

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

REGULAR MEETING OF FEBRUARY 1, 2010
Being the first day of the February 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 February 1, 2010, 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, Tim Johnson, presided and called the meeting to order. The following members were present that day:

Present:

Supervisor John Bell Crosby
Supervisor Tim Johnson
Supervisor D. I. Smith
Supervisor Karl M. Banks
Supervisor Paul Griffin
Sheriff Toby Trowbridge
Chancery Clerk Arthur Johnston

Absent:

None

Also in attendance:

County Administrator Mark Houston
County Comptroller Quandice Green
County Zoning Administrator Brad Sellers
Board Secretary and Deputy Chancery Clerk Cynthia Parker
Board Attorney Eric Hamer
County Road Manager Lawrence Morris
County Engineer Rudy Warnock
E911 Director Butch Hammack
Fire Coordinator Mack Pigg
County Purchase Clerk Hardy Crunk

Special Guests:

Hon. Rita Martinson, State Representative
Hon. William Truly, Mayor, City of Canton
Hon. Gene McGee, Mayor, City of Ridgeland
Hon. Kay Pace, Tax Collector, Madison County

The Board President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Supervisor Paul Griffin opened the meeting with a prayer and County Administrator Mark Houston 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 January 2010 Term

WHEREAS, Chancery Clerk Arthur Johnston did present the Board with the Minutes of the previous meetings of the Board of Supervisors during the January 2010 term, said meetings having been conducted on January 4, January 19, and January 25, 2010,

Following discussion, Mr. D. I. Smith did offer and Mr. Karl M. Banks did second a motion to approve the Minutes as presented with certain amendments which were read in open session, and

President's Initials: TJS

Date Signed: 3/3/10

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to authorize the President to sign said Minutes after said corrections have been made. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and the Minutes for the January 2010 term of the Board of Supervisors of Madison County were and are hereby approved as amended.

SO ORDERED this the 1st day of February, 2010.

In re: Petition of NCL Waste, LLC for Special Exception Allowing a Condition Use to Construct and Operate a Municipal Solid Waste Landfill and for a Height Variance

WHEREAS, NCL Waste, LLC filed a Petition for Special Exception seeking to construct and operate a municipal solid waste landfill on property located at 2858 North County Line Road, being in Section 30, T7N, R1E, and seeking a height variance to allow the final grades of the landfill to be constructed to elevation 450, which is 22 feet above the maximum height permitted by current zoning regulations, and establishing a setback of 250 feet from North County Line Road, and

WHEREAS, on December 10, 2009 Madison County Planning and Zoning Commission considered the requested and did not arrive at a decision, the matter having received a vote of two in favor and two against, and

WHEREAS, following such split decision of the Commission, County Zoning Administrator Brad Sellers requested that the Board of Supervisors determine the matter, and

WHEREAS, on December 18, 2009, the Board of Supervisors determined that February 1, 2010 at 9:00 am would be an appropriate date and time to conduct a public hearing on the action of said Commission regarding said Petition, and

WHEREAS, notice by publication was had in the *Madison County Herald*, a newspaper of general circulation in Madison County in accordance with statute, and

WHEREAS, the hour of 9:00 a.m. did arise and the Board President declared said public hearing to be open as previously set, and

WHEREAS, Mr. Jim McNaughton of Environmental Business Services and Mr. Jeff Allen of Eco-Systems, Inc. appeared before the Board on behalf of NCL Waste, LLC requesting the Board approve the petition for special exception to construct and operate a MSW Landfill as a public-quasi facility in an I-2 Industrial District located on 166.48 acres, more or less, and

WHEREAS, NCL Waste, LLC also seeks a variance to the height restriction to allow the final grades of the landfill to be constructed to elevation of 450 feet, establishing a setback of 250 feet from North County Line Road, and

WHEREAS, Mr. McNaughton presented the following to be included as exhibits to these Minutes:

Exhibit A - Summary of Madison County Resolutions and Approvals Regarding NCL Waste/Bilberry Landfill

President's Initials: JS
Date Signed: 3/3/10

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Exhibit B - Madison County Host Fee Agreement dated January 17, 2003

Exhibit C - North County Line Road Right-of-Way Easement recorded in Book 147 Page 616

Exhibit D - Correspondence dated August 2, 2000 from Dr. Howard C. Friday to the Hinds County Zoning Board

Exhibit E - Minutes of the Hinds County Board of Supervisors dated June 2, 2008

Exhibit F - Minutes of the Hinds County Board of Supervisors dated April 21, 2008

Exhibit G - Justification for Property Line Setback no greater than 250 feet

Exhibit H - Minutes of the Hinds County Board of Supervisors dated October 1, 2008

Exhibit I - Resolution dated October 20, 2008 between Madison County and Hinds County addressing road maintenance

Exhibit J - Solid Waste Enforcement Office Listing (SWAG Program)

Exhibit K - NCL/Bilberry Landfill Volume Analysis Based on Approved 13 County Service Area

WHEREAS, Dr. Howard Friday, Mr. Bill Bass, Mr. Jerome Manuels, Ms. Jean Enochs, Rev. Holiness Barnes, Mr. Matt Armstrong on behalf of Senator Trent Lott, Mr. Robert Patton, Mr. James Baker, Ms. Jackie Rollins all appeared in opposition to the request, pointing out that there was no need for an additional landfill in this area and that the increase in traffic would create additional road hazards in the area and cause a decline in property values, and

WHEREAS, those in opposition to the Petition presented the following documents to be admitted into evidence and into the record of this matter:

Exhibit L - Department of Environmental Quality Status Report for Calendar Year 2008 being more defined as the spreadsheet referenced page 14 of said report

Collective Exhibit M - Letters opposing the NCL Waste landfill - Cala Boddie Colbert, John Whitworth Colbert, Elizabeth Adair, and George R. Boddie

Exhibit N - Correspondence from Mr. Rory Reardon to The Manuels

Exhibit O - Solid Waste Management Plan of December 15, 2006 referencing page D-64

Exhibit P - Correspondence dated January 31, 2010 from Mr. James C. Cravey

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to close the public hearing and accept and admit the aforementioned documents (Exhibits A through P herein above) into evidence in this matter. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

President's Initials: TS

Date Signed: 3/3/10

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the matter carried unanimously and said public hearing was and is hereby closed and the aforementioned documents were and are hereby accepted and admitted into the record of this matter.

SO ORDERED this the 1st day of February, 2010.

Thereafter, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to grant the Special Exception allowing the Conditional Use sought by NCL Waste, LLC in its Petition and approve a variance to the height restriction to allow the final grades of the landfill to be constructed to an elevation of 450 feet and establish a setback of 250 feet from North county Line Road. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	No
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by a majority vote (4-1) of the Board and said Special Exception allowing the Conditional Use was and is hereby granted and said variance was and is hereby approved.

SO ORDERED this the 1st day of February, 2010.

***In re: Approval to Amend the Madison County
Flood Damage Prevention Ordinance***

WHEREAS, County Zoning Administrator Brad Sellers appeared before the Board and presented the Madison County Flood Damage Prevention Ordinance and requested the Board approve same with the amendments presented thereto, and

WHEREAS, notice by publication was had in the *Madison County Herald*, a newspaper of general circulation in Madison County in accordance with statute, and

WHEREAS, the hour of 9:00 a.m. did arise and the Board President declared said public hearing to be open as previously set, and

WHEREAS, a true and correct copy of that certain correspondence dated December 2, 2009 from Ms. Deborah Ingram of FEMA, commending the Board for implementing the flood plain management measures along with amendments to said ordinance is attached hereto as Exhibit Q, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to adopt the aforementioned Flood Damage Prevention Ordinance and approve the amendments as referenced in Exhibit Q to these minutes. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Not Present and Not Voting ¹

¹Mr. Griffin briefly excused himself from the meeting but returned shortly after the vote was recorded.

President's Initials: JL
Date Signed: 3/3/10

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**In re: Acknowledge Receipt of Funds and
Authorize Board President to Execute Invoices**

WHEREAS, Sheriff Toby Trowbridge appeared before the Board and presented checks received from various agencies for housing of prisoners and other services as follows:

<u>Entity</u>	<u>Amount</u>
MDOC	\$ 17,520.00
Town of Flora	\$ 855.48
City of Canton	\$ 2,640.00
City of Canton	\$ 16,835.62
City of Pearl	\$ 800.00
City of Madison	\$ 2,394.00
Valley Foods	\$ 2,018.49

Thereafter, Sheriff Trowbridge requested the Board authorize the Board President to execute invoices in the amount of \$7,035.17 for the month of November, 2009 and \$16,188.31 for the month of December, 2009 unto MDOC for housing of prisoners,

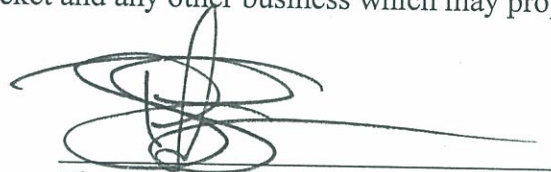
Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to acknowledge receipt of said checks and authorize the Board President to execute said invoices. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said checks were and are hereby acknowledged and the Board President was and is hereby authorized.

SO ORDERED this the 1st day of February, 2010.


THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor Karl M. Banks and seconded by Supervisor Paul Griffin and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Tuesday, February 16, 2010 at 9:00 a. m. for the purpose of consideration of a Claims Docket and any other business which may properly come before the Board.



Tim Johnson, President
Madison County Board of Supervisors

Date signed: 3/3/2010

ATTEST:

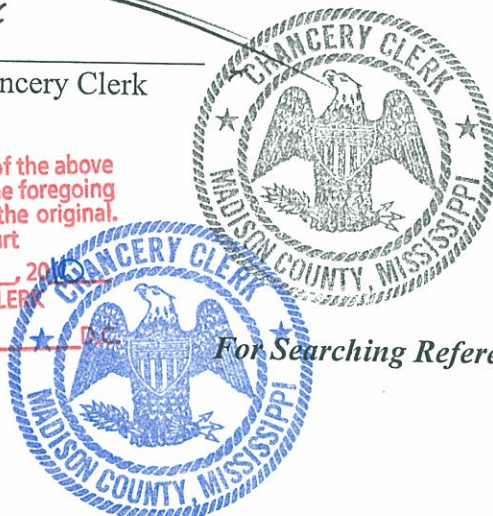

 Arthur Johnston, Chancery Clerk

STATE OF MISSISSIPPI
MADISON COUNTY

I, Arthur Johnston, Chancery Clerk of the above named County and State, do certify that the foregoing instrument is a true and correct copy of the original.
Witness my signature and seal of court

This the 21 day of April, 2010
ARTHUR JOHNSTON, CHANCERY CLERK

BY: Arthur Johnston



President's Initials: TJS

Date Signed: 3/3/10

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