

MINUTES OF THE REGULAR BOARD MEETING OF THE MAYOR AND BOARD OF
ALDERMEN OF THE CITY OF BRANDON, MISSISSIPPI
HELD ON MAY 15, 2017

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 Christopher, Dobbs, Morris, Williams, Corley and Coker were present. Alderman Vinson was absent. Richard Stamper led the prayer and the Pledge of Allegiance. Public Comments/ Recognitions: Mayor Lee provided a proclamation to Richard Stamper the American Legion in recognition of National Poppy Day.

1.

APPROVE THE MINUTES OF THE REGULAR BOARD MEETING OF MAY 1, 2017

Alderman Morris made the motion to approve the Minutes of the Regular Board Meeting of May 1, 2017, which are appended hereto, seconded by Alderman Williams, and upon unanimous vote the motion carried.

2.

APPROVE RESOLUTION DECLARING THE INTENT TO LEVY A TAX AT THE RATE OF THREE PERCENT OF THE GROSS PROCEEDS OF SALES OF ROOM RENTALS FROM HOTELS AND MOTELS FOR EACH SUCH HOTEL AND MOTEL WITHIN THE CITY FOR THE PURPOSE OF PROVIDING FUNDS FOR THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, EXPANDING, IMPROVING, FURNISHING, EQUIPPING AND REPAIRING OF AN AMPHITHEATER IN THE CITY AND FOR THE PAYMENT OF ANY DEBT INCURRED IN CONNECTION THEREWITH, DECLARING THE DATE UPON WHICH THE TAX SHALL BECOME EFFECTIVE, AND CALLING FOR AN ELECTION TO BE HELD ON THE QUESTION AND APPROVE VOTES, APPROVE THE PUBLICATION AND POSTING OF THE NOTICE, AND SET ELECTION FOR
JUNE 6, 2017

Alderman Coker made the motion to approve a Resolution declaring the intent to levy a tax at the rate of three percent of the gross proceeds of sales of room rentals from hotels and motels for each such hotel and motel within the city for the purpose of providing funds for the acquisition, construction, reconstruction, expanding, improving, furnishing, equipping and repairing of an amphitheater in the city and for the payment of any debt incurred in connection therewith, declaring the date upon which the tax shall become effective, and calling for an election to be held on the question and to approve publication and posting of the notice, and to set election for June 6, 2017, in accordance with the memo from the Mayor, which is appended hereto, seconded by Alderman Corley, and upon unanimous vote the motion carried.

3.

AUTHORIZE CHASE COCKRELL TO PARTICIPATE IN THE BRANDON POLICE DEPARTMENT INTERNSHIP PROGRAM FOR THE 2017 FALL SEMESTER;
AUTHORIZE BETH BURKHALTER TO PARTICIPATE IN THE BRANDON POLICE

DEPARTMENT INTERNSHIP PROGRAM FOR FOUR WEEKS BEGINNING JUNE 1, 2017; DESTROY CERTAIN RECORDS PURSUANT TO THE MS DEPARTMENT OF ARCHIVES AND HISTORY RETENTION SCHEDULE AFTER FILES HAVE BEEN CONVERTED TO A DIGITAL COPY INTO THE LASERFICHE SYSTEM; AND PURCHASE FOUR (4) CHEVY TAHOE PPVS AND ONE (1) 2017 CHEVY TAHOE SSV FROM ROGERS-DABBS CHEVROLET, A STATE CONTRACT VENDOR, IN THE AMOUNT OF \$168,303.40, AUTHORIZE PAYMENT FROM THE DRUG SEIZURE ACCOUNT AND AMEND THE BUDGET ACCORDINGLY

Alderman Dobbs made the motion to authorize Chase Cockrell to participate in the Brandon Police Department Internship Program for the 2017 Fall Semester; to authorize Beth Burkhalter to participate in the Brandon Police Department Internship Program for four weeks beginning June 1, 2017; to destroy certain records pursuant to the MS Department of Archives and History Retention Schedule after files have been converted to a digital copy into the Laserfiche system; and to purchase four (4) Chevy Tahoe PPVs and one (1) 2017 Chevy Tahoe SSV from Rogers-Dabbs Chevrolet, a state contract vendor, in the amount of \$168,303.40, authorize payment from the Drug Seizure account and amend the budget accordingly, in accordance with the memos from the Police Chief, which are appended hereto, seconded by Alderman Williams, and upon unanimous vote the motion carried.

4.

ADVERTISE FOR BIDS FOR A 700 RADIO SYSTEM; AND APPROVE MEMORANDUM OF UNDERSTANDING WITH THE MS STATE FIRE ACADEMY FOR PERSONNEL TRAINING STARTING JUNE 5, 2017 AND AUTHORIZE CHIEF TERRY WAGES TO EXECUTE THE SAME

Alderman Morris made the motion to advertise for bids for a 700 Radio System; and to approve the Memorandum of Understanding with the MS State Fire Academy for personnel training starting June 5, 2017 and authorize Chief Terry Wages to execute the same, in accordance with the memos from the Fire Chief, which are appended hereto, seconded by Alderman Corley, and upon unanimous vote the motion carried.

5.

ACCEPT \$50.00 DONATION FROM BRENDA GAIL AND DANNY WALL IN MEMORIAM OF THEIR UNCLE, ERNEST JAMES ADAMS, JR.

Alderman Coker made the motion to accept the \$50.00 donation from Brenda Gail and Danny Wall in memoriam of their uncle, Ernest James Adams, Jr., in accordance with the memo from the Senior Services Coordinator, which is appended hereto, seconded by Alderman Morris, and upon unanimous vote the motion carried.

6.

APPROVE RENTAL AGREEMENT WITH GREAT SOUTHERN EVENTS IN THE AMOUNT OF \$4,352.50 FOR THE GOD AND COUNTRY EVENT TO BE HELD JUNE 29, 2017 AND AUTHORIZE THE MAYOR TO EXECUTE THE SAME; AND PURCHASE 540

CHAIRS FROM HOME DEPOT, AS THE LOWEST AND BEST QUOTE RECEIVED, IN
THE AMOUNT OF \$10,800.00 FOR EVENTS AND AUTHORIZE PAYMENT OF THE
SAME

Alderman Coker made the motion to approve rental agreement with Great Southern Events in the amount of \$4,352.50 for the God and Country event to be held June 29, 2017 and authorize the Mayor to execute the same; and to purchase 540 chairs from Home Depot, as the lowest and best quote received, in the amount of \$10,800.00 for events and authorize payment of the same, in accordance with the memo from the Event Coordinator, which is appended hereto, seconded by Alderman Williams, and upon unanimous vote the motion carried.

7.

CONSIDER APPEAL OF JEFF AND TERRI DICKENSON REGARDING THE
CERTIFICATE OF APPROPRIATENESS GRANTED BY THE HISTORIC PRESERVATION
COMMISSION ON APRIL 11, 2017 FOR THE CONSTRUCTION OF A NEW SINGLE
FAMILY HOME AT 232 EAST JASPER STREET

The matter of the appeal of the issuance of a Certificate of Appropriateness (“COA”) issued by the Brandon Historic Preservation Commission (“Commission”) on April 11, 2017 for the construction of a new single family home at 232 East Jasper Street was presented to the Board. Included as the record of the appeal are the following: (1) Memorandum of the Community Development Department dated May 15, 2017, which includes the Staff Report for Case No. 17-030, the COA Application, Minutes of the Commission for the meeting on April 11, 2017, and the Letter/Appeal of David and Terri Dickson. Also included as part of the record on appeal is a Petition of Interested Owners presented by Camille Farris. The Director of Community Development provided the Mayor and Board with a general overview of the issues. She advised that the appeal was timely submitted in accordance with the applicable ordinance.

The appeal was presented by the Hon. Anselm McLaurin, representing David and Terri Dickson. Mr. McLaurin argued the points raised in the Letter/Appeal by the Appellants and generally contended that the action by the Commission in granting the COA was inconsistent with the guidelines in the City’s Historic Preservation Ordinance (“HPO”). Ms. Camille Farris presented the position of the Commission at the request of the commissioners present. She stated that: (1) there is no consistency in the houses in the Historic Preservation District (the “District”); (2) while there are some 50's style houses in the general area of the property in question, there is no consistency in style in general and in particular to those visually related to the subject property; and (3) that the approved house is aesthetically consistent with the District and the HPO. Ms. Farris presented the Mayor and Board with a petition of interested owners regarding the matter. She advised that there are 20 residents on the street where the house is proposed to be located and that 10 signed the petition in favor of the COA and of the remainder that had not signed, 5 did not have a preference and 3 supported the Appellant and the other 2 were the Appellants. Shelly Carr, the Applicant, addressed the Mayor and Board. She advised that the proposed house will sit further back than the 4 houses immediately adjacent to her property, that she intends to clean the drainage ditch and install a french drain system that will address any drainage issues, and that the windows in the house will not be thin or otherwise different than the houses in the immediate vicinity. She advised that the Appellants had raised concerns about her

house blocking their view from their house; however, she indicated that the Appellants do not have a window on the side of the house which will face her house. She advised that the architectural style of the house is a Charleston town house and that its not 100 feet long, as alleged by Appellants, but 93 feet. She advised that there were concerns raised about the excavation that will occur because of the foundation and indicated that the house will be on a conventional foundation and will only have a slab, and therefore only require excavation, for the driveway and garage. Mr. McLaurin was given an opportunity for rebuttal. He argued that the Appellants were good neighbors and did not believe that the proposed house will fit in with the style of the houses on the street and reiterated that the Appellants believed that the criteria of the HPO has not been met.

Alderman Corley asked for clarification as to whether the Commission in considering a COA is limited to a consideration of the style of houses on the street where the new construction is proposed.

Jordan Hillman, the Director of Community Development advised that the appeal only pertains to the matter of the HPO and the action of the Commission in granting the COA. She advised that the HPO does not require a particular architectural style and that consideration is not limited or restricted to a particular street but whether the proposed new construction is *inter alia* visually compatible with the buildings and environment with which the new construction is visually related which is greater than the street. She advised that all matters outside of the HPO, i.e., drainage, construction processes, etc., will be addressed by the City in the permitting process.

The City Attorney advised that Mayor and Board were not considering the matter of the granting of the COA *de novo* but rather were considering the appeal on the record before the Commission and that accordingly the standard of review is (1) whether the action of the Commission was supported by substantial evidence; (2) was arbitrary or capricious; (3) was beyond the power of the lower authority to make; or (4) whether the action of the Commission violated some statutory or constitutional right of the complaining party.

Based on the record of the appeal as presented and all matters and things relevant to the proceedings to be considered on appeal, and based on the applicable standard of review, Alderman Corley, first finding that given the deferential nature of review, the action of the Commission is supported by substantial evidence, made the motion to affirm the action of the Commission and determine that the appeal is not well taken and be denied, seconded by Alderman Coker and upon unanimous vote the motion carried.

8.

APPROVE THE FINAL PLAT FOR PROVONCE PHASE 3

Alderman Coker made the motion to approve the final plat for Provonce Phase 3, in accordance with the memo from the Community Development Director, which is appended hereto, subject to an approved Letter of Credit, seconded by Alderman Morris, and upon unanimous vote the motion carried.

9.

APPROVE THE 5-YEAR AGREEMENT WITH THE BRANDON B-CLUB FOR A \$10,000.00 PER YEAR SPONSORSHIP AND AUTHORIZE THE MAYOR TO EXECUTE THE SAME

Alderman Coker made the motion to approve the 5-year Agreement with the Brandon B-Club for a \$10,000.00 per year sponsorship, for the purpose of advertising and to bring into favorable notice of the opportunities and possibilities of the City, first finding that this mode of advertising is in the best interests of the City, and to authorize the Mayor to execute the same, in accordance with the memo from the Economic Development Department, which is appended hereto, seconded by Alderman Williams, and upon unanimous vote the motion carried.

10.

ADOPT AN ORDINANCE AMENDING SECTIONS 6-1(A) AND 6-11 AND ADDING SECTION 6-10.1 WITH REGARD TO ALCOHOLIC BEVERAGES

Alderman Corley made the motion to adopt an Ordinance amending Sections 6-1(a) and 6-11 and adding Section 6-10.1 with regard to alcoholic beverages, in accordance with the memo from the Economic Development Department, which is appended hereto, seconded by Alderman Coker, and upon unanimous vote the motion carried.

11.

APPROVE RESOLUTIONS ACKNOWLEDGING THE BRANDON MUNICIPAL CONFERENCE CENTER AND THE BRANDON AMPHITHEATER AT QUARRY PARK AS QUALIFIED RESORT AREAS TO PROMOTE TOURISM AND ECONOMIC DEVELOPMENT AND AUTHORIZE PUBLICATION OF NOTICE

Alderman Williams made the motion to approve Resolutions acknowledging the Brandon Municipal Conference Center and the Brandon Amphitheater at Quarry Park as Qualified Resort Areas to promote tourism and economic development and to authorize publication of notice, in accordance with the memos from the Economic Development Department, which are appended hereto, seconded by Alderman Morris, and upon unanimous vote the motion carried.

12.

APPROVE HEMPHILL CONSTRUCTION COMPANY PAY REQUEST #2 (FINAL) IN THE AMOUNT OF \$709.05 WITH REGARD TO THE SUNSET DRIVE SEWER DITCH REPAIR PROJECT AND AUTHORIZE PAYMENT OF THE SAME; DECLARE AS AN EMERGENCY THE WATER LINE REPAIRS AT CITY LIMITS ROAD AND HIGHWAY 80 BY HEMPHILL CONSTRUCTION COMPANY IN THE AMOUNT OF \$16,585.75 AND AUTHORIZE PAYMENT OF THE SAME; DECLARE AS AN EMERGENCY THE REPAIR AND REPLACEMENT OF FIRE HYDRANTS BY HEMPHILL CONSTRUCTION COMPANY IN THE AMOUNT OF \$16,583.50 AND AUTHORIZE PAYMENT OF THE SAME

Alderman Morris made the motion to approve Hemphill Construction Company Pay Request #2 (final) in the amount of \$709.05 with regard to the Sunset Drive Sewer Ditch Repair Project and authorize payment of the same; to declare as an emergency the water line repairs at City Limits Road and Highway 80 by Hemphill Construction Company in the amount of \$16,585.75 and authorize payment of the same; to declare as an emergency the repair and replacement of fire hydrants by Hemphill Construction Company in the amount of \$16,583.50 and authorize payment of the same, in accordance with the memos from the Public Works Department, which are appended hereto, seconded by Alderman Corley, and upon unanimous vote the motion carried.

13.

DECLARE AS AN EMERGENCY, REPAIRS TO THE SEWER FORCE MAIN ALONG HIGHWAY 18 NEAR BRANDON HIGH SCHOOL BY HEMPHILL CONSTRUCTION COMPANY IN THE AMOUNT OF \$11,654.75 AND EAGLE PIPE SUPPLY IN THE AMOUNT OF \$1,755.50 AND AUTHORIZE PAYMENT OF THE SAME; PURCHASE A 2008 FREIGHTLINER MILITARY TRACTOR TRUCK FROM MS OFFICE OF SURPLUS PROPERTY IN THE AMOUNT OF \$19,500.00 AND AUTHORIZE PAYMENT OF THE SAME; APPROVE ADCAMP, INC. PAY REQUEST #5 (FINAL) IN THE AMOUNT OF \$154,262.40 WITH REGARD TO THE 2016 STREET RESURFACING PROJECT AND AUTHORIZE PAYMENT OF THE SAME; AND AUTHORIZE MR. MIKE ASHLEY OF RALEIGH, MS TO PROVIDE PROFESSIONAL SERVICES IN CLEARING THE NORTH STREET RIGHT-OF-WAY OF VEGETATION IN THE AMOUNT OF \$6,700.00 PER ACRE

Alderman Williams made the motion to declare as an emergency, repairs to the sewer force main along Highway 18 near Brandon High School by Hemphill Construction Company in the amount of \$11,654.75 and Eagle Pipe Supply in the amount of \$1,755.50 and authorize payment of the same; to purchase a 2008 Freightliner Military Tractor Truck from MS Office of Surplus Property in the amount of \$19,500.00 and authorize payment of the same; to approve Adcamp, Inc. Pay Request #5 (final) in the amount of \$154,262.40 with regard to the 2016 Street Resurfacing Project and authorize payment of the same; and to authorize Mr. Mike Ashley of Raleigh, MS to provide Professional Services in clearing the North Street right-of-way of vegetation in the amount of \$6,700.00 per acre, in accordance with the memos from the Public Works Department, which are appended hereto, seconded by Alderman Morris, and upon unanimous vote the motion carried.

14.

HIRE PART-TIME LABORERS/SPLASH-PARK ATTENDANTS AND SET RATES OF PAY EFFECTIVE MAY 16, 2017; ADJUST RATES OF PAY FOR PART-TIME EMPLOYEES EFFECTIVE MAY 16, 2017; APPROVE AGREEMENT WITH BANKPLUS FOR CREDIT CARD PROCESSING AND AUTHORIZE THE MAYOR TO EXECUTE ALL RELATED DOCUMENTS; APPROVE THE ADULT SOFTBALL REGISTRATION FEES; APPROVE THRASH COMMERCIAL CONTRACTOR PAY REQUEST #7 IN THE AMOUNT OF \$1,341,648.73 WITH REGARD TO THE RANKIN TRAILS AMPHITHEATER AND BASEBALL PARK PROJECT (THE QUARRY) AND AUTHORIZE PAYMENT OF THE SAME; ACCEPT INDOOR AND OUTDOOR SIGNAGE FOR THE PARK AND

RECREATION OFFICE TO BE PROVIDED BY WEIR, BOERNER, ALLIN ARCHITECTURE, PLLC; APPROVE THE PROFESSIONAL SERVICES AGREEMENT WITH JASON WOODS REGARDING TENNIS SERVICES AT CITY PARK FACILITIES AND AUTHORIZE THE MAYOR TO EXECUTE THE SAME; AND APPROVE FEES FOR THE BRANDON CITY TENNIS FACILITIES EFFECTIVE MAY 16, 2017

Alderman Corley made the motion to hire part-time laborers/splash-park attendants and set rates of pay effective May 16, 2017; to adjust the rates of pay for part-time employees effective May 16, 2017; to approve the Agreement with BankPlus for credit card processing and authorize the Mayor to execute all related documents; to approve the adult softball registration fees; to approve Thrash Commercial Contractor Pay Request #7 in the amount of \$1,341,648.73 with regard to the Rankin Trails Amphitheater and Baseball Park Project (The Quarry) and authorize payment of the same; to accept indoor and outdoor signage for the Park and Recreation Office to be provided by Weir, Boerner, Allin Architecture, PLLC; to approve the Professional Services Agreement with Jason Woods regarding Tennis services at City Park Facilities and authorize the Mayor to execute the same; and to approve fees for the Brandon City Tennis Facilities effective May 16, 2017, in accordance with the memos from the Parks and Recreation Department, which are appended hereto, seconded by Alderman Williams, and upon unanimous vote the motion carried.

15.

APPROVE TRAVEL FOR ANDY STOGNER TO TRAVEL TO TUSCALOOSA, AL TO TOUR THE TUSCALOOSA AMPHITHEATER FACILITY ON MAY 19, 2017

Alderman Coker made the motion to on approve travel for Andy Stogner to travel to Tuscaloosa, AL to tour the Tuscaloosa Amphitheater Facility on May 19, 2017, in accordance with the memo from the Information Technology Department, which is appended hereto, seconded by Alderman Morris, and upon unanimous vote the motion carried.

16.

ACCEPT THE ELECTION RESULTS FROM THE PRIMARY ELECTION THAT WAS HELD ON MAY 2, 2017 AND ACCEPT THE DECLARATION FROM THE MUNICIPAL ELECTION COMMISSION AND DISPENSE OF THE GENERAL ELECTION TO BE HELD ON JUNE 6, 2017 IN ACCORDANCE WITH THE MS STATE CODE SECTION 23-15-361 AND PROVIDE THE SAME TO THE OFFICE OF MISSISSIPPI SECRETARY OF STATE; AND APPROVE THE DOCKET OF CLAIMS FOR MAY 2, 10 & 15, 2017

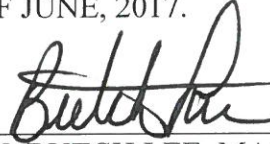
Alderman Williams made the motion to accept the election results from the Primary Election that was held on May 2, 2017 and accept the declaration from the Municipal Election Commission and dispense of the General Election to be held on June 6, 2017 in accordance with the MS State Code Section 23-15-361 and to provide the same to the Office of the Mississippi Secretary of State; and to approve the Docket of Claims for May 2, 10 & 15, 2017, in accordance with the memos from the City Clerk, which are appended hereto, seconded by Alderman Corley, and upon unanimous vote the motion carried.

17.
ADJOURN

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


(Next Regular Board Meeting June 5, 2017.)

MINUTES APPROVED THIS THE 5TH DAY OF JUNE, 2017.



HON. BUTCH LEE, MAYOR

ATTEST:



ANGELA BEAN, CITY CLERK

