

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

REGULAR MEETING OF NOVEMBER 21, 2003
Recessed from regular meeting conducted on November 14, 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 21st day of November, 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 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

Absent:

NONE

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.

President's Initials:_____

In the Matter of Conducting a Public Hearing on Two Petitions of Ashton Park, LLC Seeking to Rezone Certain Property in Madison County

WHEREAS, the Board of Supervisors previously authorized the advertisement for a public hearing for two petitions filed by Ashton Park, LLC seeking to rezone certain property in Madison County, Mississippi from R-1 Residential District to R-2 Residential District Classification covering certain property located in Section 2, Township 7 North, Range 2 East and located along North Old Canton Road in Madison County, Mississippi; and

WHEREAS, the Board of Supervisors heard evidence and testimony from the petitioner through his attorney, Cassandra Walters, and from Tim Weaver, who both presented documentation and other evidence as exhibits for the Board's review concerning said petition and said exhibits were accepted into the minutes and are found in the miscellaneous file to these minutes; and

WHEREAS, the Board of Supervisors also heard evidence and testimony from Mr. Crane Kipp, Attorney-at-Law, representing Mary Grantham and numerous other objectors to the petition to rezone who presented certain arguments concerning the validity of the proposed rezoning along with copies of documentation and other evidence supporting their objections to the petition to rezone; and

WHEREAS, the following persons also appeared and offered testimony in support of objections to the rezoning being Jimmy Ware, expert witness; Joe Brister, 869 N. Old Canton Road; Debbie Westerfield, 830 Old Canton Road; and Cynthia Winkleman, 982 North Old Canton Road and the Board did accept the exhibits and testimony as presented by the objectors and said exhibits are on file in the miscellaneous file to these minutes.

Following additional discussion and testimony received in this matter by the various parties, the Board of Supervisors upon motion of Supervisor W.T. "Bill" Banks and second of Supervisor Paul Griffin voted to close the public hearing in this matter and to take said petitions under advisement and to further determine the status of the adequacy of notice provided for the public hearing and to further consider whether or not a super-majority was required for any vote to rezone said property. 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 21st day of November, 2003.

President's Initials: _____

**In the Matter of Conducting a Public Hearing on the
Petition of Community First Development, Inc. Seeking to
Rezone Certain Property in Madison County**

WHEREAS, the Board of Supervisors previously authorized the advertisement for a public hearing for a petition filed by Community First Development, Inc. seeking to rezone certain property in Madison County, Mississippi from R-1 Residential Use District to R-2 Residential Use District Classification covering certain property located in Section 27, Township 8 North, Range 2 East, Madison County, Mississippi and being located along Clarkdell Road in Madison County, Mississippi; and

WHEREAS, the Board of Supervisors heard evidence from the petitioner who presented testimony and other evidence for the Board's review concerning said matter and evidence to the effect that a material change in circumstances had been presented and that there was a public need for said rezoning; and

WHEREAS, the Board of Supervisors also heard testimony from Ms. Suzanne Renfroe objecting to said petition; and

WHEREAS, Supervisor W.T. "Bill" Banks offered a motion to approve the rezoning of said property subject to the inclusion of covenants by the petitioner specifying a minimum square footage of 1800 square feet per house within said development, however, said motion died for a lack of a second.

Following additional discussion and testimony in this matter, Supervisor W.T. "Bill" Banks moved and Supervisor Karl M. Banks seconded a motion to close the public hearing in this matter and to table said matter for further consideration by said Board. The vote on said matter being as follows:

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

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 21st day of November, 2003.

President's Initials:_____

**In the Matter of Conducting a Public Hearing on the
Petition of Walter L. Harber Seeking to Rezone Certain
Property in Madison County, Mississippi**

WHEREAS, the Board of Supervisors previously authorized the advertisement for a public hearing for a petition filed by Walter L. Harber seeking to rezone certain property in Madison County, Mississippi from R-1 Residential Use District to R-2 Residential Use District Classification with a Planned Unit Development Overlay and covering certain property located in Section 12, Township 8 North, Range 2 East, Madison County, Mississippi and located in Section 2, Township 8 North, Range 2 East, Madison County, Mississippi and in Section 1, Township 8 North, Range 2 East, Madison County, Mississippi and being located along Highway 51 in Madison County; and

WHEREAS, the Board of Supervisors received evidence and heard testimony from the petitioner through his representative who presented a proposed plan and other evidence for the Board's review concerning said matter and offered exhibits in support of the petition, which exhibits were accepted; and

WHEREAS, the Board of Supervisors also heard objections from Randy Watkins, the owner of another golf course in Madison County, Mississippi, as to the viability of any new golf course operation; and

WHEREAS, the Board of Supervisors determined that it would be in the best interest of the citizens of Madison County to close the public hearing and take said matter under advisement.

Following additional discussion of this matter, Supervisor Karl M. Banks moved and Supervisor Paul Griffin seconded a motion to close the public hearing and to take said matter under advisement and to continue the matter until December 1, 2003 at 10:00 a.m. for further consideration by this 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: 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 21st day of November, 2003.

President's Initials:_____

**In the Matter of Conducting a Public Hearing on the
Petition of C.L. Rai and Vilma Rai Seeking to Rezone Certain
Property in Madison County, Mississippi**

WHEREAS, the Board of Supervisors previously authorized the advertisement for a public hearing for a petition filed by C.L. Rai and Vimla Rai seeking to rezone certain property in Madison County, Mississippi from R-1 Residential Use District to C-2 Highway Commercial Use District classification covering certain property located in Section 21, Township 8 North, Range 2 East, Madison County, Mississippi and being located along Gluckstadt Road and Church Road; and

WHEREAS, the Board of Supervisors received evidence and heard testimony from the petitioner through his attorney, James Peden, who presented a proposed plan and other evidence for the Board's review concerning said matter and the exhibits were accepted and are found in the miscellaneous file to these minutes; and

WHEREAS, the Board of Supervisors also heard testimony and support of the petition from Wes Kingston, Jim Piggot and Dr. Nancy Doran; and

WHEREAS, the Board of Supervisors also heard objections from Bill Weisenberger, Pete Weisenberger and Jennifer Minninger stating that they needed more details on the plans; and

WHEREAS, the Board of Supervisors determined that it would be in the best interest of the citizens of Madison County to close the public hearing and take said matter under advisement.

Following additional discussion of this matter, Supervisor Karl M. Banks moved and Supervisor Marc Sharpe seconded a motion to close the public hearing and to take said matter under advisement and to continue the matter until December 1, 2003 at 10:00 a.m. for further consideration by this Board. 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 21st day of November, 2003.

President's Initials:_____

**In the Matter of the Adoption of an Ordinance Re-zoning
Property for and on Behalf of 184 Limited Partnership**

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

WHEREAS, 184 Limited Partnership, did file an Application to rezone certain property from its present R-1 Residential Use District Classification to a R-2 Residential Use District Classification; and

WHEREAS, by Resolution properly adopted by the Board of Supervisors on the 10th day of October, 2003, a hearing was set for the 14th day of November, 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 14th day of November, 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 Karl M. 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 R-2 Residential Use District Classification, to wit:

A certain parcel of land being described as the Southwest ¼ of the Northeast ¼ and the Northwest ¼ of the Southeast ¼ of Section 22, Township 7 North, Range 1 East, Madison County, Mississippi

That the Madison County Zoning Ordinance be and the Zoning District Map and Land Use Plan 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 14th day of November, 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: 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 21st day of November, 2003.

President's Initials: _____

**In the Matter of Conducting a Public Hearing on a
Petition for a Variance Filed by Lee McKee and
Ashley Taylor**

WHEREAS, the Board of Supervisors did previously advertise a notice of public hearing on petition for variance filed by Lee McKee and Ashley Taylor seeking a variance pursuant to Article 5, Section 504 of the Zoning Ordinance of Madison County, Mississippi and of the Zoning Map adopted pursuant thereto seeking a variance to the required side setback in a Planned Unit Development District on property lying and being situated in Madison County, Mississippi described as follows, to-wit:

120 Camden Court being a parcel situated in Section 12, Township 8 North, Range 1 East, Madison County, Mississippi and further identified by Tax Parcel No. 81A-12-003/00, according to the latest records of the Madison County Tax Assessor's Office

WHEREAS, the date and hour as advertised did arrive and the Board of Supervisors conducted a public hearing on said petition and received testimony from the petitioner and determined that there were no objections to the petition as filed; and

WHEREAS, the matter was presented to the Board of Supervisors and after discussion thereof, Supervisor Karl M. 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 the following described tract of real property be, and the same is hereby granted a variance to the side setback requirements in the Planned Unit Development District allowing the existing structure to remain in place within said setback area on property described as follows, to-wit:

120 Camden Court being a parcel situated in Section 12, Township 8 North, Range 1 East, Madison County, Mississippi and further identified by Tax Parcel No. 81A-12-003/00, according to the latest records of the Madison County Tax Assessor's Office

That the Madison County Zoning District Map be and the Land Use Plan and the same are hereby amended so as to reflect the foregoing variance for the above described real property.

That the Board does hereby specifically find as follows, to-wit:

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

That the literal interpretation of the provisions of the Zoning Ordinance of Madison County would deprive the petitioner of the rights commonly enjoyed by other properties in the same district under the terms of the Madison County Zoning Ordinance; and

That special conditions and circumstances do not result from the actions of the applicant; and

That granting of the variance requested would not confer on the applicant any special privilege that is denied by the Zoning Ordinance of Madison County to other lands, structures or buildings in the same district; and

That the variance allowed by this Ordinance is the minimum variance that will make

President's Initials:_____

possible the reasonable use of the land, structure or building involved; and

That the Board of Supervisors does specifically find that the granting of said variance will be harmony with the general purpose and intent of the Madison County Zoning Ordinance and will not be injurious to the neighborhood or to the wise detrimental to the public welfare thereof.

That the 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 whole and was submitted to the Board of Supervisors for passage or rejection on a roll call vote with the vote being 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: 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 21st day of November, 2003.

President's Initials:_____

In the Matter of Conducting a Public Hearing on a Petition for Two Variances Filed by Robert Lloyd

WHEREAS, the Board of Supervisors did previously advertise its intent to conduct a public hearing on a petition for two variances filed by Robert Lloyd pursuant to Article 5, Section 504 of the Zoning Ordinance of Madison County, Mississippi requesting a variance to the required front side setback and the maximum buildable area in C-2 Highway Commercial District classification on property lying and being situated in Madison County, Mississippi and described as follows, to-wit:

Property located at Gluckstadt Road situated in Section 29, Township 8 North, Range 2 East, Madison County, Mississippi, further identified as being Tax Parcel No. 82I-29-014

WHEREAS, the date and hour as advertised did arrive and the Board of Supervisors opened a public hearing for consideration of the above described petition and received comment from the Zoning Administrator regarding this matter and determined that the petitioner was not present for said hearing and determined that it would be in the best interest of the citizens of Madison County to continue the public hearing until December 1, 2003 at 10:00 a.m. to allow time for the petitioner to be present for said public hearing.

Following additional discussion of this matter, Supervisor Karl M. Banks moved and Supervisor Marc Sharpe seconded a motion to continue the public hearing in this matter until 10:00 a.m. on Monday, December 1, 2003 at the Chancery/Administrative building located at 146 West Center Street, Canton, Madison County, Mississippi in order to allow the Board to continue to consider and act upon the petition and to give the public and interested citizens the opportunity to be heard on said matter. 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 21st day of November, 2003.

President's Initials:_____

**In the Matter of the Petition filed by John Travis
Seeking a Special Exception to Conduct a Surface Mining Operation
in a R-1 Residential District**

WHEREAS, Mr. Brad Sellers did present a Petition filed by John Travis seeking to conduct a surface mining operation in Section 28, Township 7 North, Range 1 East in Madison County, Mississippi in a R-1 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 Karl M. 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 John Travis be allowed and granted a special exception to conduct a surface mining operation located in Section 28, Township 7 North, Range 1 East in a R-1 Residential District on property owned by John Travis in Madison County, Mississippi, and being further identified as parcel number 71H-28-2/03 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, however, the petitioner should remain in close contact with the County Road Manager concerning the use of public roads by this operation.
 - 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

President's Initials:_____

district; the Board hereby finds that conditions for this property are generally compatible with adjacent properties and the conditions are acceptable, however, the Board does hereby declare that this special exception shall expire as of February 1, 2005.

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: 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 21st day of November, 2003.

President's Initials:_____

**In the Matter of the Petition filed by Greg Sahler
Seeking a Special Exception to Conduct a Surface Mining Operation
in a A-1 Agricultural District**

WHEREAS, Mr. Brad Sellers did present a Petition filed by Greg Sahler seeking to conduct a surface mining operation in Section 7, Township 8 North, Range 1 East in Madison County, Mississippi in a 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 Karl M. 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 Greg Sahler be allowed and granted a special exception to conduct a surface mining operation located in Section 7, Township 8 North, Range 1 East in a A-1 Agricultural District on property owned by Greg Sahler in Madison County, Mississippi, and being further identified as parcel number 81C-07-4/05 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 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: 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 21st day of November, 2003.

President's Initials:_____

**In the Matter of the Petition filed by Dwayne D. Ballard
Seeking a Special Exception to Operate a Rubbish Site
in a R-1 Residential District**

WHEREAS, Mr. Brad Sellers did present a Petition filed by Dwayne D. Ballard seeking to operate rubbish site in the SW¹/₄ of the SW¹/₄ of Section 19 and the W¹/₂ of the NE¹/₄ of the NE¹/₄ of the NW¹/₄ and the N¹/₂ of the NW¹/₄ of the NW¹/₄ of Section 30, T7N, R1E in Madison County, Mississippi in a R-1 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 Karl M. 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 Dwayne D. Ballard be allowed and granted a special exception to operate a rubbish site located in the SW¹/₄ of the SW¹/₄ of Section 19 and the W¹/₂ of the NE¹/₄ of the NE¹/₄ of the NW¹/₄ and the N¹/₂ of the NW¹/₄ of the NW¹/₄ of Section 30, T7N, R1E in Madison County, Mississippi a R-1 Residential District on property owned by Dwayne D. Ballard in Madison County, Mississippi.
2. The Board of Supervisors does hereby make the following findings certifying compliance with the specific rules governing this special exception and hereby finds that satisfactory provision and arrangement have been made concerning the following, to-wit:
 - a. Ingress and Egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe, the Board hereby finds that the conditions are acceptable for these properties.
 - b. Off-street parking and loading areas where required, with particular attention to the items noted above and the economic, noise, glare or odor effects of the special exception and adjoining properties and the properties generally in the district; the Board hereby finds that conditions are acceptable for this property.
 - c. Refuse and service areas, with particular reference to items noted above; the Board hereby finds that this is not applicable to this property.
 - d. Utilities, with reference to location, availability and compatibility; the Board hereby finds that utilities are available for this property.
 - e. Screening and buffering, with reference to type, dimensions and character; the Board hereby finds that 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: 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 21st day of November, 2003.

President's Initials:_____

**In the Matter of the Petition filed by Amzie Cotton
Seeking a Special Exception to Relocate a House
in a R-1 Residential Use District**

WHEREAS, Mr. Brad Sellers did present a Petition filed by Amzie Cotton seeking to relocate a house in Section 29, Township 10 North, Range 3 East in Madison County, Mississippi in a R-1 Residential Use 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 Amzie Cotton be allowed and granted a special exception to relocate a house located in Section 29, Township 10 North, Range 3 East in a R-1 Residential District on property owned by Amzie Cotton in Madison County, Mississippi, and being further identified as parcel number 103I-29-04/24 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, however the Board does require that said home be reassembled and skirted with a septic tank in place within 8 months from and after date of this order.

The motion for adoption was seconded by Supervisor Karl M. 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: 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 21st day of November, 2003.

President's Initials:_____

In the Matter of Acknowledging the Receipt of Two Grant Checks from the Mississippi Emergency Management Agency

WHEREAS, Bill Weisenberger, Director of E-911, appeared before the Board of Supervisors and presented two checks from the Mississippi Emergency Management Agency, one in the amount of \$19,478.00, representing grant proceeds for the purchase of a truck for E-911 and the other check being in the amount of \$14,828.30, representing proceeds of a grant for the purchase of computers for E-911.

Following additional discussion of this matter, Supervisor Paul Griffin moved and Supervisor Karl M. Banks seconded a motion to acknowledge receipt of the two checks as set forth above as reimbursement grants awarded by the Mississippi Emergency Management Agency. The vote on said matter being 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 21st day of November, 2003.

In the Matter of Authorization to Apply for a CDBG Grant and a CAP Loan for a Possible Expansion by Oxford Automotive

WHEREAS, Mr. Jerry Acy with the Madison County Economic Development Authority appeared before the Board of Supervisors and requested authorization for the Board President to execute applications for both a CDBG grant and a CAP Loan for a possible expansion by Oxford Automotive Industries, which is located in Madison County, Mississippi.

Following additional discussion of this matter, Supervisor Karl M. Banks moved and Supervisor Marc Sharpe seconded a motion to authorize the Board President to execute applications and resolutions stating the Board's intent to apply for a CDBG grant and a CAP Loan with the principal amount not-to-exceed \$500,000, both to provide for a possible expansion for Oxford Automotive Industries located in Madison County, Mississippi, and that copies of two resolutions setting forth this intent 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: 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 21st day of November, 2003.

President's Initials:_____

In the Matter of Amending the Budget for the Adolescent Offender Program

WHEREAS, Dr. Sarah Beard appeared before the Board of Supervisors and presented a proposed budget amendment to the Adolescent Offender Program amending said budget to allow for fringe benefits for employees and as set forth as follows:

	FROM:	TO:	Difference
Administration: Item			
Salaries	\$(0)	\$(0)	\$(0)
Travel	\$(0)	\$(0)	\$(0)
Commodities	\$325	\$325	\$(0)
Contractual	\$2,335	\$2,335	\$(0)
	<hr/>	<hr/>	<hr/>
	\$2,660	\$2,660	\$(0)
Counseling Services:			
Salaries	\$96,003	\$83,319	(\$12,684.00)
Fringes	\$19,739	\$21,977.71	\$2,238.71
Travel	\$1,472	\$1,472	\$(0)
Commodities	\$916	\$2,916	\$2,000
Contractual	\$18,300	\$26,745	\$8,445.29
	<hr/>	<hr/>	<hr/>
	\$136,430.00	\$136,429.71	(\$12,684.00)

WHEREAS, Dr. Beard informed the Board that said budget amendment would result in a shifting of funds within categories thereby creating no total increase in the overall budget for said program.

Following additional discussion of this matter, Supervisor Karl M. Banks moved and Supervisor Paul Griffin seconded a motion to approve the budget amendment to the Adolescent Offender Program as presented by Dr. Beard, and that copies of said documentation are 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: 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 21st day of November, 2003.

President's Initials: _____

In the Matter of Accepting Warranty Deeds on the McClellan/Ridgecrest Drive Bridge Project

WHEREAS, the Board of Supervisors received Warranty Deeds executed by Gary J. Harkins (2 deeds), Ridgecrest Baptist Church and Barbara H. Dorr, Lee Ross Dorr, Sr. & Lee Ross Dorr, Jr. conveying property to Madison County on the McClellan Street/Ridgecrest Drive Bridge Project in Madison County.

Following additional discussion of this matter, Supervisor Marc Sharpe moved and Supervisor Karl M. Banks seconded a motion to accept the Warranty Deeds as submitted by the property owners to Madison County as set forth above and that a copy of said deeds are found in the miscellaneous file to these minutes and that the County-wide Road Map and the County-wide Road Registry should be amended to reflect this change. 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 21st day of November, 2003.

In the Matter of the Acknowledgment of the Report on the Feeding of the Prisoners Housed at the Madison County Jail

WHEREAS, Sheriff Toby Trowbridge did appear before the Board of Supervisors and did present a report on the feeding of the prisoners at the Madison County Jail to the Chancery Clerk, and that a copy of said report is found in the miscellaneous file to these minutes.

Following a discussion of said matter, Supervisor Marc Sharpe moved and Supervisor Karl M. Banks seconded a motion to authorize the President to sign the report on the feeding of prisoners at the Madison County Jail and forward said report to the Chancery Clerk as required by law, and that a copy of said report is 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: 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 21st day of November, 2003.

President's Initials:_____

In the Matter of the Acknowledgment of Reimbursement from the Department of Corrections to Madison County for State Inmates Housed at the Madison County Jail

WHEREAS, Sheriff Toby Trowbridge did appear before the Board of Supervisors and request acknowledgment of the billing report to the Mississippi Department of Corrections regarding active inmates housed in Madison County Jail (copies of which are found in the Miscellaneous File to these Minutes).

Following a discussion of said matter, Supervisor Paul Griffin moved and Supervisor Karl M. Banks seconded a motion to authorize the President to execute the form requesting the reimbursement amount at \$20.00 per day plus all medical expenses from the State of Mississippi for said inmates as referenced above. 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: 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 21st day of November, 2003.

In the Matter of Accepting a Final Plat on the Woodlands of Flora

WHEREAS, Mr. Brad Sellers, Zoning Administrator, presented a final plat for the Woodlands of Flora subdivision located in Madison County, Mississippi and requested the Board to approve the filing of said plat.

Following discussion of this matter, Supervisor Karl M. Banks moved and Supervisor Paul Griffin seconded a motion to authorize the Board President to execute the plat for and on behalf of the Board of Supervisors and allow said plat to be filed in the land records 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: 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 21st day of November, 2003.

President's Initials:_____

In the Matter of Hiring Sample & Associates to Acquire Right-of-Way on King Ranch Road

WHEREAS, the Board of Supervisors is in the process of beginning the acquisition process for right-of-way on King Ranch Road in Madison County; and

WHEREAS, the Board of Supervisors desires to obtain the professional services of Sample & Associates, Inc. and that a letter of engagement was presented by said company whereby the County would engage the services of Sample & Associates, Inc. as follows, to-wit:

\$750.00/parcel for up to three signatures
additional signatures per ROW is \$100.00
additional parcel from same property owner is \$350.00

\$100.00/each parcel release

\$100.00/each affidavit of heirship

\$187.50 is due when the letter of interest are mailed with remaining fees to be paid when the ROW or easement is signed or County filed eminent domain. Partial Releases and Affidavit of Heirship fees to be paid when signed

Following additional discussion of this matter, Supervisor Karl M. Banks moved and Supervisor Paul Griffin seconded a motion to retain the professional services of Sample & Associates, Inc. at the rates as set forth above to acquire right-of-way on King Ranch Road in Madison County, the Board having determined that said professional services were necessary and in the best interest of the citizens of Madison County, and that a copy of the agreement 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: 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 21st day of November, 2003.

President's Initials:_____

In the Matter of Authorizing the Re-Advertisement for Bids for the Parkway East Project

WHEREAS, Mr. Rudy Warnock, County Engineer, appeared before the Board of Supervisors and requested authority to re-advertise for bids for construction of the Parkway East project in Madison County, Mississippi.

Following additional discussion of this matter, Supervisor Karl M. Banks moved and Supervisor Marc Sharpe seconded a motion to authorize the re-advertisement for bids for the Parkway East road project in Madison County, Mississippi and to receive said bids on or before December 29, 2003 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: 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 21st day of November, 2003.

In the Matter of Authorizing the Engineer to Perform Professional Services on King Ranch Road

WHEREAS, Mr. Rudy Warnock, County Engineer, appeared before the Board of Supervisors and reviewed a proposed project on King Ranch Road for a drainage project along a structure known as Hot Water Ditch.

Following additional discussion of this matter, Supervisor Karl M. Banks moved and Supervisor Paul Griffin seconded a motion to employ the engineer and the board attorney to determine title and to prepare the appropriate easements and descriptions for the acquisition of right-of-way along King Ranch Road for the above described drainage project, the Board having determined that the professional services of the engineer and the attorney were necessary and in the best interest of the citizens 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: 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 21st day of November, 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, August 4, 2003, August 8, 2003, August 15, 2003, August 22, 2003, August 28, 2003, September 2, 2003, September 5, 2003, September 12, 2003, September 19, 2003, September 26, 2003, September 30, 2003, October 6, 2003, October 10, 2003, October 17, 2003, October 24, 2003, October 31, 2003, November 3, 2003, November 7, 2003 and November 14, 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 21st day of November, 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 Monday, November 24, 2003 at 10:00 a.m.

David H. Richardson, President
Madison County Board of Supervisors

President's Initials:_____