

**MINUTES OF A REGULAR MADISON COUNTY PLANNING AND ZONING
COMMISSION HELD AND CONDUCTED ON THURSDAY, THE 14TH DAY OF
APRIL, 2005 AT 9:00 A.M. AT THE MADISON COUNTY CHANCERY BUILDING**

BE IT REMEMBERED that a regular meeting of the Madison County Zoning Commission was duly called, held and conducted on Thursday the 14th day of April, 2005, at 9:00 a.m. in the Madison County Chancery Building.

Present: Sidney Spiro
Steven Steen
Brad Sellers, Zoning Administrator
Lisa Walters
Rev. Bennie Luckett, Chairman

Absent: Rev. Henry Brown

There first came on for consideration the minutes of the March 10, 2005, meeting. Upon motion by Commissioner Spiro, seconded by Commissioner Walters, with all voting "aye", the motion to approve the minutes passed.

There next came on for consideration the petition of Ron Hutchinson for consideration to rezone R-1 Residential to C-2 Commercial on Church Road in order to construct a facility for the Mississippi Tent Company. It was represented that Bear Creek would provide utilities, and the Petitioner provided covenants with the Petition. As the Petitioner did not show initially for the Petition, upon Motion by Commissioner Steen, seconded by Commissioner Spiro, with all voting "aye", motion to table the Petition until the May meeting passed.

There next came on for consideration the Petition of James Bennett, Sandra Bennett, Percy Jackson, Marshall Jackson, Monroe Adams Johnson, Glenn Williams and Letha Boyd for permission to re-zone A-1 Agricultural to I-1 Industrial located on Cloverleaf Drive. It is the Petitioners' intent to re-zone this property to I-1 in order to market the property which is located south of Nissan. Sandra Bennett appeared on behalf of Petitioners and stated that the land is currently used as residential but they seek to rezone the property so that they can put it on the market for sale. The Petitioner stated that I-1 is in compliance with the current adopted land use plan and that the property is not being maximized as it is not conducive to residential development at this time. Upon motion by Commissioner Steen and seconded by Commissioner Walters, with all voting "aye", motion to recommend

approval of the subject property from A-1 to I-1 to bring it in compliance with the adopted land use plan passed.

There next came on for consideration the petition of Ron Hutchinson, who arrived after the meeting had begun. Upon motion by Commissioner Steen, seconded by Commissioner Spiro, with all voting "aye", motion to override the previous motion to table the Petition until the May meeting in order to hear Hutchinson's Petition at the current meeting, passed. Again, Ron Hutchinson appeared on behalf of the Petitioner in order to request rezoning of the subject property in order to build a facility for the Mississippi Tent Company. It was represented that Bear Creek will provide the utilities and the covenants were provided by the Petitioner. The Petitioner stated for the Commission that the business has existed for the last 13 years and that this Petition is merely for expansion purposes. He stated that the building is adjacent to BellSouth's new building and that the facility proposed to contain 18,500 square feet and is intended to add 10 additional jobs to the community with the expansion efforts. Commissioner Walters inquired as to whether there was any opposition to the Petition, to which Zoning Administrator Sellers informed the Commission that there was not. In addition, the Petitioner stated that no one expressed any opposition to him either. The Petitioner stated that the current zoning request is in compliance with the adopted land use plan and that, if approved, construction will begin around the first of June. Upon motion by Commissioner Walters, seconded by Commissioner Steen, with all voting "aye", motion to recommend approval of the requested rezoning from R-1 to C-2, passed.

There next came on for consideration the Petition of Pat Russell/Russell Trucking for special exception to conduct surface mining on the corner of Virillia Road and Stokes Road. Pat Russell appeared on behalf of the Petitioner and stated that his hours of operation would be from 6 a.m. to 6 p.m. and that the property consisted of approximately 4 acres. The Petitioner stated that the mining would be conducted on Monday through Saturday, excluding Sundays. Commissioner Walters inquired as to whether there was any opposition, to which Zoning Administrator Sellers stated that there was. The Petitioner stated that there would be 10-15 trucks per day making multiple trips and that it would take approximately 1 year to complete the operation, even though his Petition requested 3 years to complete. In opposition, Jim Harrell appeared and stated that he used to be in the dirt business and that it is his experience that once the proposed property has been mined, the Petitioner will want to expand the operation. In addition, he stated that this operation would be harmful for the road, especially in light of the fact that a new school is going to be built in the area in the near future. In addition, Dan Grafton appeared in opposition. He is a resident of Stokes Road and stated that the road is scheduled to be

resurfaced in the near future and that allowing trucks to haul dirt along these roads would undermine the resurfacing of the road completely. He stated that Stokes and Virillia Road cannot support this amount of traffic and this will cause the property values in the area to decrease. Jim Harkin also appeared in opposition to the Petition. He again emphasized the poor condition of the road and expressed his opinion as to safety concerns that would arise due to the number of trucks which would be using the roads in the area. Ken Johnston also appeared in opposition and stated similar concerns. Roberta Moore lives across from the proposed operation. She stated that the operation would upset the neighborhood and their peace. In addition, she stated that her opposition is based on the current condition of the road and the safety concerns with the trucks being present on the roads in the area. Upon motion by Commissioner Steen, seconded by Commissioner Walters, with all voting "aye", motion to table the Petition until the May, 2005 meeting in order to provide ample time and opportunity for the Commissioners to fully inspect the road conditions passed.

There next came on for consideration the Petition of James B. Collins/Michael Young for special exception to conduct surface mining along Coker Road. No one showed on behalf of the Petitioners. Attached hereto and incorporated herein by reference as Exhibit "A" is correspondence from Mary Elizabeth Hall to Brad Sellers in opposition to the Petition. The Petitioner, according to the Petition, wishes to operate a mining operation in order to construct a lake. The subject operation would consist of approximately 4 acres and would take 1 year to complete. Thirteen (13) individuals appeared in opposition to the Petition. Commissioner Walters inquired as to whether or not the Petitioner was aware of the hearing to which Administrator Sellers stated that he was. Motion was made by Commissioner Spiro to recommend that the Petition be denied, and Commissioner Steen seconded the motion. Commissioner Walters and Chairman Luckett voted, "nay" and, as such, there was a tie vote. Due to the tie, upon motion by Commissioner Walters, seconded by Commissioner Steen, with Steen and Walters voting "aye", and Commissioner Spiro voted "nay", motion to table the Petition until the May, 2005 meeting in light of the tying vote on previous motion, passed.

There next came on for consideration the Petition of C. H. Galloway for permission to conduct surface mining on Highway 43 South. The Petitioner stated that there are no neighbors around the property to complain, and that he personally maintains the roads when he creates surface mines such as this. He is currently operating an existing mine on the south side of Old Natchez Trace Road, and Petitioner stated that he would be completed with this mine sometime this summer and wanted to move to Highway 43 to continue mining dirt. He stated that the Highway 43 access is not in a dangerous place and he reclaims all the property that he mines. He stated for the Commission that this is his

dirt, he loads the dirt, but he does not haul it. He did state for the record that the drivers that he provides dirt for are very courteous to other cars on the roads. Upon motion by Commissioner Spiro, seconded by Commissioner Steen, with Steen and Spiro voting "aye", and Commissioner Walters voting "nay", motion to recommend approval contingent on all state and federal applications being submitted to the Board of Supervisors, passed. Commissioner Walters stated for the record that she voted in opposition due to the outcome of the previous surface mine petitions at the April meeting.

There next came on for discussion the issue of attorneys' fees. Upon Motion by Commissioner Steen, seconded by Commissioner Walters, with all voting "aye", Motion to approve attorneys' fees passed.

There next came on for discussion the issue of inspecting the area at issue in the Pat Russell Petition at the Virillia Road and Stokes Road property. In addition, the Commission discussed moving the meeting to be conducted in May from the second Thursday to an alternate date due to the Flea Market. It was settled that the inspection would take place on April 20, 2005 at 1:00 p.m. and that the May meeting would be conducted on May 5, 2005.

There being no further business, the meeting was adjourned at 10:15 a.m.

Date

(Chairman)