

UNITED STATES OF AMERICA

STATE OF MISSISSIPPI

COUNTY OF LAFAYETTE

CITY OF OXFORD

REGULAR MEETING

May 6, 2008

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, May 6, 2008, in the court room of City Hall when and where the following were present:

Ulysses Howell – Mayor ProTempore
 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- Chief Operating Officer
 Randy Russell- Director of Solid Waste
 Randy Barber- Building Department
 Lynn Robbins – Superintendent of Elec Dept
 Al Hope – Personnel Director
 Mike Martin– Chief Oxford Police Dept
 Mike Hill –Chief of Oxford Fire Dept
 Hugh Stump – Dir of Oxford Conference Center
 Billy Lamb- Dir of Building & Grounds
 Kleb Johnson- Dir of Parks & Rec

AGENDA:

It was moved by Alderman Antonow seconded by Alderman Baker 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 Fisher, seconded by Alderman Antonow to authorize the approval of minutes for regular meeting on April 15, 2008, recessed meeting on April 16, 2008 and the special meeting on April 24, 2008. All the aldermen voting aye, Mayor Pro Temp Howell declared the motion carried.

ACCOUNTS:

It was moved by Alderman Baker, seconded by Alderman Patterson to authorize the approval of all City accounts including the electric department. All the aldermen voting aye, Mayor Pro Temp Howell declared the motion carried.

- SOUTH 13th:** Attorney Charles Walker came before the Mayor and Board of Aldermen to present additional information regarding unopened South 13th Street. Grant Avenue also shows as an unopened street on the lot in question. Hayes and Garfield are also shown as unopened and affect many lots in the area.
- The board will wait for direction from the City Attorney before taking action on this matter.
- HUMANE SOCIETY:** Angie Crafton came before the Mayor and Board of Aldermen to present the quarterly report for the Humane Society. Mrs. Crafton reported they had a new adoption application; it was simplified and was made less intimidating and more user friendly. Mayor Pro Temp Howell thanked her for her report.
- BANNERS FOR PRESIDENTIAL DEBATE:** It was moved by Alderman Fisher, seconded by Alderman Patterson to authorize the purchase of banners for the Presidential debate, pending approval from the Planning Commission. All the aldermen voting aye, Mayor Pro Temp Howell declared the motion carried.
- PUBLIC HEARING ON REZONING:** This was the public hearing on the proposed rezoning from single family residential to multi-family residential for property located on Private Road 3086. There was no comment made from the public. The third reading and vote will be at the next board meeting.
- PLANNING COMMISSION:** It was moved by Alderman Baker, seconded by Alderman Fisher to accept the resignation of Tim Cantrell from the Planning Commission. Anyone interested in serving on the Planning Commission should contact the Mayor's office.
- PRESERVATION MONTH:** It was moved by Alderman Fisher, seconded by Alderman Taylor to adopt the proclamation declaring May as Preservation Month. All the aldermen voting aye, Mayor Pro Temp Howell declared the motion carried.
- BICYCLE FRIENDLY COMMUNITY:** Tim Akers came before the Board of Aldermen to announce the designation of the City of Oxford as a Bicycle Friendly Community at the bronze level by the League of American Bicyclists.
- TRANSIT MANAGEMENT SERVICES:** It was moved by Alderman Baker, seconded by Alderman Antonow to authorize the advertisement for transit management services for Oxford/University Transit. All the aldermen voting aye, Mayor Pro Temp Howell declared the motion carried.

Alderman Baker recused himself from the meeting at this time.

THE LYRIC: Bradley Bishop came before the Board of Aldermen to request a license to use public right-of-way for property located at 1006 Van Buren Avenue, The Lyric, for steps.

It was moved by Alderman Fisher, seconded by Alderman Patterson to authorize the license to use public right of way, three feet, for stairs at 1006 Van Buren pending the change of the color of the stairs so they are made more visible and with the understanding that a license from the City is revocable at any time. All the aldermen present voting aye, Mayor Howorth declared the motion carried.

Alderman Baker returned to the meeting at this time.

ANCHORAGE ROAD: This was the public hearing on closing a portion of Anchorage Road. No one from the public was present to speak.

It was moved by Alderman Patterson, seconded by Alderman Fisher to adopt the following resolution on closing a portion of Anchorage Road, accept the waivers for compensation, declare surplus property and accept appraisals of portion of closed Anchorage Road, and authorize the transfer of property. All the aldermen voting aye, Mayor Pro Temp Howell declared the motion carried.

**RESOLUTION OF OXFORD, MISSISSIPPI
REGARDING CLOSING OF STREET AND TRANSFER OF PROPERTY**

After a Public Hearing on the same, the Board took up for consideration the closing of a portion of Anchorage Road and transfer of said property to the abutting landowner, Magnolia Grove Developers, LLC, and James E. Davis, L.P., and the City of Oxford, Mississippi, upon due consideration, adopts the following Resolution, which was first reduced to writing:

**RESOLUTION OF THE MAYOR AND BOARD OF
ALDERMEN OF THE CITY OF OXFORD, MISSISSIPPI,
AUTHORIZING THE CLOSING AND TRANSFER OF A
PORTION OF ANCHORAGE ROAD AND ACCEPTING
OTHER PROPERTY ALL FOR THE PURPOSE OF
MOVING THE ROADBED**

WHEREAS, the City of Oxford has determined that it is in the weight of public interest to close a current portion of Anchorage Road and move said roadbed for the purpose of straightening the road; and

WHEREAS, the City of Oxford has the power to close and vacate any street or alley, or any portion thereof, pursuant to Miss. Code Ann. § 21-37-7, upon due compensation being first made to the abutting landowners upon such street or alley for all damages sustained thereby; and

WHEREAS, the City of Oxford has determined that it wishes to close and vacate that portion of Anchorage Road shown on Exhibit "A," and wishes to convey such property to the abutting landowners, determined to be Magnolia Grove Developers, LLC, and James E. Davis, L.P.; and

WHEREAS, the City of Oxford has determined that it wishes to move the roadbed and open a new portion of Anchorage Road, also shown on Exhibit "A"; and

WHEREAS, the City of Oxford has received no notice of damages sustained by any abutting landowner and finds that no such damages have occurred; and

WHEREAS, Magnolia Grove Developers, LLC, and James E. Davis, L.P. have signed waivers, attached hereto as Exhibit "B," of any claim to damages from the City of Oxford by virtue of or resulting from the closing of that portion of Anchorage Road; and

WHEREAS, the City of Oxford determines the current Anchorage Road will no longer be needed for municipal purpose and is not to be used in the operation of the municipality; and

WHEREAS, Magnolia Grove Developers, LLC, is the current owner of the property where the proposed new portion of Anchorage Road will be located and dedicated as a City street; and

WHEREAS, the City of Oxford further determines that the sale of such property in the manner otherwise provided by law is not necessary or desirable for the financial welfare of the City and that use of the property for the purpose for which it is to be deeded to Magnolia Grove Developers, LLC, will promote and foster the development and improvement of the City and the civic and economic welfare thereof; and

WHEREAS, the City of Oxford determines that all of the property to be transferred to James E. Davis, L.P. is a portion of the underlying roadbed of current Anchorage Road; and

WHEREAS, the City of Oxford, has obtained three appraisals to determine and compare the fair market value of the property being conveyed with that of the property that will be accepted by the City as the new road, pursuant to Miss. Code Ann. § 21-17-1; and

WHEREAS, said appraisals calculated by the chosen appraisers are listed in Exhibit "C" attached hereto and establish that the average value of the property of the proposed new road exceeds the value of the property of the existing road (the property to be transferred); and

WHEREAS, the City of Oxford authorized its Mayor to execute any documents necessary to complete the transfer of necessary property to Magnolia Grove Developers, LLC, and James E. Davis, L.P., and the moving of the road. NOW, THEREFORE, BE IT RESOLVED BY the Mayor and Board of Aldermen of the City of Oxford, Mississippi, as follows:

The City hereby

1. Closes and vacates that portion of Anchorage Road shown in Exhibit "A" attached hereto, for the purpose of moving the roadbed; and
2. Accepts the waivers of the right to compensation for the road closing by adjoining landowners, attached hereto as Exhibit "B"; and
3. Declares as surplus property that portion of Anchorage Road to be closed; and
4. Accepts the three appraisals summarized on Exhibit "C" and determines the fair market value of the property to be accepted as the new road exceeds that of the portion of the road to be closed and transferred, and
3. Authorizes its Mayor to execute any documents necessary to complete the transfer of said surplus property to Magnolia Grove Developers, LLC in exchange for the property where the proposed new portion of Anchorage Road will be located; and
4. Authorizes its Mayor to execute any documents necessary to complete the transfer of property to James E. Davis, L.P. to the centerline of the current underlying roadbed abutting his property; and

- 5. Resolves to accept from Magnolia Grove Developers, LLC, that property where the proposed new portion of Anchorage Road will be located and dedicated as a City street.

After full discussion of this matter, Alderman _____ moved that the foregoing Resolution be adopted and said motion was seconded by Alderman _____, and upon the question being put to a vote, the vote was as follows:

- Alderman Patterson _____
- Alderman Oliver _____
- Alderman Antonow _____
- Alderman Howell _____
- Alderman Taylor _____
- Alderman Fisher _____
- Alderman Baker _____

WHEREUPON, the foregoing Resolution was declared passed and adopted at a regular meeting of the Mayor and Board of Aldermen of the City of Oxford, Mississippi; on this, _____ day of May, 2008.

 RICHARD HOWORTH, MAYOR

 INDUSTRIAL PARK WATER WELL IMPROVEMENTS:

LISA CARWYLE, CITY CLERK
 It was moved by Alderman Fisher, seconded by Alderman Patterson to authorize the advertisement for Industrial Park Water Well and improvements. All the aldermen voting aye, Mayor Pro Temp Howell declared the motion carried.

COLLEGE HILL ROAD IMPROVEMENTS:

It was moved by Alderman Baker, seconded by Alderman Fisher to authorize the advertisement for College Hill Road water improvements. All the aldermen voting aye, Mayor Pro Temp Howell declared the motion carried.

PHILLIP ROAD AND
SOUTH LAMAR SEWER:

It was moved by Alderman Patterson, seconded by Alderman Antonow to authorize the advertisement for Phillip Road and South Lamar sewer improvements. All the aldermen voting aye, Mayor Howorth declared the motion carried.

FRANKLIN FARMS:

It was moved by Alderman Antonow, seconded by Alderman Patterson to approve the final plat for Franklin Farms Phase I located on Fudgetown Road and accept maintenance for water and sewer with the following conditions:

-The developer must present a petition for annexation.

-The developer must construct a sidewalk or frontage road along Fudgetown Road.

All the aldermen voting aye, Mayor Pro Temp Howell declared the motion carried.

COUNTRY VIEW CONDOS:

It was moved by Alderman Patterson, seconded by Alderman Fisher to accept the maintenance of water and forcemain at Country View Condos. All the aldermen voting aye, Mayor Pro Temp Howell declared the motion carried.

WASTEWATER
TREATMENT PLANT:

It was moved by Alderman Baker, seconded by Alderamn Oliver to adopt the following resolution authorizing the change order for the Wastewater Treatment Plant. All the aldermen voting aye, Mayor Pro Temp Howell declared the motion carried.

**RESOLUTION OF OXFORD, MISSISSIPPI
REGARDING CHANGE ORDER TO WASTEWATER TREATMENT PLANT**

The Board took up for consideration a request for approval of change order items on the construction contract for Wastewater Treatment Plant, and the following Resolution, having first been reduced to writing, was introduced:

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY
OF OXFORD, MISSISSIPPI, AUTHORIZING CHANGE ORDER
ITEMS**

WHEREAS, THE CITY OF OXFORD, MISSISSIPPI, entered into a construction contract with Hill Huffman. for the construction of the Wastewater Treatment Plant; and

WHEREAS, THE CITY OF OXFORD, MISSISSIPPI, has received the attached request from Hill-Huffman for changes and/or modifications to that construction contract; and

WHEREAS, THE CITY OF OXFORD, MISSISSIPPI, has determined that such changes and/or modifications to the original contract are necessary or would better serve the purpose of the City; and

WHEREAS, THE CITY OF OXFORD, MISSISSIPPI, has received assurance from Fisher-Arnold, Engineers, that such changes and/or modifications shall be made in a commercially reasonable manner and are not made to circumvent the public purchasing statutes; and

WHEREAS, THE CITY OF OXFORD, MISSISSIPPI, has further determined that the Mayor and Board of Aldermen have the authority to authorize such changes and/or modifications pursuant to Miss. Code Ann. § 31-7-13 (g), as amended, the cost of such changes or modifications being greater than one percent (1%) of the original contract price.

NOW, THEREFORE, BE IT RESOLVED BY the Mayor and Board of Aldermen of the City of Oxford, Mississippi, as follows:

The City hereby accepts the changes and/or modifications proposed by Hill-Huffman in the attached letter and authorizes such changes and/or modifications to be incorporated into the construction contract for the Wastewater Treatment Plant.

After full discussion of this matter, Alderman _____ moved that the foregoing Resolution be adopted and said motion was seconded by Alderman _____, and upon the question being put to a vote, the vote was as follows:

- Alderman Patterson _____
- Alderman Oliver _____
- Alderman Antonow _____
- Alderman Howell _____
- Alderman Taylor _____
- Alderman Fisher _____
- Alderman Baker _____

WHEREUPON, the foregoing Resolution was declared passed and adopted at a regular meeting of the Mayor and Board of Aldermen of the City of Oxford, Mississippi; on this, 6th day of May, 2008.

RICHARD HOWORTH, MAYOR

LISA CARWYLE, CITY CLERK

OXFORD PARK
COMMISSION QUARTERLY
REPORT:

Kleb Johnson came before the Mayor and Board of Aldermen to present the quarterly report from the Oxford Park Commission. He reported there was an increase in soccer and baseball enrollment.

MISCELLANEOUS
UNDERGROUND
EQUIPMENT:

It was moved by Alderman Patterson, seconded by Alderman Baker to accept the bids for miscellaneous underground equipment. All the aldermen voting aye, Mayor Pro Temp Howell declared the motion carried.

LINE DESIGN & STAKING
CLASS:

It was moved by Alderman Fisher, seconded by Alderman Patterson to authorize travel for an engineer to Nashville, TN on June 9-12, 2008 for Line Design & Staking class at a cost of \$1,291.00. All the aldermen voting aye, Mayor Pro Temp Howell declared the motion carried.

TVPPA AND CSA ANNUAL
MEETING:

It was moved by Alderman Fisher, seconded by Alderman Patterson to authorize the travel for the superintendent of the electric department to attend the TVPPA and CSA Annual Meeting in Orange Beach, AL on May 18-22, 2008 with a cost of \$1,559.00. All the aldermen voting aye, Mayor Pro Temp Howell declared the motion carried.

DOMESTIC VIOLENCE
TRAINING:

It was moved by Alderman Fisher, seconded by Alderman Patterson to authorize the travel of two officers to attend the Domestic Violence training in Philadelphia MS on May 13-14, 2008 with no cost to the City. All the aldermen voting aye, Mayor Pro Temp Howell declared the motion carried.

MS CHIEFS OF POLICE
SUMMER TRAINING
CONFERENCE:

It was moved by Alderman Fisher, seconded by Alderman Patterson to authorize the travel of Mike Martin to the Mississippi Chiefs of Police Summer Training Conference in Biloxi, MS on May 26 -30, 2008 with a cost of \$956.00. All the aldermen voting aye, Mayor Pro Temp Howell declared the motion carried.

SCHOOL RESOURCE OFFICER
TRAINING:

It was moved by Alderman Fisher, seconded by Alderman Patterson to authorize three officers to attend the School Resource Officer Summer Training in Gatlinburg, TN on June 15-29, 2008 with a cost of \$1903.52 to be paid from the DARE Budget. All the aldermen voting aye, Mayor Pro Temp Howell declared the motion carried.

DARE SUMMER TRAINING:

It was moved by Alderman Fisher, seconded by Alderman Patterson to authorize five officers to attend the DARE Summer Training Conference in Gatlinburg, TN on July 27-August 1, 2008 with a cost of \$1,996.50 to be paid from the DARE Budget. All the aldermen voting aye, Mayor Pro Temp Howell declared the motion carried.

TAXI DRIVERS:

It was moved by Alderman Antonow, seconded by Alderman Taylor to approve Anthony Pegues, Christopher Schurr, and Jonas Bradley as taxi drivers for Rebel Taxi Company. All the aldermen voting aye, Mayor Pro Temp Howell declared the motion carried.

DONATION:

It was moved by Alderman Fisher, seconded by Alderman Baker to accept the donation of \$5,700.00 from the Oxford Rotary Club for K9 purchase. All the aldermen voting aye, Mayor Pro Temp Howell declared the motion carried.

DONATION:

It was moved by Alderman Fisher, seconded by Alderman Baker to accept the donation of \$25.00 from Sears for the DARE Fund. All the aldermen voting aye, Mayor Pro Temp Howell declared the motion carried.

DONATION:

It was moved by Alderman Patterson, seconded by Alderman Taylor to authorize Oxford Police Department to apply for the Mississippi Badges for Baseball Program grant. All the aldermen voting aye, Mayor Pro Temp Howell declared the motion carried.

MS FIRE CHIEF'S
CONFERENCE:

It was moved by Alderman Fisher, seconded by Alderman Patterson to authorize the fire chief to attend the MS Fire Chief's Conference in Vicksburg, MS on May 28-31, 2008 at a cost of \$400.00. All the aldermen voting aye, Mayor Pro Temp Howell declared the motion carried.

DONATION:

It was moved by Alderman Fisher, seconded by Alderman Taylor to accept the donation of \$2,000.00 from Oxford Rotary Club for the Fire Prevention Fund. All the aldermen voting aye, Mayor Pro Temp Howell declared the motion carried.

- ADVERTISE: It was moved by Alderman Baker, seconded by Alderman Patterson to authorize the advertisement for a turf grass manager. All the aldermen voting aye, Mayor Pro Temp Howell declared the motion carried.
- SOLID WASTE DEPARTMENT RESTRUCTURING: It was moved by Alderman Baker, seconded by Alderman Patterson to approve the organizational restructuring of the Solid Waste department as follows, and to amend the current year's budget by \$32,000.00. All the aldermen voting aye, Mayor Pro Temp Howell declared the motion carried.
- ASSISTANT ENGINEER: It was moved by Alderman Baker, seconded by Alderman Patterson to authorize the employment of Hunter McGonagil as assistant engineer for the Public Works Department with a salary of \$60,576.04. All the aldermen voting aye, Mayor Pro Temp Howell declared the motion carried.
- RESIGNATIONS: It was moved by Alderman Baker, seconded by Alderman Patterson to accept the resignations of Heather Mills, Cody Burrow and Brendan Morley from the Police Department. All the aldermen voting aye, Mayor Pro Temp Howell declared the motion carried.
- RETIREMENT: It was moved by Alderman Patterson, seconded by Alderman Fisher to authorize the retirement of Minnie Jones in the Electric Department, with regrets. All the aldermen voting aye, Mayor Pro Temp Howell declared the motion carried.
- ADVERTISEMENT: It was moved by Alderman Fisher, seconded by Alderman Antonow to authorize the advertisement for a firefighter pool. All the aldermen voting aye, Mayor Pro Temp Howell declared the motion carried.
- LABORER: It was moved by Alderman Patterson, seconded by Alderman Baker to authorize the employment of Alvin Frierson as a laborer for the Building & Grounds Department. All the aldermen voting aye, Mayor Pro Temp Howell declared the motion carried.
- RESIGNATION: It was moved by Alderman Patterson, seconded by Alderman Antonow to accept the resignation of Christopher Ellison in the Solid Waste Department. All the aldermen voting aye, Mayor Pro Temp Howell declared the motion carried.
- LABORER: It was moved by Alderman Baker, seconded by Alderman Taylor to authorize employment of Robert Winters as laborer in the Solid Waste Department with a salary of \$19,288.65. All the aldermen voting aye, Mayor Pro Temp Howell declared the motion carried.

EXECUTIVE SESSION: It was moved by Alderman Antonow, seconded by Alderman Fisher to consider executive session for personnel issue. All the aldermen present voting aye, Mayor Pro Temp Howell declared the motion carried.

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

REGULAR SESSION: It was moved by Alderman Fisher, seconded by Alderman Patterson to go into regular session. All the aldermen voting aye, Mayor Pro Temp Howell declared the motion carried.

TERMINATION: It was moved by Alderman Patterson, seconded by Alderman Antonow to terminate an employee in the Building & Grounds Department upon the recommendation of the Human Resource Director and Department Head due to excessive absenteeism. And it was also moved to advertise for a laborer. All the aldermen voting aye, Mayor Pro Temp Howell declared the motion carried.

ADJOURN: It was moved by Alderman Oliver, seconded by Alderman Patterson to adjourn the meeting sine-die. All the aldermen present voting aye, Mayor Pro Temp Howell declared the motion carried.

Ulysses Howell, Mayor Pro Tempore

Lisa Carwyle, City Clerk