

Ronny Lott
Madison County Chancery Clerk

TO: Madison County Board of Supervisors

FROM: Ronny Lott, Chancery Clerk

DATE: June 5, 2023

RE: *Nunc Pro Tunc* Minutes of June 5, 2023

Upon the filing of our minutes for June 5, 2023 an incorrect copy of Exhibit "B" was filed of record. Said copy was watermarked as "DRAFT". I am requesting that you authorize me to *nunc pro tunc* said minutes and approve the amended minutes for recording to include the correct attachment. Attached is the correct Exhibit. Please also refer to the attached copy of our minutes with the incorrect Exhibit "B".

Correct Exhibit "B"

LAW OFFICES OF ANDY J. CLARK, PLLC
567 HIGHWAY 51 NORTH, SUITE C
RIDGELAND, MS 39157

P-601-622-7334

andy@andyjclark.com

F-601-898-1025

June 5, 2023

VIA HAND DELIVERY ONLY

Madison County Board of Supervisors
125 W. North Street
P.O. Box 608
Canton, MS 39046

**RE: RE-ZONING/MINNIE J. BOZEMAN
FAMILY LIMITED PARTNERSHIP**

Dear Board:

At your last board meeting you held a Public Hearing on the proposed Re-Zoning of certain property owned by the Minnie J. Bozeman Family Limited Partnership from its current designation of SU-1 Special Use District to C-2 Highway Commercial District.

This Petition was opposed by the City of Madison, and individuals that live in residential communities adjacent to, and in the vicinity of the property subject to the Petition.

After the Public Hearing was closed, this body did not hold a vote to approve, or to deny the Petition. Instead, you asked that negotiations between the parties be conducted and that some sort of settlement concerning restricted uses on the C-2 property be presented to the Board, if possible.

To date, there has been no formal, written agreement presented between any of the parties. However, I have received correspondence and documentation from all parties concerning certain proposed restrictions on the property. Again, there has been no agreement among the parties, but there is some overlap in certain proposed restrictions on uses. The Minnie J. Bozeman Limited Family Partnership has agreed to impose certain restrictions on the property, such that the following uses would not be permitted:

- 1) Motels (doors that open to the exterior);
- 2) Heavy equipment sales and service;
- 3) Fireworks stands;
- 4) Used (pre-owned) vehicle sales;

- 5) Check cashing businesses:
- 6) Payday loan businesses:
- 7) Car title/cash for titles loan businesses:
- 8) Pawn shops:
- 9) Tattoo and/or body piercing parlor:
- 10) Vaporizer stores, smoke lounges or similar businesses (Section 22, Q);
- 11) Palm reading or fortune telling businesses:
- 12) Sports betting/wagering/gamin establishments (Section 22, S);
- 13) Adult entertainment uses;
- 14) Garages/body shops with outdoor storage of vehicles stored on site:
- 15) Recreational vehicle parks; and
- 16) Yard and garden centers, nurseries, and greenhouse operations which sell or produce cannabis.

Should you vote to approve this Petition, you could make these use restrictions as conditions to approval of the Re-Zoning. Such restrictions would become the zoning for the subject property, and would not be permitted there. Of course, if you deny this Petition, these points are moot.

Lastly, Petitioner has requested that a portion of the subject property remain as SU-1. This property to remain SU-1 is a 400.24' x 833.10' parcel adjacent to, and immediately east of the Holy Trinity Anglican Church property at the intersection of Bozeman Road and Bozeman-Paine Circle. Such request and depiction of the property to remain SU-1 is attached to this correspondence. I am of the opinion that, if the Re-Zoning petition is approved, leaving such parcel as SU-1 is the same as a condition to approval of the Re-Zoning.

I submit this information to you for your consideration prior to your vote.

With kindest personal regards, I am

Very truly yours,



ANDY J. CLARK

Attachments

Andy Clark

From: Steve Smith <ssmith@shsattorneys.com>
Sent: Friday, June 02, 2023 12:44 PM
To: Andy Clark
Subject: exception for a parcel of land to remain SU-1 , as part of Rezoning Petitiuon

Andy, please except this e-mail as my clients request that a small parcel of property contained in our Rezoning Petition remain zoned as SU-1. The property is described as follows : a parcel of property that is adjacent to and immediately east of the property on which The Holy Trinity Church is located, at the intersection of Bozeman Road and Bozeman-Paine Circle, Madison County, MS. with the dimensions of 400.24 feet wide and 833.10 feet long .

By separate e-mail, I am forwarding to you the plat/depiction of the property here in question. Once you get this e-mail and the plat I am sending you please feel free to give me a call. Steve.



13.1

11.0

7.3

SU-1

6.25

13.1

14.2

GREENSPADE

ROZEMANT ROAD

490 24

833 10

MINUTES OF THE BOARD OF SUPERVISORS
OF MADISON COUNTY, MISSISSIPPI

BOOK 2023 PAGE 0887

REGULAR MEETING OF JUNE 5, 2023
Being the first day of the June term of the Board of Supervisors

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on June 5, 2023 in the Board Room on the first floor of the Madison County Office Complex, 125 West North Street, Canton, Mississippi, as follows, to-wit:

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

Present:
Supervisor Sheila Jones
Supervisor Trey Baxter
Supervisor Karl Banks
Supervisor Gerald Steen
Supervisor Paul Griffin
Chancery Clerk Ronny Lott
Sheriff Randy Tucker

Absent:

Also Present:
County Administrator Greg Higginbotham
Board Attorney Mike Espy
Chief Deputy Chancery Clerk Gena Permenter

The President of the Board announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Gerald Steen opened the meeting with a prayer and Will Sligh led the members and the audience in the Pledge of Allegiance to the Flag of the United States of America.

In re: Approval of Minutes from May 15, 2023

WHEREAS, Chancery Clerk Ronny Lott did present the Board with the Minutes of the previous meeting of the Board of Supervisors having been conducted on May 15, 2023,

Mr. Baxter did offer and Mr. Banks did second a motion to approve the minutes of May 15, 2023 as presented, and authorize the Board President to execute same. The vote on the matter being as follows:


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

the matter carried unanimously and the minutes of May 15, 2023 were and are hereby approved.

SO ORDERED this the 5th day of June, 2023.

***In re: Presentation of Resolution
Honoring Timmy Pickett***

Upon recommendation of Board Attorney Mike Espy, Mr. Griffin did offer and Mr. Baxter did

President's Initials: 
Date Signed: 6/19/23

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second a motion to adopt and approve a Resolution Commending the Service of Timmy Pickett for 35 years of service to Madison County, attached as Exhibit A. The vote on the matter being as follows:

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

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

SO ORDERED this the 5th day of June, 2023.

In re: Public Hearing for Appeal of Minnie J. Bozeman Family Limited Partnership Application for Rezoning

Following discussion, Mr. Baxter did offer and Ms. Jones did second a motion to acknowledge all documentation related to the Minnie J. Bozeman Family Limited Partnership Rezoning appeal hearing, found in the Miscellaneous Appendix to these Minutes. The vote on the matter being as follows:

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

the matter carried unanimously and said documentation was and is hereby acknowledged.

SO ORDERED this the 5th day of June, 2023.

Thereafter, Mr. Banks did offer and Mr. Griffin did second a motion to grant the Application to Rezone said property from SU-1 Special Use to C-2 Commercial, with proposed use restrictions. Prior to call of the question, Mr. Baxter did offer and Ms. Jones did second a substitute motion to deny the Application to Rezone said property. The vote on the matter being as follows:

Supervisor Sheila Jones	Aye
Supervisor Trey Baxter	Aye
Supervisor Gerald Steen	No
Supervisor Karl Banks	No
Supervisor Paul Griffin	No

the matter failed for lack of a majority vote.

SO ORDERED this the 5th day of June, 2023.

Thereafter, the question was called on the original motion to grant the Application to Rezone said property from SU-1 Special Use to C-2 Commercial, with proposed use restrictions, attached as Exhibit B. The vote on the matter being as follows:

Supervisor Sheila Jones	No
Supervisor Trey Baxter	No
Supervisor Gerald Steen	Aye
Supervisor Karl Banks	Aye
Supervisor Paul Griffin	Aye

President's Initials:
Date Signed: 6/19/23

the matter carried by a majority vote (3-2) of the Board and said Application for Rezoning was and is hereby granted and approved.

SO ORDERED this the 5th day of June, 2023.

In re: Appointment of Board Secretary

Mr. Banks did offer and Ms. Jones did second a motion to appoint Gena Permenter as Board Secretary effective immediately to replace Cynthia Parker at the same rate of pay. The vote on the matter being as follows:

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

the matter carried unanimously and Gena Permenter was and is hereby appointed.

SO ORDERED this the 5th day of June, 2023.

In re: Acknowledgment of Letters

Mr. Baxter did offer and Ms. Jones did second a motion to acknowledge letters related to the Minnie J. Bozeman Family Limited Partnership Rezoning appeal hearing, found in the Miscellaneous Appendix to these Minutes. The vote on the matter being as follows:

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

the matter carried unanimously and said letters were and are hereby acknowledged.

SO ORDERED this the 5th day of June, 2023.

***In re: Discussion of Southwest Madison County
Fire Protection District - Petition for Annexation***

At the request of Secretary-Treasurer Jim Martin, Mr. Banks did offer and Mr. Griffin did second a motion to approve the Petition for Annexation, attached as Exhibit C, to incorporate the annexation area into the Southwest Madison County Fire Protection District to provide fire protection in said area. The vote on the matter being as follows:

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

the matter carried unanimously and said Petition for Annexation was and is hereby approved.

President's Initials: AA
Date Signed: 6/19/23

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SO ORDERED this the 5th day of June, 2023.

In re: Request to Set Public Hearing & Approve Advertising

At the request of County Administration Greg Higginbotham, Mr. Banks did offer and Ms. Jones did second a motion to set a public hearing for July 3, 2023 at 9:00 a.m. for the Southwest Madison County Fire Protection District annexation and authorize advertising for said public hearing. The vote on the matter being as follows:

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

the matter carried unanimously and said public hearing was and is hereby set for July 3, 2023 at 9:00 a.m. and said advertising was and is hereby authorized.


SO ORDERED this the 5th day of June, 2023.

In re: Approval of Consent Agenda Items

WHEREAS, the Board President did explain that any Supervisor could, in advance of the call of the question, request that any item be removed from the Consent Agenda, and

Mr. Griffin did offer and Mr. Banks did second a motion to take the following actions on the Consent Agenda:

4. **HR - Approve Personnel Matters** (Attached as Exhibit D)
5. **B&G - Approve Use of Rogers Park - Peel**
6. **B&G - Approve Use of Rogers Park - Mann**
7. **CA - Approve Travel & Related Expenses for MJCJA Summer Convention / Judge Martina B. Griffin / Biloxi, MS / July 16-20, 2023**
8. **CA - Approve Travel & Related Expenses for American Judges Association Annual Convention / Judge Martina B. Griffin / Honolulu, Hawaii / September 9-14, 2023**
9. **CA - Acknowledge Waste Management Solid Waste Price Adjustments**
10. **CA - Acknowledge Waste Management Recycle Price Adjustments**
11. **CA - Acknowledge Official Notification of 30-Day Comment Period for Amendment to Rankin County Nonhazardous Solid Waste Plan**
12. **CA - Acknowledge Build America, Buy America Act Requirements**
13. **CA - Acknowledge MPO Extension**
14. **ChClrk - Acknowledge Department of Revenue Exemption Certificate Notice of Action - Unipres Southeast USA, Inc.**

President's Initials: 

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15. ChClrk - Acknowledge Department of Revenue Exemption Certificate Notice of Action - D.B.C. Corporation
16. ChClrk - Acknowledge Department of Revenue Exemption Certificate Notice of Action - Westlake Compounds, LLC
17. COMP - Approve Constable Report - May 2023
18. COMP - Approve MegaSite Alliance Fire Protection District Per Diem and Authorize Payment
19. COMP - Declare Property as Surplus and Authorize Disposal (Attached as Exhibit E)
20. ElecCom - Approve Additional Funds for Postage added for Voter Registration Cards
21. EMA - Approve Maintenance Agreement Renewal ArcGIS Desktop Primary using State Contract and ITS Contract Pricing (Attached as Exhibit F)
22. EMA - Approve and Adopt Emergency Management Unmanned Aircraft Systems Standard Operating Procedures
23. EMA - Acknowledge Letter from Madison County Emergency Management for Reappointment of Jennifer Knight to CMRS Board
24. EMA - Approve Travel and Related Expenses for 2023 National NENA Conference / Knight / Grapevine, TX / June 17-22, 2023
25. EMA - Approve Travel and Related Expenses for 2023 NENA Gulf Coast 911 Conference / Jones, Knight, & McLaurin / Orange Beach, AL / October 15-18, 2023
26. ENG - Acknowledge Court Order to Pay Appraiser - Walter Saddler (Attached as Exhibit G)
27. ENG - Acknowledge Court Order to Pay Appraiser - Frederick Saddler (Attached as Exhibit H)
28. ENG - Acknowledge Court Order for Payment to - Walter Saddler (Attached as Exhibit I)
29. ENG - Acknowledge Court Order for Payment to Frederick D. Saddler, Mattie E. Saddler & US Bank National Association (Attached as Exhibit J)
30. ENG - Approve Atmos Energy Corporation Utility Permit - Clarkdell Road
31. ENG - Approve Comcast Cable Utility Permit - Bill Presley Road & Pratt Road
32. ENG - Approve Comcast Cable Utility Permit - Cooper Road, Ross Road, Truitt Road & Mansell Road
33. ENG - Approve Comcast Cable Utility Permit - Dinkins Road
34. ENG - Approve Comcast Cable Utility Permit - Loring Rd Exd, Ross Road & McCullough Road

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35. ENG - Approve Comcast Cable Utility Permit - Loring Road Exd, & Body Road
36. ENG - Approve Comcast Cable Utility Permit - Loring Road Exd, & Sutherland Road
37. ENG - Approve Comcast Cable Utility Permit - Loring Road Exd, Hargon Road & Stump Bridge Road
38. ENG - Approve Comcast Cable Utility Permit - Loring Road Exd, Old 51 Road & Bill Presley Road
39. ENG - Approve Comcast Cable Utility Permit - Loring Road Exd, Truitt Road & Lawrence Road
40. ENG - Approve Comcast Cable Utility Permit - Loring Road Exd, Tucker Road & Rocky Hill Road
41. ENG - Approve Comcast Cable Utility Permit - Murphy Chapel Road, Loring Road Exd, Gee Road, Gordon Road, etc.
42. ENG - Approve Comcast Cable Utility Permit - Old 51 Road
43. ENG - Approve Comcast Cable Utility Permit - Rocky Hill Road, Cooper Road, Truitt Road, & Atlas Coleman Road
44. ENG - Approve Comcast Cable Utility Permit - Simpson Road
45. ENG - Approve Comcast Cable Utility Permit - Stump Bridge Road, Sutherland Road & Doyle Road
46. ENG - Approve Comcast Cable Utility Permit - Truitt Road & Fowler Road
47. ENG - Approve Comcast Cable Utility Permit - Way Road, Gray Center Road & Way Circle
48. ENG - Approve Comcast Cable Utility Permit - Way Road
49. ENG - Approve Telepak Networks, Inc. / cSpire Utility Permit - Katherine Drive
50. ENG - Request Renewal of Software (Attached as Exhibit K)
51. IT - Approve Carousel Hardware Maintenance Contract Renewal and Authorize Payment (Attached as Exhibit L)
52. JuvDrgCrt - Approve Travel & Related Expenses for MADCP Convention / O'Neal, Hannan, Nisbett, Barnts, Stringer, Ross, Alexander, Herr, Coe, Ballard, Chhabra & Spivey / Oxford, MS / August 23-25, 2023
53. PC - Approval of Department Employee Authorized to Submit Purchase Requisitions - Brandon Johnson
54. RD - Approve May 2023 Closed Call Analysis
55. RD - Approve May 2023 Monthly Report
56. RD - Approve June 2023 Culvert Requests

President's Initials: AA
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- 57. RD - Approve June 2023 Service Call Schedule
- 58. SO - Approve Data Circuit Upgrade with cSpire from 50mb to 100 mb and Authorize Payment - Sheriff Department (Attached as Exhibit M)
- 59. SO - Declare Vehicles to be Auctioned as Surplus and Authorize Disposal by Auction - Sheriff Department (Attached as Exhibit N)
- 60. SO - Authorization for Purchase of Firearm by M/Sgt. Russell Kirby for \$10 - MCA 45-9-131 (Attached as Exhibit O)
- 61. SO - Approve Annual Service Agreement with Regional Organized Crime Information Center (ROCIC) and Authorize Payment (Attached as Exhibit P)
- 62. SO - Approve Annual Service Agreement for FingerPro Software with Automation Designs & Solutions and Authorize Payment (Attached as Exhibit Q)
- 63. TA - Approve Maintenance Agreement Renewal ArcGIS Desktop Primary and Secondary using State Contract ITS Contract Pricing (Attached as Exhibit R)
- 64. TA - Approve 2022 Homestead Exemption Amended Applications
- 65. TA - Approve 2022 Real Property Decreases
- 66. TA - Approve 2022 Personal Property Decreases
- 67. TA - Approve 2022 Personal Property Increase
- 68. YouthCrt - Approve JAG Application
- 69. YouthCrt - Approve Renewal of Lyft Learning Contract for Software (Attached as Exhibit S)

The vote on the matter being as follows:

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

the matter carried unanimously and each item was and is hereby approved, adopted and authorized as described herein above.

SO ORDERED this the 5th day of June, 2023.

In re: Appointment to the Madison County Library System Board of Trustees

Mr. Steen did offer and Ms. Jones did second a motion to appoint Ms. Paula Tierce to the Madison County Library System Board of Trustees to begin July 1, 2023. The vote on the matter being as follows:

Supervisor Sheila Jones	Aye
Supervisor Trey Baxter	Aye

President's Initials: *JS*
Date Signed: 6/19/23

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

the matter carried unanimously and Ms. Tierce was and is hereby appointed.

SO ORDERED this the 5th day of June, 2023.

In re: Reappointment to the Madison County Library System Board of Trustees

Mr. Banks did offer and Ms. Jones did second a motion to reappoint Ms. Shirley Washington to the Madison County Library System Board of Trustees to begin July 1, 2023. The vote on the matter being as follows:

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

the matter carried unanimously and Ms. Washington was and is hereby reappointed.

SO ORDERED this the 5th day of June, 2023.

In re: Reappointment to the West Madison Utility District Board

Mr. Banks did offer and Mr. Steen did second a motion to reappoint Ms. Joyce Monroe to the West Madison Utility District Board. The vote on the matter being as follows:

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

the matter carried unanimously and Ms. Monroe was and is hereby reappointed.

SO ORDERED this the 5th day of June, 2023.

In re: Reappointment to the Madison County Library System Board of Trustees

Mr. Griffin did offer and Mr. Banks did second a motion to reappoint Ms. Shirley Sanders to the Madison County Library System Board of Trustees to begin July 1, 2023. The vote on the matter being as follows:

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

President's Initials: MS
 Date Signed: 6/19/23

the matter carried unanimously and Ms. Sanders was and is hereby reappointed.

SO ORDERED this the 5th day of June, 2023.

In re: Request to Increase Poll Worker Compensation

Mr. Griffin did offer and Mr. Banks did second a motion to adopt new state law authorizing the increase in poll worker compensation to \$200.00 per day beginning July 1, 2023, as well as an additional \$25.00 to poll managers. Prior to call of the question, Mr. Steen offered a substitute motion to adopt new state law authorizing the increase in poll worker compensation to \$150.00 per day, as well as an additional \$25.00 to poll managers.

Said motion failed for lack of a second.

Thereafter, the question was called on the original motion to adopt new state law authorizing the increase in poll worker compensation to \$200.00 per day beginning July 1, 2023, as well as an additional \$25.00 to poll managers. The vote on the matter being as follows:

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

the matter carried unanimously and said increase in poll worker compensation was and is hereby approved.

SO ORDERED this the 5th day of June, 2023.

In re: Rejection of Freeport Warehouse Application - Golftec St. LLC

At the request and recommendation of Tax Assessor Norman Cannady, Mr. Banks did offer and Mr. Griffin did second a motion to reject the Freeport Warehouse Application of Golftec ST LLC pursuant to MS Code 27-31-51. The vote on the matter being as follows:

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

the matter carried unanimously and said application was and is hereby rejected.

SO ORDERED this the 5th day of June, 2023.

In re: Rejection of Freeport Warehouse Application - AM/NS Calvert, LLC

At the request and recommendation of Tax Assessor Norman Cannady, Mr. Banks did offer and Mr. Griffin did second a motion to reject the Freeport Warehouse Application of AM/NS Calvert, LLC pursuant to MS Code 27-31-51. The vote on the matter being as follows:

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

the matter carried unanimously and said application was and is hereby rejected.

SO ORDERED this the 5th day of June, 2023.

In re: Rejection of Freeport Warehouse Application - Pro-Tec Coating Company

At the request and recommendation of Tax Assessor Norman Cannady, Mr. Banks did offer and Mr. Griffin did second a motion to reject the Freeport Warehouse Application of Pro-Tec Coating Company pursuant to MS Code 27-31-51. The vote on the matter being as follows:

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

the matter carried unanimously and said application was and is hereby rejected.

SO ORDERED this the 5th day of June, 2023.

In re: Rejection of Partial Application for Ad Valorem Tax Exemption - Hoya Vision Care

At the request and recommendation of Tax Assessor Norman Cannady, Mr. Griffin did offer and Mr. Banks did second a motion to reject the partial Application for Ad Valorem Tax Exemption of Hoya Vision Care pursuant to MS Code 27-31-101. The vote on the matter being as follows:

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

the matter carried unanimously and said application was and is hereby rejected.

SO ORDERED this the 5th day of June, 2023.

In re: Approval of Sole Source Declaration

At the request and recommendation of Emergency Management Director Albert Jones, Mr. Griffin did offer and Mr. Steen did second a motion to approve Airworx, LLC as the sole source declaration for unmanned robotics vehicles. The vote on the matter being as follows:

Supervisor Sheila Jones	Aye
Supervisor Trey Baxter	Aye
Supervisor Gerald Steen	Aye

President's Initials: AA
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Supervisor Karl Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said Airworx, LLC was and is hereby approved as a sole source provider.

SO ORDERED this the 5th day of June, 2023.

***In re: Approval of Purchase from
Airworx, LLC***

At the request and recommendation of Emergency Management Director Albert Jones, Mr. Banks did offer and Mr. Steen did second a motion to approve the purchase of unmanned robotics vehicles in the amount of \$20,978.00, copy of the Airworx, LLC quote being attached as Exhibit T. The vote on the matter being as follows:

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

the matter carried unanimously and said purchase was and is hereby approved.

SO ORDERED this the 5th day of June, 2023.

***In re: Approval of Change Order -
JH&H Architects***

At the request of Buildings & Grounds Director Drew Ridinger, Ms. Jones did offer and Mr. Steen did second a motion to approve the Change Order of JH&H Architects in the amount of \$17,620.42 for the Sheriff's Office Interior Improvements, attached as Exhibit U. The vote on the matter being as follows:

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

the matter carried unanimously and said change order was and is hereby approved.

SO ORDERED this the 5th day of June, 2023.

***In re: Award Bid - Clarkdell Road
Bridge Rehabilitation Project***

At the request of County Engineer Tim Bryan, Ms. Jones did offer and Mr. Baxter did second a motion to approve and award the contract to the lowest bidder, B.P. Construction, LLC for \$155,814.00 for the Clarkdell Road Bridge Rehabilitation Project and authorize Board President to execute said contract. The vote on the matter being as follows:

Supervisor Sheila Jones	Aye
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President's Initials: AK
Date Signed: 6/19/23

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

the matter carried unanimously and said contract was and is hereby approved and Board President was and is hereby authorized.

SO ORDERED this the 5th day of June, 2023.

In re: Approval of Final Plat - Lost Rabbit 4A

At the request of County Engineer Tim Bryan, Ms. Jones did offer and Mr. Baxter did second a motion to approve the revised final plat of Lost Rabbit Phase 4A consisting of 8.28 acres with 37 lots, and accept Letter of Credit No. for final wearing surface. The vote on the matter being as follows:

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

the matter carried unanimously and said plat was and is hereby approved and said Letter of Credit was and is hereby acknowledged.

SO ORDERED this the 5th day of June, 2023.

In re: Approval of Amended MOU - MMEIA

At the request of County Engineer Tim Bryan, Ms. Jones did offer and Mr. Baxter did second a motion to approve the Amended MOU between Madison County and the Mississippi Major Economic Impact Authority (MMEIA) related to the relocation of a 30" waterline in support of the Reunion Interchange, attached as Exhibit V, and authorize Board President to execute the same. The vote on the matter being as follows:


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

the matter carried unanimously and said amended MOU was and is hereby approved and Board President was and is hereby authorized.

SO ORDERED this the 5th day of June, 2023.

In re: Approval of Preliminary Plat - Camden Glen Subdivision

At the request of County Engineer Tim Bryan, Mr. Griffin did offer and Mr. Banks did second a motion to grant a variance to Section 301.07 of the Subdivision Ordinance allowing lot sizes to be less than the required 5 acres each for the proposed Camden Glen subdivision, and approve the preliminary plat of the same, with the modification of adding a cul-de-sac at the end of the

President's Initials: 
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road. The vote on the matter being as follows:

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

the matter carried unanimously and said variance was and is hereby granted and said preliminary plat was and is hereby approved.

SO ORDERED this the 5th day of June, 2023.

In re: Approval of Letter to MDOT

At the request of County Engineer Tim Bryan, Mr. Baxter did offer and Ms. Jones did second a motion to approve a letter to MDOT, attached as Exhibit W, related to the Utility Agreement with Texas Eastern Transmission, LP for the Bozeman Road Improvements Project, with the understanding that Madison County accepts the risks associated with the construction of said project, and authorize Board Attorney to execute said letter on behalf of the Board of Supervisors. The vote on the matter being as follows:

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

the matter carried unanimously and said letter was and is hereby approved and Board Attorney was and is hereby authorized.

SO ORDERED this the 5th day of June, 2023.

In re: Acknowledgment of Planning and Zoning Commission Minutes

At the request of Zoning Administrator Scott Weeks, Mr. Banks did offer and Mr. Steen did second a motion to acknowledge the Planning and Zoning Commission draft minutes of May 4, 2023, attached as Exhibit X. The vote on the matter being as follows:

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

the matter carried unanimously and said Planning and Zoning minutes were and are hereby acknowledged.

SO ORDERED this the 5th day of June, 2023.

President's Initials: JK
Date Signed: 6/19/23

**In re: Consideration of Zoning Matter
Application for Variance - Willie Cline**

At the request of Zoning Administrator Scott Weeks, Mr. Griffin did offer and Mr. Banks did second a motion to approve the Application for Variance filed by Willie Cline for a 12 foot variance of Lot 33 in The Vision Subdivision, Part One-A. The vote on the matter being as follows:

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

the matter carried unanimously and said variance was and is hereby approved.

SO ORDERED this the 5th day of June, 2023.

**In re: Consideration of Zoning Matter
Application for Variance - MCEDA**

At the request of Zoning Administrator Scott Weeks, Mr. Banks did offer and Ms. Jones did second a motion to approve the Application for Variance filed by MCEDA, attached as Exhibit Y, for a variance of the Madison County Zoning Ordinance related to off-street parking on Madison County Parkway. The vote on the matter being as follows:

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

the matter carried unanimously and said variance was and is hereby approved.

SO ORDERED this the 5th day of June, 2023.

**In re: Consideration of Zoning Matter -
Request to Place Mobile Home**

At the request and recommendation of Zoning Administrator Scott Weeks, Mr. Baxter did offer and Ms. Jones did second a motion to authorize Gloria Bennett to place a mobile home on property zoned in a residential district located at 473 Catlett Road due to medical hardship. The vote on the matter being as follows:

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

the matter carried unanimously and Ms. Bennett was and is hereby authorized.

SO ORDERED this the 5th day of June, 2023.

President's Initials: JS
Date Signed: 6/19/23

**In re: Approval of Zoning Matter -
Zoning Violation**

At the request of Zoning Administrator Scott Weeks, Mr. Banks did offer and Ms. Jones did second a motion to adjudicate the property at 3009 Madison Street in Flora owned by Ida P. Clifton Estate bearing Parcel Number 061I-29D-024/00.00 to be a hazard to public safety due to overgrown lot and dilapidated building located on said property, and authorize the Road Department to begin the process of cleaning said property to bring it into compliance with the Zoning Ordinance. The vote on the matter being as follows:

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

the matter carried unanimously and said property was and is hereby adjudicated and Road Department was and is hereby authorized.

SO ORDERED this the 5th day of June, 2023.

**In re: Approval of Zoning Matter -
Zoning Violation**

At the request of Zoning Administrator Scott Weeks, Mr. Banks did offer and Mr. Griffin did second a motion to adjudicate the property on Hunt Avenue in Flora owned by Multigraphic Industries, Inc. bearing Parcel Number 061I-29D-044/00.00 to be a hazard to public safety due to junk, debris, overgrown lot, and dilapidated building located on said property. The vote on the matter being as follows:

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

the matter carried unanimously and said property was and is hereby adjudicated.

SO ORDERED this the 5th day of June, 2023.

**In re: Approval of Zoning Matter -
Zoning Violation**

At the request of Zoning Administrator Scott Weeks, Mr. Baxter did offer and Ms. Jones did second a motion to authorize Zoning Attorney Andy Clark to begin the process in Madison County Chancery Court to address the Zoning Violation of Hercules and Esther Anderson on property at 103 Sagefield Drive owned by Hercules and Esther Anderson bearing Parcel Number 082H-27-016/23.00 as set out in that certain correspondence attached as Exhibit Z. The vote on the matter being as follows:

Supervisor Sheila Jones	Aye
Supervisor Trey Baxter	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl Banks	Aye

President's Initials: AK
Date Signed: 6/19/23

Supervisor Paul Griffin

Aye

the matter carried unanimously and Zoning Attorney was and is hereby authorized.

SO ORDERED this the 5th day of June, 2023.

In re: Authorization of Zoning Attorney

At the request and recommendation of Zoning Attorney Andy Clark, Mr. Banks did offer and Mr. Griffin did second a motion to authorize Zoning Attorney to notify the owner of Pool Works to appear before the Board of Supervisors on July 3, 2023 at 9:00 a.m. to show cause as to his failure to follow Building and Permit procedures in Madison County. The vote on the matter being as follows:

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

the matter carried unanimously and Zoning Attorney was and is hereby authorized.

SO ORDERED this the 5th day of June, 2023.

In re: Approval to Rescind Interlocal Agreement

At the request and recommendation of Board Attorney Mike Espy, Ms. Jones did offer and Mr. Baxter did second a motion to rescind the previously approved Interlocal Agreement between the City of Madison and Madison County related to Road Improvements in the City of Madison. The vote on the matter being as follows:

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

the matter carried unanimously and said interlocal agreement was and is hereby rescinded.

SO ORDERED this the 5th day of June, 2023.

In re: Approval of Cooperative Agreement

At the request and recommendation of Board Attorney Mike Espy, Ms. Jones did offer and Mr. Baxter did second a motion to approve the Cooperative Agreement between the City of Madison and Madison County regarding the funding of certain road improvements located in the City of Madison, attached as Exhibit AA, and authorize Board President to execute the same. The vote on the matter being as follows:

Supervisor Sheila Jones	Aye
Supervisor Trey Baxter	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl Banks	Aye

President's Initials: MS
Date Signed: 6/19/23

Supervisor Paul Griffin

Aye

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the matter carried unanimously and said cooperative agreement was and is hereby approved and Board President was and is hereby authorized.

SO ORDERED this the 5th day of June, 2023.

In re: Consideration of MASIT Board of Trustees Ballot

At the request and recommendation of County Administrator Greg Higginbotham, Mr. Banks did offer and Mr. Steen did second a motion for approval to submit the MASIT Board of Trustees ballot and authorize all Supervisors to execute the same. The vote on the matter being as follows:

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

the matter carried unanimously and said ballot was and is hereby approved.

SO ORDERED this the 5th day of June, 2023.

In re: Acknowledgment of CDBG Application

At the request and recommendation of County Administrator Greg Higginbotham, Mr. Banks did offer and Ms. Jones did second a motion to acknowledge the CDBG application related to the rehabilitation of pipes within the West Madison Utility District. The vote on the matter being as follows:

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


the matter carried unanimously and said application was and is hereby acknowledged.

SO ORDERED this the 5th day of June, 2023.

In re: Acknowledgment of USDA Inflation Act Urban & Community Forestry Grant Application

At the request and recommendation of County Administrator Greg Higginbotham, Mr. Griffin did offer and Mr. Banks did second a motion to acknowledge the submission of the USDA Inflation Act Urban & Community Forestry Grant application, found in the Miscellaneous Appendix to these Minutes. The vote on the matter being as follows:

Supervisor Sheila Jones	Aye
Supervisor Trey Baxter	Aye
Supervisor Gerald Steen	Aye

President's Initials: 
Date Signed: 6/19/23

Supervisor Karl Banks
Supervisor Paul Griffin

Aye
Aye

the matter carried unanimously and said application was and is hereby acknowledged.

SO ORDERED this the 5th day of June, 2023.

In re: Approval of Budget Amendments & Interfund Cash Transfers

At the request and recommendation of Comptroller Na'Son White, Mr. Banks did offer and Mr. Steen did second a motion to approve the Madison County Budget Amendments & Interfund Cash Transfers, attached as Exhibit BB. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and said budget amendments and interfund cash transfers were and are hereby approved.

SO ORDERED this the 5th day of June, 2023.

In re: Approval of Claims Docket & Payroll Dockets 1 - 2

At the request and recommendation of Comptroller Na'Son White, assuring the Board of Supervisors that all claims had been properly documented and where necessary, purchase orders were obtained in advance as required by law, Mr. Banks did offer and Mr. Steen did second a motion to approve the following:

- (1) General Claims Docket
- (2) Payroll Docket 1 - May 25, 2023
- (3) Payroll Docket 2 - May 25, 2023

WHEREAS, the following is a summary of all claims and funds from which said claims are to be paid relative to the primary claims docket:

Fund	Claim Nos.	No. of Claims	Amount
001	2173 to 2293	121	1,184,101.64
012	114 to 117	4	25,793.64
015	57 to 60	4	317,406.88
030	27 to 28	2	3,146.24
095	11 to 11	1	23,751.06
097	77 to 79	3	11,145.20
105	73 to 75	3	224,737.19
109	2 to 2	1	121,124.37
115	110 to 114	5	8,553.27
116	7 to 7	1	19,228.70
117	7 to 7	1	799.35
118	7 to 7	1	525.39
119	7 to 7	1	1,452.79

President's Initials: AK
Date Signed: 6/19/23

120	7 to 7	1	744.92
121	7 to 7	1	121.39
122	7 to 7	1	839.01
125	27 to 28	2	2,024.03
137	11 to 11	1	10,297.19
150	505 to 523	19	28,798.35
160	56 to 58	3	54,811.48
170	12 to 12	1	15,681.76
186	8 to 9	2	1,094.99
190	64 to 70	7	1,348.54
191	110 to 112	3	6,663.28
194	65 to 68	4	42,418.46
226	32 to 32	1	77,334.38
305	9 to 9	1	1,963.00
324	15 to 15	1	1,603.75
340	5 to 8	4	8,058.85
655	8 to 8	1	74,266.75
664	8 to 8	1	2,000.00
672	8 to 8	1	1,138.00
675	8 to 8	1	4,705.00
681	135 to 136	2	14,482.70
690	8 to 8	1	36,486.00
691	8 to 8	1	45,607.50
TOTAL ALL FUNDS			2,374,255.05

and further directed the Chancery Clerk to publish the Summary of Claims as required by law and approve the Claims Docket approving payment of said claims, found in the Miscellaneous Appendix to these Minutes. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present, and said General Claims Docket and Payroll Dockets 1-2 were and are hereby approved and the Chancery Clerk was and is instructed to issue pay warrants accordingly.


SO ORDERED this the 5th day of June, 2023.

In re: Approval of Wedding Reports

At the request and recommendation of Comptroller Na' Son White, Mr. Banks did offer and Mr. Steen did second a motion to approve the wedding reports for Judge Bruce McKinley, found in the Miscellaneous Appendix to these Minutes. The vote on the matter being as follows:

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

the matter carried unanimous vote of those present and said wedding reports were and are hereby approved.

President's Initials: 
 Date Signed: 6/19/23

For Searching Reference Only: Page 19 of 23 (6/5/23)

SO ORDERED this the 5th day of June, 2023.

In re: Approval of Claims of Fleetcor Technologies

At the request and recommendation of Comptroller Na'Son White, Mr. Banks did offer and Mr. Griffin did second a motion to approve a supplemental claims docket containing the claims of Fleetcor Technologies and direct that invoice numbers should be attached to each claim listed on the supplemental docket and direct the Chancery Clerk to include said claims in the Summary of Claims to be published as required by law, found in the Miscellaneous Appendix to these Minutes. The vote on the matter being as follows:

Supervisor Sheila Jones	Aye
Supervisor Trey Baxter	Aye
Supervisor Gerald Steen	Recused ¹
Supervisor Karl Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and said Held Claims were and are hereby approved and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 5th day of June, 2023.

In re: Acknowledgment of Inmate Meal Report

At the request of Sheriff Randy Tucker, Ms. Jones did offer and Mr. Baxter did second a motion to acknowledge the inmate meal report for May 2023, found in the Miscellaneous Appendix to these Minutes. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and said report was and is hereby acknowledged.


SO ORDERED this the 5th day of June, 2023.

In re: Acknowledgment of Receipt of Tax Form

Mr. Banks did offer and Mr. Griffin did second a motion to acknowledge receipt of the previously approved tax form and authorize Board President to execute the same. The vote on the matter being as follows:

Supervisor Sheila Jones	Aye
-------------------------	-----

¹Prior to consideration of this item of business, Mr. Steen recused himself from the meeting, departed the meeting room and did not participate in discussion of deliberation of this matter whatsoever.

President's Initials: 
Date Signed: 6/19/23

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

the matter carried unanimously and said form was and is hereby acknowledged and Board President was and is hereby authorized.

SO ORDERED this the 5th day of June, 2023.

In re: Authorization of Road Department

Mr. Griffin did offer and Mr. Banks did second a motion to authorize the Road Department to haul and spread up to 15 loads of sand at Velma Jackson practice field, with the understanding that Velma Jackson will pay for the sand. The vote on the matter being as follows:

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

the matter carried unanimously and the Road Department was and is hereby authorized.

SO ORDERED this the 5th day of June, 2023.

In re: Entering into "Closed Session" to Determine Whether or not the Board Should Declare an Executive Session


WHEREAS, the Board of Supervisors, after beginning the meeting in open session, determined that it was necessary to enter into closed session for a brief discussion to ascertain whether an Executive Session was needed as to discuss land acquisition.

Following discussion and pursuant to the terms of Miss. Code Ann. § 25-41-7, as amended, Mr. Griffin did offer and Mr. Banks did second a motion to make a closed determination upon the issue of whether or not to declare an Executive Session for the purpose of discussing land acquisition, with the following persons deemed necessary for Board discussions, deliberations, and recording of such Executive Session, to wit: members of the Board, Chancery Clerk Ronny Lott, Board Secretary/Chief Deputy Chancery Clerk Gena Permenter, County Administrator Greg Higginbotham, County Engineer Tim Bryan, Board Attorney Mike Espy, Comptroller Na'Son White, Jim Turner, and Sheriff Randy Tucker. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and the Board took up the matter of entering into Executive Session.

SO ORDERED this the 5th day of June, 2023.

President's Initials: 

Date Signed: 6/19/23

For Searching Reference Only: Page 21 of 23 (6/5/23)

In re: Entering into Executive Session

WHEREAS, the Board Attorney advised the Board that discussion of the proposed matters of business was properly the subject of executive session,

Following discussion, Ms. Jones did offer and Mr. Banks did second a motion to enter into Executive Session to discuss land acquisition. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and Board President declared the Board to be in Executive Session for the consideration of such matters and Chancery Clerk Ronny Lott announced to the public the purpose for the Executive Session.

SO ORDERED this the 5th day of June, 2023.

During Executive Session, Mr. Baxter did offer and Mr. Banks did second a motion to (1) authorize the Board President to execute a Letter of No Objection to Texas Eastern for right of way and pipeline, (2) approve the Utility Agreement between Madison County and Texas Eastern Transmission, LP, associated with the Bozeman Road Widening Project, and (3) authorize Board Attorney Mike Espy to prepare a letter to MDOT advising that Madison County understands and accepts the risks associated with agreeing to the terms of the Utility Agreement, all of which are attached as Collective Exhibit CC. The vote on the matter being as follows:

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

the matter carried unanimously and said the Board President was and is hereby authorized, said Utility Agreement was and is hereby approved, and the Board Attorney was and is hereby authorized.

SO ORDERED this the 5th day of June, 2023.

Thereafter, Mr. Banks did offer and Mr. Steen did second a motion to adjourn the Executive Session and announce to the public the action taken therein. The vote on the matter being as follows:

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

the matter carried by the unanimous vote of those present and the Board President declared Executive Session adjourned and Chancery Clerk Ronny Lott did announce the action taken during Executive Session.

SO ORDERED this the 5th day of June, 2023.

President's Initials: AK
Date Signed: 6/19/23


THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor Jones and seconded by Supervisor Baxter and approved by the unanimous vote of those present, the June 5, 2023 meeting of the Board of Supervisors was adjourned until June 19, 2023 at 9:00 a.m.



Gerald Steen, President
Madison County Board of Supervisors


Date signed: 6/19/23

ATTEST:






Ronny Lott, Chancery Clerk



President's Initials: 
Date Signed: 6/19/23

DRAFT – 6.1.23 v3

Space Above Line For Official Use Only

Instrument Prepared By and To Be Returned To: 	Declarant: Minnie J. Bozeman Family Limited Partnership 
Indexing Instructions to the Chancery Clerk of the Madison County, Mississippi: The real property described herein is located in Madison County, Mississippi in: 	

DECLARATION OF RESTRICTIONS

This Declaration of Restrictions (“**Declaration**”) is made and entered into as of the ____ day of _____, 2023, by the Minnie J. Bozeman Family Limited Partnership, by and through Richard Skinner, its Managing General Partner (“**Declarant**”).

WHEREAS, Declarant is the owner of that certain property more particularly described in **Exhibit “A”** attached hereto, incorporated herein by reference and expressly made a part hereof for all purposes as if fully copied herein (“**Restricted Property**”), located between Interstate Highway 55 on the east, Bozeman Road on the west, and Gluckstad Road on the north, in unincorporated Madison County (“**County**”), Mississippi; and

WHEREAS, Belle Terre subdivision, Cherry Hill Subdivision, Ingleside Subdivision, and Reserve Subdivision (collectively “**Subdivisions**”) are located on certain parcels of property in close proximity to the Restricted Property, specifically to the north (Belle Terre), west (Cherry Hill and Ingleside), and south (Reserve) of the Restricted Property (collectively “**Benefited Property**”); and

WHEREAS, on December 31, 2022, Declarant filed an application (“**2022 Application**”) with the Madison County Zoning Administrator to rezone the Restricted Property from a Special Use District (SU-1) under Article XXVI of the 2019 Madison County, Mississippi, Zoning Ordinance (“**2019 Zoning Ordinance**”), to a Highway Commercial District (C-2) under Article XXII of the Zoning Ordinance (“**Proposed 2022 Rezoning**”); and

WHEREAS, the Proposed 2022 Rezoning of the Restricted Property to C-2 under the 2019 Zoning Ordinance was opposed by certain concerned homeowners owning homes in the Subdivisions and on the



Benefited Property (with all of the then, current, and future homeowners owning homes in the Subdivisions for use as their personal residences from time to time, collectively the "Homeowners") because such Proposed 2022 Rezoning could have permitted the subsequent issuance of permits for uses on the Restricted Property that were considered to be undesirable in the near vicinity of the Subdivisions; and

WHEREAS, the Madison County Planning and Zoning Commission approved the 2022 Application of the Declarant for the Proposed 2022 Rezoning on February 16, 2023 and opposed by the Homeowners, and the Board of Supervisors having voted to continue the public hearing on the appeal to May 15, 2023, and then having voted on May 15, 2023, to again continue the hearing until June 5, 2023; and

WHEREAS, in settlement of their rezoning dispute and in order to allow the Declarant to continue to proceed with the Proposed 2022 Rezoning and development of the Restricted Property, the Homeowners have agreed with the Declarant not to contest or oppose the 2022 Application filed by Declarant to rezone the Restricted Property to C-2 in consideration of the granting by the Declarant of this Declaration imposing certain use restrictions and covenants on the Restricted Property; and

WHEREAS, Declarant, therefore, desires to establish certain use restrictions and covenants upon the Restricted Property for the benefit of the Homeowners and Benefited Property;

NOW, THEREFORE, Declarant, for itself, its successors and assigns, and in consideration of the undersigned Homeowners' agreement to forego the right to contest or oppose the 2022 Application filed by Declarant for the Proposed 2022 Rezoning of the Commercial Property to C-2, does hereby agree that the Restricted Property shall be subject to and shall be used in conformance with the following covenants and agreements:

1. No building or structure shall be constructed, maintained or used on the Restricted Property unless such building, structure or use shall conform to the following agreements, covenants and requirements:

a. Upon any development of the Restricted Property as C-2, the owner of the Restricted Property shall continuously provide and maintain that the Restricted Property shall not be leased, used, occupied or conveyed to any other party, for any use set out below and as defined in Section 301 of the 2019 Zoning Ordinance (collectively the "Restricted Uses"):

i. **Restricted Uses applicable to the entire Subject Property:**

- A. Adult entertainment uses;
- B. Big box retail establishments;
- C. Bowling alleys, skating rinks, motions picture theaters and similar indoor recreational or entertainment enterprises conducted within fully-enclosed buildings;
- D. Building material sales where some or all buildings materials, such as bricks, lumber, concrete culverts, etc. are displayed/stored outdoors or are visible from adjoining thoroughfares;
- E. Car title/cash for titles loan businesses;
- F. Check cashing businesses;
- G. Convenience stores;

- H. Fast food restaurants, food product carry-out and food delivery stores;
- I. Fireworks stands;
- J. Fully enclosed self-storage, mini-storage or warehouse facilities and units;
- K. Garages/body shops with indoor or outdoor storage of vehicles stored on site;
- L. Heavy equipment sales and services;
- M. Hotels and motels;
- N. Mortuaries and funeral homes;
- O. New vehicle sales;
- P. Outdoor advertising (billboards), except at interstate exchange;
- Q. Palm reading or fortune telling businesses;
- R. Pawn shops;
- S. Payday loan businesses;
- T. Public or quasi-public facilities and utilities in compliance with Section 402 Items C and D of the Revised Zoning Ordinance;
 - a. Item C – Major governmental facilities, such as water pumping stations, sewage treatment plants, sanitary landfills and the like;
 - b. Item D – All hospitals, whether public or private;
- U. Recreational vehicle parks;
- V. Rental housing or moderate/medium density dwelling units;
- W. Sports betting/wagering/gaming establishments;
- X. Supermarkets or grocery stores;
- Y. Tattoo and body piercing parlors;
- Z. Temporary buildings, except used for construction purposes and not to exceed six months;
- AA. Used (pre-owned) vehicle sales, rental or lease;
- BB. Vaporizer stores, smoke lounges or similar businesses where cigarettes/vaporizers are sold for use;
- CC. Vehicle service centers;
- DD. Yard and garden centers, nurseries and greenhouse operations which sell or produce plants.

ii. Exceptions to the Restricted Uses set forth in paragraph 1(a)(i) above, within one quarter (1/4) mile of Interstate Highway 55:

- A. Big box retail establishments less than 30,000 square feet;
- B. Convenience stores;
- C. Hotels; or
- D. New vehicle sales.

iii. Exceptions to the Restricted Uses set forth in paragraph 1(a)(i), above, within one half (1/2) mile of Interstate Highway 55:

- A. Supermarkets or grocery stores less than 30,000 square feet.

iv. Special conditions for certain land, in addition to the Restricted Uses set forth in paragraph 1(a)(i), above:

- A. For development of land within 750 feet of the southernmost and easternmost boundary of Bozeman-Paine Circle, such development is restricted to those uses set out in the SU-1 classification of the 2019 Zoning Ordinance.

B. For development of land within one half (1/2) mile of the easternmost boundary of Bozeman Road, buildings shall be restricted to a maximum height of two (2) stories or twenty (20) feet.

- b. *Provided, however,* that, in the event of any future revisions in the list of uses or structures applicable to a C-2 classification (or any successor classification thereto) in the Zoning Ordinances applicable to the Restricted Property such that one (1) or more of the Enumerated Uses are no longer listed in the Zoning Ordinances, the Restricted Uses shall nevertheless continue to be uses of the Restricted Property prohibited by this Declaration.
- c. *Provided further, however,* that, despite the specific reference in this Declaration to the Restricted Uses, any new, additional uses applicable to C-2 (or any successor classification thereto) in the Zoning Ordinances shall also constitute uses of the Restricted property prohibited by this Declaration.
- d. *Furthermore,* all development must comply with zoning, land use, subdivision regulations, and the City of Madison's process for development, including the process to obtain a building permit.

2. Any of the foregoing restrictions may be waived, amended, modified, released or terminated at any time and from time to time by Declarant; *provided, however,* that Declarant shall not and may not waive, amend, modify, release or terminate any restrictions without the prior written consent of at least sixty-six and two-thirds percent (66-2/3%) of the then Homeowners, specifically excluding, however, the owners of any vacant lots in the Benefited Property and the owners of any houses on the Benefited Property held for sale by home builders and/or in the development of the Subdivision), during such time that such Benefited Property continues to be used and to be zoned under the Zoning Ordinances for single-family detached residential dwellings.

3. The foregoing restrictions and agreements are imposed on the Restricted Property for the benefit of the Homeowners owning part of the Benefited Property and of the Benefited Property itself. Accordingly, all references herein to "Declarant" shall mean the Declarant herein and any successors or assigns of title who may subsequently become the owner of the Restricted Property. In the event that another entity or individual shall become the owner of the Restricted Property, then such entity or individual shall be considered the Declarant for all purposes of this Declaration, and a transfer of title to the Restricted Property shall have no effect upon the continuing validity and binding nature of the covenants, restrictions and agreements imposed herein on the Restricted Property.

4. It is the intention of the Declarant that this Declaration and the agreements, restrictions and covenants herein made shall be deemed to be, and the Declarant hereby agrees that this Declaration and the agreements, restrictions and covenants herein made are, restrictive covenants running with the land for the benefit of the Homeowners and Benefited Property and shall be binding upon the Restricted Property and upon any other person who may from time to time own, lease or otherwise have an interest in the Restricted Property.

5. This Declaration is made in and shall be construed pursuant to the laws of the State of Mississippi.

[Remainder of This Page Intentionally Left Blank – Next Page is Signature Page]

IN WITNESS WHEREOF, the undersigned has executed this Declaration to be effective as of the day and year above set forth, although actually executed on the date set forth in each respective acknowledgment below.

THE MINNIE J. BOZEMAN FAMILY LIMITED PARTNERSHIP, a Mississippi limited partnership

By: _____
Printed Name: Charles Richard Skinner
Its: General Partner
Date: _____

AGREED TO BY:

BELLE TERRE HOMEOWNER ASSOCIATION
Date: _____

CHERRY HILL PLANTATION HOMEOWNER ASSOCIATION
Date: _____

INGLESIDE HOMEOWNER ASSOCIATION
Date: _____

RESERVE HOMEOWNER ASSOCIATION
Date: _____

DRAFT

STATE OF MISSISSIPPI

COUNTY OF _____

Personally appeared before me, the undersigned authority, and for the said county and state, on this ____ day of _____, 2023, within my jurisdiction, the person named Charles Richard Skinner, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed in the above and foregoing instrument and acknowledged that he executed the same in his representative capacity, and that by his signature on the instrument, and as the act and deed of the entity on behalf of which he acted, executed the above and foregoing instrument, after first having been duly authorized so to do.

NOTARY PUBLIC

My commission expires _____

[AFFIX NOTARIAL SEAL]

DRAFT

EXHIBIT A

[Legal Description – Restricted Property]

DRAFT