

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

REGULAR MEETING OF AUGUST 9, 2002
Recessed from regular meeting conducted on August 8, 2002

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on the 9th day of August, 2002, at the Madison County Chancery/Administrative Building in Canton, Mississippi, as follows, to-wit:

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

Present:

Supervisor Marc Sharpe
Supervisor W. T. "Bill" Banks
Supervisor David H. Richardson
Supervisor Paul Griffin
Sheriff Toby Trowbridge
Kale Benton, Deputy Chancery Clerk

Absent:

Supervisor Karl M. Banks

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 the Authorization of the Board President
to Sign a Requisition Form for a Community Development
Block Grant Nissan Suppliers Project**

WHEREAS, Mr. Woody Sample with Sample & Associates appeared before the Board of Supervisors and presented a requisition form for the purchase of right-of-way in conjunction with the Nissan Suppliers CDBG Project and requested the Board to approve payment to Dr. Michael D. Maples in the amount of \$10,266.00 as just compensation for the right-of-way necessary for the project across Dr. Maples property.

Following additional discussion, Supervisor W.T. "Bill" Banks moved and Supervisor Paul Griffin seconded a motion to approve the Board President signing Requisition Form #8 and to pay Dr. Michael Maples the sum of \$10,266.00 for the purchase of right-of-way in conjunction with the Nissan Suppliers CDBG project, and that a copy of said Requisition Form 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 9th day of August, 2002.

**In the Matter of Amending the Local Budget for CDBG
Project No. 1118-01-045-ED-01**

WHEREAS, Mr. Woody Sample with Sample & Associates appeared before the Board of Supervisors and requested the Board to approve a budget shift to cover the cost of acquisition of right-of-way for the above referenced Community Development Block Grant in conjunction with the Nissan Suppliers project.

Following additional discussion of this matter, Supervisor W.T. "Bill" Banks moved and Supervisor Paul Griffin seconded a motion to approve a Local Budget Shift No. 3 to transfer the sum of \$1,623.00 from the engineering portion of the budget to the acquisition of right-of-way section of the budget, and that a copy of a memorandum outlining this request 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 9th day of August, 2002.

**In the Matter of Authorization Continuing of a Public
Hearing on Granting a Private Right-of-Way Across Property
Owned by the Hardacre Family**

WHEREAS, Mr. Brad Sellers, Zoning Administrator, appeared before the Board of Supervisors and recommended that the Board continue the petition for establishing a private right-of-way filed by Conseco Finance against the Hardacre Family and requested that the public hearing previously continued to this date be continued again until 1:00 p.m. on Friday, August 16, 2002.

Following additional discussion of this matter, Supervisor Paul Griffin moved and Supervisor W.T. "Bill" Banks seconded a motion to continue the public hearing on the granting of a private right-of-way across property owned by the Hardacre Family on a petition filed by Conseco Finance until 1:00 p.m. on Friday, August 16, 2002. 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 9th day of August, 2002.

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

WHEREAS, Zoning Administrator Brad Sellers did present the Board of Supervisors with the following petitions to amend/change the Official Zoning Ordinances and/or Official Zoning Map of Madison County, MS as follows and recommended that the Board authorize the giving of public notice of its intent to conduct public hearings on said petitions at 10:00 a.m. on the 20th day of September, 2002, to-wit:

Daniel Spivey/7 Starr Lake, LLC - Petition for a special exception in an A-1 Agricultural District on Morgan Road in Section 8, Township 9 North, Range 3 East, Madison County, Mississippi.

Madison County School System - Petition for rezoning a R-1A Residential w/PUD Overlay District to a SU-1 Special Use District to construct an elementary school located in Section 36, Township 8 North, Range 1 East in Madison County, Mississippi.

Following review and discussion of these matters, Supervisor Paul Griffin moved and Supervisor Marc Sharpe seconded a motion to authorize the giving of public notice of the intent of the Board of Supervisors to conduct public hearings on the petitions to amend/change the Official Zoning Ordinances and/or Official Zoning Map of Madison County, MS, set forth above at 10:00 a.m. on the Friday, September 20, 2002. The vote on said matter being as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: 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 9th day of August, 2002.

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

WHEREAS, Zoning Administrator Brad Sellers did present the Board of Supervisors with the following petition to amend/change the Official Zoning Ordinances and/or Official Zoning Map of Madison County, MS as follows and recommended that the Board authorize the giving of public notice of its intent to conduct a public hearing on said petition at 1:00 p.m. on the 20th day of September, 2002, to-wit:

St. Dominic Healthcare Services, Inc. – Petition for rezoning a R-1 Residential District to a C-2 Highway Commercial District on property located on Gluckstadt Road in Madison County, Mississippi.

Following review and discussion of these matters, Supervisor W.T. “Bill” Banks moved and Supervisor Marc Sharpe seconded a motion to authorize the giving of public notice of the intent of the Board of Supervisors to conduct a public hearing on the petition to amend/change the Official Zoning Ordinances and/or Official Zoning Map of Madison County, MS, set forth above at 1:00 p.m. on the Friday, September 20, 2002. The vote on said matter being as follows:

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

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 9th day of August, 2002.

In the Matter of Approval of a Preliminary Plat for Bradshaw Ridge Subdivision, Part I

WHEREAS, Mr. Brad Sellers appeared before the Board of Supervisors and presented a preliminary plat for Bradshaw Ridge Subdivision, Part I and informed the Board that said property was still the subject of litigation, but the developers desired to present the plat for the Board’s review and approval.

Following additional discussion of this matter, Supervisor W.T. “Bill” Banks moved and Supervisor Marc Sharpe seconded a motion to approve the preliminary plat as filed for Bradshaw Ridge Subdivision, Part I subject to confirmation by the Zoning Administrator that the appropriate lot size has been established as shown on said preliminary plat. 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 9th day of August, 2002.

In the Matter of the Approval of Amended Homestead Applications for 2001

WHEREAS, Ms. Emily Anderson, with the Madison County Tax Assessor’s Office, submitted to the Board of Supervisors 74 amended homestead applications for the year 2001 and requested the Board to approve same.

Following additional discussion of this matter, Supervisor W.T. “Bill” Banks moved and Supervisor Paul Griffin seconded a motion to approve the amended homestead applications for 2001 as submitted by the Tax Assessor’s office and that copies of said applications are found in the miscellaneous file to these minutes. 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 9th day of August, 2002.

In the Matter of the Approval of Utility Permits

WHEREAS, Mr. Rudy Warnock with Warnock & Associates, LLC did present unto the Board of Supervisors the following Utility Permits

BellSouth Telecommunications requesting to place a proposed cable route along Gluckstadt Road in Ridgefield Subdivision.

Bear Creek Water Association requesting to place water line along Clarkdale Road in Sagefield Subdivision

Bear Creek Water Association requesting to place sewer line along Clarkdale Road in Sagefield Subdivision

BellSouth Telecommunications requesting to place a proposed cable route along Pinegrove/Rankin Road

Time Warner Cable requesting to place cable line in Harvey Crossing Subdivision

Following additional discussion of this matter, Supervisor W.T. “Bill” Banks moved and Supervisor Marc Sharpe seconded a motion to approve the President signing the Utility Permits for BellSouth Telecommunications, Bear Creek Water Association, and Time Warner Cable as set forth above per the terms contained in said permits, copies of which are found in the miscellaneous file to these minutes. The vote on said matter was as follows:

Supervisor W. T. “Bill” Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: 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 9th day of August, 2002.

In the Matter of Acknowledging Receipt of Right-of-Way from M-TEK Mississippi, Inc.

WHEREAS, Mr. Woody Sample with Sample & Associates presented unto the Board of Supervisors a Special Warranty Deed from M-TEK Mississippi, Inc. conveying certain right-of-way necessary for the Nissan Suppliers Project in conjunction with the improvements to Church Road and that a copy of said special warranty deed is found in the miscellaneous file to these minutes.

Following additional discussion of this matter, Supervisor W.T. "Bill" Banks moved and Supervisor Marc Sharpe seconded a motion to acknowledge receipt of the right-of-way from M-TEK Mississippi, Inc. in conjunction with the above referenced project and to have said instrument recorded in the land records of Madison County, Mississippi. 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 9th day of August, 2002

In the Matter of Acknowledging the Termination of the Employment of an Employee of the Madison County Department of Human Services

WHEREAS, Ms. Danette Evans, Director of the Madison County Department of Human Services, submitted a recommendation to the Board of Supervisors that Patricia Lockett's employment be terminated immediately due to excessive absences after being released by her doctor and that a copy of the letter from Ms. Evans is found 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 approve the termination of Patricia Lockett by the Madison County Department of Human Services as recommended by the Director. 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 9th day of August, 2002.

**In the Matter of the Board Attorney to Represent Madison
County in Conjunction with a Claim of Unemployment Benefits**

WHEREAS, Mr. Dewey Hembree, Board Attorney, presented unto the Board a claim of Lonnie Clay for unemployment benefits for Madison County after his termination from the Madison County Road Department.

Following discussion of this matter, Supervisor Paul Griffin moved and Supervisor Marc Sharpe seconded a motion to authorize the Board Attorney to represent Madison County in the claim for unemployment benefits sought by Mr. Lonnie Clay after first having determined that said professional services 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: 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 9th day of August, 2002.

In the Matter of Acknowledging Additional Protest by Taxpayers filed in Conjunction with the Real Property Assessment Roll

WHEREAS, the Board of Supervisors has received additional protests filed by taxpayers pursuant to the previous notice of the Board of Supervisors regarding the adoption of the new real property tax roll and that copies of said additional protests are found in the miscellaneous file to these minutes. The following protests were made:

1. Levi Strauss – Parcel No. 82H-28-4 & 82H-28-15
2. Anna Jones – Parcel No. 082F-23-008
3. Charles K. & Pamela A. Minninger – Parcel No. 082D-20-004/02.04
4. Bonnie A. Auttonberry – Parcel No. 072C-05B-003/04.01
5. Gerald & Linda Steen – Parcel No. 071H-27-012/01.03
6. Bruce & Julie Cranmer – Parcel No. 71C-06A-027
7. Northplace Development, Inc. – Parcel Nos. 072C-05A-003/01.00 & 072C-05D-003/01.01
8. Trillium International – Parcel Nos. 172B-04C-011/02, 072B-04C-014/01 & 072B-04C-011/01
9. Carl Fox, III – Parcel Nos. 082G-36C-008/01.00 & 083E-15C-002/00.00
10. Kenneth & Maria Graham – Parcel No. 072A-01A-013/00
11. Bob M. Prescott – Parcel No. 083I-31-016
12. Tom Wimberley (Estate of Tommie S. Wimberley) – Parcel No. 071F-14C-002/007.00
13. ESA 0032 Inc (Studio Plus Properties, Inc.) – Parcel No. 072I-31C-010/02
14. Ridgeland Construction One, LLC – Parcel No. 072H-33C-097

Following a discussion of this matter Supervisor W.T. “Bill” Banks moved and Supervisor Paul Griffin seconded a motion to take the additional protests filed by taxpayers concerning the real property land roll under advisement and to review each and every claim to determine whether or not said claims are valid. 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 9th day of August, 2002.

**In the Matter of the Approval of Change Order No. 7 with
The Madison County Corrections Facility Phase One**

WHEREAS, Harrell Construction Group, LLC has requested Change Order No. 7 be approved by the Board of Supervisors in conjunction with the Madison County Corrections Facility Phase One; and

WHEREAS, the architect with said project, Dean & Dean Associates, has approved the change order and that a copy of said change order is found in the miscellaneous file to these minutes.

Following discussion of this matter, Supervisor Marc Sharpe moved and Supervisor W.T. “Bill” Banks seconded a motion to authorize the Board President to execute Change Order No. 7 and to approve payment of the sum of \$23,191.00 as set forth therein, and that copies of said change order are found in the miscellaneous file to these minutes. The vote on said matter was follows:

Supervisor W. T. “Bill” Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: 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 9th day of August, 2002.

**In the Matter of Acknowledging Receipt of Donations
By the Madison County Sheriff’s Department**

WHEREAS, Sheriff Toby Trowbridge appeared before the Board of Supervisors and presented two checks totaling \$500.00 from Charlotte and Bobby Brown, which represent a donation to the Sheriff’s State Drug Fund to be used in conjunction with the formation of a SWAT team for Madison County.

Following a discussion of this matter Supervisor W.T. “Bill” Banks moved and Supervisor Paul Griffin seconded a motion to acknowledge receipt of the two checks totaling \$500.00 from Charlotte and Bobby Brown as a donation to the Sheriff’s State Drug Fund to be used in conjunction with the creation of a SWAT Team for Madison County. The vote on said matter was as follows:

Supervisor W. T. “Bill” Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: 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 9th day of August, 2002.

In the Matter of Amending the Budget for the Madison County Tax Assessor

WHEREAS, Gerald Barber, Tax Assessor, appeared before the Board of Supervisors and requested an amendment to his budget to allow him to make the upcoming payroll for his department, having acknowledged that his current budget had sufficient funds to cover the next pay period.

Following additional discussion of this matter, Supervisor Paul Griffin moved and Supervisor W.T. “Bill” Banks seconded a motion to amend the budget of the Madison County Tax Assessor for the current fiscal year to increase said budget by the sum of \$8,000.00 as set forth below:

	<u>Original Budget</u>	<u>Increase/Decrease</u>	<u>New Budget</u>
Personal Services	\$425,952.00	\$8,000.00	\$433,952.00
001-103-403	\$219,970.00	\$8,000.00	\$227,970.00
Consumable Supplies	\$108,700.00	\$(8,000.00)	\$100,700.00
001-100-683	\$89,100.00	\$(8,000.00)	\$81,100.00

A copy of the proposed budget amendment 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: 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 9th day of August, 2002.

In the Matter of Accepting a Low Bid for the Purchase of a Fire Truck

WHEREAS, the Board of Supervisors previously received bids for one or more fire trucks to be used to provide services to the citizens of Madison County, Mississippi;

WHEREAS, the lowest and best bid received by Madison County in response to its advertisement was from Sunbelt Fire Apparatus in the amount of \$164,000.00.

Following additional discussion of this matter, Supervisor W.T. “Bill” Banks moved and Supervisor Paul Griffin seconded a motion to accept the low bid of Sunbelt Fire Apparatus, Inc. and purchase a fire truck from said company in the amount of \$164,000.00 per said company’s bid. The vote on said matter was follows:

Supervisor W. T. “Bill” Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Absent
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 9th day of August, 2002.

There being no further business to come before the meeting of the Board of Supervisors

of Madison County, Mississippi, upon motion duly made by Supervisor Paul Griffin and seconded by Supervisor W.T. "Bill" Banks and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Monday, August 12, 2002 at 9:00 a.m.

David H. Richardson, President
Madison County Board of Supervisors