

UNITED STATES OF AMERICA

STATE OF MISSISSIPPI

COUNTY OF LAFAYETTE

CITY OF OXFORD

REGULAR MEETING

November 20, 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, November 20, 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
 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
 Lynn Robbins – Supt of Electric Dept
 Al Hope – Personnel Director
 Mike Martin– Chief Oxford Police Dept
 Jerry Johnson- Chief of Oxford Fire Dept
 Randy Barber– Building & Code Enforcement

AGENDA:

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

MAYOR'S REPORT:

The board extends well wishes to Billy Lamb and to Coach Howell, both of whom have been out on medical leave. We expect them both to be back on the job soon. I also want to thank Billy on the remodeling job for the building inspectors in the basement – check it out if you haven't been down there yet.

We thank the VFW, DAV and American Legion for hosting our community's Veterans Day ceremony, which they also do, every year, for Memorial Day. This is always a meaningful event, and just a fine, worthwhile way for any citizen to begin the day. This year a gubernatorial proclamation was presented to veteran (and former alderman and assist. Police chief) H. C. Franklin. We thank Gene Hays and all the other veterans and their families for making this a proud event here, and, moreover, of course, for their sacrifices for the nation.

This board puts an emphasis on training for all employees, including its elected officials. We congratulate Janice Antonow for completing the Certified Municipal Officials Program offered by the MS Municipal League. It involved 20 hours of core courses - Municipal Organization, Law, Finance and Land Use, plus 40 elective hours. Thank you, Dr. Antonow; this benefits all of us.

I believe most if not all of our aldermen, as well as the city's department heads and numerous other designated staff recently completed the County Emergency Management Plan update and orientation

conducted by Jimmy Allgood. I simply want to assure the public that this is something we take very seriously, along with our respective counterparts in the area.

The board has received an email update from me on LOU HOME's house-moving plans. There are temporary changes at the Molly Barr / McElroy intersection, and I encourage people to notice this will be a 3-way stop until the houses are moved. There will also be a change to one light at Gertrude Ford and Jackson, but this should not interrupt traffic except when the houses are being moved.

Dr. Antonow and Dr. Baker and I attended the 20th anniversary of the Scott Center. Visiting the Scott Center is in some ways similar to the experience of attending our recent Veterans' Day ceremony -- in the sense that both tend to confirm what is important and worthwhile in one's own life, and renew one's gratitude for the gifts of others. We are very grateful for what the Scott Center gives to its students and to this community and our school district.

We commend the Chancellor and the University administration in successfully attracting the first presidential debate this coming September. This is a great opportunity for all here, and no doubt will be worth whatever its trouble may be -- easy for me to say now.

We also appreciate a generally pleasant LSU-Ole Miss football game weekend. I was in the Grove, and found it to be very much the "family-friendly" environment the University has sought to restore. There were scant incidents of trouble around the Square Saturday night. We thank the Police Department, the business owners, Ole Miss fans, and the students for behaving well and being the sorts of hosts we aim to be on these weekends. We even thank the LSU fans -- they were pretty good, too, and we look forward to seeing them again in two years.

MINUTES: It was moved by Alderman Fisher, seconded by Alderman Antonow to approve the minutes of the regular board meeting on November 6, 2007 and the special meeting on November 13, 2007. All the aldermen voting aye, Mayor Howorth declared the motion carried.

ACCOUNTS: It was moved by Alderman Baker, seconded by Alderman Fisher to approve all City accounts including the Electric Department. All the aldermen voting aye, Mayor Howorth declared the motion carried.

NO PROTEST RESOLUTION: It was moved by Alderman Baker, seconded by Alderman Antonow to adopt the following No Protest Resolution for the issuance of \$3,450,000 of Water and Sewer Revenue Bonds.

There came on for consideration the matter of the issuance of combined water and sewer system revenue bonds of the City of Oxford, Mississippi and, after a discussion of the subject matter, Alderman ___Baker___ offered and moved the adoption of the following resolution:

RESOLUTION FINDING AND DETERMINING THAT THE NOTICE OF RESOLUTION EVIDENCING INTENT TO ISSUE COMBINED WATER AND SEWER SYSTEM REVENUE BONDS OF THE CITY OF OXFORD, MISSISSIPPI WAS DULY PUBLISHED AS REQUIRED BY LAW AND THAT NO WRITTEN PROTEST OR OTHER OBJECTION OF ANY KIND OR CHARACTER AGAINST THE ISSUANCE OF SUCH REVENUE BONDS HAS BEEN FILED BY QUALIFIED ELECTORS OF THE CITY OF OXFORD, MISSISSIPPI; DECLARING THE NECESSITY FOR THE SALE AND ISSUANCE OF SUCH REVENUE BONDS; AND FOR RELATED PURPOSES.

WHEREAS, the Mayor and Board of Aldermen (the "Board") of the City of Oxford, Mississippi (the "City") is authorized under the provisions of Sections 21-27-11 *et seq.*, Mississippi Code of 1972, as amended (the "Act"), to issue revenue bonds of the

City in such amounts as it may find necessary and proper and for the purposes set forth in the Act, including, but not limited to, the acquisition, construction, enlargement, improvement, repair and/or extension of the City's combined waterworks and sewage system (the "System"); and

WHEREAS, by resolution adopted on October 16, 2007 (the "October Resolution"), the Board found and determined that it is necessary and proper for the City to acquire, construct, enlarge, improve, repair and/or extend the System (the "Project") which Project is to be done substantially in accordance with plans and specifications prepared by competent engineers employed by the City and approved by the Board; and

WHEREAS, the Board has previously caused an estimate to be made of the costs of the Project by competent engineers employed by the City from which estimates the Board finds and determines that the contemplated costs thereof will not exceed Three Million Four Hundred Fifty Thousand and No/100ths Dollars (\$3,450,000); and

WHEREAS, as a result of a study done by such competent engineers, the Board finds and determines that the estimated life of the Project will be at least twenty five (25) years; and

WHEREAS, it is necessary for the health and well-being of the citizens of the City to issue combined water and sewer system revenue bonds of the City pursuant to the provisions of the Act in order to finance the costs of the Project; and

WHEREAS, it is necessary, proper and economically feasible that the City issue combined water and sewer system revenue bonds pursuant to the Act for the purposes herein stated and under the procedures hereinafter set forth and as provided by law; and

WHEREAS, the Project is in accordance with the provisions of the Act; and

WHEREAS, as a result of the findings in the study of such competent engineers, the Project and the costs thereof are economically feasible; and

WHEREAS, pursuant to the provisions of the Act, the Board is authorized to issue combined water and sewer system revenue bonds of the City to finance the costs of the Project; and

WHEREAS, said revenue bonds would be secured by a lien on and payable solely from the revenues of the System; and

WHEREAS, in the October Resolution, the Board declared its intention to issue Combined Water and Sewer System Revenue Bonds of the City pursuant to the Act in an aggregate principal amount not to exceed Three Million Four Hundred Fifty Thousand and No/100ths Dollars (\$3,450,000) (the "Bonds") for the purpose of financing the Project; and

WHEREAS, as required by Section 21-27-43 of the Act, a Notice of Resolution Evidencing Intent to Issue Combined Water and Sewer System Revenue Bonds of the City of Oxford, Mississippi (the "Notice of Resolution") was published in *The Oxford Eagle*, a newspaper published in and having a general circulation in the City and qualified under the provisions of the laws of the State of Mississippi, on October 22, 29 and November 5, 2007, said publication being for three (3) consecutive weeks, with the last publication being made more than ten (10) days prior to November 20, 2007; and

WHEREAS, a proof of publication of the Notice of Resolution is attached hereto as Exhibit A; and

WHEREAS, as of the hour of 6:00 p.m. on November 20, 2007, no qualified elector of the City had filed a written protest or objection of any kind or character against the issuance of the Bonds with the City or any member of the Board; and

WHEREAS, at the hour of 6:00 p.m. on November 20, 2007, at the usual meeting place of the Board, in the City Hall located at 107 Courthouse Square in the City, all persons present or represented by counsel or otherwise were given the opportunity to be heard concerning the issuance of the Bonds and the purpose for which the Bonds will be issued and no protest or objection of any kind or character against the issuance of the Bonds or the purpose for which they are to be issued was presented; and

WHEREAS, the Board is now authorized and empowered by the provisions of the Act to issue the Bonds without an election on the question thereof for the purposes herein stated 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 OF OXFORD, MISSISSIPPI, ACTING FOR AND ON BEHALF OF SAID CITY, IN REGULAR SESSION ASSEMBLED ON THIS THE 20TH DAY OF NOVEMBER, 2007 AS FOLLOWS:

SECTION 1. Each and all of the facts and findings set forth in the premises clauses of this resolution are hereby found and determined to be true and accurate and are incorporated herein by this reference thereto as though set forth again in words and figures.

SECTION 2. The Board does hereby find and determine that, as required by Section 21-27-43 of the Act, the Notice of Resolution was published in *The Oxford Eagle*, a newspaper published in and having a general circulation in the City and qualified under the provisions of the laws of the State of Mississippi, on October 22, 29 and November 5, 2007, said publication being for three (3) consecutive weeks, with the last publication being made more than ten (10) days prior to November 20, 2007.

SECTION 3. The proof of publication of the Notice of Resolution is hereby accepted.

SECTION 4. The Board does further find and determine that as of the hour of 6:00 p.m. on November 20, 2007, (a) no qualified elector of the City had filed a written protest or objection of any kind or character against the issuance of the Bonds with the City or any member of the Board, and (b) all persons present or represented by counsel or otherwise were given the opportunity to be heard concerning the issuance of the Bonds and the purposes for which the Bonds will be issued and no protestor objection of any kind or character against the issuance of the Bonds or the purposes for which they are to be issued was presented.

SECTION 5. The Board does hereby find and declare that the sale and issuance of not to exceed Three Million Four Hundred Fifty Thousand and No/100ths Dollars (\$3,450,000) aggregate principal amount Combined Water and Sewer System Revenue Bonds of the City is necessary and advisable and conforms to the Act.

SECTION 6. The Bonds shall be issued and delivered without the necessity of calling and holding an election on the question of the issuance of the Bonds.

SECTION 7. The costs of the Project shall not exceed Three Million Four Hundred Fifty Thousand and No/100ths Dollars (\$3,450,000) and the estimated life of the Project is at least twenty-five (25) years.

SECTION 8. The principal of and interest on the Bonds shall be payable solely from revenues derived and to be derived from the operation of the System. The Bonds shall not constitute an indebtedness of the City within the meaning of any statutory or charter restriction, limitation, or provision, and the taxing power of the City will not be pledged to the payment of the Bonds, but the same, together with the interest thereon, shall be payable solely from revenues derived and to be derived from the operation of the System.

SECTION 9. This resolution shall become effective immediately upon the adoption hereof.

SECTION 10. 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 role call vote, the result was as follows:

Alderman Pat Patterson voted:	__AYE_____
Alderman E.O. Oliver voted:	AYE_____
Alderwoman Janice Antonow voted:	__AYE_____
Alderman Coach Howell voted:	__ABSENT_____
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 present, being a quorum of said Board, the Mayor declared the motion carried and the resolution adopted this 20th day of November, 2007.

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EXHIBIT A

PROOF OF PUBLICATION

TREE BOARD:

It was moved by Alderman Baker, seconded by Alderman Fisher to accept the resignation of Katrina Hourin from the Tree Board and announce the vacancy. All the aldermen present voting aye, Mayor Howorth declared the motion carried.

LANDSCAPE ORDINANCE AMENDMENTS:

This was the first reading of the proposed amendment to the landscape ordinance establishing tree preservation standards for certain development. The proposed ordinance is posted on the City's website and a work session will be held on Tuesday, November 27, 2007 at 10:30 a.m. at the Oxford Conference Center. The second reading and public hearing will be at the December 18, 2007 Board of Aldermen meeting.

OLD ARMORY:

It was moved by Alderman Antonow, seconded by Alderman Baker to authorize Interfaith Compassion Ministries to use the old armory building from December 1- 15, 2007 for the Christmas Store. All the aldermen present voting aye, Mayor Howorth declared the motion carried.

2006 RESIDENTIAL PLUMBING & MECHANICAL CODE:

It was moved by Alderman Fisher, seconded by Alderman Antonow to authorize Randy Barber and Keith Ray to attend the 2006 Residential Plumbing & Mechanical Code Courses on January 7-9, 2007 in Hernando, MS at no cost to the City. All the aldermen present voting aye, Mayor Howorth declared the motion carried.

COUNTRY CLUB SIDEWALK AND DRAINAGE:

It was moved by Alderman Baker, seconded by Alderman Fisher to authorize the change order to the Country Club Sidewalk and Drainage project in the amount of \$12,000.00, this amount includes a handicap curb cut at Jackson Avenue and Country Club Road. All the alderman present voting aye, Mayor Howorth declared the motion carried.

VEHICLES:

It was moved by Alderman Fisher, seconded by Alderman Antonow to authorize the purchase of four vehicles on state contract. The first one is for the Street Department in the amount of \$20,087.00, one is for the Water Department in the amount of \$16,545.00, one is for the Lift Department in the amount of \$13,667.00 and the last one is for the Oxford – Lafayette Fields in the amount of \$18,931.00. All the aldermen present voting aye, Mayor Howorth declared the motion carried.

- CEMETERY REGULATIONS:** This was the second reading and public hearing of the proposed changes to the ordinance regarding cemetery regulations. A woman came before the Mayor and Board of Aldermen to request the ordinance allow for three flat ground markers per lot. The aldermen agreed to make this change to the proposed ordinance. The third reading and vote will be at the next board meeting.
- MS/AL RECYCLING ANNUAL CONFERENCE:** It was moved by Alderman Fisher, seconded by Alderman Antonow to authorize Amberlyn Liles to attend the MS/AL Recycling Annual Conference in Biloxi, MS on January 24-25, 2007 with a cost of \$400.00. All the aldermen present voting aye, Mayor Howorth declared the motion carried.
- TYMCO SWEEPER TRAINING:** It was moved by Alderman Antonow, seconded by Alderman Taylor to authorize Roger Redding to attend Tymco Sweeper training school in Waco, TX on December 11-12, 2007 with a cost of \$1,000.00. All the aldermen present voting aye, Mayor Howorth declared the motion carried.
- TVPPA LINEWORKER CLIMBING:** It was moved by Alderman Fisher, seconded by Alderman Patterson to authorize Bobby Hervey, Patrick McKeage, Derrick Milliner and Peyton Robinson to attend the TVPPA Line worker Climbing class on January 13-18, 2008 in Scottsboro, AL with a cost of \$3,850.00. All the aldermen present voting aye, Mayor Howorth declared the motion carried.
- RESERVE OFFICER:** It was moved by Alderman Baker, seconded by Alderman Fisher to authorize William Tait as a reserve officer. All the aldermen present voting aye, Mayor Howorth declared the motion carried.
- TAXI PERMIT:** It was moved by Alderman Antonow, seconded by Alderman Taylor to authorize Joel Butler for a taxi permit with Angel Taxi. All the aldermen present voting aye, Mayor Howorth declared the motion carried.
- INTERN:** It was moved by Alderman Baker, seconded by Alderman Taylor to authorize the employment of Trista Beavers as an intern with the Oxford Police Department. All the aldermen present voting aye, Mayor Howorth declared the motion carried.
- AMENDMENT:** It was moved by Alderman Patterson, seconded by Alderman Fisher to authorize the amendment to the Police Department's equipment line in their budget by \$4,000.00. This is for the purchase of equipment to be used by the Law Enforcement Association at the training facility. All the aldermen voting aye, Mayor Howorth declared the motion carried. Below is the memorandum of understanding.

- VEHICLE:** It was moved by Alderman Baker, seconded by Alderman Patterson to authorize the purchase of a Ford Escape for the inspectors with the Fire Department in the amount of \$16,233.00. All the aldermen present voting aye, Mayor Howorth declared the motion carried.
- FIREFIGHTERS:** It was moved by Alderman Antonow, seconded by Alderman Patterson to authorize the employment of Justin Sneed, Christopher Jenkins, and Brion Whitten as firefighters with a salary of \$28,201.51. All the aldermen present voting aye, Mayor Howorth declared the motion carried.
- DISPATCHER:** It was moved by Alderman Fisher, seconded by Alderman Patterson to authorize the employment of David Whitfield as a dispatcher in the Police Department with a salary of \$25,673.19. All the aldermen present voting aye, Mayor Howorth declared the motion carried.
- SERVICE TECHNICIAN III:** It was moved by Alderman Fisher, seconded by Alderman Antonow to authorize the advertisement for employment a Service Technician III. All the aldermen present voting aye, Mayor Howorth declared the motion carried.
- LABORERS:** It was moved by Alderman Baker, seconded by Alderman Antonow to authorize the employment of Martiquis Cathey and Jerome Bobo as laborers in the Recycling Department with a salary of \$19,288.65. All the aldermen present voting aye, Mayor Howorth declared the motion carried.
- 2008 EMPLOYEE BENEFIT PLAN:** It was moved by Alderman Antonow, seconded by Alderman Fisher to approve the 2008 Employee Benefit Plan. There were no changes made to the plan from the previous year. All the aldermen present voting aye, Mayor Howorth declared the motion carried.
- EXECUTIVE SESSION:** It was moved by Alderman Antonow, seconded by Alderman Fisher to consider executive session for potential litigation. All the aldermen present voting aye, Mayor Howorth declared the motion carried.
- It was moved by Alderman Baker, seconded by Alderman Antonow to go into executive session. All the aldermen voting aye, Mayor Howorth declared the motion carried.
- REGULAR SESSION:** It was moved by Alderman Antonow, seconded by Alderman Fisher to go into regular session. All the aldermen voting aye, Mayor Howorth declared the motion carried.

ADJOURN:

It was moved by Alderman Patterson, seconded by Alderman Antonow 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