

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

REGULAR MEETING OF AUGUST 8, 2003
Recessed from regular meeting conducted on August 4, 2003

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on the 8th day of August, 2003, 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:

Supervisor W.T. "Bill" Banks
Supervisor Marc Sharpe
Supervisor David H. Richardson
Supervisor Paul Griffin
Sheriff Toby Trowbridge

Absent:

Supervisor Karl M. Banks
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 Supervisor Paul Griffin led the Pledge of Allegiance to the Flag of the United States of America.

**In the Matter of a Discussion Involving the Beaver
Control Program**

WHEREAS, Mr. Scott Shepherd, new trapper for the Beaver Control Program operated by the State of Mississippi, appeared before the Board of Supervisors and informed the Board that he would be trapping beavers east of I-55 in Madison County due to a recent organization by the state of said program. The Board of Supervisors thanked Mr. Shepherd for appearing before the Board and commended him for the services provided by his office to Madison County.

President's Initials:_____

**In the Matter of the Petition filed by Larry Anderson
Seeking a Special Exception to Place a Mobile Home
in a R-2 Residential District**

WHEREAS, Mr. Brad Sellers did present a Petition filed by Larry Anderson seeking to place a mobile home in Section 15, Township 7 North, Range 1 East in Madison County, Mississippi in a R-2 Residential 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 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 Larry Anderson be allowed and granted a special exception for a three year period to place a mobile home in Section 15, Township 7 North, Range 1 East in a R-2 Residential District on property owned by Larry Anderson in Madison County, Mississippi, and being further identified as parcel number 71E-15-37/01.01 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 no screening is required.
 - 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

President's Initials: _____

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: 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 8th day of August, 2003.

President's Initials:_____

**In the Matter of a Petition for Rezoning Filed by
Richard Newman**

WHEREAS, the Board of Supervisors previously authorized the advertisement for a public hearing on a petition filed by Richard Newman seeking to rezone certain property in Madison County, Mississippi from R-1 Residential District to C-2 Highway Commercial District covering a 3.69 acre parcel located along the north right-of-way of Gluckstadt Road in Section 20, Township 8 North, Range 2 East in Madison County; and

WHEREAS, the Board of Supervisors heard evidence from the petitioner who informed the Board that he wished to amend his petition to rezone the front of part of his property along Gluckstadt Road to C-1 Commercial District classification and rezone the northern part of said parcel along the back of the property to C-2 Commercial District classification and that he presented several large photographs depicting the layout of said proposed development with the office building being located in what would be designated as C-1 Commercial District classification and the remaining part of said parcel being in the C-2 district classification and that large copies of his exhibits are found in the miscellaneous file to these minutes together with a copy of the petition and photographs and other data supporting his petition; and

WHEREAS, the following persons appeared and objected to the request to rezone said property being Pam Minninger, who introduced a statement into the record which is found in the miscellaneous file to these minutes and Mr. Kerry Minninger who submitted certain traffic information and Ms. Amy Hervy who indicated she represented the Red Oak Homeowners' Association who had submitted a letter opposing said rezoning and the Minninger's further presented certain petitions filed by people who are opposed of the rezoning of the property; and

WHEREAS, the Board of Supervisors also heard testimony from John Rudzenski, the owner of said property, speaking in favor of the rezoning together with Jennifer Minninger, a next door neighbor, speaking in favor of said rezoning and the Board also received information and arguments from Mr. Phil Buffington, the attorney for the petitioner in this matter, who presented certain data on recent rezoning in southern Madison County and who argued that said recent rezoning together with other developments constituted a material change in the circumstances since the original zoning of this property and further documented the need for a facility of this type in the area.

Following additional discussion and testimony received in this matter, the Board of Supervisors upon motion of Supervisor Paul Griffin and second of Supervisor W.T. "Bill" Banks voted to close said public hearing and table this matter for further consideration by the Board. 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: 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 8th day of August, 2003.

President's Initials: _____

**In the Matter of the Petition filed by Gloria Ellington
Seeking a Special Exception to Place a Mobile Home
in a R-2 Residential District**

WHEREAS, Mr. Brad Sellers did present a Petition filed by Gloria Ellington seeking to place a mobile home in Section 15, Township 8 North, Range 3 East in Madison County, Mississippi in a R-2 Residential 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 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 Gloria Ellington be allowed and granted a special exception for a three year period to place a mobile home in Section 15, Township 8 North, Range 3 East in a R-2 Residential District on property owned by Gloria Ellington in Madison County, Mississippi, and being further identified as parcel number 83E-15C-051 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 no screening is required.
 - 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

President's Initials:_____

generally compatible with adjacent properties and the conditions are acceptable.

The motion for adoption was seconded by Supervisor Marc Sharpe, 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: 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 8th day of August, 2003.

President's Initials:_____

**In the Matter of the Adoption of an Ordinance Re-zoning
Property for and on Behalf of George Whitten and Charles Clark**

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

WHEREAS, George Whitten and Charles Clark did file an Application to rezone certain property from its present R-1 Residential Use District Classification to a C-2 Commercial Use District Classification with covenants to placed along said property; and

WHEREAS, by Resolution properly adopted by the Board of Supervisors on the 11th day of June, 2003, a hearing was set for the 8th day of August, 2003, 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 8th day of August, 2003, 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:

1. That there has been a material change in the circumstances of the surrounding neighborhood and that there is a public need that the following described tract of real property be, and the same is hereby, rezoned from its present R-1 Residential Use District Classification to C-2 Commercial Use District Classification, to wit:

A parcel of land containing 9.62 acres, more or less, lying and being situated in the NW ¼ of Section 14, Township 8 North, Range 2 East, Madison County, Mississippi, and being more particularly described as follows:

Commence at a concrete monument marking the NW corner of Section 14; run thence East for a distance of 701.30 feet; thence South for a distance of 1332.48 feet to a point on the Western right-of-way line of U.S. Highway 51; thence run along said right-of-way South 23 degrees 43 minutes 28 seconds West for a distance of 673.84 feet to the Point of Beginning for the parcel herein described; thence continue along said right-of-way South 23 degrees 43 minutes 28 seconds West for a distance of 332.03 feet; thence leave said right-of-way and run North 89 degrees 40 minutes 22 seconds West for a distance of 1372.94 feet to the Eastern right-of-way line of the Illinois Central Gulf Railroad; thence run along said right-of-way North 23 degrees 14 minutes 02 seconds East for a distance of 330.81 feet; thence leave said right-of-way and run South 89 degrees 40 minutes 22 seconds East for a distance of 1376.03 feet to the point of beginning.

That the Madison County Zoning Ordinance and Land Use Plan be and the Zoning District Map be and the same are hereby amended so as to reflect the foregoing change in the zoning of the above described real property and that the Petitioner submit covenants in a form acceptable to the Zoning Administrator.

ORDAINED, ADOPTED AND APPROVED by the Board of Supervisors of Madison

President's Initials: _____

County, Mississippi, at a meeting thereof held on the 8th day of August, 2003.

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: 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 8th day of August, 2003.

President's Initials:_____

**In the Matter of the Adoption of an Ordinance Re-zoning
Property for and on Behalf of E&S Partners, LLC**

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

WHEREAS, E&S Partners, LLC did file an Application to rezone certain property from its present C-2 Commercial Use District Classification to a C-1 Commercial Use District Classification; and

WHEREAS, by Resolution properly adopted by the Board of Supervisors on the 11th day of July, 2003, a hearing was set for the 8th day of August, 2003, 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 8th day of August, 2003, 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:

1. That there has been a material change in the circumstances of the surrounding neighborhood and that there is a public need that the following described tract of real property be, and the same is hereby, rezoned from its present C-2 Commercial Use District Classification to C-1 Commercial Use District Classification, to wit:

Commencing at the SE corner of Section 21, Township 8 North, Range 2 East, Madison County, MS, sand point represented by a 2 inch iron pipe found, and thence run West for 2,644.58 feet to a point; thence run North for 925.23 feet to a inch iron rebar found and being the point of beginning of the following described property:

From the Point of Beginning thence run North 00 degrees 02 minutes 31 seconds East for a distance of 224.78 feet to a ½ inch iron rebar found; thence run North 00 degrees 32 minutes 11 seconds East for a distance of 244.32 feet to a 3/8 inch iron rebar set; thence run South 76 degrees 18 minutes 47 seconds East for a distance of 176.35 feet to a 3/8 inch iron rebar set; thence run South 89 degrees 55 minutes 59 seconds East a distance of 137.64 feet to point; thence South 00 degrees 08 minutes 13 seconds West a distance of 136.18 feet to a point; thence run South 47 degrees 19 minutes 31 seconds East a distance of 35.00 feet to a point; thence run South 47 degrees 19 minutes 31 seconds East a distance of 35.00 feet to a point on the North right-of-way line of proposed drive; thence run along a curve to the left with the following curve data; Radius of 60.00 feet, Arc Length of 201.75 feet, Chord Bearing of South 53 degrees 39 minutes 19 seconds East and a Chord Distance of 119.27 feet to a point; thence North 89 degrees 45 minutes 27 seconds East a distance of 46.49 feet to a point; thence leave said right-of-way and run South 00 degrees 14 minutes 48 seconds East a distance of 194.75 feet to a point; thence run South 89 degrees 45 minutes 12 seconds West a distance of 480.25 feet back to the Point of Beginning, and containing 3.86 acres, more or less.

President's Initials: _____

That the Madison County Zoning Ordinance and Land Use Plan be and the Zoning District Map be and the same are hereby amended so as to reflect the foregoing change in the zoning of the above described real property.

ORDAINED, ADOPTED AND APPROVED by the Board of Supervisors of Madison County, Mississippi, at a meeting thereof held on the 8th day of August, 2003.

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: 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 8th day of August, 2003.

President's Initials:_____

**In the Matter of the Receipt of Bids on Project Numbers
BR-0045(22)BO and BR-0045(21)B**

WHEREAS, Mr. Murry Stewart, State Aid Engineer, and Mr. Joe Johnson, County State Aid Engineer, appeared before the Board of Supervisors and presented bids received in response to the Boards advertisement for construction projects on Society Ridge and Stout Roads as well as Old Yazoo City Road; and

WHEREAS, the Board of Supervisors determined that the date and hour as advertised for receipt of said bids did arrive and directed the engineers to open and read said bids aloud and the following bids were received:

PROJECT: BR-0045(22)BO (Society Ridge Road and Stout Road)

<u>Bidder</u>	<u>COR#</u>	<u>Total Bid Amount</u>
Key, LLC.	13546 (1/14/04)	\$359,473.25
Pace Brothers Enterprise	09099 (4/14/04)	\$383,407.10
J. Bearden Const. Co.	09155 (4/14/04)	\$373,964.45

PROJECT: BR-0045(21)B (Old Yazoo City Road)

<u>Bidder</u>	<u>COR#</u>	<u>Total Bid Amount</u>
Pace Brothers Enterprise	09099 (4/14/04)	\$1,693,213.79
N.L. Carson Construction	03462 (4/14/04)	\$1,958,060.38
Jordan Crane Service, Inc.	04365 (7/14/04)	\$1,550,166.47
Key, LLC.	13546 (1/14/04)	\$1,534,006.65

Following additional discussion of this matter, Supervisor Paul Griffin moved and Supervisor W.T. "Bill" Banks seconded a motion to take said bids under advisement and requested the engineers to review same to determine the lowest and best bid received for these projects. 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: 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 8th day of August, 2003.

President's Initials: _____

In the Matter of the Approval of the Compensatory Time Report and Personnel Changes at the Road Department

WHEREAS, the Road Department did further present to the Board of Supervisors the Compensatory Time Report (Copies of said reports are found in the miscellaneous file to these minutes.); and

WHEREAS, the Road Department also presented a memorandum regarding the resignation of Erick Edwards effective immediately and further presented a second memorandum regarding the hire of Patrick Coleman as a Garbage Hopper at Step 200 at a rate of \$1,560.00/monthly, and that a copy of said memorandums are found in the miscellaneous file to these minutes.

Following review and discussion, Supervisor W.T. "Bill" Banks moved and Supervisor Paul Griffin seconded a motion to approve the foregoing Compensatory Time Report presented by the Road Department and Personnel Changes as set forth above as submitted by the Road Manager and acknowledge the copies of same are on file in the miscellaneous file to these minutes. The vote on said matter was as follows, to-wit:

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

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 8th day of August, 2003.

In the Matter of Approval of the Board President to Execute a Subgrantee Reporting Worksheet for the Adolescent Offender Program

WHEREAS, the Board of Supervisors received a Subgrantee Reporting Worksheet for the Adolescent Offenders Program from the Madison County Department of Human Services, and a copy of said Subgrantee Reporting Worksheet is found in the miscellaneous file to these minutes.

Following additional discussion of this matter, Supervisor W.T. "Bill" Banks moved and Supervisor Paul Griffin seconded a motion to authorize the Board President to execute said Subgrantee Reporting Worksheet for the Adolescent Offender Program, and that a copy of said worksheet 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: 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 8th day of August, 2003.

President's Initials:_____

**In the Matter of Acknowledging the Members of the
Mannsdale Livingston Preservation District Commission**

WHEREAS, the Board of Supervisors has previously created the Mannsdale Livingston Preservation District and desires to acknowledge the appointment of the following members to serve as commissioners for this body, to-wit:

Robert Barker
Tom Dewees
Clint Doby
Barbara Koeze
Rita McGuffie
Carlton O'Keefe
Ken PRIMOS
Will Randle
Hermine Welch

Following additional discussion of this matter, Supervisor Marc Sharp moved and Supervisor W.T. "Bill" Banks seconded a motion to acknowledge the appointment of the members of the Mannsdale Livingston Preservation District as set forth above. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: 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 8th day of August, 2003.

**In the Matter of Authorizing the Re-advertising for
Bids for Mud-jacking Services**

WHEREAS, the Board of Supervisors desires to advertise for a term contract for mud-jacking services for the Madison County Road Department and to advertise for receipt of bids by said Board at a public meeting to be conducted on September 19, 2003 at 10:00 a.m. and does hereby to authorize the Board secretary to publish a public notice in the *Madison County Herald* advertising said Board's intent to receive bids as set forth herein.

Following additional discussion of this matter, Supervisor W.T. "Bill" Banks moved and Supervisor Marc Sharpe seconded a motion to authorize the advertisement for bids for mud-jacking services on a term contract basis as provided for by law for receipt of bids on September 19, 2003 at 10:00 a.m. 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: 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 8th day of August, 2003.

President's Initials:_____

In the Matter of Receipt of the Final Plats in Conjunction with the Reunion Development

WHEREAS, Mr. Brad Sellers, Zoning Administrator, appeared before the Board of Supervisors and presented final plats in conjunction with the Reunion Development and requested the approval of said final plats and to further approve the filing of the Declaration of Covenants and Restriction, the Letter of Credit and to further accept all streets and easements amending county-wide road map and registry regarding said development including the following final plats, to-wit:

Waverly Block J of Reunion Development
Lakepoint Block H of Reunion Development
Thornberry Block N of Reunion Development
Greenview Block O of Reunion Development
Vinings Block D of Reunion Development
Lake Village Drive of Reunion Development

Following additional discussion of this matter, Supervisor W.T. "Bill" Banks moved and Supervisor Paul Griffin seconded a motion to approve the final plats in conjunction with Reunion Development as being recorded for the following subdivisions, to-wit:

Waverly Block J of Reunion Development
Lakepoint Block H of Reunion Development
Thornberry Block N of Reunion Development
Greenview Block O of Reunion Development
Vinings Block D of Reunion Development
Lake Village Drive of Reunion Development

As recommended by the Zoning Administrator, and to further approve the filing of the Declaration of Covenant and Restriction, the Letter of Credit and to further accept all streets and easements amending county-wide road map and registry on the above referenced subdivisions. 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: 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 8th day of August, 2003.

President's Initials:_____

**In the Matter of Approving Lease
Contracts for 16th Section Property**

WHEREAS, the Madison County School Board has approved the following 16th Section Leases and forwarded them to the Board for review and approval (copy of said Leases can be found in the Miscellaneous File to these Minutes):

Lessee – Mike A. Jarvis and wife, Janie W. Jarvis
located as Lot 18 of Calumet Subdivision, Part Two
Madison County, Mississippi
Term of Lease - 40 years
Amending Lease Contract due to re-subdividing of lots 15, 16, 17 & 19

<u>Year</u>	<u>Annual Rent</u>
6-10	\$1,8333.33 (Beginning with September 24, 2003 payment)
11-15	\$2,000.00
16-20	\$2,166.67
21-25	\$2,333.33
26-30	\$2,500.00
31-35	\$2,666.67
36-40	\$2,833.33

Lessee – Hoang Vi Tran and wife, Juan X. Tran
located as Lot 16 of Calumet Subdivision, Part Two
Madison County, Mississippi
Term of Lease - 40 years
Amending Lease Contract due to re-subdividing of lots 15, 16, 17 & 19

<u>Year</u>	<u>Annual Rent</u>
6-10	\$1,567.87 (Beginning with September 24, 2003 payment)
11-15	\$1,710.40
16-20	\$2,852.93
21-25	\$1,995.47
26-30	\$2,138.00
31-35	\$2,280.53
36-40	\$2,423.07

Following discussion of this matter, Supervisor Marc Sharpe moved and Supervisor W.T. “Bill” Banks seconded a motion to approve the 16th Section Leases, as set forth above, as submitted by the Madison County School Board. 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: 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 8th day of August, 2003.

President’s Initials:_____

In the Matter of Authorizing the Board Attorney to Respond to an Inquiry by Schwartz & Associates, P.A.

WHEREAS, the Board of Supervisors has received an inquiry from Schwartz & Associates, P.A., concerning insurance coverage provided to the Madison County Department of Road Management; and

WHEREAS, the Board of Supervisors desires for the Board Attorney, Dewey Hembree, to investigate and provide the appropriate information as requested in this matter the Board having first determined that his professional services were necessary and in the best interest of the citizens of Madison County.

Following additional discussion of this matter, Supervisor W.T. "Bill" Banks moved and Supervisor Paul Griffin seconded a motion to authorize the Board Attorney to respond to the request of Schwartz & Associates, P.A. concerning insurance coverage at the Madison County Road Department and to investigate the circumstances arising out of a possible claim being pursued against the County by Schwartz & Associates, P.A. 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: 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 8th day of August, 2003.

In the Matter of Acknowledging Receipt of Checks from BFI

WHEREAS, the Board of Supervisors received two checks from BFI Industries in the amounts of \$47,168.39 and \$37,190.09 representing tipping fees due Madison County under that contract between Madison County and BFI.

Following additional discussion of this matter, Supervisor W.T. "Bill" Banks moved and Supervisor Marc Sharpe seconded a motion to acknowledge receipt of two checks from BFI Industries in the amounts of \$47,168.39 and \$37,190.09 for tipping fees due Madison County as a result of the contract between BFI and 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: 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 8th day of August, 2003.

President's Initials: _____

In the Matter of Acknowledging the Receipt of a Fire Protection Services Agreement from the Canton Fire Department

WHEREAS, the Board of Supervisors received a copy of the Fire Protection Agreement from the Canton Fire Protection District agreeing to provide fire protection services in the incorporated area of the City of Canton, Mississippi, and that a copy of said Fire Protection Agreement is found in the miscellaneous file to three minutes.

Following additional discussion of this matter, Supervisor Paul Griffin moved and Supervisor W.T. "Bill" Banks seconded a motion to authorize the Board President to execute the Fire Protection Service Agreement with the Canton Fire Department and to appropriate the sums due said fire protection district according to the terms of said agreement. 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: 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 8th day of August, 2003.

In the Matter of the Consideration of a Petition for Reduction in Assessment of Taxes

WHEREAS, Mr. Todd Cameron presented a petition for reduction in assessment in the amount of \$2,693.00 which was as follows, to-wit:

<u>Name</u>	<u>Parcel No.</u>	<u>Amount</u>	<u>Reason</u>
George & Sara Sims	102F-24-039/01.03	\$2,693.00	MS Code §27-35-143(11)

Following discussion of this matter, Supervisor W.T. "Bill" Banks moved and Supervisor Paul Griffin seconded a motion to approve the reduction in tax assessments as requested by the taxpayer in the amount and for the reason as set forth above and that a copy of said petition 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: 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 8th day of August, 2003.

President's Initials:_____

In the Matter of Acknowledging Receipt of Funds from a Grant for the Camden Public Library

WHEREAS, the Board of Supervisors has previously applied for and received a grant for construction of the Camden Public Library and has received the sum of \$20,856.87 in grant funds for said project.

Following additional discussion of this matter, Supervisor W.T. "Bill" Banks moved and Supervisor Paul Griffin seconded a motion to acknowledge receipt of the sum of \$20,856.87 in grant funds in the connection with the Camden Public Library. 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: 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 8th day of August, 2003.

In the Matter of Acknowledging Receipt of the Request of the Madison County School District for Budget for the 2003-2004 Fiscal Year

WHEREAS, the Board of Supervisors received a copy of the budget request from the Madison County School District for the upcoming 2003-2004 fiscal year and that copies of said budget are on file in the miscellaneous file to these minutes.

Following additional discussion of this matter, Supervisor Paul Griffin moved and Supervisor W.T. "Bill" Banks seconded a motion to acknowledge receipt of the budget for the Madison County School District for the upcoming 2003-2004 fiscal year and that copies of said budget may be 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: 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 8th day of August, 2003.

President's Initials: _____

**In the Matter of the Adoption of an Ordinance Re-zoning
Property for and on Behalf of Reginald Robinson**

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

WHEREAS, Reginald Robinson did file an Application to rezone certain property from its present R-2 Residential Use District Classification to C-2 Highway Commercial District Classification; and

WHEREAS, by Resolution properly adopted by the Board of Supervisors on the 16th day of May, 2003, a hearing was set for the 27th day of June, 2003, 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 27th day of June, 2003, did arrive; and

WHEREAS, there were no objections; and

WHEREAS, the Board of Supervisors closed said public hearing and tabled said matter; and

WHEREAS, the matter was presented to the Board of Supervisors and after discussion thereof Supervisor Paul Griffin 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:

1. That there has been a material change in the circumstances of the surrounding neighborhood and that there is a public need that the following described tract of real property be, and the same is hereby, rezoned from its present R-2 Residential Use District Classification to C-2 Highway Commercial District Classification, to wit:

Commencing at a concrete monument at the SE corner of the NE ¼ of the SW ¼ of Section 7, Township 9 North, Range 3 East, Madison County, Mississippi; thence West 180.50 feet to appoint in the center of a small ditch and the Point of Beginning; thence West 930.48 feet; partly along a fence line, to an iron pin on the Northeastern Right-of-Way of Highway 16; thence North 11 degrees 10 minutes 20 seconds West 230.00 feet, along said line, to an iron pin; thence East 1137.96 feet to a point in the center of a small drainage ditch; thence South 35 degrees 49 minutes 46 seconds West 278.31 feet to appoint and the point of Beginning, containing 5.36 acres, more or less.

That the Madison County Zoning Ordinance and Land Use Plan be and the Zoning District Map be and the same are hereby amended so as to reflect the foregoing change in the zoning of the above described real property and that the Petitioner submit covenants in a form acceptable to the Zoning Administrator.

ORDAINED, ADOPTED AND APPROVED by the Board of Supervisors of Madison County, Mississippi, at a meeting thereof held on the 8th day of August, 2003.

That motion for adoption was seconded by Supervisor W.T. "Bill" 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

President's Initials: _____

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: 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 8th day of August, 2003.

President's Initials:_____

In the Matter of Authorizing the Permission of the Relocation of a House into Residential District

WHEREAS, the Board President, David H. Richardson and Vice-President Karl M. Banks were absent and the remaining three Board members selected W.T. "Bill" Banks to preside for the remainder of said meeting; and

WHEREAS, Mr. Brad Sellers submitted a request for an emergency permit to allow the relocation of a house into a residential district pending the processing of a petition for a special exception to relocate said structure within the R-2 Residential zoning District; and

WHEREAS, Mr. Sellers further informed the Board of Supervisors that said matter should have been set for a public hearing on this date but due to an error in the legal notice has been postponed pending the re-publication of said matter.

Following additional discussion of this matter, Supervisor Marc Sharpe moved and Supervisor Paul Griffin seconded a motion to authorize the emergency relocation of said house pending and subject to further action of the Board of Supervisors regarding the petition for a special exception on file and pending before the Board of Supervisors. 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: Absent
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. W.T. "Bill" Banks, Presiding Member of said Board, as being duly carried on this the 8th day of August, 2003.

In the Matter of the Continuation of the Objections to the Property Tax Rolls

WHEREAS, the Board of Supervisors has received objections to the property tax rolls as submitted and equalized by the Board of Supervisors and desires to continue its review of said objections on a day-to-day basis and desires that said protest be considered at the next regularly scheduled meeting of the Board of Supervisors on August 15, 2003.

Following additional discussion of this matter, Supervisor Marc Sharpe moved and Supervisor Paul Griffin seconded a motion to continue its review of the objections to the property tax rolls for further consideration on August 15, 2003 at 10:00 a.m.. 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: Absent
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. W.T. "Bill" Banks, President Member of said Board as being duly carried on this the 8th day of August, 2003.

President's Initials:_____

**In the Matter of Extending a Resolution Proclaiming
a State of Emergency**

**RESOLUTION REQUESTING GOVERNOR TO PROCLAIM
A STATE OF EMERGENCY**

WHEREAS, on April 7, 2003, the Board of Supervisors of the County of Madison found that due to the impact of flood and severe storm, a condition of extreme peril to life and property did exist in Madison County; and

WHEREAS, on April 11, 2003, April 18, 2003, April 25, 2003, May 2, 2003, May 5, 2003, May 9, 2003, May 16, 2003, May 23, 2003, May 30, 2003 June 2, 2003, June 6, 2003, June 13, 2003, June 27, 2003, July 3, 2003, July 7, 2003, July 11, 2003, July 18, 2003, July 25, 2003, August 1, 2003 and August 4, 2003 in accordance with State Law 33-15-17(d) the Board of Supervisors declared that an emergency continued to exist throughout said county; and

WHEREAS, the Board determines that said State of Emergency still exist and should be extended an additional seven (7) days;

NOW THEREFORE, IT IS HEREBY DECLARED AND ORDERED that a State of Emergency in Madison County be extended an additional seven (7) days; and

Following additional discussion, Supervisor Karl M. Banks moved and Supervisor Paul Griffin seconded a motion to extend the Proclamation of a State of Emergency. 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: 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 8th day of August, 2003.

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, August 15, 2003 at 9:30 a.m.

David H. Richardson, President
Madison County Board of Supervisors

President's Initials:_____