

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

REGULAR MEETING OF JULY 20, 2001
recessed from regular meeting conducted on July 13, 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 20th 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
Eddie Belvedresi, Representing
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. Supervisor David Richardson 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 Brenda Shannon and
Willie O. Toles v. Doris Allen, et al.**

WHEREAS, Richard Young and James Sykes did appear before the Board of Supervisors representing all of the parties to a private right-of-way dispute, which was remanded from the Circuit Court of Madison County, Mississippi;

WHEREAS, the Board of Supervisors heard arguments from both sides of the dispute and determined that further inquiry was necessary by the Board to make a determination of the location of the private right of way previously decided by said Board of Supervisors as requested by the Circuit Court. The Board, in consideration of said matter, requested the parties to reappear before the Board at 9:30 a.m. on August 10, 2001.

**In the Matter of the Creation of
the Camden Fire Protection District**

There came on for consideration by the Board, the matter of the creation of the Camden Fire Protection District as described in the resolution of intention heretofore adopted by this Board, whereupon Supervisor Griffin offered the following resolution and moved its adoption, to-wit:

RESOLUTION OF THE BOARD OF SUPERVISORS OF MADISON COUNTY,
MISSISSIPPI, CREATING THE CAMDEN FIRE PROTECTION DISTRICT AS DESCRIBED
IN THE RESOLUTION OF INTENTION HERETOFORE ADOPTED BY THIS BOARD,
AND FOR RELATED PURPOSES.

WHEREAS, a petition was filed with the Board of Supervisors of Madison County for the incorporation of a proposed creation of a fire protection district to be known as the Camden Fire Protection District in Madison County, Mississippi, for the purpose of providing fire

protection in the rural area within the proposed boundaries of such district; and,

WHEREAS, the petition to create was signed by not less than twenty-five owners of real property residing within the boundaries of the proposed district and included (1) a statement of the necessity for the service or services to be supplied by the proposed district, (2) the proposed corporate name for the district, (3) the proposed boundaries of the district, and (4) an estimate of the cost of the acquisition or construction of the facilities to be operated by the district, which estimate, however, shall not serve as a limitation upon the financing of the improvements to the facilities; and

WHEREAS, such petition was signed in person by the petitioners, with their respective residence addresses, and was accompanied by a sworn statement of the persons or persons circulating the petition, who stated under oath that he or they witnessed the signature of each petitioner, that each signature is the signature of the person it purports to be and that to the best of his or their knowledge, each petitioner was, at the time of signing, an owner of real property within and a resident of the proposed district; and,

WHEREAS, the Board of Supervisors, upon the filing of the petition did set Friday, June 15, 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 district; 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 district, in the issues of May 24, 31 and June 7 and 14, 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 fourteen 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, June 15, 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 district and several citizens residing within the proposed district, and data offered in support of the creation and incorporation of the district; 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 district, and (2) That the creation of the district is economically sound and desirable; and,

WHEREAS, the Board of Supervisors did at the meeting held on June 15, 2001, adopt a resolution finding, determining and adjudicating that (1) the public convenience and necessity required the Creation of the Camden Fire Protection District, within the territorial limits as therein described, and (2) the creation of the district is economically sound and desirable; and,

WHEREAS, such resolution adopted by this Board on June 15, 2001, did set forth the contemplated territorial limits of the proposed area of the district, and did declare the intention of this Board to create the Camden Fire Protection District, within Madison County, Mississippi, on July 20, 2001 at a meeting of the Board of Supervisors of Madison County, Mississippi, to be held at 9:30 o'clock A. M., in the Board of Supervisors Room in the Chancery Administration Building at Canton, Mississippi; and,

WHEREAS, said resolution of intention did authorize, direct and empower the Clerk of the Board to cause to be published in the Madison County Herald, a newspaper having a general circulation within such proposed district, a certified copy of this resolution, once a week for at least three consecutive weeks prior to the date of July 20, 2001 being the date upon which this

Board intends to create such district, the first such publication to be made not less than twenty-one days prior to the date of July 20, 2001, and the last such publication to be made not more than fourteen days prior to such date, said publications to be made in the issues of June 28th, July 5th, 12th and 19th, 2001.

WHEREAS, such resolution of intention adopted on June 15, 2001, provided that if 20% or one hundred and fifty (150), whichever is the lesser, of the qualified electors of such proposed area of district file a written petition with the Board of Supervisors on or before July 20, 2001, protesting the creation of such district, the Board of Supervisors shall call an election on the question of the creation of the district; but, if no petition requiring an election be filed or if a majority of those voting at an election hereunder vote in favor of the creation of such district, the Board of Supervisors shall adopt a resolution creating the district as described in this resolution of intention; and,

WHEREAS, the resolution of intention to create the Camden Fire Protection District was duly published as authorized therein in the Madison County Herald in the issues of June 28th, July 5th, 12th and 19th, 2001; and,

WHEREAS, the hour of 9:30 o'clock A. M. on July 20, 2001 having arrived and the Board of Supervisors having convened at a meeting in the Board of Supervisors Room in the Chancery Administration Building at Canton, Mississippi and there having been no written petition filed with the Board of Supervisors on or before July 20, 2001, protesting the creation of the Camden Fire Protection District:

NOW THEREFORE:

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI, as follows:

1. 1. That there is hereby created within Madison County, Mississippi a fire protection district to be known as the Camden Fire Protection District for the purpose of providing, conducting and operating a fire protection services within the following territorial limits of said district to be as follows, to-wit:

Beginning at the intersection of the centerline of Highway 17 as is laid out and established the date of this instrument with the North line of Section 24, Township 11, North, Range 4 East, Madison County, Mississippi. Said point being the point of beginning of the property herein described; run thence in a Northerly direction along centerline of said Highway 17 for approximately 4 miles to the intersection of Highway 17 with Rocky Hill Road; run thence in a Southerly direction along the centerline of Rocky Hill Road as it is laid out and established the date of this instrument for approximately 5 miles to the intersection of Loring Road which point is also the SW corner of the SE 1/4 of Section 20, Township 11 North, Range 4 East, Madison County, Mississippi; run thence in an Easterly, Southerly and Northeasterly direction along the centerline of Loring Road as is laid out and established the date of this instrument for approximately 2 miles to the intersection of the Loring Road with the eastern line of the W 1/2 of the W 1/2 of Section 27, Township 11 North, Range 4 East, Madison County, Mississippi; run thence Southerly along the eastern line of the W 1/2 of the W 1/2 to a point on the North line of the S 1/2 of the SW 1/4 of the SW 1/4 of said Section 27, Madison County, Mississippi; thence Easterly to the SW corner of the NW 1/4 of the SE 1/4 of the SW 1/4 of said Section 27, Township 11 North Range 4 East, Madison County, Mississippi; thence run Southerly to a point on the North line of Section 34, Township 11 North, Range 4 East, Madison County, Mississippi; thence run Easterly to the NE corner of the NW 1/4 of Section 34, Township 11 North, Range 4 East, Madison County, Mississippi; thence Southerly to the SE corner of the NW 1/4 of Section 34, Township 11 North, Range 4 East, Madison County, Mississippi; thence run Easterly to the SE corner of the SW 1/4 of the NE 1/4 of Section 34, Township 11 North, Range 4 East, Madison County, Mississippi; thence run Southerly to the SE corner of the SW 1/4 of the SE 1/4 of Section 34, Township 11, North, Range

4 East, Madison County, Mississippi; thence run Easterly to the SE corner of Section 34, Township 11 North, Range 4 East, Madison County, Mississippi; thence run Southerly along the West line of Section 2 to the SW corner of said Section 2, Township 10 North, Range 4 East, Madison County, Mississippi; thence Easterly along south line of Sections 2 and 1 to the SE corner of said Section 1, Township 10 North, Range 4 East, Madison County, Mississippi; thence continue Easterly along south line of Section 6 to the SE corner of said Section 6, Township 10 North, Range 5 East, Madison County, Mississippi; thence Northerly to the NE corner of said Section 6, Township 10 North, Range 5 East Madison County, Mississippi, point also being the Southeastern most corner of Section 31, Township 11 North, Range 5 East,

Madison County, Mississippi, said point also being on the Choctaw Indian Boundary; thence run Northerly along said Choctaw Indian Boundary to the Northwestern most corner of Section 30, Township 11 North, Range 5 East, Madison County, Mississippi; thence leaving said Choctaw Indian Boundary run Easterly to the Southeastern most corner of Section 19, Township 11 North, Range 5 East, Madison County, Mississippi; thence Northerly to the Northeastern most corner of said Section 19, Township 11 North, Range 5 East, Madison County, Mississippi; thence run Westerly to the Northwestern most corner of said Section 19, Township 11 North, Range 5 East, Madison County, Mississippi; said point being on Choctaw Indian Boundary; thence run Southerly along said boundary to the Southeastern most corner of Section 18, Township 11 North, Range 5 East, Madison County, Mississippi; thence run easterly along the south line of Section 18, Township 11 North, Range 5 East, Madison County, Mississippi, and along the Northern line of Section 24, Township 11 North, Range 4 East, Madison County, Mississippi to the Point of Beginning.

LESS AND EXCEPT 212.0 acres, owned by Weyerhaeuser Company, parcel number being 114B-10-001 according to 2000 Tax Assessor records, located in the NW 1/4 less 26.6 acres on the East side and W 1/2 of SW 1/4 of Section 10, Township 11 North, Range 4 East, Madison County, Mississippi.

LESS AND EXCEPT 240 acres, owned by Weyerhaeuser Company, parcel number being 114E-15-005 according to 2000 Tax Assessor records, located in the SW 1/4 of NE 1/4 and NW 1/4 and NW 1/4 of SE 1/4 of Section 15, Township 11 North, Range 4 East, Madison County, Mississippi.

LESS AND EXCEPT 357 acres, owned by Osborne H. and David M. Guion, parcel number being 114G-25-001 according to 2000 Tax Assessor records, located partly in SE 1/4 and Partly in NW 1/4 and Partly in NW 1/4, in Section 25, Township 11 North, Range 4 East, Madison County, Mississippi.

LESS AND EXCEPT 40.0 acres, owned by Preston Winfield Estate Et Ux, parcel number being 114E-21-001 according to 2000 Tax Assessor records, located in W 1/2 W 1/2 of SW 1/4, in Section 21, Township 11 North, Range 4 East, Madison County, Mississippi.

LESS AND EXCEPT 193 acres, owned by T. J. Wilder Estate, parcel number being 114F-23-001/01 according to 2000 Tax Assessor records, located in W 1/2 SE 1/4 and E 1/2 SW 1/4 and SW 1/4 of SW 1/4, in Section 23, Township 11 North, Range 4 East, Madison County, Mississippi.

LESS AND EXCEPT 4.23 acres, owned by T. J. Wilder Estate, parcel number being 114G-26-006/01 according to 2000 Tax Assessor records, located in NW corner of NW 1/4 North of road, in Section 26, Township 11 North, Range 4 East, Madison County, Mississippi.

LESS AND EXCEPT 150 acres, owned by Osborne H. and David M. Guion, parcel number being 114G-26-049 according to 2000 Tax Assessor records, located in NE 1/4, in Section 26, Township 11 North, Range 4 East, Madison County, Mississippi.

LESS AND EXCEPT 40 acres, owned by Osborne H. and David M. Guion, parcel number being 114G-36-012 according to 2000 Tax Assessor records, located in NE 1/4 of NW 1/4, in Section 36, Township 11 North, Range 4 East, Madison County, Mississippi.

LESS AND EXCEPT 293 acres, owned by Edna S. Simpson Estate, parcel number being 114B-10-003/01 according 2000 Tax Assessor records, located in Section 10, Township 11 North, Range 4 East, Madison County, Mississippi.

LESS AND EXCEPT 39 acres, owned by Edna S. Simpson, parcel number being 114E-15-006 according to 2000 Tax Assessor records, located in NW 1/4 NE 1/4, in Section 15, Township 11 North, Range 4 East, Madison County, Mississippi.

LESS AND EXCEPT 162 acres, owned by Preston Winfield Estate, parcel number being 114D-20-004/01 according to 2000 Tax Assessor records, located in SE 1/4, in Section 20, Township 11 North, Range 4 East, Madison County, Mississippi.

LESS AND EXCEPT 178 acres, owned by Sue Walker J. Hamilton & Robert E. James, parcel number being 114F-14-011 according to 2000 Tax Assessor records, 10 acres in SW corner NE 1/4 and S 1/2 NW 1/4 and 26 acres off North end SW 1/4 and N 1/2 NW 1/4 less 10 acres in NE corner, in Section 14, Township 11 North, Range 4 East, Madison County, Mississippi.

LESS AND EXCEPT 52 acres, owned by Sue Walker J. Hamilton & Robert E. James, parcel number being 114E-15-007 according to 2000 Tax Assessor records, partly in SE 1/4 NE 1/4 and partly in E 1/2 SE 1/4, in Section 15, Township 11 North, Range 4 East, Madison County, Mississippi.

2. 2. That the Camden Fire Protection District shall be a valid body politic and corporate of the State of Mississippi under its corporate name of the "Camden Fire Protection District." The powers of such district shall be vested in and exercised by a Board of Commissioners consisting of five (5) members, to be appointed by the Board of Supervisors of Madison County. Said Commissioners shall be appointed for staggered terms, as established by the Board of Supervisors. Any vacancy occurring on such board of commissioners shall be filled by the Board of Supervisors at any regular meeting of such Board of Supervisors, which Board of Supervisors shall have the authority to fill all unexpired terms of any commissioner or commissioners. Each commissioner shall qualify for office by taking the oath prescribed by Section 268 of the Constitution of Mississippi, and by filing with the Chancery Clerk a surety bond payable to the State of Mississippi in the penal sum of Ten Thousand Dollars (\$10,000.00) to be approved by the Chancery Clerk conditioned to provide for the faithful performance of his or her duties as commissioner. The bond premium shall be paid out of the revenues of the Camden Fire Protection District.
3. 3. That the Camden Fire Protection District shall have the power and authority to acquire, construct, reconstruct, improve, better, extend, consolidate, maintain and operate such system or systems and to contract with any municipality, person, firm or corporation for the purposes of providing fire protection.
4. 4. The Board of Commissioners shall organize by electing one (1) of its members as chairman and another as vice-chairman. It shall be the duty of the chairman to preside at all meetings of the Board and to act as the chief executive officer of the Board of the Camden Fire Protection District. The vice-chairman shall act in the absence or the disability of the chairman. Such board also shall elect and fix the compensation of a secretary-treasurer who may or may not be a member of the board. It shall be the duty of the secretary-treasurer to keep a record of all proceedings of the Board and to safely keep all funds of the district. The proceedings and records of the board shall be available for inspection as other public records. The secretary-treasurer shall be required to execute a bond, payable to the District, in a sum and with such surety as shall be fixed and approved by the Board of Commissioners. The terms of all officers of the Board shall be for one (1) year from and after date of election and shall run until their respective successors are appointed and qualified. The Board of Commissioners shall adopt an official seal with which to attest the official acts and records of the board and district.
5. 5. Every resident citizen of any district created pursuant to this act, of good reputation, being the owner of land situated within such district and over twenty-five years of age, and of sound mind and judgment shall be eligible to hold the office of commissioner.
6. 6. The commissioners so appointed and qualified shall continue to be compensated

for their services for each meeting of the Board of Commissioners attended, either regular or special, at a rate to be fixed by the Board of Supervisors, and shall be reimbursed for all expenses necessarily incurred in the discharge of their official duties.

7. 7. The Camden Fire Protection District herein created, acting by and through the Board of Commissioners of such district, its governing authority, shall have the powers as set forth by sections 19-5-151 through 19-5-207 of Mississippi Code Annotated, as now existing or as hereafter may be amended.
8. 8. That the above described property is not within the corporate boundaries of any existing municipality.
9. 9. That the Board of Supervisors does hereby levy a special tax of two (2) mills annually on all of the taxable real property in the above described area of the Camden Fire Protection District, the avails of which shall be paid over to the Board of Commissioners of the District to be used either for the operation, support and maintenance of the fire protection district or for the retirement of any bonds issued by the district for fire protection purposes, or for both. This tax shall be excluded from the ten percent (10%) increase limitation under Section 27-39-321 Mississippi Code Annotated, as amended.
10. 10. The above described area of the Camden Fire Protection District shall be liable for any existing indebtedness of the District and be subject to any taxes levied by the board of supervisors in payment of the district's indebtedness.
11. 11. If any provision of this resolution shall be held to be invalid by any court of competent jurisdiction, the remainder of this resolution shall not be affected thereby .

The motion for the adoption of the resolution was seconded by Supervisor Karl 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 W. T. "Bill" Banks	voted: "Aye"
Supervisor Marc Sharpe	voted: "Aye"
Supervisor David Richardson	voted: "Aye"
Supervisor Karl M. Banks	voted: "Aye"
Supervisors Paul Griffin	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 20th day of July, 2001.

In the Matter of the Drainage Problem on Yandell Road

Mr. Pete Walker appeared before the Board to request the Board to review a drainage problem on Yandell Road. After a discussion the Board requested Mr. Rudy Warnock to review the problem and make a recommendation to the Board to correct the problem. No action was taken on said matter by the Board.

In the Matter of the Granting a Petition for Variance to Jeff Barnett

WHEREAS, Zoning Administrator Brad Sellers did present to the Board a copy of the Proof of Publication for a Public Hearing on a Petition for Variance to require front setbacks filed by Jeff Barnett; and

WHEREAS, the hour of 10:00 a.m. on July 20, 2001 did arrive and the petitioner was present and offered evidence regarding the need for a Petition for Variance to require front setbacks for Lot 37, Belle Pointe, Lake Caroline, said property being further identified as Tax Parcel No. 81A-12-1/57, said variance being allowed pursuant to Article 5, Section 504 of the Zoning Ordinance of Madison County, MS.

WHEREAS, the matter was presented to the Board of Supervisors and after a discussion thereof Supervisor Karl Banks offering the following ordinance and moved that it be adopted, to wit:

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

1. That Jeff Barnett be granted a variance to the required front setback of 4.6 feet for Lot 37, Belle Pointe, Lake Caroline, said property being further identified as Tax Parcel No. 81A-12-1/57.

and said motion being seconded by Supervisor Marc Sharpe (Copies of the information concerning this variance 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 20th day of July, 2001.

In the Matter of Granting a Special Exception by the Board of Supervisors in Madison County, Mississippi for Special Exception to Place a Mobile Home in an R-1 Residential District

WHEREAS, Joan Herrin Bounds did file a Petition for Special Exception to place a mobile home on property zoned R-1 Residential District, located in Section 24, T9N, R4E, Madison County, Mississippi, and further identified as 129 Mini Lane, Canton, Mississippi, pursuant to the Zoning Ordinances of Madison County, Mississippi.

WHEREAS, the hour of 10:00 o'clock a.m. on July 20, 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 the following ordinance be adopted, to wit:

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

1. That Joan Herrin Bounds be allowed and granted a special exception to place a mobile home in an R-1 Residential District on property owned by Ms. Bounds in Section 24, T9N, R4E, Madison County, Mississippi, and being further described as property being located at 129 Mini Lane, Canton, Mississippi, being further identified as Parcel #94F-24-023, according to the tax records 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 20th day of July, 2001.

**In the Matter of Rezoning Certain
Property to R-2 Residential District
with PUD Overlay**

WHEREAS, RTC, LLC filed a Petition for Rezoning of a parcel of land containing 133 acres, lying and being situated in Section 14, T9N, R2E, Madison County, Mississippi;

WHEREAS, the hour of 10:00 o'clock a.m., July 20, 2001 did arrive; and

WHEREAS, no objector was present; and

WHEREAS, petitioners were present and offered evidence in support of their Petition; and

The matter was presented to the Board of Supervisors and after a discussion thereof, Supervisor Karl Banks offered the following motion, to wit:

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

1. That the Petition for Rezoning filed by RTC, LLC requesting rezoning of agricultural property to R-2 Residential District with PUD overlay be approved as submitted for the 133 acres, lying and being situated in Section 14, T9N, R2E, Madison County, Mississippi, as described in the Petition (A copy of which may be found in the Miscellaneous File to these Minutes).

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 20th day of July, 2001.

**In the Matter of Rezoning Certain
Property from I-1 Industrial District
to C-1 Commercial District**

WHEREAS, Theresa E. Weisenberger filed a Petition for Rezoning of a parcel of land, lying and being situated in Section 28, T8N,R2E, Madison County, Mississippi;

WHEREAS, the hour of 10:00 o'clock a.m., July 20, 2001 did arrive; and

WHEREAS, no objector was present; and

WHEREAS, petitioner was present and offered evidence in support of her Petition; and

The matter was presented to the Board of Supervisors and after a discussion thereof, Supervisor W. T. "Bill" Banks offered the following motion, to wit:

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

1. That the Petition for Rezoning filed by Theresa E. Weisenberger requesting rezoning of from I-1 Industrial District to C-1 Commercial District be approved as submitted, lying and being situated in Section 28, T8N, R2E, Madison County, Mississippi, as described in the Petition (A copy of which may be found in the Miscellaneous File to these Minutes).

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 20th day of July, 2001.

**In the Matter of the Bids for the
Proposed Mechanical Construction
of Cultural Center**

WHEREAS, Zoning Administrator Brad Sellers did present the Board with the bids received for the heating and air-conditioning system at the Cultural Center in Madison, MS.

Following a brief discussion, Supervisor Karl Banks did move and Supervisor Marc Sharpe did second a motion to take the bids under advisement. 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 20th day of July, 2001.

**In the Matter of the Rewording the
State Aid Program for Madison County**

Mr. Joe Johnson did appear before the Board of Supervisors and request the Board authorize the rewording of the State Aid Program for the County to include North Livingston, Yandell and Gluckstadt Roads (Copies of said forms are found in the Miscellaneous File to these Minutes.)

Following a brief discussion, Supervisor Karl Banks did move and Supervisor W. T. "Bill" Banks did second a motion to approve the rewording of the State Aid Programs include North Livingston, Yandell and Gluckstadt Roads, as set forth in the documents 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 20th day of July, 2001.

**In the Matter of the Authorization of
Professional Services**

WHEREAS, Mr. Joe Johnson and Engineering Associates, Inc. next presented the Board with proposed estimate in the amount of \$4,830.00 to prepare ROW plats on the Phillips Road Project, as set forth in the company's existing contract with the County. (A copy of said proposal is in the Miscellaneous File to these Minutes).

WHEREAS, the Board did find that said professional services were necessary and in the best interest of Madison County, Mississippi as required by Section 19-3-69, Miss. Code Ann., and said services were approved by the Attorney.

Following a brief discussion, Supervisor Karl Banks moved and Supervisor Paul Griffin seconded a motion for the Board to approve the proposal for professional engineering services submitted by Engineering Associates, Inc. in the amount of \$4,830.00. 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 20th day of July, 2001.

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

WHEREAS, Mr. Rudy Warnock came before the Board and presented proposals for Phase I Environmental Site Assessment for the Camden Library Site (Copies of which may be found in the Miscellaneous File to these Minutes).

Following review and discussion, Supervisor Paul Griffin did move and Supervisor Karl Banks did second a motion to take the quotes under advisement. 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 20th day of July, 2001.

**In the Matter of the Permit Applications
for Use and Occupancy for the Construction
or Adjustment of a Utility within Road or
Highway Right-of-Way**

Mr. Rudy Warnock next presented the following Permit Applications for Use and Occupancy for the Construction or Adjustment of a Utility within Road or Highway Right-of-Way (Copies of the Applications are in the miscellaneous file of these minutes):

BellSouth Telecommunications - to construct a Utility Facility on Livingston-Vernon

County Road.

Entergy - to construct a Utility Facility on Patrick Road.

Entergy - to construct a Utility Facility on Simpson County Road.

Following review and discussion, Supervisor Karl Banks did move and Supervisor Paul Griffin did second to approve the Permits as submitted above. 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 20th day of July, 2001.

**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 Road
Joel Varner - 760 Cavalier Road
Mrs. Brooks - 476 Miggins Road
Ben Walker - 1034 Pocahontas Road
Perry Sumler - 122 Simpson Drive
Emmit Hawkins - 828 N. Old Canton Road
Levi Nicholson - 1279 Sharon Road
Robert McCullough - Cox Ferry Road (need potholes repaired)
Stout Road - culvert needed

Following review and discussion, Supervisor Paul Griffin did move and Supervisor Karl Banks 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 20th day of July, 2001.

In the Matter of the Tractor Truck

Hauling Report for July 2-18, 2001

Mr. Lawrence Morris, Road Manager, presented to the Board the Tractor Truck Hauling Report for July 2-18, 2001. (A copy of said Report is in the miscellaneous file of these minutes.)

Following review and discussion, Supervisor Paul Griffin did move and Supervisor Karl Banks did second to accept and approve the Tractor Truck Hauling Report for July 2-18, 2001 as submitted by Mr. Lawrence Morris. 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 20th day of July, 2001.

In the Matter of the Madison County Economic Development Authority Proposed Budget from 2001-2002

Mr. Jerry Acy, Executive Director, presented to the Board the Proposed Budget for 2001-2002 of the Madison County Economic Development Authority. (A copy of said proposal is in the miscellaneous file of these minutes.)

The Board thanked Mr. Acy for presenting said Budget and indicated it would be considered at the appropriate budget hearing to be conducted by the County.

In the Matter of the Acceptance of Theo Costas and Southern Beverage, Inc.

WHEREAS, Dewey Hembree, Board Attorney, did present copies of easements for right of way on Old Yazoo City Road which was donated by Theo Costas and Southern Beverage, Inc. (Copies of which are found in the Miscellaneous File to these Minutes).

Following review and discussion, Supervisor Karl Banks did move and Supervisor Griffin did second a motion to accept the right-of-way easements as donated by Mr. Costas and Southern Beverage, Inc. 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 20th day of July, 2001.

In the Matter of the Authorization of Professional Engineering Services for Camden Public Library and Fire Station

WHEREAS, Dewey Hembree did report to the Board that the Madison County School District needed surveys of the sites for the proposed Camden Public Library and Camden Fire Station; and

WHEREAS, pursuant to Section 19-3-69, the Board did determine that said professional services were necessary and in the best interest of the County; and

WHEREAS, a current contract with Engineering Services, Inc. to provide said services, which has been approved by the Attorney for the Board, has been made a part of the Minutes of the Board; and

Following review and discussion, Supervisor Paul Griffin did move and Supervisor Karl Banks did second a motion to authorize the additional professional services to be provided by Engineering Associates, Inc. to survey the proposed sites for the Camden Public Library and Camden Fire Station. 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 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 20th day of July, 2001.

**In the Matter of Approving
16th Section Lease to Arthur H.
Noble and wife, Laurie C. Noble**

WHEREAS, the Madison County School Board has approved the following 16th Section Lease and forwarded it to the Board for review and approval (A copy of Lease can be found in the Miscellaneous File to these minutes):

Leasee - Arthur H. Noble and wife, Laurie C. Noble
Lot 29, Calumet Subdivision, Part 2
Term of Lease - 40 years

<u>Year</u>	<u>Annual Rent</u>
1-5	\$ 875.00
6-10	\$ 962.50
11-15	\$1,050.00
16-20	\$1,137.50
21-25	\$1,225.00
26-30	\$1,312.50
31-35	\$1,400.00
36-40	\$1,487.50

Following review and discussion, Supervisor Marc Sharpe did move and Supervisor Karl Banks did second to approve the 16th Section Lease, as set forth above, as submitted by the Madison County School Board. 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 20th day of July, 2001.

**In the Matter of Approving
the Amendment to the 16th Section
Commercial Property Lease to
Lamar Advertising Company**

WHEREAS, the Madison County School Board has approved the following 16th Section Lease and forwarded it to the Board for review and approval (A copy of Lease can be found in the Miscellaneous File to these minutes):

Lessee - Lamar Advertising Company - Billboards in Section 16, Township 8 North, Range 2 East, Madison County, Mississippi
Term of Lease - 40 years

<u>Year</u>	<u>Annual Rent</u>
1-5	\$ 875.00
6-10	\$ 962.50
11-15	\$1,050.00
16-20	\$1,137.50
21-25	\$1,225.00
26-30	\$1,312.50
31-35	\$1,400.00
36-40	\$1,487.50

Following review and discussion, the Board decided to hold the above referenced lease for further review.

**In the Matter of the Proposed
Advertisement for Bids for the
New Flora Public Library**

WHEREAS, the Board next considered the proposed Advertisement for Bids for the New Flora Public Library submitted by Burris/Wagnon Architects, P.A. Said Advertisement to be published August 16 through August 23, 2001 with bids opening September 21, 2001. (A copy of said proposal is in the miscellaneous file of these minutes.)

Following review and discussion, Supervisor Karl Bands did move and Supervisor Paul Griffin did second a motion to accept and approve for publication the proposed Advertisement as submitted by Burris/Wagnon Architects, P.A.. 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 20th day of July, 2001.

**In the Matter of the Request for
Reappointment to Madison County
Library Board - District III**

WHEREAS, the Board next considered the request of Mrs. Beverly Herring, Director of the Madison County Library System, to reappoint Mr. Kevin Humphreys to an additional 5-year term to the Library Board of Trustees for District III. (A copy of said request is in the miscellaneous file of these minutes.)

Following review and discussion, Supervisor Karl Banks did move and Supervisor Paul Griffin did second a motion to accept Mrs. Herring's recommendation and approve the reappointment of Mr. Kevin Humphreys to an additoinal 5-year term to the Library Board of Trustees for District III. 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 20th day of July, 2001.

In the Matter of the Equalization of the Tax Rolls

WHEREAS, the Madison County Board of Supervisors has completed the equalization of the Tax Rolls for Madison County and desires to immediately by newspaper publication notify the public that such rolls are so equalized and ready for inspection and examination.

WHEREAS, the Board to authorize a notice of public hearing (A copy of which is found in the Miscellaneous File to these Minutes) for publication in the Madison County Herald.

Following review and discussion, Supervisor Karl Banks did move and Supervisor W. T. "Bill" Banks did second a motion to declare the Tax Rolls of Madison County equalized and to authorize the advertisement for public hearing for land roll objections for the first Monday in August, 2001 (A copy of said publication 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: 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 20th day of July, 2001.

In the Matter of the Approval of the Acquisition of Right of Way to Extend Catlett Road to North

WHEREAS, the Board next considered the proposed acquisition of Right of Way to extend Catlett Road to the north to connect to Virililia Road.

Following review and discussion, Supervisor Karl Banks did move and Supervisor W. T. "Bill" Banks did second a motion to approve the attorney and the engineer preparing the necessary documentation to acquire Right of Way to extend Catlett Road due north to Virililia Road. 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 20th day of July, 2001.

**In the Matter of the Acceptance
of Amended Homestead Applications**

WHEREAS, the Board next considered the following Amended Homestead Applications submitted by Gerald R. Barber, Madison County Tax Assessor (Copies of said applications are in the miscellaneous file for these minutes)

Shankat Khalaf
Carolyn C. Luke
Joe E. Mapp
David Roberson
James Vaughn

Following review and discussion, Supervisor Karl Banks did move and Supervisor Marc Sharpe did second a motion to approve the above referenced Amended Homestead Applications as submitted by the Madison County Tax Assessor and forward same to the State Tax Commission. 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 20th day of July, 2001.

**In the Matter of Approving SB82 Petitions
(Petitions for Reduction of Assessment)**

WHEREAS, the Board next considered the following SB82 Petitions (Petitions for Reduction of Assessment) submitted by to the Board of Supervisors for the following individuals (Copies of said applications are in the Miscellaneous File to these Minutes):

Tim and Gail Canoy
Albert and Ethel White

Following review and discussion, Supervisor Karl Banks did move and Supervisor Marc Sharpe did second a motion to accept the above referenced SB82 Petitions as submitted and forward same to the State Tax Commission. 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 20th day of July, 2001.

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 27, 2001 at 9:30 a.m.

David H. Richardson, President

Chancery Clerk