

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

REGULAR MEETING OF SEPTEMBER 20, 2002
Recessed from regular meeting conducted on September 13, 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 20th day of September, 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
Mike Crook Chancery 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 Sheriff Toby Trowbridge led the Pledge of Allegiance to the Flag of the United States of America.

In the Matter of Adopting an Ordinance Granting the Variance for William Irby

WHEREAS, William Irby filed a petition with the Board of Supervisors seeking a variance from the front setback requirements in a R-1 Residential District being located as a 2.1 acre tract in Section 3, Township 7 North, Range 1 East, Madison County, Mississippi; and

WHEREAS, Mr. Brad Sellers, Zoning Administrator, appeared before the Board of Supervisors and presented the petition and informed the Board that a variance of 25 feet in the 50 feet set back requirements was necessary due to the configuration of the property; and

WHEREAS, the Madison County Planning Commission had recommended the approval of this variance and no one appeared to object to its being granted.

Following additional discussion of this matter, Supervisor W.T. "Bill" Banks moved and Supervisor Karl M. Banks seconded a motion specifically finding that

a) that special conditions and circumstances exist which are peculiar to the land, structure or building involved in which are not applicable to other lands, structures, or buildings in the same district;

b) that the literal interpretation of the provision of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;

c) that these special conditions and circumstances do not result from the actions of the applicant; and

d) that the granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district.

And the Board did specifically find that the reasons set forth above as stated in the petition justify the granting of the variance and that the variance is the minimal variance that will make possible the reasonable use of the land, structure or building and that the granting of the variance will be in harmony with the general purpose intent of the ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. 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 September, 2002.

**In the Matter of Granting a Special Exception for a
Surface Mine Operation to be Conducted by
Daniel Spivey**

WHEREAS, Mr. Brad Sellers did present a Petition filed by Mr. Daniel Spivey seeking to conduct surface mining in an A-1 Agricultural District for a public hearing on said matter and informed the Board of Supervisors that the Madison County Planning Commission had recommended its approval.

WHEREAS, the matter was presented to the Board of Supervisors, and after conducting a public hearing thereon and a discussion thereof, Supervisor Paul Griffin 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 Daniel Spivey be allowed and granted a special exception to conduct surface mining in an A-1 Agricultural District on property owned by Mr. Spivey in Section 8, T9N, R3E, Madison County, Mississippi, and being further identified as parcel numbers 93C-8-11/01, 93C-8-15, 93C-8-16, 93C-8-17, 93C-8-18, 93C-8-19, 93C-8-20, 93C-8-21, and 93C-8-22 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 W.T. "Bill" 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 September, 2002.

**In the Matter of Adoption of an Ordinance Re-zoning Property for and on
Behalf of Sheffield Development, LLC**

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

WHEREAS, Sheffield Development, LLC. did file an Application to rezone certain property from its present A-1 Agricultural Use District Classification to an R-2 Residential 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 Madison County Herald, a newspaper published and of general circulation in Madison County, Mississippi, in the manner and for the time required by law; and

WHEREAS, the hour of 10:00 o'clock a.m. on the 20th day of September, 2002, did arrive; and

WHEREAS, there were no objections; and

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 and that the following described tract of real property be, and the same is hereby, rezoned from its present A-1 Agricultural Use District Classification to R-2 Residential Use District Classification, to wit:

Tract 1

A tract or parcel of land containing 255.793 acres and being located in Sections 29 and 30, Township 8 North, Range 3 East, Madison County, Mississippi, and being more particularly described as follows:

Beginning at a point on the South line of Yandell Road, said point being 19.6 feet North of the corner common to Sections 19, 20, 29 and 30, Township 8 North, Range 3 East; run thence South 88 degrees 45 minutes East 659.87 feet along said South line of road; thence South 88 degrees 25 minutes East 659.99 feet along said South line of road; thence South 88 degrees 59 minutes East 660.0 feet along said South line of road; thence South 89 degrees 25 minutes East 660.00 feet along said South line of road; thence South 0 degrees 14 minutes 49 seconds West 2624.71 feet to an iron pin; thence North 89 degrees 58 minutes 31 seconds West 2624.0 feet to a concrete marker; thence South 424.7 feet along a fence to a concrete marker; thence North 89 degrees 57 minutes 29 seconds West 1357.13 feet along said fence to an iron pin; thence North 3110.0 feet to a point on the South line of Yandell Road; thence South 88 degrees 20 minutes East 709.59 feet along South line of road; thence South 88 degrees 53 minutes East 659.93 feet along said South line of road to the point of beginning.

That the Covenants and Plan for Stormwater Detention shall be filed with the Office of the Zoning Administrator of Madison County, Mississippi prior to any development on this property and that the homes constructed within this proposed area shall contain a minimum square footage of 1800 square feet and an average square footage of at least 2000 square feet.

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 20th day of September, 2002.

That motion for adoption was seconded by Supervisor Karl M. Banks, and the foregoing Ordinance having been first reduced to writing was read, considered and approved, section by section, and then as a whole and was submitted to the Board of Supervisors for passage or rejection on roll call vote with the vote being as follows, to wit:

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

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 September, 2002.

**In the Matter of Conducting a Public Hearing on a
Special Exception in a R-1 Residential District by
James Morris**

WHEREAS, Mr. James Morris and Mr. Morris Gray appeared before the Board of Supervisors in support of their petition seeking a special exception to conduct a surface mine operation in a R-1 Residential District; and

WHEREAS, Mr. Gray offered testimony as to the plans for mining the site and submitted certain drawings for the Board's review; and

WHEREAS, Mr. Barry Gilmer appeared before the Board of Supervisors and objected to the granting of a special exception and stated as the basis for his challenge that no material change in circumstances has occurred since the Board previously turned down the request of Mr. Morris and Mr. Gray.

Following additional discussion of this matter, Supervisor W.T. "Bill" Banks moved and Supervisor Paul Griffin seconded a motion to close the public hearing and to take said matter under advisement and to authorize the Board Attorney to research the legal claims of Mr. Gilmer in this matter. 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 September, 2002.

**In the Matter of a Petition for Rezoning Filed by the
Madison County School District**

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

WHEREAS, by Resolution properly adopted by the Board of Supervisors, a hearing was set for the 20th day of September, 2002 at 10:00 a.m. and the Clerk did cause notice of said hearing to be published in The Madison County Herald, a newspaper published and of general circulation in Madison County, Mississippi, in the matter and for the time required by law; and

WHEREAS, the hour 10:00 a.m. on the 20th day of September, 2002 did arrive and the Board opened the public hearing on the request to rezone said property by the Madison County School District; and

WHEREAS, the following people did offer testimony in favor of the granting of the School District's request:

Mike Kent, Superintendent Madison County Schools
H.C. Bailey, Jr., representative of property owner
Brian O'Hara
Janice Parsons
Leslie Tatum
Laura Ulecky
Dan Prather

WHEREAS, the following individuals did appear and offer testimony opposing the request of the Madison County School District:

Ken Steere
Mike Mann
Kathy Phillips
Courtney Stiner
Kelly Kirsh
Cindy Crutcher

Following receipt of the testimony, the Board of Supervisors also received petitions both for and against the request of the School District as well as letters addressing said issue and upon motion of Supervisor Karl M. Banks and second of Supervisor W.T. "Bill" Banks, the Board of Supervisors voted to accept all the documentation, as submitted by the parties, for the record and that copies of the same are 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 September, 2002.

The Board thereafter determined that it would be in the best interest to continue said public hearing until October 4, 2002 at 10:00 a.m.

**In the Matter of Conducting a Public Hearing on the
Application of St. Dominic Health Services, Inc. to
Rezone Property to C-2 Highway Commercial Use District**

WHEREAS, St. Dominic Health Services, Inc. did file an application to rezone certain property from its present R-1 Residential Use District classification to a C-2 Highway Commercial Use District classification; and

WHEREAS, by Resolution properly adopted by the Board of Supervisors, a hearing was set for the 20th day of September, 2002 at 1:00 p.m. and the Clerk did cause notice of said hearing to be published in The Madison County Herald, a newspaper published and of general circulation in Madison County, Mississippi, in the matter and for the time required by law; and

WHEREAS, the hour 1:00 p.m. on the 20th day of September, 2002 did arrive and the Board of Supervisors convened and opened the public hearing for consideration of the request filed by St. Dominic Health Services, Inc.; and

WHEREAS, the following parties did appear to speak in favor of the petition, to-wit:

Ed Brunini, Jr., Attorney
Bridgeforth Rutledge
John C. Minninger
Don Dees
Chiman La Rai
Shirley Marshall

WHEREAS, the following individuals did appear and speak against the petition, to wit:

Will Sligh

WHEREAS, Mr. Brunini offered a packet of material in support of the petition to rezone said property along with a petition signed by various residents of the area and business owners of the area as well as other maps outlining the current land use in this vicinity.

After discussion of this matter, Supervisor Paul Griffin moved and Supervisor Marc Sharpe seconded to accept all of the documents as submitted into the record and to continue said public hearing until Friday, October 11, 2002 at 10:00 a.m. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Absent
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 20th day of September, 2002

In the Matter of Granting an Emergency Permit to Place a Mobile Home in a R-1 Residential District

WHEREAS, Mr. Brad Sellers, Zoning Administrator, appeared before the Board of Supervisors and presented a request of Mr. & Mrs. Alexander to provide them with an Emergency Permit to replace an existing mobile home with a new mobile home on property owned by the Alexander's on Way Road in a R-1 Residential District.

Following discussion of this matter, Supervisor Paul Griffin moved and Supervisor Marc Sharpe seconded a motion to grant an emergency permit to the Alexanders as set forth above to replace an existing mobile home with a new mobile home in a R-1 Residential Use District on an emergency basis pending the Alexanders following the zoning process as adopted by Madison County, Mississippi. The vote on said matter was as follows, to wit:

Supervisor W. T. "Bill" Banks - District I	Voted: Absent
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 20th day of September, 2002.

In the Matter of Acknowledging Receipt of a Letter from ACS Image Solutions on Storage Agreements with Madison County

WHEREAS, Mr. Todd Cameron appeared before the Board of Supervisors and presented a letter he received from ACS Image Solutions regarding the existing agreement between said company and Madison County for the storage of copies of documentation.

Following discussion of this matter, Supervisor Marc Sharpe moved and Supervisor Paul Griffin seconded a motion to acknowledge receipt of the letter, 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: Absent
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 20th day of September, 2002.

In the matter of the Authorization of the Clerk to Issue Reimbursement Checks for Travel and Expenses to Supervisors for attendance to a Meeting in Washington for the Madison County Foundation

RESOLUTION

WHEREAS, the Madison County Board of Supervisors desires to approve reimbursement for travel and other expenses for Supervisor Paul Griffin, Supervisor Marc Sharpe and Public Information Officer Ken Wilbanks for attending a meeting for the Madison County Foundation in Washington, D.C. in the amounts as specified on the receipts attached hereto.

NOW BE IT THEREFORE RESOLVED BY THE SUPERVISORS OF MADISON COUNTY, MISSISSIPPI that the Clerk of this Board is hereby directed to pay the amount shown on the attached receipts from the budget of the Madison County Board of Supervisors to the Supervisor Paul Griffin, Supervisor Marc Sharpe, and Public Information Officer Ken Wilbanks for travel and other expenses incurred on a trip to Washington, D.C. to attend a meeting for the Madison County Foundation.

After discussion on the matter, Supervisor Paul Griffin offered and moved for the adoption of the above and foregoing Resolution, which was seconded by Supervisor Marc Sharpe. The vote on said matter was as follows, to-wit:

Supervisor W. T. "Bill" Banks - District I	Voted: Absent
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 20th day of September, 2002.

In the Matter of Authorizing Payment for a Claim for a Computer

WHEREAS, Mr. Todd Cameron appeared before the Board of Supervisors and presented a claim from Business Communications, Inc. for a computer received by Madison County and that copies of a memo from Mr. Cameron and the invoices for said computer are found in the miscellaneous file to these minutes.

Following discussion of this matter, Supervisor Marc Sharpe moved and Supervisor Paul Griffin seconded a motion to authorize payment of claim to Business Communications, Inc. in the amount of \$2,350.00 per the recommendation of Mr. Cameron. The vote on said matter was as follows, to-wit:

Supervisor W. T. "Bill" Banks - District I	Voted: Absent
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 20th day of September, 2002.

In the Matter of Accepting Low Quote for Wiring for the Flora Public Library

WHEREAS, Mr. Todd Cameron presented two quotes for wiring for the New Flora Public Library for data and telephone purposes and that the quotes received by Mr. Cameron were as follows:

BIDS

The Cabling Co.	\$4,025.00
Universal Solutions	\$4,510.00

Following discussion of this matter, Supervisor Paul Griffin moved and Supervisor Marc Sharpe seconded a motion to accept the low quote from The Cabling Co. in the amount of \$4,025.00 and that copies of said quotes 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: Absent
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 20th day of September, 2002.

In the Matter of the Acknowledgement and Receipt of the Madison County School Budget

WHEREAS, the Board of Supervisors received a copy for the upcoming fiscal year school budget for the Madison County School District and that a copy of said budget are found in the miscellaneous file to these minutes.

Following discussion of this matter, Supervisor Paul Griffin moved and Supervisor Marc Sharpe seconded a motion to acknowledge receipt of the budget of the Madison County School District, a copy of which is found in the miscellaneous file to these minutes. The vote on said matter was follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Absent
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 20th day of September, 2002.

**In the Matter of Approving Loretta Davis
Attending a Training Seminar and
In the Matter of Accepting Low Quote on
60 Tax Receipt Books for 2001**

WHEREAS, Ms. Loretta Davis has requested to attend a seminar in Tunica, Mississippi to be conducted on October 10th and 11th on Agency Benefit Training; and

WHEREAS, the Board of Supervisors received two quotes for 60 tax receipt books for the year 2001, one quote being from Norris Bookbinding Company for \$2,220.00 and the other being from Southern Systems & Service Co. for \$2,388.00.

Following discussion of this matter, Supervisor Paul Griffin moved and Supervisor Marc Sharpe seconded a motion to authorize Loretta Davis to attend the seminar in Tunica, Mississippi as set forth above and to further accept the low quote of Norris Bookbinding Company for 60 tax receipt books in the amount of \$2,220.00. The vote on said matter was follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Absent
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 20th day of September, 2002.

**In the Matter of Approving a Request from the Canton-
Madison County Historical Society to Hang a Banner a
on the Square & the Use of the Old Courthouse**

WHEREAS, the Canton-Madison County Historical Society has requested that they be allowed to use the Historic Madison County Courthouse First Floor on Saturday, November 30, 2002 from 2:00 p.m. until 5:00 p.m. for the book signing and announcement of a the publication of "History Bits about Canton and Madison County, Mississippi" by Jim Lacey, Jr. and to further request to hang a banner on the Peace Street fence corner from November 21-30, 2002 notifying the public of the event.

Following discussion of this matter Supervisor Marc Sharpe moved and Supervisor Paul Griffin a motion to authorize the use of the courthouse first floor by the Canton-Madison County Historical Society on Saturday, November 30, 2002 from 2:00 p.m. until 5:00 p.m. for the reason as stated above and to further authorize the placement of a banner on the Peace Street corner from November 21-20, 2002. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Absent
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 20th day of September, 2002.

**In the Matter of Approving an Advance of
Funds to the Madison County Medical Center for
Nursing Home Purposes**

WHEREAS, the Madison County Medical Center Board of Trustees has requested the Board of Supervisors to make an advance of \$76,142.00 to the nursing home facility at the Madison County Medical Center for the purposes of seeking reimbursement from the State Division of Medicaid; and

WHEREAS, the Board of Supervisors desires to assist said Trustees in the operation and maintenance of the facility by making this advance provided that said funds are immediately refunded per the Resolution which is found in the miscellaneous file to these minutes.

Following additional discussion of this matter, Supervisor Paul Griffin moved and Supervisor Marc Sharpe seconded a motion to advance the sum of \$76,142.00 to the Madison County Medical Center for nursing home purposes to allow said facility to seek reimbursement from the State Division of Medicaid for said funds as allowed by law. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Absent
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 20th day of September, 2002.

In the Matter of the Approval of the Claims Docket

WHEREAS, the Supervisors reviewed the docket of claims dated September, 2002 (copies of which are found in the miscellaneous files to these minutes); and

WHEREAS, the Chancery Clerk did assure the Board of Supervisors that all claims had been properly documented and where necessary, purchase orders were obtained in advance as required by law; and

WHEREAS, the following is a summary of all claims and funds from which said claims are to be paid:

			<u>Total Amount</u>
Fund 001	Claims 3368 to 3370	No. of Checks-20	322,200.26
	Claims 3462, 3467, 3669, 3978, 4302, 4457		
	Claims 4714, 4817, 4875, 5044, 5118, 5147,		
	Claims 5259, 5316, 5323, 5374, 5378		
Fund 110	Claims 228	No. of Checks – 1	17,432.03
Fund 150	Claims 1620 to 1620	No. of Checks – 1	19,669.86
Fund 210	Claims 2 to 2	No. of Checks – 1	74,991.86
Fund 226	Claims 6 to 6	No. of Checks – 1	406,223.90
Total for all Funds			\$ 840,517.91

Following review of these claims Supervisor Marc Sharpe moved and Supervisor Paul Griffin seconded a motion to pay the claims as set forth above with the exception of the following held claims:

<u>Fund</u>	<u>Claim No.</u>	<u>Claimant</u>	<u>Amount Held</u>
001	3368	Phillips Lumber & Home Center	\$12.20
001	3369	Phillips Lumber & Home Center	\$273.25
001	3370	Phillips Lumber & Home Center	\$28.27
001	3462	Weatherford/McDade Ltd	\$8,800.00
001	3467	Neel-Schaffer, Inc.	\$53.34
001	3467	Neel-Schaffer, Inc.	\$17,981.57
001	3467	Neel-Schaffer, Inc.	\$14,699.01
001	3467	Neel-Schaffer, Inc.	\$300.25
001	3669	Mike Crook	\$2,370.65
001	3978	The Cabling Co.	\$500.00
001	3978	The Cabling Co.	\$105.00
001	4302	Rankin County Bd of Supervisors	\$24,119.16
001	4457	Employees Insurance	\$2,986.40
001	4457	Employees Insurance	\$1,866.50
001	4714	HRS USA	\$49.99
001	4817	Employees Insurance	\$2,986.40
001	4875	HRS USA	\$31.98
001	4875	HRS USA	\$7.99
001	5044	Employees Insurance	\$2,613.10
001	5118	Venture Technologies	\$429.00
001	5147	Laniers Worldwide, Inc.	1,042.25
001	5259	Xerox Corporation	\$742.00
001	5316	MS Safe & Lock, Inc.	\$373.00
001	5374	Roberts Ins. Agency	\$161,478.34
110	228	The City of Canton	\$17,432.03

Said motion further directed that invoice numbers should be attached to each claim on the claims docket and further directed the Chancery Clerk to publish the Summary of Claims as required by law and to authorize the President to sign and approve the Claims Docket, 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: Absent
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 20th day of September, 2002

**In the Matter of Approving a Contract for
Construction of a Sewer Pump Station by
Hemphill Construction**

WHEREAS, Joe Johnson, Engineer, appeared before the Board of Supervisors and presented a Contract from Hemphill Construction Co. for the construction of a sewer pumping station on Church Road in conjunction with the Nissan Suppliers project.

Following discussion of this matter, Supervisor Marc Sharpe moved and Supervisor Paul Griffin seconded a motion to authorize the Board President to execute the contract for construction with Hemphill Construction Co. for the sewer pumping station on Church Road and that a copy of said contract 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: Absent
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 20th day of September, 2002.

**In the Matter of the Zoning of Variance
Requested by the Mississippi State Tax Commission/
ABC Division**

WHEREAS, Mississippi State Tax Commission/ABC Division did previously file an application with the Board of Supervisors seeking a variance pursuant to Article 5 Section 504 of the Zoning Ordinance of Madison County, Mississippi and the Zoning Map adopted pursuant thereto and requesting a variance in the required side setback in a R-1 Residential District on property lying and being situated in Madison County, Mississippi as follows:

A tract of land located in Section 21, Township 8 North, Range 2 East, Madison County, Mississippi, further identified by tax parcel No. 82E-21-7, according to the latest Tax Assessor records of Madison County.

WHEREAS, the Board of Supervisors previously conducted a public hearing on said matter and closed said public hearing and then continued it until the 20th day of September, 2002; and

WHEREAS, the Board of Supervisors after having reviewed all of the information submitted by the Mississippi State Tax Commission now desires to grant said variance as requested.

Following discussion of this matter Supervisor Marc Sharpe moved and Supervisor Paul Griffin seconded a motion to grant the variance to the side setback as requested by the Mississippi State Tax Commission/ABC Division on that property described above and specifically finding that

- a) that special conditions and circumstances exist which are peculiar to the land, structure or building involved in which are not applicable to other lands, structures, or buildings in the same district;
- b) that the literal interpretation of the provision of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
- c) that these special conditions and circumstances do not result from the actions of the applicant; and
- d) that the granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district.

And the Board did specifically find that the reasons set forth above as stated in the petition justify the granting of the variance and that the variance is the minimal variance that will make possible the reasonable use of the land, structure or building and that the granting of the variance will be in harmony with the general purpose intent of the ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Absent
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 20th day of September, 2002.

In the Matter of the Approving of the Personal Property Recap

WHEREAS, Gerald Barber, Tax Assessor, submitted to the Board of Supervisors the personal property recap sheets for January 1, 2002 and the Board after reviewing said matter, did desire to approve same.

Following discussion of this matter, Supervisor Marc Sharpe moved and Supervisor Paul Griffin seconded a motion to approve the Personal Property Recap sheets as submitted by the Tax Assessor and to authorize the Chancery Clerk to forward said recap sheets to the Mississippi State Tax Commission as required by law. The vote on said matter was follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Absent
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 20th day of September, 2002.

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 Marc Sharpe 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: Absent
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 20th day of September, 2002.

In the Matter of Authorizing the Board Attorney to Represent the County in an Unemployment Insurance Claim

WHEREAS, Mr. Charles Grayson has filed a claim for unemployment benefits with the Mississippi Employment Security Commission and the Board of Supervisors desires to employ the Board Attorney to represent the County in response to this claim.

Following additional discussion of this matter Supervisor Paul Griffin moved and Supervisor Marc Sharpe seconded a motion to authorize the Board Attorney, Dewey Hembree, to represent Madison County having first determined that said professional services were necessary and in the best interest of the citizen of Madison County. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Absent
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 20th day of September, 2002.

In the Matter of Acknowledging Receipt of New Employee in Tax Assessor's Office

WHEREAS, Gerald Barber, Tax Assessor, submitted the name of Vent Mixon as a new employee of his office to be employed as an AutoCAD operator at the rate of \$2,310.00/month set amount being within the existing budget of the Madison County Tax Assessor.

Following a discussion of said matter, Supervisor Paul Griffin moved and Supervisor Marc Sharpe seconded a motion to acknowledge the employment of Vent Mixon at the Madison County Tax Assessor's Office at a monthly salary of \$2,310.00 as an AutoCAD operator. The vote on said matter was as follows, to-wit:

Supervisor W. T. "Bill" Banks - District I	Voted: Absent
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 20th day of September, 2002.

**In the Matter of the Continuance of a
Public Hearing on the Application of the
Madison County School District**

WHEREAS, the Board of Supervisors desired to continue the public hearing on the petition of the Madison County School District seeking the rezoning of certain property to SU-1 Special Use District classification as referenced earlier in these minutes.

Following additional discussion of this matter, Supervisor Marc Sharpe moved and Supervisor Paul Griffin seconded a motion to continue the public hearing on the petition of the Madison County School District until October 4, 2002 at 10:00 a.m. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Absent
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 20th day of September, 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 Paul Griffin and seconded by Supervisor Marc Sharpe and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Friday, September 27, 2002 at 9:30 a.m.

David H. Richardson, President
Madison County Board of Supervisors