

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

REGULAR MEETING OF JULY 13, 2001
recessed from regular meeting conducted on July 6, 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 13th day of July, 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 W. T. (Bill) Banks
Supervisor Marc Sharpe
Supervisor David H. Richardson
Supervisor Karl M. Banks
Supervisor Paul Griffin
Chief Deputy Chancery Clerk Kathy Gregory,
Representing Chancery Clerk Steve Duncan
Sheriff Toby Trowbridge

Absent:

Chancery Clerk, Steve Duncan

The President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Sheriff Toby Trowbridge opened the meeting with a prayer and Supervisor Marc Sharpe led the Pledge of Allegiance to the Flag of the United States of America.

In the Matter of Smith Carr Road

WHEREAS, Otha Jenkins, Dr. Joe Galloway and Richard Jackson did appear before the Board of Supervisors requesting that certain improvements be made to Smith Carr Road. After discussing the repair issues with the Board, Supervisor W. T. "Bill" Banks and the Road Manager agreed to view the road and make a report at the next meeting of the Board of Supervisors. No official action was taken by the Board on this issue.

**In the Matter of Authorizing the Giving of Public
Notice of the Intent of the Board to Conduct a Public
Hearing on Petitions to Amend/Change the Official
zoning Ordinances and/or Official Zoning Map of
Madison County, MS**

WHEREAS, Zoning Administrator Brad Sellers did present the Board 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 the intent of the Board to conduct public hearings on such petitions at 10:00 a.m. on Friday, August 17, 2001:

Community Development Group, LLC - Petition to rezone R-1 Residential to R-1A, with Planned Unit Development Overlay.

Location: Sections 22,23,26,27,34,35, and 36, T8N-R1E, bounded by Highway 463, Gluckstadt Road, and Ingleside Subdivision.

Data: Petitioner wishes to rezone this tract for the development of a residential subdivision, that will include lots ranging up to 3/4 acre in size, with a golf course, club house, and two large lakes.

John Harreld and William H. Ledbetter - Petition to rezone R-1 property to C-2 Highway Commercial.

Location: Highway 51 South, Section 15, T8N-R2E.

Data: Petitioner will market this tract to a developer for the construction and operation of a self-storage mini-warehouse facility.

Paul Wilson - Petition to rezone A-1 Agricultural property to C-2 Highway Commercial.
Location: Highway 22 and Virillia Road, Sections 22 and 27, T9N-R2E.
Data: A commercial subdivision is planned for this site, and a site plan has been furnished.
Water and sewer will be provided by CMU .

Lisa Barnes - Petition to place mobile home in R-2 District.
Location- 121 Teri Road, Kearney Park area, Section 32, T9N-R1 W.
Data: Ms. Barnes wishes to place a mobile home on this lot. Sewer is available. Her mother in law lives in an existing house on this lot. There are other mobile homes in this area.

Following review and discussion, Supervisor Karl Banks did move and Supervisor Paul Griffin did second to authorize the giving of public notice of the intent of the Board 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, August 17, 2001. Vote on the 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 13th day of July, 2001.

In the Matter of the Review of Utility Permit Fee and the Regulations concerning Manufactured Home Residential District

WHEREAS, Zoning Administrator Brad Sellers did present to the Board a proposed Utility Permit Review modification fee (A copy of which is found in the Miscellaneous File to these Minutes), as well as proposed amendments to the Madison County Zoning Ordinance regarding T-1 Manufactured Homes Residential District.

Following review and discussion, Supervisor Marc Sharpe did move and Supervisor W. T. "Bill" Banks did second a motion to authorize the Zoning Administrator to advertise the proposed changes to the zoning ordinances as set forth above. The vote on said matter was as follows:

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

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 13th day of July, 2001.

In the Matter of the Proposals for the Camden Library Environmental Site Assessment

WHEREAS, Mr. Rudy Warnock reported to the Board that he is presently working on proposals for the Camden Library Site, and requested permission to obtain a survey.

Following review and discussion, Supervisor Paul Griffin did move and Supervisor W. T. (Bill) Banks did second a motion to authorize the Board Attorney to contact the Madison County School District to ascertain whether a survey would be required for the transfer of property from the School District to the County for said library. The vote on said matter was as follows, to-wit:

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

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 13th day of July, 2001.

**In the Matter of the Permit Application
of BellSouth Telecommunications for the
Use and Occupancy for the Construction
or Adjustment of a Utility along or across
Robinson Road**

WHEREAS, Mr. Rudy Warnock submitted to the Board the Permit Application of BellSouth Telecommunications for construction of a Utility Facility on Robinson Road.

Following review and discussion, Supervisor W. T. (Bill) Banks did move and Supervisor Marc Sharpe did second to approve the Permit Application of BellSouth Telecommunications (A copy of which may be 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: 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 13th day of July, 2001.

**In the Matter of the Engineer Update
to the Madison County Board of
Supervisors**

WHEREAS, Joe Johnson did appear before the Board and present an update regarding pending projects being handled by his office. No formal action was taken by the Board.

Following review and discussion, Supervisor Karl Banks did move to authorize Joe Johnson to prepare the engineering estimate for obtaining right of way and overlaying approximately 1.6 miles of Phillips Road. Said motion died for lack of second.

**In the Matter of the Madison County
Corrections - Phase II Existing Jail and
Booking Addition**

WHEREAS, Kathy P. Mangialardi, Senior Associate with Dean and Dean Associates-

Architects, appeared before the Board to discuss the furniture contracts and the contract for Phase II. No action was taken on this matter by the Board.

**In the Matter of the Proposed Services
for Re-districting of the County**

WHEREAS, Mr. Bill Rigby of Holland & Rigby next appeared before the Board and presented a proposal for performing services in connection with redistricting for Madison County. No action was taken on this matter by the Board.

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

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

Larry Mize - 976 Gluckstadt Rd
George Brown - 1253 N. Old Canton Rd
Mrs. Brooks - 476 Miggins Rd
Joel Varner - 760 Lake Cavilier Rd
Delorise Anderson - 855 Old Hwy 16
Ben Walker - 1034 Pocahontas Rd
Minnie Evans - 1997 Loring Rd.

Following review and discussion, Supervisor W. T. (Bill) Banks did move and Supervisor Marc Sharpe did second to approve the Road Department installing the above stated culverts, finding that such placement is necessary for the preservation and maintenance of County Roads and that the installing of such culverts are of public benefit. The vote on said matter was as follows, to-wit:

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

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 13th day of July, 2001.

**In the Matter of the Employment
of Department of Road Management
Employee**

Mr. Lawrence Morris, Road Manager, submitted to the Board his recommendation to permanently employ Hubert Roberts as a Truck Driver in the Solid Waste Division at Step 174, \$16,639.92.

Following review and discussion, Supervisor Karl Banks did move and Supervisor Marc Sharpe did second a motion to accept and approve the above recommendation for employment of Hubert Roberts as submitted by Mr. Morris. The vote on said matter was as follows, to-wit:

Supervisor W. T. (Bill) Banks - District I	Voted: Aye
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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 13th day of July, 2001.

**In the Matter of the Authorization
for the Board President to Sign
Documentation for Meals for the
Department of Corrections**

WHEREAS, Sheriff Toby Trowbridge did appear before the Board and request that the President of the Board be authorized to sign invoices for payment for meals to the Department of Corrections for prisoners at the Madison County Detention facility.

Following review and discussion, Supervisor W. T. "Bill" Banks did move and Supervisor Marc Sharpe did second a motion to authorize the President to execute all documents as requested by Sheriff Trowbridge for the feeding of prisoners in this matter. 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 13th day of July, 2001.

**In the Matter of Authorizing
Bids for Plumbing Services**

WHEREAS, Sheriff Toby Trowbridge did appear before the Board and request that he be authorized to advertise for bids for plumbing services for regular plumbing maintenance at the Madison County Detention facility.

Following review and discussion, Supervisor W. T. "Bill" Banks did move and Supervisor Karl Banks did second a motion to authorize the advertisement for bids for regular plumbing services for the Madison County Detention facility. 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 13th day of July, 2001.

**In the Matter of Declaring Certain Property
of the County as Surplus and Authorizing**

the Disposal of Said Property at Public Auction, Transfer One Vehicle to the District Attorney's Office, and Approve Payment of all Liens Currently Outstanding on Said Surplus Property

WHEREAS, Sheriff Toby Trowbridge did appear before the Board and request to declare 29 cars currently used by his department as surplus property, being no longer needed for County purposes. He requested that one of said 29 vehicles be transferred to the District Attorney's Office for fair market value as provided for by law, and to forward the remaining 28 cars to public auction, and to pay off all indebtedness outstanding on said vehicles after the transfer.

Following review and discussion, Supervisor Paul Griffin did move and Supervisor Karl Banks did second a motion to declare 29 cars currently maintained by the Sheriff's Department (Copies of the lists of said vehicles are found in the Miscellaneous Files to these Minutes) to be surplus property and no longer needed for county-related purposes and to authorize the transfer of one of said vehicles as an intergovernmental transfer to the Office of the District Attorney (A copy of said title and price is found in the Miscellaneous File to these Minutes) at fair market value, and to sell the remaining 28 vehicles at public auction as allowed by law, provided that all indebtedness securing said vehicles be first duly paid. 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 13th day of July, 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 Paul Griffin offered and Supervisor Karl 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 pending litigation with the following persons deemed necessary for the discussions, deliberations and recording of such executive session: Members of the Board, the Attorney for the Board, and the Deputy Chancery Clerk. 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 13th day of July, 2001.

In the matter of entering into Executive Session

WHEREAS, a discussion of the nature of the matters requiring executive session was had, and the Board Attorney informed the Board that he wished to discuss a pending litigation matter for the Board of Supervisors.

Following a brief discussion Supervisor Paul Griffin offered and Supervisor Karl Banks seconded the motion to enter into Executive Session to discuss the pending litigation matter 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 13th day of July, 2001.

President Richardson then re-opened the meeting and informed the public of the reason for the Executive Session being taken.

**In the Matter of the Authorization
of the Appeal of the Lawsuit by
Jesse Hopkins**

WHEREAS, the Board Attorney did inform the Board that the Chancellor had rendered a judgment in the amount of \$35,000.00 against Madison County for the payment of attorneys' fees in connection with the previous overtime lawsuit brought during Sheriff Hopkins' term.

Following review and discussion, Supervisor Karl Banks did move and Supervisor W. T. "Bill" Banks did second a motion to approve an appeal of said decision of the Chancellor and further authorized the law firm of Phelps Dunbar to continue representing the County in this matter, provided that prior approval first be obtained by said law firm should the cost of said appeal exceed the sum of \$5,000.00. 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 13th day of July, 2001.

After taking the above action in Executive Session, the Board upon a unanimous vote authorized, and the President did declare the Board to again be in "Open Session" to discuss all County business.

There being no further business to come before the meeting of the Board of Supervisors of Madison County, MS, upon motion duly made by W. T. (Bill) Banks and seconded by Supervisor Karl Banks and approved by unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Friday, July 20, 2001.

David H. Richardson, President

Chancery Clerk