

# **Mills, Scanlon, Dye & Pittman**

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James H. Gabriel (1948-2016)  
Carolyn B. Mills (1947-2017)

April 12, 2022

**Via U. S. Mail and**  
**Email: [mike@mikespy.com](mailto:mike@mikespy.com)**

Honorable Mike Espy  
Madison County Mississippi  
Board of Supervisors  
Post Office Box 608  
Canton, MS 39046

**RE: The Mermaid Café  
Leisure and Recreation District**

Dear Mr. Espy:

Please see attached proposed Ordinance which my client, The Mermaid Café, requests the Board of Supervisors to consider and adopt establishing a Leisure and Recreation District within the boundaries of the Lake Caroline subdivision. The attached Ordinance includes two exhibits which are attached as well.

Should you have any questions concerning this, please do not hesitate to contact me.

Sincerely,

**Mills, Scanlon, Dye & Pittman**



John P. Scanlon

JPS/mmh  
Enclosure(s)

Cc: Mr. Shelton Vance, County Administrator *(Via Email w/encl.)*

There came on for consideration at a duly constituted meeting of the Board of Supervisors for Madison County, Mississippi, held on the \_\_\_\_\_ day of \_\_\_\_\_, 2022, the following Ordinance:

**AN ORDINANCE BY BOARD OF SUPERVISORS FOR MADISON COUNTY, MISSISSIPPI, TO ESTABLISH A LEISURE AND RECREATION DISTRICT WITHIN THE AREA KNOWN AS LAKE CAROLINE, AND DESIGNATE THE GEOGRAPHIC AREAS INCLUDED WITHIN AND BOUNDARIES OF SAID DISTRICT; AND FOR RELATED PURPOSES**

**WHEREAS**, Madison County, Mississippi, is a political subdivision of the State of Mississippi; and

**WHEREAS**, during the 2016 Legislative Session, the Legislature of the State of Mississippi enacted House Bill 1223 which permits and authorizes certain municipalities and counties in the State of Mississippi to establish “Leisure and Recreation Districts” and to designate the geographic areas included within and the boundaries of said districts; and

**WHEREAS**, the Governor signed House Bill 1223 into law, and the same shall be effective on and after July 1, 2016; and

**WHEREAS**, Miss. Code Ann. § 67-1-101 requires that an Ordinance which establishes a “Leisure and Recreation District” shall “include a detailed description of the area or areas within the district, the boundaries of the district and a georeferenced map of the district” as well as a description of the “manner in which the municipality will provide for adequate law enforcement and other public safety measures and services within the district”; and

**WHEREAS**, any municipality or county which creates “Leisure and Recreation Districts” authorizes business entities that hold alcoholic beverage permits issued by the Department of Revenue and that are located within the boundaries of the “Leisure and

Recreation District” to allow patrons to leave the licensed premises with an open container of alcohol and allow those patrons to carry and consume alcoholic beverages within a designated “Leisure and Recreation District”; and

**WHEREAS**, the governing authority of Madison County, Mississippi, has determined and hereby finds that Madison County, Mississippi, would benefit from the establishment of a “Leisure and Recreation District” within the area constituting part the boundaries of the Lake Caroline subdivision; and

**WHEREAS**, the governing authority of the Madison County, Mississippi, has further determined that establishment of a “Leisure and Recreation District” within the Lake Caroline subdivision would be in the best interests of Madison County; and

**WHEREAS**, nothing herein is intended to confer any rights or entitlement as the sale of alcohol within an area designated as a “Leisure and Recreation District” is a privilege and not a right and is subject at all times to reasonable regulation; and

**WHEREAS**, subject to the terms and limitations of Miss. Code Ann. § 67-1-101 and this Ordinance, the Board of Supervisors for Madison County, Mississippi hereby establishes a “Leisure and Recreation District” in Lake Caroline as more fully set forth herein.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI, AS FOLLOWS:**

**SECTION 1.** *Creation and establishment of district.* Under the authority granted by Miss. Code Ann. § 67-1-101, there is hereby established a “Leisure and Recreation District” in the Lake Caroline Subdivision in Madison County, Mississippi within the geographic areas and within such boundaries as are set forth and designated herein and as represented on the georeferenced map which is attached hereto as Exhibit A and fully incorporated herein.

**SECTION 2.** *Name and boundaries of district.* The “Leisure and Recreation District” established herein shall be known as “The Caroline District” (hereinafter “the District”) and shall have the following as its boundaries:

Commence at an existing iron pin marking the Northwest corner of Section 12, Township 8 North, Range 1 East, Madison County, Mississippi; thence run East for a distance of 4,475.80 feet to a point; thence run South for a distance of 3,881.45 to the POINT OF BEGINNING; thence run East for 270.83 feet to a point; thence run South 2° 44’ 38” West for 237.86 feet to the Northeast corner of that parcel of land conveyed by warranty deed from Lake Caroline, Inc. to Nick & Alice, LLC and recorded in book 2165 at page 0779 in the land records maintained by the Chancery Clerk for Madison County, Mississippi (hereinafter the “Nick & Alice property”); thence continue South 2° 44’ 38” West along the East boundary of said Nick & Alice property for 227.55 feet to a point; thence run North 87° 12’ 33” West along the South boundary of said Nick & Alice property for 261.20 feet to a point; thence run South for 730 feet to a point; thence run West for 698.06 feet to a point; thence run North for 946.51 feet to a point, said point being the point of beginning for that parcel of land conveyed by warranty deed from Lake Caroline, Inc. to Lake Caroline Owners Association and recorded in book 415 at page 251 in the land records maintained by the Chancery Clerk for Madison County, Mississippi; thence run East for 710.4 feet to a point on the West line of the said Nick & Alice property; thence run North for 235.65 feet to the POINT OF BEGINNING.

The above described territory is situated in the Southeast ¼ of Section 12, Township 8 North, Range 1 East, Madison County, Mississippi

**SECTION 3.** *Outside Consumption of Alcoholic Beverages Permitted; Conditions.* Any on-premises retail alcoholic beverage permittee (hereinafter, “permittee”) located within the District shall comply with all laws, rules and regulations which govern its license type, except that a patron, guest or member of that licensee may remove an open container of alcoholic beverage and/or wine from the licensed premises and may possess and consume the alcoholic beverage and/or wine outside of the licensed premises anywhere within the boundaries of the District subject to the following regulations:

- A. A person may not enter a licensed premises with an alcoholic beverage, whether acquired at that licensed premises or elsewhere.

- B. A permittee located in the District shall allow alcoholic beverages to be removed from the licensed premises only in a paper or plastic cup, not larger than sixteen (16) fluid ounces in size, and no such alcoholic beverages shall be removed from the licensed premises in a can, bottle, glass container or other container, except as otherwise allowed by law.
- C. No permittee shall allow a patron, guest or member to exit its licensed premises with more than one open container of alcoholic beverages, and it shall be unlawful for any person to exit such licensed premises with more than one such open container.
- D. Permittees located in the District shall post, at all points of egress from the licensed premises, a map of the boundaries of the District in which it is located. The map shall be provided, either in electronic or paper form, to those permittees by Madison County upon request of the permittees.
- E. Nothing in this ordinance shall be construed to require a permittee located in the District to allow its patrons to remove alcoholic beverages and/or wine, in open containers, from the licensed premises.

**SECTION 4.** *Light wine and beer.* Within the boundaries of the District, a permittee may only allow light wine and beer to be removed from the licensed premises in a paper or plastic cup, not larger than sixteen (16) fluid ounces in size.

**SECTION 5.** *Public safety measures.* Enforcement of the boundaries of the District shall be the responsibility of the Sheriff's Department. In addition, the Sheriff's and Fire Departments shall provide public safety services within the District in the same manner it

provides those services in the remainder of Madison County. A letter of support from the Madison County Sheriff's Office is attached hereto as Exhibit B.

**SECTION 6.** *Definition of alcoholic beverages.* For the purposes of this Ordinance, the term "alcoholic beverages" shall mean any alcoholic liquid, including wines of more than five percent (5%) of alcohol by weight, capable of being consumed as a beverage by a human being, but shall not include light wine and beer, as defined in Section 67-3-3, Mississippi Code of 1972, but shall include native wines.

**SECTION 7.** Madison County reserves the right to modify or repeal this Ordinance, and any district designation created hereunder, at any time, with or without notice.

**SECTION 8.** All ordinances or parts thereof in conflict with this ordinance are hereby declared to be inapplicable within the geographic boundaries of the "Leisure and Recreation District" created herein.

**SECTION 9.** This ordinance shall be in full force and effect on \_\_\_\_\_, 2022. It shall be published according to law, spread on the minutes of the Board of Supervisors of Madison County, Mississippi, and the Clerk shall provide a certified copy of this Ordinance and other required documents to the Mississippi Department of Revenue upon its enactment.

**THE ABOVE AND FOREGOING ORDINANCE**, after having been first reduced to writing and no request being made by any members of the Board of Supervisors that the Ordinance be read by the Clerk before any vote was taken, was introduced by Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_ and was adopted by the following roll call vote:

Supervisor Shelia Jones

Aye

Supervisor Trey Baxter	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl Banks	Aye
Supervisor Paul Griffin	Aye

**WHEREUPON**, the foregoing Ordinance was declared passed and adopted at a regularly scheduled meeting of the Board of Supervisors of Madison County, Mississippi, on this the \_\_\_\_ day of \_\_\_\_\_, 2022.

MADISON COUNTY, MISSISSIPPI

By: \_\_\_\_\_  
President, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Clerk, Board of Supervisors

Proposed District Boundary

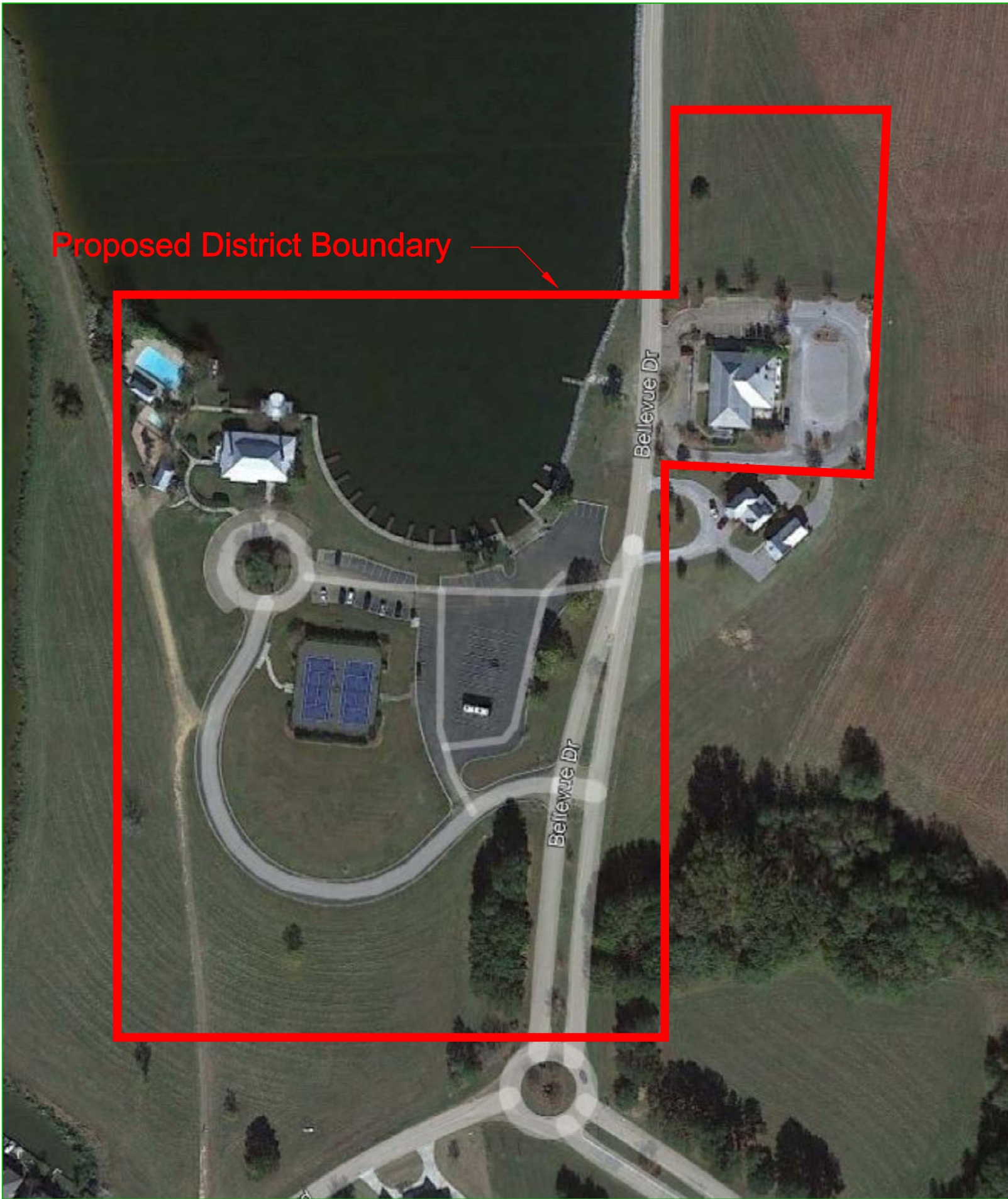


Exhibit "A"





# Office of the Sheriff

Madison County, Mississippi

2941 Highway 51 • Canton, MS 39046 • Phone: 601-859-2345

*Randall Tucker, Sheriff*

March 8, 2022

The Mermaid Café  
Mr. Matt Taylor  
652 Bellevue Drive  
Madison, MS 39110

RE: Resort Area Law Enforcement

Dear Mr. Taylor,

As the Sheriff of Madison County, please accept my assurance that the Madison County Sheriff's Office will enforce the Local Option Alcoholic Beverage Control Laws of the State of Mississippi and the rules and regulations of the Alcoholic Beverage Control Division in Madison County.

If you have any question or concerns regarding this matter, please do not hesitate to contact my office.

Sincerely,

Randall Tucker  
Sheriff of Madison County

RT/lis

Exhibit "B"