MINUTES OF THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI

REGULAR MEETING OF OCTOBER 4, 2002 Recessed from regular meeting conducted on September 27, 2002

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on the 4th day of October, 2002, at the Madison County Chancery/Administrative Building in Canton, Mississippi, as follows, to-wit:

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

Present:

Absent:

Supervisor Karl M. Banks Supervisor Marc Sharpe Supervisor W. T. "Bill" Banks Supervisor David H. Richardson Supervisor Paul Griffin Sheriff Toby Trowbridge Veronica Naylor, Deputy Clerk

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

In the Matter of Placing a Moratorium on the Location of Billboards Along Interstate 55 Between Madison and Gluckstadt

WHEREAS, due to the pending petition of the creation of the Parkway East Public Improvement District, the Board of Supervisors desires to place a Moratorium on any new billboards locating within the area between the area proposed to be used by the Parkway East Public Improvement District and Interstate 55 for a period of 30 days.

Following discussion of this matter, Supervisor W.T. "Bill" Banks moved and Supervisor Marc Sharpe seconded a motion to place a Moratorium on any billboards along Interstate 55 between Gluckstadt and Madison for a period of 30 days while the Board of Supervisors considers the petition to create the Parkway East Public Improvement District. 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

In the Matter of the Petition for Special Exception Filed by Morris Gray

WHEREAS, the Board of Supervisors previously conducted a public hearing on the application of Morris Gray, et al, seeking a special exception for the mining of dirt in an R-1 Residential District; and

WHEREAS, the Board had continued said matter to allow review of certain legal challenges to the petition registered by Barry Gilmer, objector; and

WHEREAS, the Board of Supervisors after reviewing said objections determined them to be without merit and following 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 James Morris and Morris Gray be allowed and granted a special exception to conduct surface mining in a R-1 Residential District on property owned by James Morris and Morris Gray in Section 11, T8N, R2E, Madison County, Mississippi, and being further identified as parcel number 82A-11-13 according to the most recent tax assessment records of Madison County.
- 2. The Board of Supervisors does hereby make the following findings certifying compliance with the specific rules governing this special exception and hereby finds that satisfactory provision and arrangement have been made concerning the following, to-wit:
 - a. Ingress and Egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe; the Board hereby finds that the conditions are acceptable for these properties.
 - b. Off-street parking and loading areas where required, with particular attention to the items noted above and the economic, noise, glare or odor effects of the special exception and adjoining properties and the properties generally in the district; the Board hereby finds that conditions are acceptable for this property.
 - c. Refuse and service areas, with particular reference to items noted above; the Board hereby finds that this is not applicable to this property.
 - d. Utilities, with reference to location, availability and compatibility; the Board hereby finds that utilities are available for this property.
 - e. Screening and buffering, with reference to type, dimensions and character; the Board hereby finds that 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

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

WHEREAS, Madison County School District did file an Application to rezone certain property from its present PUD, Planned Unit Development District Classification to a SU-1 Special Use District Classification; and

WHEREAS, the Board of Supervisors set a hearing for the 20th day of September, 2002, at 10:00 o'clock a.m., and the Clerk did cause Notice of said hearing to be published in the <u>Madison County Herald</u>, a newspaper published and of general circulation in Madison County, Mississippi, in the manner and for the time required by law; and

WHEREAS, the Board of Supervisors continued said public hearing until 10:00 a.m. on Friday, October 4, 2002; and

WHEREAS, the hour of 10:00 o'clock a.m. on the 4th day of October, 2002, did arrive; and

WHEREAS, the following additional parties appeared and offered testimony:

In Support of Rezoning

In Opposition of Rezoning

Pepper Crutcher

Martha Damico Leslie Hines Debbie Burser Beverly Johnston Diane Black

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

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

That a material change in the circumstances has occurred in the area surrounding this property since the original zoning of this property, as there is a need for additional elementary classrooms in this area in Madison County, and that the following described tract of real property be, and the same is hereby, rezoned from its present PUD, Planned Unit Development District Classification to SU-1 Special Use District Classification, to wit:

Commence at the Northeast corner of Lot 1 of Ingleside Subdivision on file in Plat Cabinet B-69 in the Chancery Clerk's Office of Madison County, Mississippi, point also being the Point of Beginning; from said point of beginning run along the North line of said Lot 1 South 89 degrees 52 minutes 51 seconds West for 657.06 feet to the Eastern line of a 30 feet wide gas easement; thence run along the Eastern line of said easement North 25 degrees 51 minutes 50 seconds West for 148.36 feet; thence continue along said easement line North 21 degrees 34 minutes 51 seconds West for 555.32 feet; thence continue along said easement line North 28 degrees 23 minutes 26 seconds West for 575.98 feet; thence continue along said easement line North 29 degrees 27 minutes 10 seconds West for 275.60 feet to the Proposed Southern rightof-way line of a proposed public road; thence run along said right-of-way line around a non tangent curve to the left having a radius of 9,992.53 feet, an arc length of 977.34 feet, a chord bearing of North 52 degrees 37 minutes 23 seconds East and a chord distance of 976.95 feet; thence run East for 550.66 feet to the East line of the West Half of Section 36, T8N-R1E, Madison County, Mississippi; thence run along East line of the West Half of said Section 36 South 00 degrees 14 minutes 33 seconds East for 1,988.29 feet back to the Point of Beginning.

Above described parcel is located in the SE¹/₄ of the NW¹/₄ and in the NE¹/₄ of the SW¹/₄ of Section 36, T8N, R1E, Madison County, Mississippi, and contains 43.74 acres, more or less.

That in connection with said rezoning there shall be a minimum of 100 foot buffer zone along the southern boundary of the above described property to buffer the noise and other activity from the residential subdivision, Ingleside, which is immediately adjacent to this property on the southern boundary and that the County in effort to assist the Madison County School District will construct an all weather road to the above described property as previously requested by the Madison County School District to allow access to said sight.

That the Madison County Zoning Ordinance should be and the Zoning District Map should be and the same are hereby amended so as to reflect the foregoing change in the zoning of the above described real property provided the plans and covenants are filed with the Office of the Zoning Administrator of said County.

ORDAINED, ADOPTED AND APPROVED by the Board of Supervisors of Madison County, Mississippi, at a meeting thereof held on the 4th day of October, 2002.

That motion for adoption was seconded by Supervisor Marc Sharpe, 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

In the Matter of Accepting a Petition to Amend the Official Zoning Ordinance and/or Official Zoning Map of Madison County, Mississippi

WHEREAS, Zoning Administrator Brad Sellers did advise the Board that he had received a petition to amend/change the Official Zoning Ordinance and/or Official Zoning Map of Madison County, MS, as follows and recommended that the Board accept such petition and forward it to the Planning Commission for review and recommendation:

H.C. Business Park – Petition for a special exception for property in an industrial district to locate a church.

Following review and discussion, Supervisor Karl M. Banks moved and Supervisor W.T. "Bill" Banks seconded a motion to forward the petition as set forth above to the Planning Commission for review and recommendation. 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 4th day of October, 2002

In the Matter of Authorizing of Giving Public Notice of the Intent of the Board of Supervisors to Conduct a Public Hearing On Petitions to Amend/Change the Official Zoning Ordinances and/or Official Zoning Map of Madison County, Mississippi

WHEREAS, Zoning Administrator Brad Sellers did present the Board of Supervisors with the following petition to amend/change the Official Zoning Ordinances and/or Official Zoning Map of Madison County, MS as follows and recommended that the Board authorize the giving of public notice of its intent to conduct a public hearing on said petition rescheduled for 10:00 a.m. on the 25th day of October, 2002, to-wit:

Sharon Fuqua - Petition for to place a mobile home on Pugh Road in Flora, Madison County, Mississippi.

Following review and discussion of these matters, Supervisor Karl M. Banks moved and Supervisor Paul Griffin seconded a motion to authorize the giving of public notice of the intent of the Board of Supervisors to conduct a public hearing on the petition to amend/change the Official Zoning Ordinances and/or Official Zoning Map of Madison County, MS, set forth above and rescheduled for 10:00 a.m. on Friday, October 25, 2002. The vote on said matter being as follows:

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

In the Matter of Approving the Recommendation of the Madison County Road Manager

WHEREAS, Helen Keller appeared before the Board of Supervisors and presented a memorandum from the Road Manager, Lawrence Morris, and recommended that the Board of Supervisors hire Eddie Bell, Jr., as a garbage truck driver at a monthly salary of \$1,560.00 to fill a vacant position within his budget.

Following discussion of this matter, Supervisor Karl Banks moved and Supervisor W.T. "Bill" Banks seconded a motion to hire Eddie Bell, Jr., as a garbage truck driver at a monthly salary of \$1,560.00 to fill a vacant position as recommended by the Road Manager per a copy a memorandum, which is found 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	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 4th day of October, 2002.

In the Matter of the Approval of Utility Permits on Old Jackson Road and Church Road

WHEREAS, Mr. Rudy Warnock, County Engineer, did present unto the Board of Supervisors two Utility Permits from Canton Municipal Utilities and Bear Creek Water Association requesting the following be recommended for approval:

Canton Municipal Utilities – To install 6" sewer force main on County ROW on the east side of Old Jackson Road and install 12" steel casing under Old Jackson Road.

Bear Creek Water Association – To install 50' of 6" steel casing across Church Road approximately 600' west of the intersection with Old Jackson Road.

Following additional discussion of this matter, Supervisor Karl M. Banks moved and Supervisor W.T. "Bill" Banks seconded a motion to approve the President signing the Utility Permits for Canton Municipal Utilities and Bear Creek Water Association for the use and occupancy of certain county road right-of-ways on Old Jackson Road and Church Road, respectively, per the terms contained in said permits, copies of which are found in the miscellaneous file to these minutes. The vote on said matter was as follows:

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

In the Matter of Acknowledging a Donation to the Madison County SWAT Team

WHEREAS, Sheriff Toby Trowbridge appeared before the Board of Supervisors and presented a \$100 check which was donated by Mr. and Mrs. Will Sligh and a \$50 check which was donated by a Ms. Kennon to the State Drug Fund for the Madison County Sheriff's Office to be used in conjunction of the formation of a SWAT team for Madison County.

Following additional discussion of this matter, Supervisor Karl M. Banks moved and Supervisor Paul Griffin seconded a motion to acknowledge receipt of the \$100 check from Mr. and Mrs. Will Sligh and a \$50 check which was donated by a Ms. Kennon to the Madison County Sheriff's State Drug Fund to be used in the formation of a SWAT team for Madison County. The vote on said matter was as follows:

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

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board, as being duly carried on this the 4th day of October, 2002.

In the Matter of Acquiring an Insurance Policy from the Flea Market Committee and Requesting them not to use Dangerous Areas Around the Square

WHEREAS, the Board of Supervisors to insure for the safety of the patrons and exhibitors for the Canton Flea Market.

Following discussion of this matter, Supervisor Karl M. Banks moved and Supervisor W.T. "Bill" Banks seconded a motion to authorize the Board Attorney to notify the Canton Flea Market corporation to not allow anyone in any areas deemed unsafe and to name Madison County as an additional insured on the corporation's liability insurance policy. 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

In the Matter of the Acknowledgement of the Report from the Mississippi State Health Department Regarding Nutrition Evaluation

WHEREAS, Sheriff Toby Trowbridge presented to the Board of Supervisors a Nutrition Evaluation report received from the Mississippi Department of Health, which noted no deficiencies or problems in conjunction with the use at the Madison County Detention Facility.

Following discussion of this matter, Supervisor W.T. "Bill" Banks moved and Supervisor Karl M. Banks seconded a motion to acknowledge receipt of the report, a copy of which is found in the miscellaneous file to these minutes. The vote on said matter was as follows:

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

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board, as being duly carried on this the 4th day of October, 2002.

In the Matter of Acknowledging the Hiring and Resignation of Employees Within the Madison County Sheriff's Office

WHEREAS, Sheriff Toby Trowbridge appeared before the Board of Supervisors and presented the following hires and resignations at the Madison County Sheriff's Office for approval:

Hires

Emma Jean Greer, Detention Officer \$19,885.08/annually Jeffrey Davis, Detention Officer \$19,885.08/annually **<u>Resignation</u>** Janika Cheers effective 9/27/02

Following additional discussion of this matter, Supervisor Karl M. Banks moved and Supervisor W.T. "Bill" Banks seconded a motion to approve the recommendations of Sheriff Trowbridge as set forth above and as found in the memos from the Sheriff in the miscellaneous file to these minutes. The vote on said matter was follows:

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

In the Matter of Authorizing Purchases for Madison County Sheriff's Complex

WHEREAS, Sheriff Toby Trowbridge appeared before the Board of Supervisors and presented purchase orders for items requested for the Madison County Sheriff's Office and are as follows:

Mock Turtle Neck Shirts	\$3,077.80
Riot Kit	\$2,719.84
ID Tags (Sheriff)	\$80.00
Trousers	\$1,391.40
Shirts	\$1,391.40
Name Tapes	\$90.00
Belt	\$558.00

Following additional discussion of this matter Supervisor Paul Griffin moved and Supervisor Karl M. Banks seconded a motion to authorize the purchase of the items as set forth above and to approve the Sheriff to get a purchase order for the invoices as 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

In the Matter of Accepting a Proclamation of The Existence of a Local Emergency

WHEREAS, the Madison County Board of Supervisors does hereby find that conditions of extreme peril to the safety of persons and property have arisen within said County, caused by an epidemic the West Nile Virus commencing on or about the 14th day of August, 2002; and

WHEREAS, the aforesaid condition of extreme peril warrant and necessitate the continuance of the proclamation of the existence of a local emergency in order to provide for the health and safety of the citizens and the protection of their property within the affected jurisdiction;

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that in accordance with Section 33-15-17(d), Mississippi Code of 1972, as amended, a local emergency continues to exist throughout said Madison County; and shall be reviewed every seven (7) days until such local emergency is no longer in effect and proclaimed terminated by the Board of Supervisors of Madison County, State of Mississippi.

IT IS FUTHER PROCLAIMED AND ORDERED that all County agencies and departments shall render all possible assistance and discharge their emergency responsibilities as set forth in the County Emergency Operations Plan.

Following discussion of this matter, Supervisor Paul Griffin moved and Supervisor W.T. "Bill" Banks seconded a motion to adopt the continuance of the Existence of a Local Emergency and that the Board does further authorize the Director of Emergency Management, Bill Weisenberger, to continue efforts to spray for mosquitoes and to further purchase larvicide's and other chemicals for hand sprayers to be used by county personnel. 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

In the Matter of Rescinding an Order of the Board of Supervisors from September 13, 2002

WHEREAS, the Board of Supervisors previously adopted an Order approving an Amendment of the Solid Waste Plan whereby certain property owned by Charles Bilberry was included within the Solid Waste Plan of Madison County, Mississippi; and

WHEREAS, the Board of Supervisors has been contacted by representatives from IESI and have been informed that there are certain procedural irregularities with the Board's adoption of the Order on September 13, 2002 approving said property within the Solid Waste Plan; and

WHEREAS, the Board of Supervisors now desires to recind the Order of September 13, 2002 putting said property within Madison County Solid Waste Plan and allowing Mr. Bilberry and/or IESI to reinstitute the legal process for including said property within Madison County's Solid Waste Plan.

Following discussion of this matter, Supervisor W.T. "Bill" Banks moved and Supervisor Karl M. Banks seconded a motion to recind the Board Order of September 13, 2002, which included the Bilberry property, which consists of a 160 acre parcel, as described in said previous Order, within Madison County Solid Waste Plan and to allow Mr. Bilberry and/or representatives from IESI to begin a new process for amending the County's Solid Waste Management Plan to correct procedural errors contained in the previous efforts to include said property within the plan. 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 4th day of October, 2002

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 Karl M. Banks and seconded by Supervisor Marc Sharpe and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was adjourned.

David H. Richardson, President Madison County Board of Supervisors