

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

REGULAR MEETING OF SEPTEMBER 26, 2012
Recessed from a Regular Meeting Conducted September 17, 2012

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on September 26, 2012, 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, John Bell Crosby, presided and called the meeting to order. The following members were present that day:

Present:

Supervisor John Bell Crosby
Supervisor Ronny Lott
Supervisor Gerald Steen
Supervisor Karl M. Banks
Supervisor Paul Griffin
Tax Collector Kay Pace
Chancery Clerk Arthur Johnston
Sheriff Randy Tucker

Absent:

Also in attendance:

County Administrator David Overby
County Comptroller and Deputy Chancery Clerk Shelton Vance
Board Secretary and Deputy Chancery Clerk Cynthia Parker
Board Attorney Mike Espy
County & State Aid/LSBP Engineer Rudy Warnock
Building and Grounds Director Barry Parker
E-911 and Emergency Management Director Butch Hammack

The President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Emergency Management and E-911 Director Butch Hammack opened the meeting with a prayer and Mr. Will Sligh led the members and the audience in the Pledge of Allegiance to the Flag of the United States of America

In re: Conducting Another Public Hearing on the Adoption of a Budget for FY 2013 for Madison County, Mississippi and the Adoption of a Proposed Tax Levy(ies) for FY 2013 for Madison County, Mississippi and Authorizing the Publication of Said Budget

RESOLUTION

WHEREAS, the Board of Supervisors previously advertised its intent to conduct another public hearing on September 26, 2012 at 6:00 p.m. concerning the adoption of a budget and proposed tax levy(ies) for FY 2013; and

WHEREAS, the notice of said hearings was published in the *Madison County Herald*, a newspaper of general circulation in the county, said publication having occurred on September 19, 2012 and September 25, 2012 as required by law and as reflected on the Proof of Publication thereof, a true and correct copy of which is attached hereto as Exhibit A, spread hereupon and incorporated herein by reference, and

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WHEREAS, said date and hour did arrive and the Board of Supervisors convened and opened the public hearing to consider the adoption of the budget and the setting of proposed tax levies for the upcoming 2012-2013 fiscal year (FY 2013); and

WHEREAS, President, John Bell Crosby, declared open the public hearing on the matter of the adoption of said budget and tax levy, and

WHEREAS, the Board received comments and reviewed a revised proposed budget with County Administrator David Overby and also reviewed the proposed tax levies for adoption in connection with said budget, and

WHEREAS, Mr. Overby appeared before the Board and summarized various and salient points of the budget and reported that the proposed tax levy reflects an increase of 2.5 mills for property within the county, and

WHEREAS, Mr. Overby's remarks are contained in that certain document marked as Exhibit B, spread hereupon and incorporated herein by reference, and

WHEREAS, several individuals appeared before the Board opposing the increase, including:

(1) Elizabeth Young who inquired of the Board why it was necessary to make certain shortfall payments under and pursuant to the county's Contribution Agreement with the two Parkway East Public Improvement Districts, and

(2) Harry Hyslop who pointed out that Mr. Steen campaigned on the basis of no new taxes, and to which Mr. Steen replied that while he did not want to raise taxes, and while his intentions were not to raise taxes, because of problems created by the prior Board of Supervisors, a small increase in general fund millage was necessary – these problems included, *inter alia*, (a) last year's use of \$800,000.00 of one time money (beginning cash); (b) cost overruns associated with the county's prior bond fund projects which resulted in the use of approximately \$1.6 million from the county's reserve funds which prudence dictates should be replenished; (c) shortfalls in the Parkway East North and Parkway East South special assessments which will require the use of approximately \$1.7 million in general fund dollars; and (d) increasing health care costs for county employees. Mr Steen also pointed out that, as Mr. Overby had stated, the increases in the fire protection and solid waste levies were necessary in order to insure that the revenues generated through such millages were sufficient to cover the projected costs of providing the services required without having to utilize special or general fund dollars. In this way, those who receive the services would be paying for them, and

(3) Holiness Barnes who wanted to support District 3 and also inquired as to the nature of the Parkway East Public Improvement District shortfalls, and

(4) Bill Billingsley who stated that less than three (3) percent of the county's budget would be enough to handle the PID situations and also indicated, *inter alia*, that the county could do without a lobbyist, a public relations firm, and legal costs associated with an appeal of a landfill challenge, and

(5) Scott Steele who thanked Board members for their service and stated that he was disappointed in the Board and that he believed that the Board could find solutions without raising taxes, and

(6) James Young who stated that the county was in a mess and pointed out that the PID situation was only going to get worse; that the people asked the Board to arrange the budget in such a way so as not to result in a tax increase; and who distributed copies of a document entitled "Governing by Principle" to Board members, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, and

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(7) Mayor Mary Hawkins-Butler who thanked the Board for allowing additional time to the public and who stated her opinion that the Board did not have to increase taxes and did not have to make payments under the Contribution Agreements with the two Parkway East Public Improvement Districts; and who presented (a) a Resolution of the City of Madison seeking the termination of payments and seek recovery of funds from the defaulting landowners and requesting that the Board seek a third party opinion on the matter and not raise taxes to address the matter, (2) an Attorney General's Opinion dated April 13, 2007 which she argued prohibited the PID payments she discussed, (3) an article from the September 25, 2012 Madison County Herald written by County Administrator David Overby; and (4) a copy of an undated three-page letter from the law firm of Butler Snow O'Mara Stevens and Cannada, PLLC, true and correct copies of each of which are attached hereto as Collective Exhibit C, spread hereupon and incorporated herein by reference, and

(8) Mary McLaurin who, *inter alia*, asked the Board not to raise taxes, especially on the elderly, and asked that the Board provide for a sunset provision on the additional levies and urged the Board to sell the PID property; and

(9) Anna Jenkins who inquired whether the fire protection levy increase would apply in her area and pointed out that the fire station in her area was not properly operational, and

(10) Sylvia Thomas who stated that she opposed the tax increase and requested the Board make appropriate budget cuts, and

(11) Cleo Hughes who stated, *inter alia*, that he had concerns and felt that the people were left out of the discussion, and

(12) Ben Hayes who brought attention to the fact that the Board had terminated certain county employees, yet the county is building a recreational park and lake in north Madison County, and

(13) Mark Bounds on behalf of the Madison County Foundation who reported that the Foundation would be bringing to the Board a proposal to help chart the future of the county and may provide a way out of the county's financial troubles,

Following additional discussion of this matter, Mr. Karl M. Banks did offer and Mr. Gerald Steen did second a motion to close the public hearing on said budget and tax levy and acknowledge and accept into the record the documentary evidence referenced herein above. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and the public hearing was and is hereby closed and said documents were and are hereby so accepted and acknowledged.

SO ORDERED this the 26th day of September, 2012.

Following further discussion, Mr. Gerald Steen did offer and Mr. Karl M. Banks did second a motion to (1) adopt the proposed budget as presented a true and correct copy of which is attached hereto as Exhibit D, spread hereupon and incorporated herein by reference; and (2) set and establish the levies and millage rates for the county as set forth on Exhibit E, labeled "Amended Madison County, Mississippi Tax Levies for the Fiscal Year Ending September 30, 2013," spread hereupon and incorporated herein by reference, the same reflecting an increase in the solid waste fund by 1.3 mils, the fire protection fund by .7 mils and the county general fund by .5

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mils, with all other millage rates to remain the same as FY 2012. The vote on the matter being as follows:

Supervisor John Bell Crosby	No
Supervisor Ronny Lott	No
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by a majority vote (3-2) of the Board and the budget as reflected on Exhibit D was and is hereby adopted and approved, and the tax levies as reflected on Exhibit E were and are hereby set and established.

SO ORDERED this the 26th day of September, 2012.

In re: Approval of Budget Amendments

WHEREAS, County Comptroller and Deputy Chancery Clerk Shelton Vance appeared before the Board and requested the Board's consideration of certain amendments to the current year budget of the county as set forth in that certain document entitled "Madison County Budget Amendments & Interfund Cash Transfers & Loans September 26, 2012 (Revised 9/26/2012)," a true and correct copy of which is attached hereto as Exhibit F, spread hereupon and incorporated herein by reference, and

Following discussion, Mr. Karl M. Banks did offer and Mr. Ronny Lott did second a motion to approve said budget amendments. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said budget amendments were and are hereby approved.

SO ORDERED this the 26th day of September, 2012.

***In re: Approval of Final Claims Docket for FY 2012,
the Same being Dated September 26, 2012***

WHEREAS, the Board reviewed the final claims docket for FY 2012, the same being titled "Revised Claims Docket (Including 9/30/2012 Payroll) September 26, 2012 \$1,631,605.11," a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, County Comptroller and Deputy Chancery Clerk Shelton Vance did assure the Board of Supervisors that all claims had been properly documented and where necessary, purchase orders were obtained in advance as required by law; and

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WHEREAS, the following is a summary of all claims and funds from which said claims are to be paid relative to the primary final claims docket dated September 26, 2012:

Fund	Claim Nos.	No. of Claims	Amount
001	4093 to 4127	35	937,031.47
002	201 to 204	4	12,105.60
012	215 to 224	10	21,673.92
015	152 to 153, 155, 159	4	202,613.55
097	320 to 331	12	36,557.56
105	284 to 288	5	39,564.87
115	111 to 114	4	12,691.74
116	58 to 58	1	370.66
120	105 to 105	1	45.50
121	36 to 36	1	19.28
150	956 to 983	28	92,929.05
160	291 to 301	11	45,928.45
190	140 to 142	3	18,055.10
191	146 to 148	3	4,296.83
302	81 to 83	3	127,994.27
697	12 to 12	1	45,554.37
698	12 to 12	1	34,172.89
TOTAL ALL FUNDS		127	1,631,605.11

HELD CLAIMS

All those certain claims of Fleetcor Technologies as set forth on that certain document attached hereto as Exhibit G, spread hereupon and incorporated herein by reference, were and are held for separate vote and are not included in the above.

Thereafter and following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve the "Revised Claims Docket (Including 9/30/2012 Payroll) September 26, 2012 \$1,631,605.11," as presented, less and except the above noted held claims. Said motion directed that invoice numbers should be attached to each claim on the claims docket and further directed the Chancery Clerk to publish the Summary of Claims as required by law and to authorize the Board President to sign and approve the Claims Docket, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes together with a separate Resolution approving payment of said claims, which Resolution is attached hereto as Exhibit H, spread hereupon, and incorporated herein by reference. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said Claims Docket was and is hereby approved, and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 26th day of September, 2012.

Thereafter, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to pay the aforementioned held claims of Fleetcor Technologies. The vote on the matter being as follows:

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Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Not Present and Not Voting ¹
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by 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 26th day of September, 2012.

In re: Adoption of Final, Amended Budget for Fiscal Year Ending September 30, 2012

WHEREAS, County Comptroller and Deputy Chancery Clerk Shelton Vance appeared before the Board and recommended the Board amend the 2012 budget to the final actual receipts and final actual expenditures for the fiscal year ended September 30, 2012,

Following discussion, Mr. Karl M. Banks did offer and Mr. Gerald Steen did second a motion to (1) amend the 2012 budget to the final actual receipts, including beginning cash as budgeted, as shown on the General Ledger Budgeted Receipts Report after posting of all transactions for the fiscal year ending September 30, 2012, and (2) amend the 2012 budget to the final actual expenditures as shown on the General Ledger Budgeted Expenditures Report (summarized by Category – personal services, contractual services, etc.), after payment of all approved claims, and payrolls for the fiscal year ending September 30, 2012, the with final amended budget document to be presented and spread upon the Minutes of this Board during the October 2012 term. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said 2012 budget was and is hereby so amended.

SO ORDERED this the 26th day of September, 2012.

In re: Approval of Requested Use of Historic Courtyard

WHEREAS, County Administrator David Overby appeared before the Board and presented a request from True Blue Booster Club requesting permission to place a Canton High Tiger mascot in the historic courtyard for the Canton High homecoming parade set for Friday, September 28, 2012,

Following discussion, Mr. Karl M. Banks did offer and Mr. Ronny Lott did second a motion to authorize the True Blue Booster Club to place a Canton High Tiger mascot in the historic courtyard for the Canton High homecoming parade set for Friday, September 28, 2012. The vote on the matter being as follows:

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

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Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

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

SO ORDERED this the 26th day of September, 2012.

In re: Authorization of Board President to Execute Invoice and Authorization of Sale of County Vehicles at Auction

WHEREAS, Sheriff Randy Tucker appeared before the Board and requested the Board authorize the Board President to execute an invoice unto MDOC for housing of prisoners, and

WHEREAS, Sheriff Tucker then presented a list of vehicles to be sold at auction and requested the Board approve same, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to (1) authorize the Board President to execute said invoice unto MDOC and (2) authorize the Sheriff to sell said vehicles at an auction of his choosing. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Ronny Lott	Aye
Supervisor Gerald Steen	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and the Board President was and is hereby so authorized and the Sheriff was and is hereby so authorized.

SO ORDERED this the 26th day of September, 2012.

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor Paul Griffin and seconded by Supervisor Karl M. Banks and approved by the unanimous vote of those present, the September 2012 term of the Board of Supervisors was adjourned.

John Bell Crosby, President
Madison County Board of Supervisors

Date signed: _____

ATTEST:

Arthur Johnston, Chancery Clerk

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