

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

REGULAR MEETING OF FRIDAY, DECEMBER 28, 2001  
Recessed from regular meeting of December 21, 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 28th 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:	Absent:
Supervisor W. T. (Bill) Banks	Supervisor Karl M. Banks
Supervisor Marc Sharpe	
Supervisor David H. Richardson	
Supervisor Paul Griffin	
Chancery Clerk Mike Crook	
Deputy Sheriff Eddie Belvedresi	
County Administrator George Touart	

Supervisor W.T. (Bill) Banks gave the invocation, and Supervisor Paul Griffin led 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 Hiring a Right-of-Way Appraiser**

WHEREAS, the Board of Supervisors did consider the matter of hiring an appraiser. Following the discussion on the matter, Supervisor Marc Sharpe did move and Supervisor W. T. (Bill) Banks did second a motion to hire Randy Wingfield as the said Right-of-Way appraiser, for the following properties: Samuels, Lindsey, Dean, Hinton, Mansell, and Harreld/Hutchenson. 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	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 28th day of December, 2001.

**In the Matter of Advertising for Legal Notices and Depositories**

Upon recommendation by George Touart, County Administrator, the Board considered the advertisement of legal notices and depositories. After discussion of the matter, Supervisor W. T. (Bill) Banks did move and Supervisor Paul Griffin did second the motion to advertise the bids for legal notices, pursuant to Mississippi Code Annotated §19-3-35, as amended, and depositories, pursuant to Mississippi Code Annotated §27-105-305. 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	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 28th day of December, 2001.

### **In the Matter of Establishing Benea Grant's Salary**

Dewey Hembree, Board Attorney, reminded the Board of their authorization of Benea Grant as an employee with the State Welfare Department. Mr. Hembree reported that Ms. Grant was to receive a salary of \$19,000.00 annually. Supervisor Paul Griffin did make, and Supervisor W. T. (Bill) Banks did second a motion to establish Benea Grant's salary at \$19,000.00 provided the funds are in the budget. 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	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 28th day of December, 2001.

### **In the Matter of Jerry Acy – MCEDA Resolution**

WHEREAS, the Board adopted a Resolution Authorizing the Madison County Economic Development Authority to borrow money in connection with the permanent financing of the Nissan Training Facility in the Canton Commercial Industrial Center. After consideration, Supervisor W. T. (Bill) Banks did move and Supervisor Marc Sharpe did second a motion to adopt the Resolution. (A copy of which is contained in the Miscellaneous File of 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	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 28th day of December, 2001.

### **In the Matter a Requested Special Exception for Billy Chaney to Place a Mobile Home in an R-1 Residential District**

Billy Chaney filed an application for variance that would allow him to move a mobile home onto his property. Following the discussion W.T. (Bill) Banks did move and Marc Sharpe did second a motion to refer this petition for action by the Planning and Zoning Commission. (A copy of which are found in the Miscellaneous Files 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	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 28th day of December, 2001.

### **In the Matter of Zoning – Surface Mining Proposal**

WHEREAS, Brad Seller came forward to present to the proposal filed by Barry Gilmer for a special exception to operate surface mining. Following a discussion of the matter, Supervisor W.T. (Bill) Banks did move and Supervisor Marc Sharpe did second as follows:

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

1. That Barry Gilmer be allowed and granted a 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.

2. The Board of Supervisors does hereby make the following findings certifying compliance with the specific rules governing this special exception and hereby finds that satisfactory provision and arrangement have been made concerning the following, to-wit:
  - a. Ingress and Egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe, the Board hereby finds that the conditions are acceptable for these properties.
  - b. Off-street parking and loading areas where required, with particular attention to the items noted above and the economic, noise, glare or odor effects of the special exception and adjoining properties and the properties generally in the district; the Board hereby finds that conditions are acceptable for this property.
  - c. Refuse and service areas, with particular reference to items noted above; the Board hereby finds that this is not applicable to this property.
  - d. Utilities, with reference to location, availability and compatibility; the Board hereby finds that utilities are available for this property.
  - e. Screening and buffering, with reference to type, dimensions and character; the Board hereby finds that this is not an applicable requirement for this property.
  - f. Signs, if any, and proposed exterior lighting, with reference to glare, traffic, safety, economic effect and compatibility in harmony to the properties in the district; the Board hereby finds that this is not applicable to this property and no requirement is made.
  - g. Required yards and other open space; the Board hereby finds that setbacks and open space are readily available for said property.
  - h. General compatibility with adjacent properties and other property in the district; the Board hereby finds that conditions for this property are generally compatible with adjacent properties and the conditions are acceptable.
  - i.

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	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 28th day of December, 2001.

### **In the Matter of Approve Request for Funds – Madison County Medical Center - \$250,000**

WHEREAS the Board discussed the request by the Madison County Medical Center for additional advance of funds. Following a discussion of the matter, Supervisor Paul Griffin did move and Supervisor W.T. (Bill) Banks did second a motion to approve the request for an additional \$250,000.00 advance from Grand Gulf funds for the Madison Co. Medical Center. 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  
Supervisor Paul Griffin-District V

Absent  
Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 28th day of December, 2001.

**In the Matter of Authorizing Curry Branch Workers' Compensation Claim**

WHEREAS, the Board Attorney, Dewey Hembree presented for discussion the claim letter asking for authorization of payment of workers' compensation benefits to Curry Branch. After further discussion concerning this matter, Supervisor Marc Sharpe did move and Supervisor Paul Griffin did second the motion to authorize the payment of the claim. (#101-15522) for Curry Branch (Claim letter is contained in the Miscellaneous Files to these Minutes.) The vote on said matter was as follows:

Supervisor W. T. (Bill) Banks-District I	Voted: Nay
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 28th day of December, 2001.

**In the Matter of the Loan Payment to Hancock Bank**

WHEREAS, the Board considered the loan payment due to Hancock Bank. Following a discussion of the matter, a motion was made by Supervisor Karl M. Banks, and seconded by W. T. (Bill) Banks, that the loan payment be made to Hancock Bank. (Copy of the Loan Repayment Statement contained in the Miscellaneous Files 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 28th day of December, 2001.

**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 the terms of Miss. Code Ann. §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 lease of County Property with the following persons deemed necessary for the discussions, deliberations and recording of such executive session, to-wit: Members of the Board, the Attorney for the Board, Tom Cook and members of his Law Firm and George Touart. 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 28<sup>th</sup> day of December, 2001.

**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 leasing of County Property.

Following a brief discussion Supervisor Karl Banks offered and Supervisor W. T. (Bill) Banks seconded the motion to enter into Executive Session to discuss the leasing of County Property as allowed by law. 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 and he declared the Board of Supervisors to be in executive session for the consideration of such matters on this the 28<sup>th</sup> day of December, 2001.

President Richardson then re-opened 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 it was ordered and the President declared the Board to again be in "Open Session" to discuss all County Business.

**In the Matter of a Letter Supporting Canton Physicians Group**

Following a discussion by the Board, Supervisor Karl M. Banks did move and Supervisor Paul Griffin did second a motion to sign a letter of support for funding for the Outpatient Surgical Center. (Copy of said letter contained 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 28<sup>th</sup> day of December, 2001.

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, seconded by Supervisor Karl M. Banks, and approved by unanimous vote of those present, the President of the Board of Supervisors, David H. Richardson announced that the meeting of the Board of Supervisors was adjourned until 9:30 a.m. on January 7, 2002.

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David H. Richardson, President

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Mike Crook, Chancery Clerk