

UNITED STATES OF AMERICA

STATE OF MISSISSIPPI

COUNTY OF LAFAYETTE

CITY OF OXFORD

REGULAR MEETING

January 2, 2007

6:00 p.m.

CALL TO ORDER:

The meeting of the Mayor and Board of Aldermen of the City of Oxford, Mississippi, was called to order by Mayor Howorth at 6:00 p.m. on Tuesday, January 2, 2007, in the courtroom of City Hall when and where the following were present:

Richard Howorth - Mayor
 Pat Patterson – Alderman Ward I
 E.O. Oliver – Alderman Ward II
 Janice Antonow – Alderman Ward III
 Ulysses Howell – Alderman Ward IV
 Preston Taylor – Alderman Ward V
 Jon Fisher – Alderman Ward VI
 Dr. Bill Baker- Alderman At-Large

Mayo Mallette PLLC – Of Counsel
 Lisa Carwyle – City Clerk
 Tim Akers- Director of Planning
 David Bennett – Director of Public Works
 Al Hope – Personnel Director
 Jerry Johnson – Chief of Fire Dept
 Steve Bramlett– Chief Oxford Police Dept
 Hugh Stump – Director of OCC
 Randy Russell – Superintendent of Sanitation
 Billy Lamb – Supt of Building & Grounds
 Kleb Johnson – Director of Parks & Rec

MAYOR'S REPORT:

Board Report 01 02 07

Greetings and Happy New Year to everyone. At some point soon I will have a State of the City address – not tonight.

The ordinance review committee met recently to discuss the zoning of areas to be annexed, and changing the zoning map, and thus the comprehensive plan, accordingly. There will be a public hearing on January 8, 2007, at the Planning Commission hearing. Any inquiries about these areas are to be directed to City Planner Tim Akers. This process all goes forward contingent upon approval of the annexation plan by the Department of Justice, of course. Once the Planning Commission approves the zoning and comprehensive plan amendment, it will come to this board and undergo the regular three-reading ordinance amendment procedure.

Some of the aldermen and I have met recently with some of the people who have expressed interest in perhaps serving on the Planning Commission. I am grateful that

several very well-qualified people have inquired, one of whom I will ask the board to approve later tonight.

Much of our time over the holidays has been absorbed in discussions, mostly communicated through exchanges between the City and County attorneys, regarding OPC and the proposed new recreational facility. It is important for the public to know that the City and the County do not now have a written understanding of any arrangement that will provide for the funding of the new proposed recreational facility. As I said during the public meeting at the Conference Center, “the devil is in the detail,” and indeed that has been the case. However, I remain hopeful that these two boards will work something out – which, as we have said from the beginning, must be done very soon, as in the next week or two, perhaps sooner, if both boards expect to have time to cross t’s and dot i’s.

Finally, on behalf of the board and the people of Oxford, I extend condolences and sympathy to the family of Ashley and John Dias.

AGENDA: It was moved by Alderman Antonow, seconded by Alderman Howell to adopt the agenda for the meeting. All the aldermen present voting aye, Mayor Howorth declared the motion carried.

MINUTES: It was moved by Alderman Antonow, seconded by Alderman Howell to approve the minutes of the special meeting on December 18, 2006 and the regular meeting on December 19, 2006. All the aldermen present voting aye, Mayor Howorth declared the motion carried.

ACCOUNTS: It was moved by Alderman Baker, seconded by Alderman Fisher to authorize approval of all City accounts. All the aldermen present voting aye, Mayor Howorth declared the motion carried.

BOND INTENT RESOLUTION: It was moved by Alderman Patterson, seconded by Alderman Antonow to adopt the following intent resolution for a possible \$9,000,000 Bond Issue. All the aldermen voting aye, Mayor Howorth declared the motion carried

There came on for consideration the matter of issuing general obligation bonds of the City of Oxford, Mississippi and after a discussion of the subject matter, Alderman ___Patterson___ offered and moved the adoption of the following resolution:

RESOLUTION DECLARING THE INTENTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF OXFORD, MISSISSIPPI, TO ISSUE GENERAL OBLIGATION BONDS OF SAID MUNICIPALITY IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED NINE MILLION DOLLARS (\$9,000,000) TO RAISE MONEY FOR THE PURPOSE OF ESTABLISHING SANITARY, STORM, DRAINAGE OR SEWERAGE SYSTEMS, AND REPAIRING, IMPROVING AND EXTENDING THE SAME, AND CONSTRUCTING, IMPROVING OR PAVING STREETS, SIDEWALKS, DRIVEWAYS, PARKWAYS, WALKWAYS OR PUBLIC PARKING FACILITIES AND PURCHASING LAND THEREFORE AND PURCHASING LAND FOR PARKS AND PUBLIC PLAYGROUNDS AND

IMPROVING, EQUIPPING AND ADORNING THE SAME, INCLUDING THE CONSTRUCTING, REPAIRING AND EQUIPPING OF RECREATIONAL FACILITIES; DIRECTING THE PUBLICATION OF THE NOTICE OF SUCH INTENTION; AND FOR RELATED PURPOSES.

WHEREAS, the Mayor and Board of Aldermen of the City of Oxford, Mississippi (the "Governing Body"), acting for and on behalf of the City of Oxford, Mississippi (the "City") are authorized by Section 21-33-301 *et seq.*, Mississippi Code of 1972, as amended (the "Act") to issue bonds for the purposes set forth therein, including, but not limited to, (a) establishing sanitary, storm, drainage or sewerage systems, and repairing, improving and extending the same, (b) constructing, improving or paving streets, sidewalks, driveways, parkways, walkways or public parking facilities and purchasing land therefore, and (c) purchasing land for parks, cemeteries and public playgrounds and improving, equipping and adorning the same, including the constructing, repairing and equipping of swimming pools and other recreational facilities; and

WHEREAS, it is necessary and desirable and in the public interest to issue general obligation bonds of the City in an aggregate principal amount not to exceed Nine Million Dollars (\$9,000,000) in accordance with the Act to raise money for the purpose of (a) establishing sanitary, storm, drainage or sewerage systems, and repairing, improving and extending the same, (b) constructing, improving or paving streets, sidewalks, driveways, parkways, walkways or public parking facilities and purchasing land therefore and (c) purchasing land for parks and public playgrounds and improving, equipping and adorning the same, including the constructing, repairing and equipping of recreational facilities (collectively, the "Project"); and

WHEREAS, the assessed value of all taxable property within the City, according to the last completed assessment for taxation, is One Hundred Seventy-Eight Million Four Hundred Eighty-Eight Thousand Dollars (\$178,488,000) and the City has outstanding bonded indebtedness as subject to the fifteen percent (15%) debt limit prescribed by Section 21-33-303, Mississippi Code of 1972, as amended, in the amount of Nine Million Nine Hundred Forty-Five Thousand Dollars (\$9,945,000), and outstanding bonded and floating indebtedness as subject to the twenty percent (20%) debt limit prescribed by Section 21-33-303, Mississippi Code of 1972, as amended (which amount includes the sum set forth above subject to the fifteen percent (15%) debt limit), in the amount of Nine Million Nine Hundred Forty-Five Thousand Dollars (\$9,945,000); and

WHEREAS, the issuance of the City's general obligation bonds as hereinafter set forth to be issued, pursuant to the Act, when added to the outstanding bonded indebtedness of the City, will not result in bonded indebtedness, exclusive of indebtedness not subject to the aforesaid fifteen percent (15%) debt limit, of more than fifteen percent (15%) of the assessed value of all taxable property within the City, and will not result in indebtedness, both bonded and floating, exclusive of indebtedness not subject to the aforesaid twenty percent (20%) debt limit, in excess of twenty percent (20%) of the assessed value of all taxable property within the City, and will not exceed any constitutional or statutory limitation upon indebtedness which may be incurred by the City; and

WHEREAS, there has been no increase in said bonded and floating general obligation indebtedness of the City since April 1, 2005; and

WHEREAS, in connection with the Project, the City expects to incur expenses for which the City will advance internal funds; and

WHEREAS, the City desires to be able to reimburse itself for all or a portion of such expenses of the Project from the proceeds of such general obligation bonds; and

WHEREAS, the Governing Body is authorized and empowered by the Act to issue general obligation bonds of the City for the purposes as hereinafter set forth and there are no other available funds on hand or available from regular sources of income for such purposes.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY, ACTING FOR AND ON BEHALF OF THE CITY, AS FOLLOWS:

SECTION 1. Pursuant to the Act, the Governing Body, acting for and on behalf of the City, does hereby declare its intention to issue and sell general obligation bonds of the City in an aggregate principal amount not to exceed Nine Million Dollars (\$9,000,000) (the "Bonds").

SECTION 2. The Bonds are to be issued to raise money for the purpose of financing the Project, all in accordance with the Act.

SECTION 3. The Bonds may be issued in one or more series and will be general obligations of the City payable as to principal and interest out of and secured by an irrevocable pledge of the avails of a direct and continuing tax to be levied annually without limitation as to time, rate or amount upon all the taxable property within the geographical limits of the City.

SECTION 4. The Governing Body proposes to direct the issuance of all or any portion of the Bonds in the amount and for the purposes and secured as aforesaid at a meeting of the Governing Body held at its usual meeting place in the City Hall in the City of Oxford, Mississippi, located at 107 Courthouse Square, Oxford, Mississippi, at the hour of 6:00 o'clock p.m. on February 6, 2007 or at some meeting or meetings subsequent thereto; provided, however, that if ten percent (10%) of the qualified electors of the City or fifteen hundred (1,500), whichever is less, shall file a written protest with the Clerk of the City against the issuance of the Bonds on or before said date and hour pursuant to the Act, then the Bonds shall not be issued unless approved at an election on the question of the issuance of the Bonds called and held as provided by law; provided, further that if no protest be filed on or before said date and hour, against the issuance of the Bonds, then the Bonds may be issued without an election on the question of the issuance thereof, at any time within a period of two (2) years after said date.

SECTION 5. The Clerk of the City is hereby directed to publish a copy of this resolution once a week for at least three (3) consecutive weeks in *The Oxford Eagle*, a newspaper published in and having a general circulation in the City and qualified under the provisions of Section 13-3-31, Mississippi Code of 1972, as amended, with the first publication being not less than twenty-one (21) days prior to the date set forth in Section 4 of this resolution, and the last publication being made not more than seven (7) days prior to such date.

SECTION 6. The Clerk of the City is hereby directed to procure from the publisher of the aforesaid newspaper the customary proof of the publication of this resolution and have the same before the Governing Body on the date and hour specified in Section 4 hereof.

SECTION 7. The City hereby declares its official intent to reimburse itself from the proceeds of the Bonds for expenses incurred with respect to the Project subsequent to the date of this resolution. This resolution is intended as a declaration of official intent under Treasury Regulation Section 1.150-2. The Bonds will not exceed an aggregate principal amount of Nine Million Dollars (\$9,000,000).

SECTION 8. If any one or more of the provisions of this resolution shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any of the other provisions of this resolution, but this resolution shall be construed and enforced as if such illegal or invalid provision or provisions had not been contained herein.

Alderman Antonow seconded the motion to adopt the foregoing resolution, and the question being put to a roll call vote, the result was as follows:

Alderman Pat Patterson voted:	<u>AYE</u>
Alderman E.O. Oliver voted:	<u>AYE</u>

Alderwoman Janice Antonow voted:	AYE_____
Alderman Coach Howell voted:	AYE_____
Alderman Preston E. Taylor voted:	AYE_____
Alderman Jon Fisher voted:	AYE_____
Alderman Bill Baker voted:	AYE_____

The motion having received the affirmative vote of a majority of the members of the Board of Aldermen present, being a quorum of said Board of Aldermen, the Mayor declared the motion carried and the resolution adopted this 2nd day of January, 2007.

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PUBLIC HEARING: It was announced that a public hearing would be held on January 16, 2007 to discuss performance of Vista III Media at 5:00 p.m.

PLANNING COMMISSION: It was moved by Alderman Howell, seconded by Alderman Oliver to appoint Rob Neely to the Planning Commission to replace Lew Yoder. Mr. Neely's term will expire July 2009. All the aldermen voting aye, Mayor Howorth declared the motion carried.

SPORTS COMPLEX: The Mayor reported that the Board of Aldermen and the County Supervisors are continuing to work on the interlocal agreement for the sports facility.

Mayor Howorth recused himself from the meeting at this time.

TOURISM GRANTS: Hugh Stump came before the Mayor and Board of Aldermen to discuss the grants given by the Oxford Tourism Council.

It was moved by Alderman Patterson, seconded by Alderman Antonow to authorize the budget increase from \$50,000.00 to \$80,000.00 for this year's grant cycle and to also pay the Tourism Council \$6,241.85 for prior year grants. All the aldermen voting aye, Mayor Pro Temp Howell declared the motion carried.

**JEFFERSON/MADISON
HISTORIC DISTRICT:**

A court reporter was present for the hearing. The transcribed minutes are attached as appendix A.

It was moved by Alderman Antonow, seconded by Alderman Patterson to include the two properties, 64 and 65 in the proposed district. All the aldermen voting aye, Mayor Pro Temp Howell declared the motion carried.

It was moved by Alderman Antonow, seconded by Alderman Patterson to send the District back to the Historic Preservation Commission to consider compromising on the set back or anything else for parcels 220, 219 and 218. The Board of Aldermen

will still vote on the district at the next meeting. All the aldermen voting aye, Mayor Pro Temp Howell declared the motion carried.

Mayor Howorth returned to the meeting at this time.

ALVIN CHAMBLISS:

Mr. Alvin Chambliss came before the Mayor and Board of Aldermen to discuss sewer problems at his residence. Mayor Howorth told Mr. Chambliss the City would ask for a full report on the claim from the City's liability insurance carrier.

AMENDMENT TO THE
LAND DEVELOPMENT
CODE:

This was the second reading and public hearing on the proposed amendment to the Land Development Code amending Section 212.03 Site Plan review and 126.12 General District Regulations. There was no comment from the public.

AMENDMENT TO THE
HISTORIC PRESERVATION
ORDINANCE:

This was the second reading and public hearing on the proposed amendment to the Historic Preservation Ordinance to revise the procedure for the designation of landmarks, landmark sites and historic districts. There was no comment from the public.

GARBAGE TRUCK:

It was moved by Alderman Baker, seconded by Alderman Taylor to award the bid to Ingram Equipment for a garbage truck in the amount of \$126,125.55. The bids were as follows:

All the aldermen voting aye, Mayor Howorth declared the motion carried.

ULTIMATE SUPERVISOR
TRAINING:

It was moved by Alderman Baker, seconded by Alderman Howell to authorize two officers to attend the Ultimate Supervisor Training in Jackson, MS on January 19, 2007 with a cost of \$308.00. All the aldermen voting aye, Mayor Howorth declared the motion carried.

BETST RECERTIFICATION:

It was moved by Alderman Howell, seconded by Alderman Antonow to authorize one dispatcher to

attend the BETST Recertification course in Grenada, MS on January 27-28, 2007 with a cost of \$175.00. All the aldermen voting aye, Mayor Howorth declared the motion carried.

FIRE DEPARTMENT
DONATION:

It was moved by Alderman Patterson, seconded by Alderman Howell to accept a \$1,000.00 donation from Security Check for the smoke detector fund. All the aldermen voting aye, Mayor Howorth declared the motion carried.

EXECUTIVE SESSION:

It was moved by Alderman Howell, seconded by Alderman Patterson to consider executive session for possible purchase of property. All the aldermen present voting aye, Mayor Howorth declared the motion carried.

It was moved by Alderman Howell, seconded by Alderman Patterson to go into executive session. All the aldermen present voting aye, Mayor Howorth declared the motion carried.

It was moved by Alderman Fisher, seconded by Alderman Antonow to go into regular session. All the aldermen present voting aye, Mayor Howorth declared the motion carried.

ACQUISITION OF
PROPERTY:

It was moved by Alderman Fisher, seconded by Alderman Baker to authorize the Public Works Director to negotiate the purchase of a water system at Woodland Hills. All the aldermen voting aye, Mayor Howorth declared the motion carried.

ADJOURN:

It was moved by Alderman Fisher, seconded by Alderman Howell to adjourn the meeting sine-die. All the aldermen present voting aye, Mayor Howorth declared the motion carried.

Richard Howorth, Mayor

Lisa Carwyle, City Clerk