

MINUTES OF THE REGULAR BOARD MEETING OF THE MAYOR AND BOARD OF
ALDERMAN OF THE CITY OF BRANDON, MISSISSIPPI
HELD ON MAY 5, 2014

The Regular Board Meeting was held in the Brandon City Hall Boardroom, 1000 Municipal Drive, Brandon, Mississippi. The meeting was led by Mayor Butch Lee. Aldermen Morrow, Christopher, Williams, Morris, Vinson, Coker and Corley were present. Alderman Williams led the prayer and Cadet Lt. Hayden Gibbons and Cadet Sgt. Scott Lovell from the Brandon High School JROTC led the Pledge of Allegiance. Public Comments/ Recognitions: Cadets Gibbons and Lovell announced a walk-a-thon that they are holding on July 4 from Exit 59 on I-20 to the Pearl Outlet Mall and back to raise money for the Wounded Warrior Project.

1.

APPROVE MINUTES OF REGULAR BOARD MEETING APRIL 21, 2014; AND APPROVE MINUTES OF SPECIAL BOARD MEETINGS OF APRIL 23, 29 AND 30, 2014

Alderman Vinson made the motion to approve the Minutes of the Regular Board Meeting of April 21, 2014; and to approve the Minutes of the Special Board Meetings of April 23, 29 and 30, 2014, which are appended hereto, seconded by Alderman Morris and upon unanimous vote the motion carried.

2.

APPROVE GENERAL SERVICES AGREEMENTS WITH BENCHMARK ENGINEERS AND GRANBERRY-TRAVIS AND AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE THE SAME

Alderman Coker made the motion to approve General Services Agreements with Benchmark Engineers and Granberry-Travis, in accordance with the Memo from the Mayor which is appended hereto, and to authorize the Mayor and City Clerk to execute the same, seconded by Alderman Morrow, and upon unanimous vote the motion carried.

3.

APPROVE CHANGE ORDER NO. 1 WITH REGARD TO HRL CONTRACTING, INC. DEBRIS REMOVAL CONTRACT AND AUTHORIZE MAYOR AND CITY CLERK TO EXECUTE THE SAME

Alderman Morrow made the motion to approve Change Order No. 1 to the HRL Contracting, Inc., Debris Removal Contract, in accordance with the Memo from the Mayor which is appended hereto, and to authorize the Mayor and City Clerk to execute the same, seconded by Alderman Morris, and upon unanimous vote the motion carried.

4.

APPROVE APPOINTMENTS TO 2014 CDBG LUCKNEY ROAD
SEWER SELECTION COMMITTEE

Alderman Corley made the motion to approve the appointments of James Morris, Cris Vinson and Bob Morrow to the 2014 CDBG Luckney Road Sewer Selection Committee, in accordance with the Memo from the Mayor which is appended hereto, seconded by Alderman Coker, and upon unanimous vote the motion carried.

5.

ACCEPT INTERGOVERNMENTAL AGREEMENT AS APPROVED BY THE RANKIN
COUNTY BOARD OF SUPERVISORS RE: DOWNTOWN HWY. 80 BOX SIGNALS AND
WIDENING PROJECT

Alderman Vinson made the motion to accept the Intergovernmental Agreement as approved by the Rankin County Board of Supervisors re: Downtown Hwy. 80 Box Signals and Widening Project and to authorize submission of the same to the Mississippi Department of Transportation, in accordance with the Memo from the Mayor which is appended hereto, seconded by Alderman Morris, and upon unanimous vote the motion carried.

6.

APPROVE PROFESSIONAL SERVICES AGREEMENT WITH SCHAUS, LLC RE: FEMA
AND FHWA ADMINISTRATION AND PROFESSIONAL SERVICES NOT TO EXCEED
\$25,000.00 AND AUTHORIZE THE MAYOR
AND CITY CLERK TO EXECUTE THE SAME

Alderman Coker made the motion to approve the Professional Services Agreement with Schaus, LLC re: FEMA and FHWA Administration and Professional Services, not to exceed \$25,000.00, and to authorize the Mayor and City Clerk to execute the same and to provide notice to FEMA and MEMA regarding their relationship with the City and to authorize Schaus, LLC to interact with FEMA and MEMA for and on behalf of the City regarding reimbursement assistance and related matters, in accordance with the Memo from the Mayor which is appended hereto, seconded by Alderman Morris, and upon unanimous vote the motion carried.

7.

ACCEPT RESIGNATION OF CAPTAIN JEFF PINTER EFFECTIVE MAY 11, 2014,
ACCEPT RESIGNATION OF FIREFIGHTER DUSTIN DIPUMA EFFECTIVE MAY 17,
2014, HIRE DANIEL CRAIG BENTON AND DANIEL PARRETT AS PART-TIME
FIREFIGHTERS EFFECTIVE MAY 5, 2014, AUTHORIZE TRAVEL OF FIRE CHIEF TO
KNOXVILLE, TN FROM JUNE 17-23, 2014 TO ATTEND SOUTHEASTERN
ASSOCIATION OF FIRE CHIEF'S MEETING, WITH SUCH EXPENSES TO BE PAID BY

THE ASSOCIATION; AND AUTHORIZE PURCHASE OF 4 APX6000/7/800 MODEL 2
PORTABLE RADIOS

Alderman Morris made the motion to accept resignation of Captain Jeff Pinter effective May 11, 2014; to accept resignation of firefighter Dustin Dipuma effective May 17, 2014; to hire Daniel Craig Benton and Daniel Parrett as part-time firefighters effective May 5, 2014; to authorize travel of the Fire Chief to Knoxville, TN, from June 17-23, 2014, to attend Southeastern Association of the Fire Chief's Meeting, with such expenses to be paid by the Association; and to authorize the purchase of 4 APX6000/7/800 Model 2 portable radios at state contract in the amount of \$11,665.00, all in accordance with the Memos from the Fire Chief which are appended hereto, seconded by Alderman Corley and upon unanimous vote the motion carried.

8.

PUBLIC HEARING RE: VARIANCE REQUEST OF GARY AND DIANE KING TO ALLOW AN 8FT. WOODEN FENCE IN THE REAR YARD AT THEIR RESIDENCE LOCATED AT 231 EAST TOWNE DRIVE IN AN R-3 RESIDENTIAL DISTRICT

PUBLIC HEARING RE: VARIANCE REQUEST OF PATSY ROBINSON TO ALLOW AN 8FT. WOODEN FENCE IN THE REAR YARD AT HER RESIDENCE LOCATED AT 239 EAST TOWNE DRIVE IN AN R-3 RESIDENTIAL DISTRICT

The Public Hearings with respect to the variance requests of Gary and Diane King and Patsy Robinson to allow them to have 8ft. wooden fences instead of the permitted 6 ft. fences were opened and as to each the Director of Community Development advised that all pre-requisites to the same have been met and that her department prepared Staff Reports with attachments as to each which are appended hereto and incorporated herein by reference.

As to the King's variance request the following appeared and spoke in favor of the same: Gary and Diane King, 231 East Towne Drive, and the following appeared and spoke in opposition to the request: Ed McNulty and Martha Currie, 200 East Towne Dr. Gary and Diane King expressed a desire to keep the fence as recently constructed. They acknowledged that they were aware that a variance was required before constructing an 8ft. fence. They represented to the Board that there were numerous discussions with the officers of the Homeowners' Association and that at one point it was the intent that an application for an 8 ft. fence was going to be made by the HOA to the City for all properties along Shiloh Parkway Road. Ed McNulty who is the president of the HOA advised that there had been discussions about the height of the fences for some time as it was getting to the point that some were going to have to replace their fences and some were wanting to go with 8 ft. privacy fences. He indicated that there are concerns with the 8ft. fence on Shiloh Parkway Road as all fences are not uniform there and such will lead to an irregular appearance and that it will force others who do not want to construct an 8ft. fence to do so and further that there is not sufficient support for an 8ft. fence along Shiloh Parkway Road. He advised that he does not have an objection to the 8ft. fence along the King's

property line which abuts Acadian Court. Martha Currie, 200 East Town Dr., advised that she recently replaced her fence in accordance with the City's ordinances and that she opposes the granting of a variance for an 8ft. fence along Shiloh Parkway Road and along the sides of the property. She advised that she did not oppose an 8ft. fence along the King's property line which abuts Acadian Court.

As to the Robinson variance request the following appeared and spoke in favor of the same: Patsy Robinson, 239 East Towne Dr., and the following appeared and spoke in opposition to the request: Ed McNulty, Martha Currie, Martha Bean. Patsy Robinson advised the Board that it is time for her to replace her fence and she likes the King's fence and accordingly is seeking a variance to do the same. She did say that she had no problem with a 7ft. fence along Shiloh Parkway Road in order to fit the brick columns. She advised that she has little privacy because of the elevations of Shiloh Parkway Road and her neighbor's houses. Ms. Currie spoke in opposition and reiterated her comments with respect to the King variance application. Marty Bean, Ms. Currie's daughter, spoke in opposition to the variance request. She advised that her mother had just recently replaced her fence in accordance with the City's Ordinances and that she sees no need for a taller fence. She indicated that part of the problem is that some of the homeowners are building raised decks which may be causing some of the complained problems. She indicated that she saw the need for a higher fence with respect to those property lines which abut Acadian Court but not anywhere else in the subdivision.

Having first considered the facts and matters presented at the Public Hearings and having considered the Staff Reports with attachments, Alderman Corley made the motion to deny the King variance request, except as to the fence on their property line which abuts Acadian Court and to require that all other parts of their fence which is not in compliance with the City's Ordinances be made to comply by the Kings, or their designee, within 45 days from today and further that the variance request of Patsy Robinson be denied in all respects, seconded by Alderman Morrow, and upon unanimous vote the motion carried.

9.

PUBLIC HEARING RE: PROPOSED RENTAL ORDINANCE

The Public Hearing with respect to the Proposed Rental Ordinance (RO) was opened and whereupon the Director of Community Development advised that all pre-requisites to the same have been meet. She then provided an overview of the RO. The public was then invited to provide comment.

Freddy Harrell expressed concerns that the RO was previously proposed as to single-family residential homes and that the revised RO includes apartment complexes. He advised that he has appeared before the board on 4 or 5 different occasions regarding discussion on the adoption of a RO and that this is the first time that apartment complexes were included. He asked that Board to consider exempting apartment complexes where there is a full-time property

manager and maintenance staff located in the City. He advised that he pays approximately \$50,000 in ad valorem taxes on rental units in the City. He advised that he has 2 full-time employees dedicated to maintenance of his apartments and to comply with all codes, regulations, and ordinances. He advised that in his opinion state law and the City's current ordinances were sufficient to address the concerns of the City.

David Ruth, the property manager of Devel Apartments for Freddy Harrell, expressed concerns about inspections and the time it would take between tenant move-outs for inspections as there are many times that tenants leave without notice and there are times when he has people who need to move in immediately.

David Bowling, owner of Parkwood Realty which operates Parkwood Apartments, which consists of 96 1 bedroom units located off Crossgates Blvd. He advised that there are no outstanding maintenance issues at his complex and that in many cases he loses tenants because they purchase homes. He expressed concerns with apartments being added to the RO and that if added, it will increase the cost for compliance, paperwork and getting it done. He advised that he has 2 resident managers and on-site residential maintenance personnel. He requested that apartments be exempted or grandfathered and not included until there was an ownership change. He expressed concerns about the cost and what the inspections would include and that he saw it as something that would get out of hand. He advised that he pays approximately \$40,000 in ad valorem taxes on the property and mentioned that he has recently received increases in water rates and related expenses and that many of his tenants are on Social Security or students or adults just out of school.

John Corlew expressed concerns the fees in the RO may constitute taxes but that he didn't want to talk about that but rather wanted to address what he heard in the work session as to why the Board believes it needs the RO. He explained MCA 21-19-11 and advised that in his opinion with this statute, the City did not need to adopt the RO.

Jean Clements expressed concerns that the RO does not do what the Board said it wanted to do. He advised that he recalls that Crossgates had no Homeowners Associations and many of the covenants have expired, so the RO will not do anything as the problems in Crossgates. He advised that he tries to keep rents 25% below market and that with tenants that stay with him he doesn't increase rents, or increase rents over other taxes he pays. Advised that there are times that you realize that you have a tenant that needs to leave having only been there a few days and that with the RO, the owner will have to go through the inspection process again. To him, his inspections are a lot higher than what the City is going to require. He asked if he has a fence blown down or to replace trees, is he going to need to have an inspection performed. He advised that he could live with it if it were \$25.00 per unit, but it's not that. He had questions about how many people the City was going to hire and what the City is going to do with the money and that a lot of the RO had nothing to with what the Board it was going to do.

Lawson Hester, representing Lake Forrest Apartments. He advised that Lake Forrest is a 136 unit complex located on Hwy 80/I-20. He advised that the property has a full-time property manager on site and full-time management personnel. He requested that his client, and apartment complexes, be exempted from the RO. He related his opinion regarding what he considered legal challenges to the RO. He advised that he had reviewed prior drafts of the RO and noticed that apartments had been excluded from those and that he's in favor of that. He expressed concerns that the registration fees would not be one time but would annualized and repeated. He advised that the cost of compliance would be onerous. He expressed his opinion that the RO would disregard current Mississippi law in the manner it attempted to impose criminal liability. He reiterated concerns regarding the costs and effort required for compliance. He also expressed concerns regarding the personal information required to be submitted as part of the application process and that the owner may be prohibited from disclosing such information or that to do so would violate the privacy rights of its tenants.

David Luckett expressed concerns that the RO required the tenant to obtain the permit and inspection and that as an owner, he intended to do that. He said that he wanted inspection fees to be no more than \$25.00. He expressed concerns that he was registered with every governmental entity and that he did not see the need to register again with the City.

Sarah Clements Cook, Brandon Mobile Home Park. She advised that the park has 66 rental units. She expressed concerns that in many cases she has people moving in on the weekends and that they will not be able to do so with the inspections. She requested that her development be excluded from the RO. She expressed concerns that if this is passed, the City will have to hire more people to keep up with the turn over and related issues.

Jack Jones who lives in Crossgates expressed support for the RO. He advised that contrary to what has been said, the problem is a city-wide problem and not just in Crossgates. He advised that a majority of Crossgates does have covenants and they are not expiring. He advised that he moved to Brandon because he likes the standard of living and that he doesn't want to see rental property bringing down property values and that with some rental property, owners have problems which have to be addressed.

Richie Berry advised that he owns rental property in the City and that the RO is better than prior drafts. He did express his opinion that instead of requiring the registration of each rental unit, that the City consider having each owner register their properties for a single one-time fee regardless of the number of units.

The Public Hearing was then closed. No action was taken by the Board.

Alderman Vinson left the board room and did not return to the meeting.

10.

APPROVE PAY ESTIMATE #7 FROM CORNERSTONE UNDERGROUND & EXCAVATION IN THE AMOUNT OF \$27,153.46 RE: HWY. 471 WATER AND SEWER UTILITY RELOCATION PROJECT AUTHORIZE ADVERTISEMENT FOR BIDS FOR CLEANING OF TERRAPIN SKIN CREEK & DITCHES ON HWY. 80

Alderman Coker made the motion to approve the pay estimate #7 from Cornerstone Underground & Excavation in the amount of \$27,153.46 re: Hwy. 471 Water and Sewer Utility Relocation Project, in accordance with the Memo from Public Works Director, which are appended hereto, seconded by Alderman Corley and upon unanimous vote the motion carried.

11.

AUTHORIZE ADVERTISEMENT FOR BIDS FOR CLEANING OF TERRAPIN SKIN CREEK & DITCHES ON HWY. 80

Alderman Morrow made the motion to authorize the advertisement for bids for cleaning of Terrapin Skin Creek and ditches on Hwy. 80, in accordance with the Memo from Public Works Director, which are appended hereto, seconded by Alderman Corley and upon unanimous vote the motion carried.

12.

AUTHORIZE ADVERTISEMENT IN RANKIN COUNTY NEWS
RE: PROMOTION OF CITY AND RESOURCES

Alderman Morrow made the motion to authorize an advertisement in the Rankin County News in the amount of \$285.25, to promote the City and its resources, in accordance with the Memo from the Events Coordinator, first finding that this advertisement will promote the opportunities and possibilities of the City and that this mode of advertising is in the best interests of the City, seconded by Alderman Coker and upon unanimous vote the motion carried.

13.

APPROVE PURCHASE OF LASERFICHE SOFTWARE; APPROVE THE DOCKET OF CLAIMS FOR MAY 5 2014; AND APPROVE THE FOX EVERETT CLAIMS RELEASED ON APRIL 23 AND MAY 1, 2014

Alderman Corley made the motion to approve the purchase of LaserFiche Software from EDCO Group in the amount of \$6,243.00; to approve the Docket of Claims for May 5, 2014; and to approve the Fox Everett claims released on April 23 and May 1, 2014, in accordance with the Memos from City Clerk, which are appended hereto, seconded by Alderman Morris and upon unanimous vote the motion carried.

14.
EXECUTIVE SESSION

Alderman Corley made the motion to consider the need to go into executive session to discuss personnel matters, acquisition of real property and potential litigation, seconded by Alderman Coker and upon unanimous vote the motion carried.

Alderman Morris then made the motion to go into executive session for the reasons stated and more specifically to discuss potential litigation involving CSpire Wireless and annexation, and personnel matters involving all city employees, seconded by Alderman Corley and upon unanimous vote the motion carried.

Alderman Morrow made the motion to authorize the Mayor and the City Attorney to settle contingent claims with CSpire regarding the damage to the City's water lines on or about February 19, 2014, for an amount greater than out-of-pockets expenses and less than the total allocated costs for the repair, and for the Mayor and City Clerk to execute all related releases and other documents to effectuate the same, seconded by Alderman Coker, and upon unanimous vote the motion carried.

Alderman Corley made the motion to resume the Regular Board Meeting out of executive session, seconded by Alderman Morrow and upon unanimous vote the motion carried.

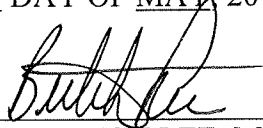
15.
ADJOURN

Alderman Williams made the motion to adjourn the Regular Board Meeting, seconded by Alderman Corley and upon unanimous vote the motion carried.

(The vote in executive session was announced in the open meeting).

(Next Regular Board Meeting will be on May 19, 2014).

MINUTES APPROVED THIS THE 19th DAY OF MAY, 2014.



HON. BUTCH LEE, MAYOR

ATTEST:



ANGELA BEAN, CITY CLERK

