

**MINUTES OF THE MADISON COUNTY PLANNING AND ZONING
COMMISSION HELD AND CONDUCTED ON THURSDAY, THE 10TH DAY OF
DECEMBER, 2009 AT 9:00 A.M. AT THE MADISON COUNTY
COMPLEX BUILDING.**

BE IT REMEMBERED that a meeting of the Madison County Planning and Zoning Commission was duly called, held and conducted on Thursday, the 10th day of December, 2009 at 9:00 a.m. in the Madison County Complex Building.

Present: Chairman, Bennie Lockett
 Brad Sellers, Zoning Administrator
 Ken Steere
 William Amadio
 Henry Brown
Absent: Noone

There first came on for consideration the minutes of the November 12, 2009 meeting. Upon motion by Commissioner Amadio, seconded by Commissioner Steere, with all voting "aye", the motion to approve the minutes passed.

There next came on for consideration the Petition for a variance to a side setback in a PUD District. Zoning Administrator Sellers introduced the Petition. The property is located at 111 Links Cove, Lake Caroline, Madison County, Mississippi. The Petitioner, Arthur Johnston, who is the conservator for E. E. Laird III and Kathy D. Laird, informed the Commission that the property was recently sold and that the residence encroaches 3/10 of a foot into the side setback. This was discovered through a survey done through proceedings of a court-ordered sale. Commissioner Amadio inquired as to whether there was any opposition from Lake Caroline or others, to which Zoning Administrator Sellers informed him that was not. Commissioner Steere inquired as to when the house was constructed, to which the Petitioner informed the Commission that it was constructed in 2003. Upon motion by Commissioner Steere, seconded by Commissioner Brown, with all voting "aye", the motion to recommend approval to the Board of Supervisors passed. Zoning Administrator Sellers next informed the Petitioner that the Petition would go before the Board for final action after the 15 day appeal time has expired.

There next came on for consideration a Petition of American Tower for a special exception to extend the height of an existing communication tower. Zoning Administrator Sellers introduced the Petition. The site is west of the Town of Flora. Bonnie Belair appeared on behalf of the petitioner and stated that the extension was to accommodate a Family Worship Center Church for radio transmission to broadcast. The petitioner informed the Commission that FCC and FAA approval has been obtained. Chairman Lockett inquired as to the height of the existing tower and the proposed increase, to which the petitioner stated that the tower is currently

existing tower and the proposed increase, to which the petitioner stated that the tower is currently 330 feet and the extension will increase this by 40 feet. Commissioner Steere inquired as to which broadcast band would be utilized; however, the petitioner was unsure. Commissioner Amadio inquired as to whether there was any opposition, to which Zoning Administrator Sellers informed the Commission that there were none. Upon motion by Commissioner Admadio, seconded by Commissioner Brown, with all voting "aye", the motion to recommend approval to the Board of Supervisors passed. Zoning Administrator Sellers next informed the Petitioner that the Petition would go before the Board for final action after the 15 day appeal time has expired.

There next came on for consideration the Petition for a special exception to construct and operate a municipal solid waste landfill located at 2858 North County Line Road. Zoning Administrator Sellers introduced the petition and informed the Commission that the land was rezoned in 1998 as I-2. Since that date, the zoning ordinance changed, and now a petitioner in an Industrial district has to request a special exception to operate a landfill in accordance with section 2605 of the ordinance. The petitioner is requesting the special exception in addition to a variance in the height restrictions to allow an additional 22 feet. Jim McNaulten appeared on behalf of the petitioner along with Betty Ruth Fox, Jane McNaulten, and Mike Bilberry. Bilberry has owned the property since the 1950's, and on June 1, 1998, the Madison County Board of Supervisors voted to rezone the property from R-1 to I-1. Exhibit "A" to the minutes is a Summary Sheet provided by Petitioners. The petitioner stated that four separate Boards of Supervisors have voted on issues with respect to this property, and all issues have passed favorably.

The petitioner next stated that the Land Use Plan was amended on July 25, 2005 to include amendments for this zoning to include public/quasi-public use. Exhibit "B" to the minutes contains a 1998 Resolution approving the rezoning request of Mr. Charles Bilberry to I-1 Industrial. In December of 2004, the Mississippi Department of Environmental Quality approved the amendment of the solid waste plan of Madison County, and Hinds County filed an appeal of certain issues. There have been no attempts to obtain restraining orders and all proper permits in conjunction with the proposed landfill have been filed. The petitioner stated that NCL has worked closely with the neighbors, and, although Rory Reardon, a neighboring property owner, initially filed an appeal, it has since been withdrawn and he too is in support of the project. Letters of support from the neighbors have been supplied with the documents presented by NCL.

Jeff Allen next appeared and informed the Commission that the proposed landfill is adjacent to Little Dixie Landfill and is 1.5 miles north of County Line Road. The south property line is with Little Dixie and the north border is with another landfill. He stated that the use is consistent with the characteristics of the neighborhood and that the proposed use as a landfill is the best use for the property. He stated that a 94 acre "footprint" will be utilized for waste

deposit, and he presented a graph of the final proposed development. Allen stated that the development is similar to the Little Dixie Landfill and that EPA and DEQ guidelines will be met. He stated that the development will be protective of the environment in that a bottom liner will be installed to protect ground water. The development will institute systems to address drainage, waste water and gas emissions and that the entrance will be on the north side of the development wherein no residents reside. The development will contain 3 detention ponds to treat all drainage water and will contain a perimeter access road. The landfill will be screened with existing vegetation and will institute a 250 foot setback of the waste from the property line. However, Allen also stated that NCL would adhere to any setback requirements imposed by DEQ. Zoning Administrator Sellers informed the Commission that the current proposed setback is in excess of the 100 foot setback required under the ordinance.

Commissioner Steere inquired as to the status of the permits process. McNaulten informed the Commission that obtaining the requested special exception is the last phase of the permit process. Zoning Administrator Sellers inquired as to the current use of the property, to which Allen advised it was being used as a mining operation. Allen also informed the Commission, upon inquiry by Commissioner Steere, that the daily cover to be used when in operation will come directly from soil surplus in existence on site.

Additionally, Allen addressed the request for a variance in the height requirements. He said Little Dixie is at approximately 510 feet elevation, and that a prior request for variance on their behalf had been granted. NCL is requesting a 22 foot variance, which would bring the elevation to 415 feet and that the screening in place would still block the view of the waste at that height. Commissioner Steere inquired into long-term potentials of possibly joining all three landfills. Allen stated that would be a possibility, but it would take coordination and cooperation of all land owners. The Commissioners agreed that this should be included in the minutes for discussion in the future. Allen stated that NCL is needed in Madison County and will provide 50 years of productivity. Allen advised the screening is currently in place and provided a "line of site" depiction in order to reflect the value of the current screening from the proposed waste site.

Bill Bass appeared in opposition. He is a local resident. He stated that a waste site has been in this area for over 30 years and that screening cannot cover up the smell of hot garbage. He expressed concerns with well water exposure and the health of the local children. He expressed concerns with the road and the nuisance of illegal dumping in the area. He also raised the issue of the contract between NCL and the residents (Inconvenience Fee Agreement).

Howard Friday next appeared in opposition. He has been a resident of the area since 1967. Although he previously requested rezoning of his property for a landfill, he appeared in opposition of the NCL petition. He presented pictures of the area, which are attached hereto as Exhibit "C". He expressed concerns with property values and the condition of the road.

Doug Anderson, a supervisor with Hinds County, next appeared in opposition. He stated that there is no need as 2 landfills already exist in the area. He also expressed concerns with odor, disease, and the condition of the road.

James Baker next appeared in opposition. He works with Hinds County Public Works and oversees the solid waste plan. He explained that NCL has not adequately addressed the DEQ concerns addressed in a 13 page letter to NCL. He also stated his opinion that a new operation, such as a filling station, is not necessarily warranted simply due to the fact that other filling stations are in the area.

Doug Anderson addressed the Commission again. He addressed concerns with the well water and stated that one well is already contaminated. Zoning Administrator Sellers inquired of Dr. Friday as to his previous request for rezoning to construct a landfill. Dr. Friday stated that he was approached by a group of individuals on the project several years ago and was promised a lot of money. He said that everyone appeared at the hearing in opposition and that the project did not obtain approval.

Zoning Administrator Sellers inquired as to existing landfills and recent requests for expansion of landfills with Baker in Hinds County. Baker confirmed that the Faircloth landfill was being expanded along South McRaven Road. Commissioner Steere inquired of Baker as to the percentage of Hinds County waste sent to Little Dixie, to which Baker did not know. Commissioner Steere inquired as to Hinds County's plans for future landfills, to which Baker and Anderson stated that a site was being studied in Byram. Neither knew specifics on the size of the site.

JoAnne Manual next appeared in opposition. She is a resident of the area and expressed concerns with the smell and the road conditions. She also expressed concerns with garbage along the road, that the site decreased their enjoyment of the property, concerns with the well water and concerns with traffic. She provided a draft of an inconvenience fee agreement proposed by NCL, which is attached as Exhibit "D".

Rory Reardon appeared in support of the petition. He previously opposed the petition but is now in favor of it. He said that Little Dixie has less than 14 years of life expectancy and that Madison County needs a plan in place for longer than that. He said that the property across the street is owned by BFI and is included in Hinds County's solid waste plan, and that property was included because Little Dixie is running out of capacity. He discussed property surrounding a landfill in DeSoto County, and he opined that proper screening would not decrease the property values. He stated that Madison County has offered a resolution to work with Hinds County to repair the road and that there are more mining trucks on the road daily than garbage trucks. He stated that DEQ does not have one case reported of West Nile or encephalitis. He said landfills today are safe, and if it were otherwise, the State would not allow them to operate.

Bryant Clark, an attorney for a local owner's association, next appeared in support of the petition and to discuss the inconvenience fee agreement. The association is the Thomas Lane Community Association, comprised of residents and property owners. He reiterated that two landfills already exist in the area and that it is important for the property owners to have the authority to come to the table with NCL. They negotiated an increased buffer, negotiated the placement of the entrance, negotiated the screening, negotiated the water assistance, and obtained the right for quarterly meetings to discuss ongoing concerns with NCL. Although the agreement was confidential, it does provide for compensation and the agreement is binding on NCL's and the property owner's heirs, successors and assigns. Commissioner Steere inquired as to whether the association included all property owners, to which Clark stated that it did not. Clark also confirmed that if a property owner is not a member of the association, they do not get fees under the contract. However, McNaulten confirmed that NCL would nevertheless work with all property owners. Reardon stated that the inconvenience fee agreement attached to the minutes is reflective of the agreement in place but it is not accurate as to the precise terms of the contract in place. Upon motion by Commissioner Brown, seconded by Commissioner Steere, with all voting "aye", motion to close the public hearing passed.

At the close of the public hearing, Board Attorney, Eric Hamer, presented before the Commission. He stated that although nobody desires a landfill to be located in their area, they do serve a much needed public service. He discussed the fact that Madison County has included the landfill in its solid waste plan and that the County is in a position and ready to work with the community. He also discussed the host fee agreement and stated that approval of the petition would be in line with past actions of the commission. He reminded the Commission that the area holds a history of prior approvals of height variances and that the setbacks proposed are in excess of those required under the ordinance. With respect to the condition of the road, he made the Commission aware of the fact that a memorandum of understanding has been presented to Hinds County wherein the County will re-work, maintain, and take over control of North County Line Road; however, he is unaware as to whether Hinds County has taken any action in regards thereto.

Commissioner Steere then inquired of McNaulten as to the contract between NCL and the community association. NCL stated that the agreement's terms are something NCL is prepared to offer to all residents, and the contract has essentially made the local landowners and residents partners in the venture. As to the terms of the contract, Betty Ruth Fox and Bryant Clark stated that they were confidential. However, it was confirmed that the contract obligations and benefits would be binding on heirs, successors and assigns of both NCL and the property owner. With respect to issues with area wells and the water, McNaulten informed the Commission that NCL would evaluate all wells, and if a well is not good, they would work with the owner to provide a good well or to identify other alternatives for good water.

Commissioner Amadio made a motion to recommend approval of the petition for special

exception and the requested height variance to the Board of Supervisors. There was no second. Therefore the motion did not carry. Commissioner Steere made a motion to recommend denial of the petition for special exception and height variance, said motion being seconded by Commissioner Brown. Commissioner Brown and Commissioner Steere voted "aye" in favor. Commissioner Amadio and Chairman Luckett voted "aye" against the motion. The vote was tied, and therefore the petition will be presented to the Board of Supervisors with no recommendation.

There next came on for consideration the site plan of Mississippi Muslim Association. Zoning Administrator Sellers informed the Commission that the Board voted to approve with conditions. Presented with the site plan were the minutes of the board meeting from July, 2009, a letter from Bear Creek Water Association (BCWA), and a soil site evaluation/recommendation. John Reeves, Esq. appeared on behalf of those in opposition, Mr. and Mrs. Alan Henderson. He stated that the board minutes reflect conditional approval subject to a site plan approval, architectural building plan approval, and verification of water and sewer to the site. The petitioner, according to Mr. Reeves, informed the board that they were planning for 150 people when in fact they are planning for 700 people. This increase dramatically effects the sewer. He said the petitioner applied for onsite sewage facility for 150 people and that the Madison County Department of Health has also confirmed they were representing capacity for 150 people. If there is more than 150 gallons of water used per day, then an engineer has to get involved. He also stated that BCWA's letter of August 31, 2009 does not provide a firm commitment for sewer and water as required by the board's conditional approval. Exhibit "E", attached hereto, is an application to the Board of Health, which reflects 150 as the maximum capacity supplied by petitioner with a request for onsite sewage. Reeves directed the Commission's attention to the conceptional design submitted by petitioner with the site plan, which reflects 650 as the maximum capacity.

Next, Reeves argued that the parking has to accommodate 1 space for every 5 people and their plan accommodates 1 spot for every 6 people. He addressed concerns with increased traffic. He also argued that the site plan is approximately 3,000 square feet larger than that reflected on the onsite sewage application (9,000 vs. 12,000). He advised the Commission that the ordinance requires the petition to address the flood plane designations at this stage, which was not done, along with fire safety. Last, he argued that the sign is proposed at 9 feet, which has not previously been discussed. Exhibit "F", attached hereto, is a March 31 2009 letter supplied by Alan Henderson from the attorney for Petitioner addressing the Henderson's concerns.

Upon motion by Commissioner Steere, seconded by Commissioner Amadio, with all voting "aye", motion to recommend approval of the site plan to the Board of Supervisors with the recommendation that the board satisfy itself with the discrepancies in the maximum capacity of the facility as it concerns water/sewer and parking, passed.

There next came on for consideration the issue of attorney's fees. Upon motion by Commissioner Steere, seconded by Commissioner Brown, with all voting "aye" motion to approve the attorney's fees passed.

There next came on for discussion the date for the January, 2010 meeting of the Madison County Planning Commission. January 14, 2010 was proposed. Upon motion by Chairman Lockett, seconded by Commissioner Brown, with all voting "aye" motion to set the January, 2010 meeting of the Madison County Planning Commission for January 14, 2010, passed.

There next came on for discussion the resignation of Sid Spiro. Upon motion by Commissioner Amadio, seconded by Commissioner Brown, with all voting "aye", motion to prepare and present a resolution to Sid Spiro with respect to his service on the Commission passed.

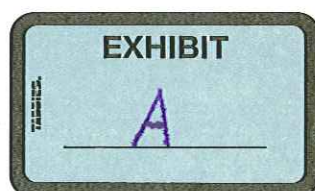
With there being no further business, the meeting adjourned at approximately 11:35 a.m.

JAN. 14, 2010
Date


(Chairman)

**SUMMARY OF MADISON COUNTY RESOLUTIONS AND APPROVALS
REGARDING NCL WASTE/BILBERRY LANDFILL**

<u>Date</u>	<u>Resolution Description</u>	<u>Votes "For"</u>	<u>Votes "Against"</u>
6/1/1998	Board approved the rezoning of the Bilberry property from R1 to I1.	5	0
9/27/2002	Accepting the Recommendation of the Solid Waste Committee to include the Bilberry property into the Solid Waste Plan.	4	0
12/5/2003	Approve an Order of the 2003 Board of Supervisors to Amend the Solid Waste Plan for Madison County to include the Bilberry Property after proper public advertisement and public hearing.	5	0
4/16/2004	Approve an Order of the (new) 2004 Board of Supervisors to Amend the Solid Waste Plan for Madison County to include the Bilberry Property.	3	2
7/25/05	Amendments to Madison County's Land Use and Transportation Plan. Zoning approved for Bilberry landfill as Public-Quasi/Public.	5	0
5/7/2007	Consideration of Re-write of Solid Waste Management Plan 2007, which includes and approves NCL/Bilberry Landfill as a major component.	4	1
2/25/2008	Authorization for Board Attorney to Correspond with Court in the Bilberry Matter.	4	0
10/20/2008	Authorization to Settle Certain Items of Pending and Threatened Litigation in regard to the Bilberry Landfill.	5	0
12/1/2008	Approve Assignment of Host Fee Agreement with IESI MS and Madison County to the NCL Waste, LLC.	5	0
6/22/2009	Authorize Board President to Execute Correspondence to the US Army Corps of Engineers in support of NCL Waste/Bilberry Landfill.	4	1
Total Votes		44	4



MINUTES OF THE BOARD OF SUPERVISORS
OF MADISON COUNTY, MISSISSIPPI

REGULAR MEETING OF JULY 25, 2005
Recessed from regular meeting of July 18, 2005

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on July 25, 2005, in the Law Library on the second floor of the Madison County Circuit Courthouse in Canton, Mississippi, as follows:

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

Present:	Absent:
Supervisor Douglas L. Jones	None
Supervisor Tim Johnson	
Supervisor Andy Taggart	
Supervisor Kari M. Banks	
Supervisor Paul Griffin	
Chancery Clerk Arthur Johnston	

Also in attendance:

County Administrator Donnie Caughman
 County Comptroller Mark Houston
 County Zoning Administrator Brad Sellers
 Deputy Sheriff Billy Myers
 Chief Deputy Tax Assessor Kent Hawkins
 Board Secretary Cynthia Parker
 Board Attorney Edmund Brunini, Jr.

The President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Supervisor Douglas L. Jones opened the meeting with a prayer and Canton Alderman and Deputy Sheriff Billy Myers led the members and the audience in the Pledge of Allegiance to the Flag of the United States of America.

*In re: Petition of Pat Russell and Russell Trucking
for a Special Exception to the Zoning Ordinance of Madison
County to Allow Surface Mining in an A-1 Residential District*

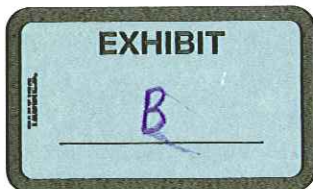
WHEREAS, County Zoning Administrator Brad Sellers and Mr. Pat Russell did appear before the Board for a public hearing on Mr. Russell's request for a Special Exception to allow surface mining until May 1, 2008, in and on certain property owned by him on the corner of Virillia and Stokes Roads in section 20, T9N-R2E in Madison County, Mississippi, and

WHEREAS, the Board authorized the publication of notice in the *Madison County Herald*, a newspaper of general circulation in Madison County, the same having been accomplished on July 7, 2005, and

WHEREAS, a true and correct copy of said Notice is attached hereto as Exhibit A, spread hereupon, and incorporated herein by reference, and

President's Initials: PG
Date Signed: 8-3-05

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2. That the Madison County Zoning Ordinance be and the Zoning District Map, and the Madison County 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 25th day of July, 2005.

The foregoing question having been called on the foregoing motion, 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, said vote being as follows, to wit:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and the Petition of Ms. Rosee Etta Bell seeking rezoning of certain property, pursuant to the Zoning Ordinance of Madison County, Mississippi, and to amend the Zoning Maps adopted pursuant thereto, and to amend the County Land Use Plan by requesting said property be rezoned from its present R-1 Residential District to C-1A Commercial District was and is hereby granted, the subject property was and is hereby re-zoned, and the County zoning ordinance and map and the County Land Use Plan are amended accordingly.

SO ORDERED this the 25th day of July, 2005.

In re: Consideration of Amendments to Madison County's Land Use and Transportation Plan

WHEREAS, County Zoning Administrator Brad Sellers did appear before the Board and presented a proposed Land Use Plan and a proposed Transportation Plan for unincorporated portions of Madison County, and

WHEREAS, the Board previously authorized the publication of notice in the *Madison County Herald*, a newspaper of general circulation in Madison County, the same having been accomplished on July 7, 2005, and

WHEREAS, a true and correct copy of said Notice is attached hereto as Exhibit B, spread hereupon, and incorporated herein by reference, and

WHEREAS, the hour of 9:00 a.m. did arise and County Zoning Administrator Brad Sellers did appear before the Board for a public hearing to consider the approval and adoption of said plans, and

WHEREAS, a true and correct copy of said plans as presented are on file in the office of the Chancery Clerk, and

WHEREAS, the Board President declared said public hearing to be open as noticed, and

WHEREAS, Mr. Sellers directed the Board's attention to eight (8) proposed changes to the Land Use Plan as originally presented to the Board, and is presently on file, said changes being as follows:

1. Bozeman Road at Reunion Parkway - Change to reflect residential zoning on Bozeman

President's Initials: *JS*

Date Signed: *8-3-05*

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Road and Reunion Parkway intersection, and for a 1000 foot depth east along parkway.

2. Gluckstadt Road - Reflect commercial zoning on the north side of Gluckstadt Road west of Church Road ending at the eastern boundary of Arrington Subdivision.
3. Church Road - Reflect 50 foot of landscaped buffer along the east side of the north-south portion of Church Road, and continue the C-1A designation on the east side of the north-south portion of Church Road.
4. Remove electrical substation symbol at intersection of Stribling Road and Hwy. 463.
5. Remove "Jackson Corporate limits" at Natchez Trace and North Livingston Road.
6. North County Line Road - Reflect Public-Quasi/Public for Bilberry property and Ballard property east of North County Line Road, north of Little Dixie Landfill.
7. Countryside Drive - Reflect R-1B zoning north side of Countryside Drive.
8. Reflect C-1A commercial district on both sides of Yandell Road, ending at new school site.

WHEREAS, Mr. Richard Skinner, an owner of property on Bozeman Road along the route of the proposed Reunion Parkway between Bozeman and Interstate 55 and recommended that the Board decline to follow the recommendation of the Planning and Zoning Commission (as set forth in item (1) above) and allow commercial zoning at Bozeman and the proposed Reunion Parkway, and

WHEREAS, Mr. Charlie Paine, a resident and land owner on Bozeman Paine Circle did also appear and urged Board members to follow the recommendation of the Planning and Zoning Board to protect the residential character of the area in question, and

WHEREAS, Mr. Ken Steele did appear before the Board, urging the Board to disallow any commercial development along Bozeman Road until Bozeman Road is four laned and further urged the Board to keep all property along the proposed Reunion Boulevard residential until infrastructure improvements are made,

Following discussion, Mr. Douglas L. Jones did offer and Mr. Karl M. Banks did second a motion to close the public hearing, and approve amendments (3) through (8) herein above to the county's Land Use Plan. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and amendments (3) through (8) were and are hereby adopted.

SO ORDERED this the 25th day of July, 2005.

Thereafter and following additional discussion, Mr. Karl M. Banks did offer and Mr. Douglas L. Jones did second a motion to approve amendment (2) as set forth herein above but designate the area referred to therein as C-1 rather than C-1A. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye

President's Initials: PC

Date Signed: 8-3-05

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Supervisor Karl M. Banks Aye
Supervisor Paul Griffin Aye

the matter carried unanimously and amendment (2) was and is hereby approved and the area designated therein was and is hereby assigned C-1 zoning.

SO ORDERED this the 25th day of July, 2005.

Thereafter, and following further discussion, Mr. Andy Taggart did offer and Mr. Douglas L. Jones did second a motion to adopt and approve amendment (1) herein above. The vote on the matter being as follows:

Supervisor Douglas L. Jones Aye
Supervisor Tim Johnson No
Supervisor Andy Taggart Aye
Supervisor Karl M. Banks Abstained
Supervisor Paul Griffin Aye

the matter carried by a majority (3-1-1) of the Board and said amendment was and is hereby approved and adopted.

SO ORDERED this the 25th day of July, 2005.

Thereafter, Mr. Larry Smith with Central Mississippi Planning and Development District appeared before the Board and presented a Resolution for the Board's consideration, the adoption of which he reported to be necessary to effectuate the amendments referred to herein above. A true and correct copy of said Resolution is attached hereto as Exhibit F, spread hereupon and incorporated herein by reference.

Following discussion, Mr. Karl M. Banks did move and Mr. Andy Taggart did second a motion to adopt said Resolution. The vote on the matter being as follows:

Supervisor Douglas L. Jones Aye
Supervisor Tim Johnson Aye
Supervisor Andy Taggart Aye
Supervisor Karl M. Banks Aye
Supervisor Paul Griffin Aye

the matter carried unanimously and said Resolution was and is hereby adopted.

SO ORDERED this the 25th day of July, 2005.

*In re: Consideration of Amendments to the
Federal Insurance Rate Maps/Case No. 01-04-543P*

WHEREAS, County Zoning Administrator Brad Sellers did appear before the Board and presented certain revisions to the floodway and flood hazard boundary maps for Bear Creek for the reach extending upstream (south) of Wiesenberger Road to Interstate 55 near Gluckstadt, Mississippi for a distance of approximately three (3) miles, and

WHEREAS, the Board previously authorized the publication of notice in the *Madison County Herald*, a newspaper of general circulation in Madison County, the same having been accomplished on July 7, 2005, and

WHEREAS, a true and correct copy of said Notice is attached hereto as Exhibit G, spread hereupon, and incorporated herein by reference, and

President's Initials: *PC*
Date Signed: *8-3-05*
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Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter unanimously and President Griffin declared the Board of Supervisors to be in Executive Session for the consideration of such matters and the Board Attorney announced to the public the purpose for the Executive Session.

SO ORDERED this the 25th day of July, 2005.

Thereafter, Mr. Andy Taggart did move and Mr. Tim Johnson did second a motion to authorize Anne Sanders, Esq. to negotiate a settlement of up to a sum certain in an effort to settle certain litigation. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and the Board Attorney was and is granted such authority.

SO ORDERED this the 25th day of July, 2005.

Thereafter, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to come out of Executive Session and direct the Board Attorney to announce to the public the action taken therein. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and Board Attorney Edmund L. Brunini, Jr. did announce to the public the action taken therein.

SO ORDERED this the 25th day of July, 2005.

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor Tim Johnson and seconded by Supervisor Karl M. Banks and approved by the unanimous vote of the Board, the meeting of the Board of Supervisors was adjourned.

Paul Griffin
 Paul Griffin, President
 Madison County Board of Supervisors

Date signed: 8-3-05

STATE OF MISSISSIPPI, COUNTY OF MADISON
 I, Arthur Johnston, Clerk of the Chancery Court in and for the County
 and State aforesaid, do hereby certify that the above and foregoing
 is a true and correct copy of Edward Brunini
 as fully and completely as same appears and remains of record in
 Book 2005 Page 1065 or Cause No. _____
 thereof, of the records now on file in my office.
 Given under my hand and seal of office this the 6 day
 of Nov, 2005, ARTHUR JOHNSTON, Chancery Clerk,
 BY Claudia D.C.



President's Initials: PG
 Date Signed: 8-3-05

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