

MINUTES OF THE REGULAR BOARD MEETING OF THE MAYOR AND BOARD OF
ALDERMAN OF THE CITY OF BRANDON, MISSISSIPPI
HELD ON SEPTEMBER 15, 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, Morris, Williams, Vinson and Corley were present. Alderman Coker was absent. Alderman Williams led the prayer and Alderman Morrow the Pledge of Allegiance. Public Comments/ Recognitions: Alvin and Mary Dole, 103 Suzie Blue Ct., addressed the board concerning drainage issues with respect to the new construction by their neighbor Stacey Hester. They provided pictures regarding their complaints which are included in the file of the Community Development Department regarding this matter. Their complaints include damage to their French Drain, failed silt fencing which has caused dirt to migrate from the adjoining property onto their property and into their French Drain and most recently the watering of newly installed sod which has caused water to drain onto their property and into their backyard. Alderman Christopher commented that he has maintained on numerous occasions in the past couple of months that a ground swell would solve a majority of the problems including the problem with the French Drain being filled up with dirt and that with proper drainage measures on the adjacent lot, we would not be having these problems today.

1.

APPROVE MINUTES OF REGULAR BOARD MEETING SEPTEMBER 2, 2014 AND
SPECIAL MEETING OF SEPTEMBER 9, 2014

Alderman Corley made the motion to approve the Minutes of the Regular Board Meeting of September 2, 2014 and the Special Meeting of September 9, 2014, which are appended hereto, seconded by Alderman Morris and upon unanimous vote the motion carried.

2.

HIRE JORDAN HILLMAN AS COMMUNITY DEVELOPMENT DIRECTOR

Alderman Morrow made the motion to hire Jordan Hillman as Community Development Director in accordance with the Memo from the Mayor which is appended hereto, seconded by Alderman Vinson, and upon unanimous vote the motion carried.

3.

ADD TO AGENDA AND APPROVE QUIT CLAIM DEED TO MDOT

Alderman Vinson made the motion to add to the agenda and to approve the execution and delivery of a Quit Claim Deed to the Mississippi Department of Transportation regarding the Hwy. 471 widening project, in accordance with the Memo from the Mayor which is appended hereto, and to authorize the Mayor and City Clerk to execute and deliver the same, seconded by Alderman Corley, and upon unanimous vote the motion carried.

4.

PUBLIC HEARING AND ACTION RE: 131 SHADY LANE

The Public Hearing was opened regarding the Notice to Property Owner or Such Other Person Claiming and Interest in and to the Subject Property in accordance with MCA Section 21-

19-11 (1972 as amended). The Police Chief presented the Notice that was mailed and posted in accordance with the applicable statute which Notice is appended hereto. The Police Chief then provided the Mayor and Board various pictures regarding the current condition of the subject property and the improvements thereon. During the Public Hearing Betty Wade, Annie Walters and Douglas Walters came forward and addressed the Mayor and Board. Ms. Wade and Ms. Walters agreed that the subject property and improvements were in a state of disrepair and that the building needs to be torn down and the property cleaned. Mr. Walters advised that improvements have been made and that the structure can be saved and that he wants to make repairs. He advised that it would take 6 months to a year to make the repairs and that he thought the house could be fixed for \$28,000.00 although he did not have a contract from a contractor regarding the improvements.

Having considered all of the facts and matters presented, documentation of which is contained in the file of this matter which is appended hereto and incorporated herein by reference, Alderman Vinson made the motion to adopt a Resolution adjudicating the subject property and improvements to be in such a condition to be a menace to the public health and safety of the community, and further that if the owner does not do so within 30 days of this determination, the City shall proceed to clean the property as determined required at the hearing, by the removal of all structures on the property all of which are dilapidated, removal of all debris and rubbish, and the cutting of all weeds and grass by the use of City employees and/or contract labor and further at the next Regular Meeting following the cleanup, to adjudicate the cost of cleaning the subject property and impose a penalty not to exceed \$1,500.00 or fifty percent (50%) of such actual cost whichever is more, seconded by Alderman Corley, and upon unanimous vote the motion carried.

5.

PUBLIC HEARING AND ACTION RE: 212 MARY MYLES DRIVE

The Public Hearing was opened regarding the Notice to Property Owner or Such Other Person Claiming and Interest in and to the Subject Property in accordance with MCA Section 21-19-11 (1972 as amended). The Police Chief presented the Notice that was mailed and posted in accordance with the applicable statute which Notice is appended hereto. The Police Chief then provided the Mayor and Board various pictures regarding the current condition of the subject property and the improvements thereon. During the Public Hearing no one else addressed the Mayor and Board.

Having considered all of the facts and matters presented, documentation of which is contained in the file of this matter which is appended hereto and incorporated herein by reference, Alderman Williams made the motion to adopt a Resolution adjudicating the subject property and improvements to be in such a condition to be a menace to the public health and safety of the community, and further that the City proceed to clean the property as determined required at the hearing, by the removal of all structures on the property all of which are dilapidated, removal of all debris and rubbish, and the cutting of all weeds and grass by the use of City employees and/or contract labor and further at the next Regular Meeting following the cleanup, to adjudicate the cost of cleaning the subject property and impose a penalty not to exceed \$1,500.00 or fifty percent (50%) of such actual cost whichever is more, seconded by Alderman Morris, and upon unanimous vote the motion carried.

6.

TRANSFER COMMUNICATIONS OFFICER TIFFANY PRESLEY TO PATROL OFFICER
EFFECTIVE OCTOBER 4, 2014

Alderman Morrow made the motion to transfer Tiffany Presley to Patrol Officer effective October 5, 2014, in accordance with the Memo from the Police Chief which is appended hereto, seconded by Alderman Vinson, and upon unanimous vote the motion carried.

7.

ACCEPT RESIGNATION OF FIREFIGHTER LIEUTENANT MIKE FIVECOAT AND
SURPLUS ONE 2005 DUTCH HOUSING 3 BEDROOM MOBILE HOME VIN
#210E400635A000HR

Alderman Vinson made the motion to accept the resignation of firefighter Lt. Mike Fivecoat effective September 9, 2014 and to surplus one 2005 Dutch Housing 3 bedroom Mobil Home VIN# 210E400635A000HR, and to transfer the same to MS Surplus Property, all in accordance with the Memos from the Fire Chief which are appended hereto, seconded by Alderman Christopher, and upon unanimous vote the motion carried.

8.

APPROVE JOB DESCRIPTION FOR DIVISION CHIEF/CODE ENFORCEMENT OFFICER
AND HIRE BEN WARREN AS THE SAME

Alderman Morris made the motion to approve the job description for the Division Chief/Code Enforcement Officer and to hire Ben Warren as the same, effective October 1, 2014, in accordance with the Memo from the Fire Chief which is appended hereto, seconded by Alderman Morrow, and upon unanimous vote the motion carried.

9.

HEARING AND ACTION RE: CONDITIONAL USE REQUEST OF CATHOLIC DIOCESE
OF JACKSON RE: OCCUPANCY OF HOME AT 116 HIGH STREET

The Public Hearing was opened regarding the Conditional Use Request of the Catholic Diocese of Jackson to allow the use of the property at 116 High Street for residential living of up to 4 nuns. The representative of the Community Development Department advised the Board that all of the prerequisites of the public hearing have been met and that the Planning Commission voted to recommend approval of the request with conditions. The Staff Report of the Community Development Department regarding this matter with attachments was presented to the Board and is appended hereto and incorporated herein by reference. No one spoke in favor of or opposition to the application. One member of the audience inquired as to the proposed use.

Thereafter, Alderman Morris, first incorporating the matters and things contained in the Staff Report of the Community Development Department, made the motion to approve the Conditional Use Request with the conditions as determined by the Planning Commission, seconded by Alderman Vinson, and upon unanimous vote the motion carried.

10.

HEARING AND ACTION RE: VARIANCE REQUEST OF PATSY ROBINSON RE:
WOODEN PRIVACY FENCE LOCATED AT 239 EAST TOWNE DRIVE

The Public Hearing was opened regarding the Variance Request of Patsy Robinson regarding a wooden fence at 239 East Towne Drive. The representative of the Community Development Department advised the Board that all of the prerequisites of the public hearing have been met and that the Planning Commission voted to recommend denial of the request. The Staff Report of the Community Development Department regarding this matter with attachments was presented to the Board and is appended hereto and incorporated herein by reference. Joe Temple, 225 East Towne Drive, Patsy Robinson, the applicant and Marcus Martin spoke in favor of the request. Patsy Robinson presented supplemental material in favor of her request which is included in the file of this matter and the Staff Report presented to the Board. Ed McNulty, president of the Homeowner's Association and Mike Lloyd, vice-president of the Homeowner's Association spoke in opposition to the request.

Thereafter, Alderman Corley first incorporating the matters and things contained in the Staff Report of the Community Development Department, made the motion to approve the variance insofar as to permit 8ft. fences on the sides and a 6 ft. fence along Shiloh Parkway which motion failed for lack of a second. Thereafter Alderman Williams made the motion to approve the variance request insofar as to permit 8ft. side fences on the sides and a 7ft. fence along Shiloh Parkway which was seconded by Alderman Vinson and whereupon Aldermen Vinson, Williams and Morris voted "AYE" and Aldermen Morrow, Christopher and Corley voted "NAY" and Mayor Lee voted "NAY" to break the tie and accordingly the motion failed. Thereafter Alderman Corley made the motion to grant the variance request insofar as to permit 8 ft. fences on the sides and a 6 ft. fence along Shiloh Parkway which motion was seconded by Alderman Williams and whereupon Alderman Corley and Williams voted "AYE" and Aldermen Morrow, Christopher, Morris and Vinson voted "NAY, and accordingly the motion failed.

11.

HEARING AND ACTION RE: CONDITIONAL USE REQUEST OF MARTIN AND JACKIE
HARTZOG RE: LOCATION OF MOBILE HOME AT 115 CAIN CIRCLE

The Public Hearing was opened regarding the Conditional Use Request of Martin and Jackie Hartzog to place a mobile home at 115 Cain Circle. The representative of the Community Development Department advised the Board that all of the prerequisites of the public hearing have been met and that the Planning Commission voted to recommend approval of the request with conditions. The Staff Report of the Community Development Department regarding this matter with attachments, including the Memo from the Mayor regarding the application was presented to the Board and is appended hereto and incorporated herein by reference. Walter Redd, Gill Ward and Martin and Jackie Hartzog spoke in favor of the request. No one spoke in opposition to the request.

Thereafter, Alderman Williams first incorporating the matters and things contained in the Staff Report of the Community Development Department, made the motion to approve the

Conditional Use Request with the conditions as determined by the Planning Commission, seconded by Alderman Christopher, whereupon Aldermen Williams, Christopher and Corley voted "AYE" and Aldermen Morrow, Morris and Vinson voted "NAY" and Mayor Lee voted "NAY" to break the tie, and accordingly the motion failed.

12.

VARIANCE REQUEST OF SHANE CARTER AND STEVEN WALLACE
RE: STORM WATER DETENTION

Alderman Vinson made the motion to grant the variance request of Shane Carter and Steven Wallace regarding storm water detention in accordance with the Staff Report of the Community Development Department which is appended hereto, seconded by Alderman Morris, and upon unanimous vote the motion carried.

13.

HEARING AND ACTION RE: RE-ZONING REQUEST OF SHANE CARTER AND STEVEN WALLACE TO RE-ZONE R-1 RESIDENTIAL ZONED PROPERTY TO C-3 COMMERCIAL ZONE PROPERTY

The Public Hearing was opened regarding the Re-Zoning Request of Shane Carter and Steven Wallace regarding that certain property located at 1392 and 1394 West Government Street from R-1 to C-3. The representative of the Community Development Department advised the Board that all of the prerequisites of the public hearing have been met and that the Planning Commission voted to recommend approval of the request. The Staff Report of the Community Development Department regarding this matter with attachments was presented to the Board and is appended hereto and incorporated herein by reference. Steve Wallace spoke in favor of the request. No one spoke in opposition to the request.

Thereafter, Alderman Morris first incorporating the matters and things contained in the Staff Report of the Community Development Department, made the motion to adopt an Ordinance which is appended hereto, re-zoning the subject property from R-1 to C-3 finding that by clear and convincing evidence there was a mistake in the original zoning and that the character of the neighborhood has changed to such an extent as to justify re-zoning and that a public need exists for the re-zoning and because the same will more suitably promote and protect the health, safety and welfare than the existing provisions and because the change is consistent with the City's Comprehensive Plan, seconded by Alderman Christopher, and upon unanimous vote the motion carried.

14.

DECLARE AS AN EMERGENCY AND APPROVE REPAIRS TO RICHLAND CREEK LIFT STATION; APPROVE PAY ESTIMATE #1 FOR 2012 LIGHTING AND LANDSCAPE PROJECT; APPROVE PAY ESTIMATE #8 FOR HWY. 471 WATER & SEWER UTILITY RELOCATION PROJECT; MODIFY WORK WEEK FOR PUBLIC WORKS MAINTENANCE EMPLOYEES; AND PERMIT CERTAIN PUBLIC WORKS EMPLOYEES TO GARAGE VEHICLES AT THEIR HOMES

Alderman Morrow made the motion to declare as an emergency and approve repairs to Richland Creek Lift Station and approve payment to Magnolia Pump in the amount of

\$47,544.21; to approve pay estimate #1 to McInnis Electric Company in the amount of \$1,108.19 for the 2012 Lighting and Landscape Project; to approve pay estimate #8 to Cornerstone Underground & Excavation, Inc., in the amount of \$37,702.89 for the Hwy. 471 Water and Sewer Utility Relocation Project; to establish a four (4) day work week for Public Works Maintenance Employees effective October 1, 2014; and to authorize certain Public Works Employees to garage vehicles at their homes, all in accordance with the Memos from the Public Works Director which are appended hereto, seconded by Alderman Morris, and upon unanimous vote the motion carried.

15.

APPROVE MAYOR TRAVEL TO HATTIESBURG NOVEMBER 6-7, 2014 TO ATTEND MML SMALL TOWN CONFERENCE; ACCEPT BIDS RE: PROMISSORY NOTE FOR INTERNAL LOAN AND AUTHORIZE MAYOR AND CITY CLERK TO EXECUTE THE SAME; APPROVE AND ACCEPT MUNICIPAL COMPLIANCE QUESTIONNAIRE; APPROVE DOCKET OF CLAIMS, FOX EVERETT CLAIMS RELEASED AND ELECTRONIC TRANSFERS

Alderman Morrow made the motion to approve travel for the Mayor for the MML Small Town Conference on November 6-7, 2014; to accept the bid from the City for an internal loan from the Enterprise Fund to the General Fund and approve Promissory Note and authorize the Mayor and City Clerk to execute the same; to approve and accept the Municipal Compliance Questionnaire; and to approve the Docket of Claims for September 9 and 15, 2014, Fox Everett claims released on September 11, 2014 and Electronic Transfers for August 2014, all in accordance with the Memos from the City Clerk which are appended hereto, seconded by Alderman Corley, and upon unanimous vote the motion carried.

16.

ADJOURN

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

(Next Regular Board Meeting will be on October 6, 2014).

MINUTES APPROVED THIS THE 6th DAY OF OCTOBER 2014.

ATTEST:

Angela Bean
ANGELA BEAN, CITY CLERK



Butch Lee
BUTCH LEE, MAYOR