

City of Mansfield
MINUTES OF REGULAR PUBLIC MEETING
August 22, 2011

The Board of Aldermen met in regular session on **Monday, August 22nd**, in Mansfield City Hall, located at 705 Polk Street. Mayor McCoy called the meeting to order at **4:30 p.m.**, after which an **Invocation** was offered by **Alderman Mitchell L. Lewis**. The Pledge of Allegiance was led by **Alderman Alvin R. Woodley**. The oral roll call was suspended; however, the following officials were recorded as **Present**: Honorable Curtis W. McCoy, G. B. Hall III –District **A**, Troy N. Terrell –District **B**, Mitchell L. Lewis –District **C**, Joseph Hall, Jr. –District **D** and Alvin R. Woodley –District **E**. **Absent**: None. **Press Present**: Carolyn Roy –*The Natchitoches Times* and Leslie and Robert Turner – *The Tribune*.

It was MOTIONED by **JOSEPH HALL, JR.** and SECONDED by **ALVIN R. WOODLEY** to approve the minutes of the **August 8, 2011 regular** City Council meeting and to dispense with the reading. Motion Passed Unanimously.

The Mayor next opened the floor to hear public comments from those in attendance to any item outlined on the meeting agenda. When no comments were offered, the **Public Comments Period** was then closed.

Old Business:

Item A: It was MOTIONED by **ALVIN R. WOODLEY** and SECONDED by **G. B. HALL III** to approve the recommendation made by Public Works Director, Jim Ruffin, to award a contract to **Pro-Teq Public Sector, L.L.C.** as the lowest responsible bidder for the City's Maintenance/Storage Facility Remediation Project. Their bid amounted to \$39,753.00. Other contractors submitting bid proposals were: **Steve Palmer Painting** -\$53,000.00 and **Whitlock & Shelton Construction, Inc.** -\$82,900.00. An allocation of \$30,000 was set aside out of the City's budget to fund this project combined with a corporate donation of \$10,000 from Citizens National Bank (total of \$40,000 available). Motion Passed Unanimously.

Item B: No other old business.

New Business:

Item A: It was MOTIONED by **G. B. HALL III** and SECONDED by **MITCHELL L. LEWIS** to adopt an Ordinance approving the recommendation of the Mansfield Planning and Zoning Commission to grant the request of **Triple Fields, LLC** to rezone property located at **1317 McArthur Drive** from an R-1 (Single-Family Residence District) District to a B-3 (Community and Central Business District) District. At the Commission's August 17th regular meeting, the owners of the property stated that they have plans to remove the dwelling from the site and offer the lot for sale as commercial property. Motion Passed Unanimously. (Full Ordinance recited below):

CITY OF MANSFIELD
ORDINANCE NO. 18 of 2011

AN ORDINANCE TO REZONE FROM DISTRICT R-1 (SINGLE-FAMILY RESIDENCE DISTRICT) TO DISTRICT B-3 (COMMUNITY AND CENTRAL BUSINESS DISTRICT) THE FOLLOWING DESCRIBED PROPERTY:

BEG AT A PT 1064.4 FT W & 884.6 FT S OF THE NE COR SW SEC 10 T12 R13; TH S 220.22 FT TO THE MFLD-NABORTON RD. TH SWLY ALONG THE SD MFLD-NABORTON RD 203.21 FT; TH N 234.6 FT, TH E 200.0 FT TO THE PT OF BEG, (97-587)(112-286-348)(174-188)(280-213)(789-502)(789-504)(837-851)(974-107)(995-554)(997-613 (1317 McArthur)

WHEREAS, a petition to the Mansfield Planning/Zoning Commission was properly filed requesting that the property described here-in-above be rezoned and all proper notices and procedures have been followed:

AND WHEREAS, the Mansfield Planning/Zoning Commission has recommended that said property be rezoned:

BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Mansfield, in regular session convened:

SECTION 1. The property shall be rezoned from an R-1 District (Single-Family Residence District) to a B-3 (Community and Central Business District) said property being described as herein above.

SECTION 2. All parts of ordinance in conflict herewith are hereby repealed.

UPON MOTION OF Alderman G. B. Hall III SECONDED BY Alderman Mitchell L. Lewis, the above and foregoing ordinance was adopted on this the 22nd day of August, 2011, with the votes as follows:

Yeas: 5 Nays: 0 Absent: 0 Abstain: 0

/s/ Curtis W. McCoy, Mayor
/s/ Marvin R. Jackson, City Clerk

Item B: It was MOTIONED by **JOSEPH HALL, JR.** and SECONDED by **ALVIN R. WOODLEY** to approve the recommendation of the Mansfield Planning and Zoning Commission to grant the request of **Ms. Shelia Gilbert** to place a mobile home at **155 Railroad**

Avenue. The property bears the legal description of: LOT 10 BLK 1 OF JACKSON BROTHERS SUBD. Motion Passed Unanimously.

Item C: It was MOTIONED by **MITCHELL L. LEWIS** and SECONDED by **G. B. HALL III** to approve the recommendation of the Mansfield Planning and Zoning Commission to grant the request of **Mr. John H. Mayweather** to place a mobile home at **2179 S. Washington Street**. The property is legally described as: BEG AT SE COR BLK 8 JUNCTION HEIGHTS SUBD, TH N 101 FT, W 52 FT, W 52 FT, S 101 FT, E 52 FT TO BEG. Motion Passed Unanimously.

Item D: It was MOTIONED by **JOSEPH HALL, JR.** and SECONDED by **G. B. HALL III** to adopt by Resolution a Residential Anti-Displacement and Relocation Assistance Plan as required by recipients of funds through the 2010/2011 LCDBG Program. Under this program, the City of Mansfield is obligated to replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as low/moderate housing as a result of activities assisted with funds awarded from this grant. Motion Passed Unanimously.

Item E: It was MOTIONED by **G. B. HALL III** and SECONDED by **TROY N. TERRELL** to adopt a Section 504 Grievance Procedure as required for recipients of funds through the 2010/2011 LCDBG Program. Adoption of this procedure by the City of Mansfield provides for the prompt and equitable resolution of complaints alleging any action prohibited by the regulation of the U. S. Department of Housing and Urban Development. Section 504 of the Rehabilitation Act of 1973 states, in part that: “No otherwise qualified handicapped individual...shall, solely by reason of his handicap be excluded from participation in, be denied the benefits of , or be subject to discrimination under any program or activity receiving Federal financial assistance.” City Clerk, Marvin Jackson, has been designated as the Section 504 compliance officer to coordinate the efforts of the City of Mansfield to comply with requirements of Section 504 and its implementing regulation, 24 CFR Part 8. Motion Passed Unanimously.

Item F: It was MOTIONED by **G. B. HALL III** and SECONDED by **ALVIN R. WOODLEY** to adopt an Ordinance amending and supplementing an Ordinance adopted on December 14, 2009 authorizing the issuance of **\$1,550,000** in Series 2010 Limited Tax Revenue Bonds to help fund the Phase II Water Distribution System Improvements Project, and providing for other related matters. Motion Passed Unanimously. (Full Ordinance recited below):

CITY of MANSFIELD
Ordinance No. 19 2011

An ordinance amending and supplementing an ordinance adopted
by the governing authority of the City of Mansfield, State of

Louisiana on December 14, 2009 entitled An ordinance authorizing the issuance of not exceeding One Million Five Hundred Fifty Thousand Dollars (\$1,550,000) of Limited Tax Revenue Bonds, Series 2010 (Taxable), of the City of Mansfield, State of Louisiana; prescribing the form, terms and conditions of said Bonds; designating the date, denomination and place of payment of said Bonds; providing for the payment thereof in principal and interest; awarding said Bonds to the purchaser thereof; authorizing the execution of a Loan and Pledge Agreement with the Louisiana Department of Health and Hospitals (the "Department"); providing for the sale and delivery of the Bonds to the Department; and providing for other matters in connection therewith.

WHEREAS, This Mayor and Board of Aldermen of the City of Mansfield, State of Louisiana (the "Governing Authority"), acting as the governing authority of the City of Mansfield, State of Louisiana (the "Issuer"), adopted the above entitled ordinance on December 14, 2009 (said ordinance, including the Exhibit thereto being hereinafter referred to as the "Bond Ordinance"); and

WHEREAS, the Bond Ordinance provides that the \$1,550,000 of Limited Tax Revenue Bonds, Series 2010 (Taxable), authorized thereby would be "Build America Bonds" under the American Recovery Reinvestment Act of 2009 (the "Recovery Act"); and

WHEREAS, the provisions of the Recovery Act do not pertain to bonds issued at this date or hereafter; and

WHEREAS, this Governing Authority wishes to remove the provisions set forth in the Bond Ordinance required by the Recovery Act and to add provisions pertaining to the exclusion of the interest on the Bonds from gross income for federal income tax purposes;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Mansfield, State of Louisiana, acting as the governing authority of the Issuer, that:

SECTION 1. Wherever the designations of the Bonds as "(Taxable)" or "taxable" appear in the Bond Ordinance, said designations are hereby removed.

SECTION 2. Section 2.10 (Designation as Build America Bonds) of the Bond Ordinance is hereby removed.

SECTION 3. Article XI ARRA COVENANTS is hereby changed to designate the Article as “Davis-Bacon Wage Rate Requirement”; Sections 11.1, 11.2 and 11.4 are removed from Article XI and Section 11.3 is redesignated as Section 11.1 which shall read as follows:

§ 11.1. Davis-Bacon Wage Rate Requirements. The Issuer agrees that all laborers and mechanics employed by contractors and subcontractors shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality of the Issuer as determined by the Secretary of the United States Department of Labor (“DOL”) in accordance with Subchapter IV of Chapter 31 of Title 40, United States Code. DOL provides all pertinent information related to compliance with the foregoing requirements, including prevailing wage rates and instructions for reporting. The Issuer will ensure that all construction contracts relating to the Project that are funded in whole or in part with proceeds of the Bonds will require that the contractor comply with the aforesaid wage and reporting requirements. This section shall not apply to “force account” work where the Issuer may perform construction work using its own employees rather than any contractor or subcontractor.

SECTION 4. Article XII is supplemented to provide the following additional Sections 12.11, 12.12 and 12.13:

“§12.11. Tax Covenants. The Issuer covenants and agrees that, to the extent permitted by the laws of the State of Louisiana, it will comply with the requirements of the Internal Revenue Code of 1986 and any amendment thereto (the “Code”) in order to establish, maintain and preserve the exclusion from “gross income” of interest on the Bonds under the Code. The Issuer further covenants and agrees that it will not take any action, fail to take any action, or permit any action within its control to be taken, or permit at any time or times any of the proceeds of the Bonds or any other funds of the Issuer to be used directly or indirectly in any manner, the effect of which would be to cause the Bonds to be “arbitrage bonds” or would result in the inclusion of the interest on the Bonds in gross income under the Code, including, without limitation, (i) the failure to comply with the limitation on investment of Bond proceeds or (ii) the failure to pay any required rebate or arbitrage earnings to the United States of America or (iii) the use of the proceeds of the Bonds in a manner which would cause the Bonds to be “private activity bonds”.”

“§12.12. The Bonds are designated as “qualified tax-exempt obligations” within the meaning of Section 265(b)(3) of

the Code. In making this designation, the Issuer finds and determines that:

- (a) the Bonds are not private activity bonds within the meaning of the Code; and
- (b) the reasonably anticipated amount of qualified tax-exempt obligations which will be issued by the Issuer and all subordinate entities in calendar year 2011 will not exceed \$10,000,000.

The Executive Officers are hereby empowered, authorized and directed to take any and all action to execute and deliver any instrument, document or certificate necessary to effectuate the purposes of this Section.

“§12.13 Disclosure. The Issuer will not be required to comply with the continuing disclosure requirements described in the Rule 15c2-12(b) of the Securities and Exchange Commission [17 CFR §240.15c2-12(b)], because:

- (a) the Bond is not being purchased by a broker, dealer or municipal securities dealer acting as an underwriter in a primary offering of municipal securities; and
- (b) the Bonds are in denominations of \$100,000 or more and are being sold to no more than three (3) financial institutions which (i) have such knowledge and experience in financial and business matters that it is capable of evaluating the merits and risks of the prospective investment in the Bonds and (ii) are not purchasing said Bond for more than one account or with a view to distributing same.”

SECTION 5. The form of the Bond (Exhibit A) is hereby amended to remove any and all language required for Build America Bonds and any and all dates of payment set forth therein shall be updated as necessary at the delivery of the Bond.

SECTION 6. The provisions of the Bond Ordinance, except as herein amended and supplemented, are ratified and confirmed.

The adoption of the foregoing Ordinance having been duly moved and seconded, the roll was called and the following vote was taken and recorded:

Member	Yea	Nay	Absent	Abstaining
G. B. Hall, III	x			
Troy N. Terrell	x			
Mitchell L. Lewis	x			
Joseph Hall, Jr.	x			
Alvin R. Woodley	x			

There being a favorable vote on the ordinance of at least a majority of the authorized members of the Governing Authority, the ordinance was declared adopted on this the 22nd day of August, 2011.

Item G: No other new business.

During the **Comments Period** for the Mayor and Council Members, Mayor McCoy allowed Mr. J. Aaron Edwards a few minutes to introduce himself to the Council and attendants and announce his candidacy for DeSoto Parish Clerk of Court. He further stated that he has fifteen years of experience in the business sector. The election for this position is Saturday, October 22nd.

With no further business to discuss, the meeting adjourned at **4:40p.m.**, by MOTION from **JOSEPH HALL, JR.** and was SECONDED by **ALVIN R. WOODLEY**. Motion Passed Unanimously.

Curtis W. McCoy, *Mayor*
Marvin R. Jackson *Clerk*