED this the 14th day of December 2001.

The motion for the adoption of the resolution was seconded by Supervisor W. T. (Bill) Banks and after discussion, the resolution was read and considered section by section and as a whole, and a vote was taken thereon, section by section, and as a whole, with the following results:

Supervisor William 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 majority of the members present, the President of the Board of Supervisors of Madison County, Mississippi, declared the Motion carried and Resolution adopted this the 14th day of December 2001.

#### **In the Matter of Renaming a Private Road**

WHEREAS, Bill Weisenberger, Emergency Management Director, did come forward and present the following matter: Renaming Private Road – from Sunset Drive to Sundown Cove, Pvt. Following a discussion of this matter, Supervisor William T. (Bill) Banks did move and Supervisor Karl Banks did second a motion to rename said road. (Copy of Memorandum contained in the Miscellaneous Files to these Minutes.) The vote on said matter was as follows:

Supervisor William 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 December, 2001.

#### **In the Matter of Advertising for Additional Early Warning Sirens**

WHEREAS, Bill Weisenberger, Emergency Management Director, did present to the Board of Supervisors information concerning the cost to purchase used sirens. Following a discussion of this matter, Supervisor Marc Sharpe did move and Supervisor W. T. (Bill) Banks did second a motion to advertise for 1 or more new sirens. The vote on said matter was as follows:

Supervisor William 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 December 2001.

#### **In the Matter of Advertising for a 7.5kw Diesel Generator**

WHEREAS, Bill Weisenberger, Emergency Management Director did present to the Board of Supervisors an estimated cost to purchase said generator. Following a discussion in this matter, Supervisor Marc Sharpe did move and Supervisor Karl M. Banks did second a motion to advertise for a 7.5kw generator. The vote on said matter was as follows:

Supervisor William 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 December 2001.

#### **In the Matter of the Approval of a Special Exception for Harvey Watts - Public Hearing**

WHEREAS, Harvey Watts did file a Petition for Special Exception to move an existing residential structure onto property zoned R-1 Residential, located in Sec.33, T8N-R2E, Madison County, Mississippi, and further identified as Tax Parcel #082H-33-019, pursuant to the Zoning Ordinances of Madison County, Mississippi.

WHEREAS, the hour of 10:00 o'clock a.m. on December 14, 2001 did arrive; and

WHEREAS, no objectors were present; and

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

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

1. That Harvey Watts be allowed and granted a special exception to move an existing residential structure onto property zoned R-1 Residential, located in Sec.33, T8N-R2E, Madison County, Mississippi, and further identified as Tax Parcel #082H-33-019, pursuant to the Zoning Ordinances of Madison County, Mississippi.
2. The Board of Supervisors does hereby make the following findings certifying compliance with the specific rules governing this special exception and hereby finds that satisfactory provision and arrangement have been made concerning the following, to-wit:
  - a. Ingress and Egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe, the Board hereby finds that the conditions are acceptable for these properties.

- b. Off-street parking and loading areas where required, with particular attention to the items noted above and the economic, noise, glare or odor effects of the special exception and adjoining properties and the properties generally in the district; the Board hereby finds that conditions are acceptable for this property.
- c. Refuse and service areas, with particular reference to items noted above; the Board hereby finds that this is not applicable to this property.
- d. Utilities, with reference to location, availability and compatibility; the Board hereby finds that utilities are available for this property.
- e. Screening and buffering, with reference to type, dimensions and character; the Board hereby finds that this is not an applicable requirement for this property.
- f. Signs, if any, and proposed exterior lighting, with reference to glare, traffic, safety, economic effect and compatibility in harmony to the properties in the district; the Board hereby finds that this is not applicable to this property and no requirement is made.
- g. Required yards and other open space; the Board hereby finds that setbacks and open space are readily available for said property.
- h. General compatibility with adjacent properties and other property in the district; the Board hereby finds that conditions for this property are generally compatible with adjacent properties and the conditions are acceptable.

The motion for adoption was seconded by Supervisor Paul Griffin, 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 14<sup>th</sup> day of December, 2001.

### **In the Matter of the Approval of a Special Exception for Barry Gilmer - Public Hearing**

WHEREAS, Barry Gilmer did file a Petition for Special Exception to operate surface mining as per section 402.1-2a on property zoned A-1, located in Sec.20, T8N-R2E, Madison County, Mississippi, and further identified as Tax Parcels #82D-20-5/1 and 82D-20-5/2, pursuant to the Zoning Ordinances of Madison County, Mississippi.

WHEREAS, the hour of 10:00 o'clock a.m. on December 14, 2001 did arrive; and

WHEREAS, no objectors were present; and

WHEREAS, the matter was presented to the Board of Supervisors, and after a discussion thereof, Supervisor Paul Griffin did move to close the public hearing and take the matter under advisement and request further information. Supervisor W. T. (Bill) Banks, did second the motion. The vote on the 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

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<sup>th</sup> day of December, 2001.

**In the Matter of the Approval of a Special Exception for Ladell Barnett - Public Hearing**

WHEREAS, Ladell Barnett did file a Petition for Special Exception to move a mobile home onto property zoned R-1 Residential, located in Sec. 25, T8N-R2E, Madison County, Mississippi, and further identified as Tax Parcel #082G-25D-001, pursuant to the Zoning Ordinances of Madison County, Mississippi.

WHEREAS, the hour of 10:00 o'clock a.m. on December 14, 2001 did arrive; and

WHEREAS, no objectors were present; and

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

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

1. That Ladell Barnett be allowed and granted a special exception to move a mobile home onto property zoned R-1 Residential, located in Sec. 25, T8N-R2E, Madison County, Mississippi, and further identified as Tax Parcel #082G-25D-001, pursuant to the Zoning Ordinances of Madison County, Mississippi.
2. The Board of Supervisors does hereby make the following findings certifying compliance with the specific rules governing this special exception and hereby finds that satisfactory provision and arrangement have been made concerning the following, to-wit:
  - a. Ingress and Egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe, the Board hereby finds that the conditions are acceptable for these properties.
  - b. Off-street parking and loading areas where required, with particular attention to the items noted above and the economic, noise, glare or odor effects of the special exception and adjoining properties and the properties generally in the district; the Board hereby finds that conditions are acceptable for this property.
  - c. Refuse and service areas, with particular reference to items noted above; the Board hereby finds that this is not applicable to this property.
  - d. Utilities, with reference to location, availability and compatibility; the Board hereby finds that utilities are available for this property.
  - e. Screening and buffering, with reference to type, dimensions and character; the Board hereby finds that this is not an applicable requirement for this property.
  - f. Signs, if any, and proposed exterior lighting, with reference to glare, traffic, safety, economic effect and compatibility in harmony to the properties in the district; the Board hereby finds that this is not applicable to this property and no requirement is made.
  - g. Required yards and other open space; the Board hereby finds that setbacks and open space are readily available for said property.
  - h. General compatibility with adjacent properties and other property in the district; the Board hereby finds that conditions for this property are generally compatible with adjacent properties and the conditions are acceptable.

The motion for adoption was seconded by Supervisor Karl 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 14<sup>th</sup> day of December, 2001.

### **In the Matter of the Approval of a Special Exception for Delorise Tedford - Public Hearing**

WHEREAS, Delorise Tedford did file a Petition for Special Exception to move a mobile home onto property zoned R-1 Residential, located in Sec. 36, T8N-R2E, Madison County, Mississippi, and further identified as Tax Parcel #082G-36A-015, pursuant to the Zoning Ordinances of Madison County, Mississippi.

WHEREAS, the hour of 10:00 o'clock a.m. on December 14, 2001 did arrive; and

WHEREAS, no objectors were present; and

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

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

1. That Delorise Tedford be allowed and granted a special exception to move a mobile home onto property zoned R- Residential, located in Sec. 36, T8N-R2E, Madison County, Mississippi, and further identified as Tax Parcel #082G-36A-015, pursuant to the Zoning Ordinances of Madison County, Mississippi.
2. The Board of Supervisors does hereby make the following findings certifying compliance with the specific rules governing this special exception and hereby finds that satisfactory provision and arrangement have been made concerning the following, to-wit:
  - a. Ingress and Egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe, the Board hereby finds that the conditions are acceptable for these properties.
  - b. Off-street parking and loading areas where required, with particular attention to the items noted above and the economic, noise, glare or odor effects of the special exception and adjoining properties and the properties generally in the district; the Board hereby finds that conditions are acceptable for this property.
  - c. Refuse and service areas, with particular reference to items noted above; the Board hereby finds that this is not applicable to this property.
  - d. Utilities, with reference to location, availability and compatibility; the Board hereby finds that utilities are available for this property.
  - e. Screening and buffering, with reference to type, dimensions and character; the Board hereby finds that this is not an applicable requirement for this property.
  - f. Signs, if any, and proposed exterior lighting, with reference to glare, traffic, safety, economic effect and compatibility in harmony to the

properties in the district; the Board hereby finds that this is not applicable to this property and no requirement is made.

- g. Required yards and other open space; the Board hereby finds that setbacks and open space are readily available for said property.
- h. General compatibility with adjacent properties and other property in the district; the Board hereby finds that conditions for this property are generally compatible with adjacent properties and the conditions are acceptable.

The motion for adoption was seconded by Supervisor Karl 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 14<sup>th</sup> day of December, 2001.

#### **In the Matter of the Approval of a Special Exception for James Fleming - Public Hearing**

WHEREAS, James Fleming did file a Petition for Special Exception to move a mobile home onto property zoned R-2 Residential, located in Sec. 34, T9N-R3E, Madison County, Mississippi, and further identified as Tax Parcel #93H-34-032/01, pursuant to the Zoning Ordinances of Madison County, Mississippi.

WHEREAS, the hour of 10:00 o'clock a.m. on December 14, 2001 did arrive; and

WHEREAS, no objectors were present; and

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

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

1. That James Fleming be allowed and granted a special exception to move a mobile home onto property zoned R-2 Residential, located in Sec. 34, T9N-R3E, Madison County, Mississippi, and further identified as Tax Parcel #93H-34-032/01, pursuant to the Zoning Ordinances of Madison County, Mississippi.
2. The Board of Supervisors does hereby make the following findings certifying compliance with the specific rules governing this special exception and hereby finds that satisfactory provision and arrangement have been made concerning the following, to-wit:
  - a. Ingress and Egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe, the Board hereby finds that the conditions are acceptable for these properties.
  - b. Off-street parking and loading areas where required, with particular attention to the items noted above and the economic, noise, glare or odor effects of the special exception and adjoining properties and the properties generally in the district; the Board hereby finds that conditions are acceptable for this property.
  - c. Refuse and service areas, with particular reference to items noted above; the Board hereby finds that this is not applicable to this property.

- d. Utilities, with reference to location, availability and compatibility; the Board hereby finds that utilities are available for this property.
- e. Screening and buffering, with reference to type, dimensions and character; the Board hereby finds that this is not an applicable requirement for this property.
- f. Signs, if any, and proposed exterior lighting, with reference to glare, traffic, safety, economic effect and compatibility in harmony to the properties in the district; the Board hereby finds that this is not applicable to this property and no requirement is made.
- g. Required yards and other open space; the Board hereby finds that setbacks and open space are readily available for said property.
- h. General compatibility with adjacent properties and other property in the district; the Board hereby finds that conditions for this property are generally compatible with adjacent properties and the conditions are acceptable.

The motion for adoption was seconded by Supervisor Karl 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 14<sup>th</sup> day of December, 2001.

**In the Matter of the Zoning Ordinance by the Board of Supervisors of Madison County, Mississippi  
Amending the Madison County Zoning Ordinance – HD&H Inc. – Public Hearing**

WHEREAS, H D & H Inc. did file an Application to rezone certain property from its present R-1 Residential Estate Use District Classification to R-2 Single Family Residential Use District Classification; and

WHEREAS, by Resolution properly adopted by the Board of Supervisors, a hearing was set for the 14th day of December, 2001, 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., the 14th day of December, 2001, did arrive; and

WHEREAS, there were no objections; and

WHEREAS, the matter was presented to the Board of Supervisors and after discussion thereof, the Board found that there was a material change in the circumstances since the initial zoning of the property, and Supervisor W. T. "Bill" Banks moved to close the public hearing and 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 R-1 Residential District Classification to R-2 Residential District Classification, to wit:



Being situated in the Southwest ¼ of Section 20, Township 8 North, Range 2 east, Madison County, Mississippi, and more particularly described by metes and bounds as follows to-wit:

Commence at the Northeast corner of the said the Southwest ¼ of Section 20, said Northeast corner being the POINT OF BEGINNING for the parcel herein described; thence South 0 degrees 31 Minutes west for a distance of 2,630.76 feet along the mid-line of the said Section 20 to the Northern line of Gluckstadt Road; thence South 89 degrees 32 minutes West for a distance of 2,232.43 feet along the said Northern line; thence leave said Northern line and run North 0 degrees 10 Minutes East for a distance of 600.0 feet; thence North 89 degrees 32 minutes East for a distance of 336.08 feet; thence North 0 degrees 10 minutes East for a distance of 2,039.43 feet to the Northern line of the said Southwest ¼ of Section 20; thence North 89 degrees 48 minutes East for a distance of 1,912.34 feet to the POINT OF BEGINNING, containing 119.82 acres, more or less.

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.

That motion for adoption was seconded by Supervisor Karl 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

WHEREUPON the President of the Board of Supervisors declared the motion carried and that the Ordinance was duly passed and adopted.

ORDAINED, ADOPTED AND APPROVED by the Board of Supervisors of Madison County, Mississippi, at a meeting thereof held on the 14th day of December, 2001.

### **In the Matter of Utility Easement**

WHEREAS, Brad Sellers presented to the Board a request by CMU for an easement. Following a discussion of this matter, Supervisor William T. (Bill) Banks did move and Supervisor Marc Sharpe did second the motion to approve the 20-foot permanent easement for utility installation for CMU. (Copy of said easement contained in Miscellaneous Files of these Minutes.) The vote on said matter was as follows:

Supervisor William 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 December, 2001.

### **In the Matter of Approval of Plat**

WHEREAS, Brad Sellers presented to the Board a request for approval of a subdivision plat Following a discussion of this matter Supervisor Karl M. Banks did move and Supervisor William T. (Bill) Banks did second a motion to approve the plat of 12-acre Childress property on Petrified Forest Rd. The vote on said matter was as follows:

Supervisor William 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 December, 2001.

### **In the Matter of the Approval of Change to Key Constructors Supplemental Agreement**

WHEREAS, the Board considered the change to the Supplemental Agreement. Following a review of this item, Supervisor William T. (Bill) Banks did move and Supervisor Paul Griffin did second a motion to accept the change proposed on the submitted on the Key Constructors Project - Contract – FAS Project BR-0045 (20)B. (Copy of said Supplemental Agreement contained in the Miscellaneous File to these Minutes). The vote on said matter was as follows:

Supervisor William 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	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 December, 2001.

### **In the Matter of SB82 Larry Rochelle**

WHEREAS, Todd Cameron, did come forward with the following matter concerning the change of assessment for Larry Rochelle. (Copy of Petition for Reduction of Assessment attached to the Miscellaneous File of these Minutes.) Following a discussion of this matter, Supervisor William T. (Bill) Banks did move and Supervisor David H. Richardson did second the motion to approve the change of assessment of Larry Rochelle. The vote on said matter was as follows:

Supervisor William 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 December, 2001.

### **In the Matter of Road Department - Culvert Request and Work Order Report**

WHEREAS Helen Keller came forward with matters from the Road Department concerning culvert requests and work orders and requests from the Road Department for the installation of culverts as follows:

Garry Stanford – Lot 16 Fox Hollow  
Willie & Annie Berry – 248 Archie Cain Road  
Johnny Catchings – Albert Catchings Road  
Barry Carpenter – 1977 Pleasant Gift Road

Following review and discussion, Supervisor W. T. (Bill) Banks did move and Supervisor Paul Griffin did second 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:

Supervisor W.T. (Bill) Banks-District I	Voted: Aye
Supervisor Marc Sharp-District II	Voted: Aye
Supervisor David H. Richardson-District III	Absent
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. Karl M.. Banks, Vice- President of said Board, as being duly carried on this the 14th day of December 2001.

**In the Matter of Work Order Report and November Monthly Report**

WHEREAS, Helen Keller did come forward with the work order report and the November monthly reports. Following a discussion of this matter, Supervisor William T. (Bill) Banks did move and Supervisor Paul Griffin did second the motion to acknowledge the work order report and the November monthly report. The vote on said matter was as follows:

Supervisor William 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 December, 2001.

**In the Matter of the Authorization of Ads for Equipment**

WHEREAS, the Board considered the request for the authorization of ads for equipment. Following a discussion of this matter, Supervisor William T. (Bill) Banks did move and Supervisor Marc Sharpe did second the motion to authorize ads for equipment with operator. The vote on said matter was as follows:

Supervisor William 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 December, 2001.

**In the Matter of Approve 16<sup>th</sup> Section Lease**

WHEREAS, the Board visited the matter of amending the 16<sup>th</sup> section billboard lease agreement with Lamar Advertising. Following a discussion concerning this matter, Supervisor Karl M. Banks did move and Supervisor Marc Sharpe did second a motion to obtain a written notice of comparable lease values. (Copies of correspondence attached to the Miscellaneous Files to these Minutes.) The vote on said matter was as follows:

Supervisor William 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 December, 2001.

**In the Matter of 16<sup>th</sup> Section Lease for Jeffery & Barbara Majcher**

WHEREAS, Brad Sellers did come forward in the matter of the 16th section lease agreement with Jeffery & Barbara Majcher – Lot 35, Madison Oaks, Pt. 2. Following a discussion concerning this matter Supervisor Marc Sharpe did move and Supervisor, William T. (Bill) Banks did second a motion to approve. (Copies of correspondence contained in Miscellaneous Files to these Minutes.) The vote on said matter was as follows.

Supervisor William T. (Bill) Banks-District I	Voted: Aye
Supervisor Marc Sharpe-District II	Voted: Aye
Supervisor David H. Richardson-District III	Voted: Aye

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

Voted: Aye  
Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 14th day of December, 2001.

**In the Matter of Approve Advertising for Bid – Legal Advertising in Newspapers**

WHEREAS, the Board of Supervisors discussed the matter of legal advertising in newspapers, and after a discussion in the above matter, Supervisor William T. (Bill) Banks did move and Supervisor Karl M. Banks did second the motion to approve advertising for bids in newspapers, pursuant to Mississippi Code Annotated §19-3-35. The vote on said matter was as follows:

Supervisor William T. (Bill) Banks-District	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 December, 2001.

**In the Matter of Approval of Advertising for Bids – Depositories**

WHEREAS, the Board of Supervisors discussed the matter of advertising for bids for depositories, and after a discussion in the above matter, Supervisor Karl M. Banks did move and Supervisor Marc Sharpe did second the motion to advertise for bids of depositories, pursuant to Mississippi Code Annotated §27-105-305. The vote on said matter was as follows:

Supervisor William 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 December, 2001.

**In the Matter of Approve Advertising for Bid – Sheriff Department Uniforms**

WHEREAS, Sheriff Toby Trowbridge did come forward to ask to the Board to receive sealed bids for Sheriff department uniforms. (Copy of which can be found in the Miscellaneous File to these Minutes)

Following discussion of this matter, Supervisor William T. (Bill) Banks did move and Supervisor Karl M. Banks did second a motion to receive sealed bids for the purchase of Sheriff department uniforms. The vote on said matter was as follows:

Supervisor William 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 December, 2001.

**In the Matter of the Approval of Registration to Midwinter Legislative Conference January 7-9, 2002**

WHEREAS, the Board did discuss attendance of the Midwinter Legislative Conference and the payment of registration fees and travel expenses.

Following discussion of the above matter, the Board approved the payment of registration fees and travel expenses to the conference. Supervisor Karl M. Banks did move and Supervisor Paul Griffin did second the motion to attend the conference and pay all expenses. 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 December, 2001.

**In the Matter of the Approval of Holiday Greeting Ad – Madison County Journal**

WHEREAS, the Board did discuss the approval of the holiday greeting ad in the Madison County Journal. Following a discussion of this matter, Supervisor William T. (Bill) Banks did move and Supervisor Marc Sharpe did second the motion to approve the holiday greeting ad in the Madison County Journal, for the purpose of advertising County resources . (A copy of said ad is attached in the Miscellaneous File to these minutes.) The vote on said matter was as follows:

Supervisor William 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 December, 2001.

**In the Matter of Approval of the Change of Polling Place**

There came on to be heard before the Board of Supervisors of Madison County, Mississippi (the "Board"), the matter of Amending the Board's Order of April 26, 1991, designating the boundaries of voting precincts and polling places in Supervisor District Four (4) in Madison County, Mississippi by amending the designation of the polling place in Election District No. Seven of Supervisor District Four (4) (Canton Five(High School) Precinct) to designate a new polling place at the Anderson Lodge No. 9, 389 Ricks Drive, Canton, Mississippi and the Board finding that the adoption of said amendment is in the best interest of the residents and citizens of Madison County, Mississippi; and

WHEREFORE, Supervisor Karl Banks offered the following Order and moved its adoption

ORDER OF THE BOARD OF SUPERVISORS OF  
MADISON COUNTY, MISSISSIPPI AMENDING  
PREVIOUS COUNTY DISTRICTING ORDER BY  
DESIGNATING A NEW POLLING PLACE IN  
CANTON FIVE PRECINCT, BEING  
ELECTION DISTRICT NUMBER SEVEN IN  
SUPERVISOR DISTRICT FOUR (4) IN  
MADISON COUNTY, MISSISSIPPI

\*\*\*\*\*

WHEREAS, the Board of Supervisors has considered the establishment of a new polling place within Supervisor District Four (4) of Madison County, Mississippi and hereby finds that it is in the best interest of the resident citizens of Madison County, Mississippi to adopt said change to its previous order of April 26, 1991.

IT IS, THEREFORE, ORDERED AS FOLLOWS:

**SECTION Error! Bookmark not defined.** That it is hereby found, adjudicated and determined that the matters and facts stated in the preamble hereof are true and correct.

**SECTION Error! Bookmark not defined.** Section 11 of the "Order of the Board of Supervisors of Madison County, Mississippi, reapportioning the Five Supervisor Districts of the County, by redistricting the same; designating the boundaries of said Supervisor District as redistricted thereby; providing a method for changing the registration of qualified electors affected thereby; designating election districts in each Supervisor District and designating a polling place for each election district; and for all other matters germane thereto"; dated April 26, 1991 be, and the same is hereby amended as follows, to-wit:

**SECTION 11:** Supervisor District Four (4) shall contain seven (7) election districts and these election districts shall be composed of the following described areas:

**SUPERVISOR DISTRICT FOUR (4)**

...

**ELECTION DISTRICT NO. :**

Election District No. 7 of Supervisor District Four (4) shall be known as the Canton Five Precinct. The polling place for Election District No. 7 of Supervisor District Four (4), Canton Five Precinct shall be the Anderson Lodge No. 9, 389 Ricks Drive, Canton, Mississippi 39046.....

**SECTION Error! Bookmark not defined.** The polling place for Election District No. Seven (7), the Anderson Lodge No. 9 Precinct, Supervisor District Number Four (4), shall, from and after this Order is effectuated pursuant to Section 5 hereof, be the Anderson Lodge No. 9, 389 Ricks Drive, Canton, Mississippi 39046.

**SECTION Error! Bookmark not defined.** This order shall amend that certain Order of the Board of Supervisors of Madison County, Mississippi, establishing Supervisor Districts and polling places, as far as same pertains to the Election District Seven of Supervisor District Number Four (4), Canton Five Precinct, otherwise, said Order of April 26, 1991, as amended, shall remain in full force and effect.

**SECTION Error! Bookmark not defined.** The attorney for the Board of Supervisors is hereby directed to submit this Order to the Attorney General of the United States, or the United District Court for the District of Columbia, for pre-clearance in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended [42 U.S.C. 1973c]. **SECTION Error! Bookmark not defined.** This Order shall take effect and be in force from and after the date is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended [42 U.S.C. 1973c].

**SECTION Error! Bookmark not defined.** The Chancery Clerk is hereby authorized and directed to note this amendment in red ink in the margin of the April 26, 1991 Order, designating polling places and establishing Supervisor Districts referred to in Section 2 hereof as soon as practical from the date the same is hereby effectuated pursuant to the Voting Rights Act.

**SECTION Error! Bookmark not defined.** The Circuit Clerk and Registrar be, and she is hereby authorized and directed to notify the electors residing in the Canton Five Precinct in the manner required by law, of this polling change as soon as practical from the date the same is hereby effectuated pursuant to the Voting Rights Act.

SO ORDERED BY THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI at a meeting thereof assembled on Friday, December 14, 2001, at the Madison County Chancery/Administrative Building in the City of Canton, Madison County, Mississippi.

Supervisor Paul Griffin seconded the above and foregoing Order and the same being considered and full discussion had thereon, and the vote taken thereon as to the final adoption of said order is as follows, to-wit:

Supervisor W. T. "Bill" Banks	Voted: Aye
Supervisor Marc Sharpe	Voted: Aye
Supervisor David Richardson	Voted: Aye
Supervisor Karl Banks	Voted: Aye
Supervisor Paul Griffin	Voted: Aye

WHEREUPON, President Richardson declared the Motion as having passed and the Order adopted on this the 14th day of December, 2001.

**In the Matter of the Acceptance of the Right-Of-Way Instruments on Griffin Road**

WHEREAS, the Board did discuss the acceptance of the right-of-way instruments on Griffin Road. Following a discussion of the matter, Supervisor Paul Griffin did make a motion to accept the right-of-way instruments on Griffin Road, and Supervisor Karl M. Banks did second the motion. (Copies of which are contained in the Miscellaneous Files to these Minutes.) The vote on said matter was as follows:

Supervisor William 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 December, 2001.

### **In the Matter of the Advertisement for the Position of County Administrator and Comptroller**

WHEREAS, the Board did discuss the matter of hiring a County Administrator and Comptroller for Madison County. Following a discussion of the matter, Supervisor Paul Griffin did make a motion to advertise for these positions for a period of thirty (30) days in the Madison County papers, for Madison County residents who have been residents for six (6) months, and Supervisor Karl M. Banks did second the motion. The vote on said matter was as follows:

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

The motion having failed to receive the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly defeated on this the 14th day of December, 2001.

### **In the Matter of the Approval to Hire George Touart as County Administrator**

WHEREAS, William T. (Bill) Banks came forward with a request to the Board to hire George Touart as County Administrator. Following a discussion of the matter, Supervisor William T. (Bill) Banks made a motion and Supervisor Marc Sharpe did second the motion to hire George Touart as County Administration with an effective date of Monday, December 17, 2001. The vote on said matter was as follows:

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

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 December, 2001.

There being no further business to come before the meeting of the Board of Supervisors of Madison County, MS, President of the Board of Supervisors, David H. Richardson announced that the meeting of the Board of Supervisors was recessed until 9:30 a.m., December 21, 2001.

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David H. Richardson, President

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Mike Crook, Chancery Clerk