

MINUTES OF THE BOARD MEETING OF THE MAYOR AND BOARD OF ALDERMEN  
OF THE CITY OF BRANDON, MISSISSIPPI  
HELD ON DECEMBER 18, 2017

The Regular Board Meeting was held in the Brandon City Hall Board Room, 1000 Municipal Drive, Brandon, Mississippi. The meeting was led by Mayor Butch Lee. Aldermen Coker, Corley, Dobbs, Middleton, Morris, Williams, and Vinson were present. Gracie Wilcox led the prayer and Emily Claire Goad led the Pledge of Allegiance. Each are members of the Mayor's Youth Council. Public Comments/ Recognitions: Leroy Newton and Nathan Harrell were presented with a citizenship award for finding and returning a lost wallet. Brandon High School cheerleaders were recognized for winning the Junior Varsity State All Girl Competition and Varsity State Co-ed Competition.

1.

APPROVE THE MINUTES OF THE REGULAR BOARD MEETING OF  
DECEMBER 4, 2017

Alderman Dobbs made the motion to approve the Minutes of the Regular Board Meeting of December 4, 2017, which are appended hereto, seconded by Alderman Corley, and upon unanimous vote, with the exception of Alderman Morris who abstained as he was absent from the meeting, the motion carried.

2.

ADOPT RESOLUTION AUTHORIZING AND DIRECTING THE ISSUANCE OF COMBINED WATER AND SEWER SYSTEM REVENUE BONDS OF THE CITY OF BRANDON IN THE AGGREGATE PRINCIPAL AMOUNT OF TWO MILLION DOLLARS (\$2,000,000), TO RAISE MONEY FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, REPAIRING AND/OR EXTENDING THE COMBINED WATERWORKS AND SEWAGE SYSTEM OF THE CITY PRESCRIBING THE FORM AND INCIDENTS OF SAID REVENUE BONDS; PROVIDING FOR THE COLLECTION, SEGREGATION AND DISTRIBUTION OF THE REVENUES TO BE DERIVED FROM THE OPERATION OF SAID SYSTEM IN AN AMOUNT SUFFICIENT TO PAY THE COST OF OPERATION AND MAINTENANCE THEREOF AND TO PAY THE PRINCIPAL OF AN INTEREST ON SAID REVENUE BONDS; MAKING PROVISION FOR CERTAIN FUNDS IN CONNECTION WITH SAID SYSTEM AND REVENUE BONDS; MAKING PROVISION FOR MAINTAINING THE TAX-EXEMPT STATUS OF SAID REVENUE BONDS; AND FOR RELATED PURPOSES AND APPROVE SALE OF BONDS TO BANK PLUS

Alderman Coker made the motion to adopt a Resolution authorizing and directing the issuance of combined water and sewer system revenue bonds of the City of Brandon in the aggregate principal amount of two million dollars (\$2,000,000), to raise money for the purpose of acquiring, constructing, enlarging, improving, repairing and/or extending the combined waterworks and sewage system of the City prescribing the form and incidents of said revenue bonds; providing for the collection, segregation and distribution of the revenues to be derived from the operation of said system in an amount sufficient to pay the cost off operation and

maintenance thereof and to pay the principal of an interest on said revenue bonds; making provision for certain funds in connection with said system and revenue bonds; making provision for maintaining the tax-exempt status of said revenue bonds; and for related purposes, and to approve the sale of the bonds to Bank Plus which submitted the lowest interest rate at 2.361238%, in accordance with the memo from the Mayor, which is appended hereto, seconded by Alderman Morris, and upon unanimous vote the motion carried.

3.

TRANSFER INVESTIGATIVE SERGEANT JOSEPH FRENCH TO CRIMINAL INVESTIGATIONS DIVISIONS/NARCOTICS UNIT AND INVESTIGATIVE SERGEANT DAN CARTER TO ACCREDITATION MANAGER/INMATE OPERATIONS/INTERNAL AFFAIRS INVESTIGATOR EFFECTIVE DECEMBER 19, 2017; APPROVE POLICY 4.29 RECORDING POLICE ACTIVITY OF THE GENERAL OPERATING GUIDELINES FOR THE CITY OF BRANDON POLICE DEPARTMENT; AUTHORIZE DR. RICHARD KIRBY TO OBTAIN A DRUG ENFORCEMENT ADMINISTRATION (DEA) CONTROLLED SUBSTANCES REGISTRATION NUMBER ON BEHALF OF THE CITY OF BRANDON POLICE DEPARTMENT; ACCEPT THE RESIGNATION OF COMMUNICATION OFFICER JOSHUA CHATHAM EFFECTIVE DECEMBER 17, 2017; AND CHANGE EMPLOYMENT STATUS OF COMMUNICATION OFFICER HELEN HILL FROM PART-TIME TO FULL-TIME EFFECTIVE DECEMBER 19, 2017

Alderman Morris made the motion to transfer Investigative Sergeant Joseph French to Criminal Investigations Divisions/Narcotics Unit and Investigative Sergeant Dan Carter to Accreditation Manager/Inmate Operations/Internal Affairs Investigator effective December 19, 2017; to approve Policy 4.29 Recording Police Activity of the General Operating Guidelines for the City of Brandon Police Department; to authorize Dr. Richard Kirby to obtain a Drug Enforcement Administration (DEA) controlled substances registration number on behalf of the City of Brandon Police Department; to accept the resignation of Communication Officer Joshua Chatham effective December 17, 2017; and to change the employment status of Communication Officer Helen Hill from part-time to full-time effective December 19, 2017, in accordance with the memos from the Police Chief, which are appended hereto, seconded by Alderman Corley, and upon unanimous vote the motion carried.

4.

ACCEPT RESIGNATION OF FIREFIGHTER BRIAN LOGAN HILTON EFFECTIVE DECEMBER 23, 2017; ACCEPT RESIGNATION OF PART-TIME FIREFIGHTER/PARAMEDIC DAVID STANLEY EFFECTIVE DECEMBER 18, 2017; AND ACCEPT DONATION OF \$1,500.00 FROM BOB BOYTE HONDA FOR THE "BOBBY GENE BOYTE" SCHOLARSHIP FUND

Alderman Vinson made the motion to accept the resignation of Firefighter Brian Logan Hilton effective December 23, 2017; to accept the resignation of part-time Firefighter/Paramedic David Stanley effective December 18, 2017; and to accept the donation of \$1,500.00 from Bob Boyte Honda for the "Bobby Gene Boyte" Scholarship Fund, in accordance with the memos

from the Fire Chief, which are appended hereto, seconded by Alderman Williams, and upon unanimous vote the motion carried.

5.

ACCEPT RECOMMENDATION WITH REGARD TO THE AMPHITHEATER SEATING CAPACITY

Alderman Coker made the motion to accept the recommendation with regard to the Amphitheater seating capacity, in accordance with the memo from the Fire Chief, which is appended hereto, seconded by Alderman Vinson, and upon unanimous vote the motion carried.

6.

PUBLIC HEARING AND BOARD ACTION WITH REGARD TO THE CONSIDERATION OF A DIMENSIONAL VARIANCE REQUEST OF SHAMWUN WILLIAMS AT THE NORTHWEST CORNER OF NORTH COLLEGE STREET AND PEARL STREET (PARCEL #I8N-69)

The Public Hearing was opened regarding a dimensional variance request of Shamwun Williams regarding property located at the Northwest corner of North College Street and Pearl Street (Parcel #I8N-69). The Director of Community Development advised that all prerequisites to the public hearing have been met, and that the Planning Commission voted to recommend approval of the same. The Memo from the Director of Community Development with respect to the same, and the documents and things pertaining to the same, including the Minutes of the Planning Commission, are appended hereto and incorporated herein. The Director of Community Development advised the Board as to the reasons why the recommendation of the Planning Commission was to recommend approval of the application as set forth in her memo to the Board. The City Attorney then asked for public comments with respect to the same. No one other than the Community Development Director provided public comments. The Public Hearing was then closed. Alderman Dobbs made the motion to approve the variance request, first incorporating the findings of the Planning Commission and the documents and things presented to and prepared by the Planning Commission and the Director of Community Development in relation to the application, which are appended hereto, seconded by Alderman Morris, and upon unanimous vote, with the exception of Alderman Corley who voted "Nay", the motion carried.

7.

APPROVE THE PRELIMINARY PLAT FOR LONGLEAF PLACE PHASE I

Alderman Vinson made the motion to approve the preliminary plat for Longleaf Place Phase I, in accordance with the memo from the Community Development Director, which is appended hereto, seconded by Alderman Williams, and upon unanimous vote the motion carried.

8.

ACCEPT BIDS RECEIVED ON NOVEMBER 16, 2017 WITH REGARD TO THE RANKIN TRAILS/THE QUARRY AMPHITHEATER POINT OF SALE SYSTEM AND AWARD TO APPETIZE, INC. IN THE AMOUNT OF \$172,821.65 AND AUTHORIZE THE MAYOR TO EXECUTE ANY RELATED DOCUMENTS

First finding that Miss. Code Ann. Section 31-7-13(d) sets forth the procedure for the “lowest and best bid” decision. Specifically, this section provides “... If any governing authority accepts a bid other than the lowest bid actually submitted, it shall place on its minutes detailed calculations and narrative summary showing that the accepted bid was determined to be the lowest and best bid, including the dollar amount of the accepted bid and the dollar amount of the lowest bid....”

And further finding that it has been the opinion of the Office of the Attorney General that a governing authority may consider factors other than the dollar amount of the bid in making the determination of “lowest and best bid.” See MS AG Op., Povall (February 17, 2004); MS AG Op., Eaton (April 9, 2004). In *Burnett v. Pontotoc Co. Board of Supervisors*, 940 So.2d 241, 243 (Miss. Ct App. 2006), the Mississippi Court of Appeals stated that “[i]t is implicit in this language [Section 31-7-31(d)(I)] that a governing body cannot be compelled to accept a bid simply because it is the lowest, and that other factors must enter the analysis.” (Alteration in original).

And further finding that the Attorney General has previously opined that the public entity is obligated to “carefully scrutinize each bid for not only the amount of the bid but for the quality of the bid.” MS AG Op., Dye (April 4, 2008)(citing MS AG Op., Hill (January 6, 2004)). As to other factors in making the determination of “lowest and best bid,” the Mississippi Supreme Court has recognized that public bodies may take into consideration factors such as the bidder's honesty and integrity, the bidder's skill and business judgment, the bidder's experience and facilities, the bidder's conduct under other contracts, and the quality of the bidder's previous work. *Parker Bros. v. Crawford*, 68 So.2d 281, 285 (Miss. 1953); *See also, Burnett*, 940 So.2d at 243.

And further finding that in accordance with Miss. Code Ann. Section 31-7-13, the City of Brandon authorized the advertisement for bids for a Request for Proposal initiated with respect to the Brandon Amphitheater point of sale system; that the advertisement was duly published in accordance with the statute and sealed bids were received from Lavu Point of Sale, \$69,920.30, Appetize Technologies, Inc., \$172,821.65 and Pinnacle Hospitality Systems, \$197,710.10; that the bids were thereafter carefully scrutinized not only for the dollar amount but for the quality of the bid; that a specified team of professionals were enlisted to perform this evaluation which included, the City's Economic Director who is charged with administering the bid process, an independent technology expert retained by the City, the City's professional concert promoter and the City's event concession company; that each were asked to consider individually and collectively the bids and to provide input and recommendation; and that a summary of the

evaluation process is included in the memo to the Mayor and Board by the City's Economic Development Director and incorporated herein by reference.

And further finding that based on all attendant facts and circumstances as generally set forth in the said memo, and the opinions and recommendations of the City's associated experts and professionals, the bid from Appetize is the "lowest and best" bid received and therefore, first incorporating all documents and things relating to the bid process and the cited Attorney General Opinions and case law, and finding the matters and things set forth by the City's Economic Development Director in the said memo and the professional opinions of the City's consulting technology expert and its concert and concessions professionals, Alderman Corley made the motion to accept the bids received on November 16, 2017 with regard to the Rankin Trails/The Quarry Amphitheater point of sale system and award to Appetize, Inc. as the lowest and best bid in the amount of \$172,821.65 and to authorize the Mayor to execute any related contract documents, seconded by Alderman Vison and upon unanimous vote the motion carried.

9.

APPROVE TRAVEL FOR CHARLES SMITH AND KYLE BROWN TO TRAVEL TO TROY, AL TO VIEW WATER METER SYSTEM ON OR BEFORE JANUARY 15, 2018; DECLARE AS AN EMERGENCY, THE REPAIRS TO THE 8" WATER LINE AT THE NORTH END OF FELICITY DRIVE FROM UTILITY CONSTRUCTORS, INC. IN THE AMOUNT OF \$14,334.00 AND AUTHORIZE PAYMENT OF THE SAME; DECLARE AS AN EMERGENCY, THE REPAIRS TO THE 8" WATER VALVE ON STONEBRIDGE DRIVE FROM UTILITY CONSTRUCTORS, INC. IN THE AMOUNT OF \$1,176.00 AND AUTHORIZE PAYMENT OF THE SAME; AND DECLARE AS AN EMERGENCY, THE REPAIRS TO THE SEWER FORCE MAIN ALONG APPLERIDGE ROAD FROM HEMPHILL CONSTRUCTION CO. IN THE AMOUNT OF \$8,460.55 AND EAGLE PIPE SUPPLY IN THE AMOUNT OF \$1,926.18 AND AUTHORIZE PAYMENTS OF THE SAME

Alderman Williams made the motion to approve travel for Charles Smith and Kyle Brown to travel to Troy, AL to view water meter system on or before January 15, 2018; to declare as an emergency, the repairs to the 8" water line at the north end of Felicity Drive from Utility Constructors, Inc. in the amount of \$14,334.00 and to authorize payment of the same; to declare as an emergency, the repairs to the 8" water valve on Stonebridge Drive from Utility Constructors, Inc. in the amount of \$1,176.00 and to authorize payment of the same; and to declare as an emergency, the repairs to the sewer force main along Appleridge Road from Hemphill Construction Co. in the amount of \$8,460.55 and Eagle Pipe Supply in the amount of \$1,926.18 and to authorize payments of the same, in accordance with the memos from the Public Works Department, which are appended hereto, seconded by Alderman Dobbs, and upon unanimous vote the motion carried.

10.

RELEASE IRREVOCABLE STANDBY LETTER OF CREDIT NO. 16-044-SP DATED JULY 28, 2016 IN THE AMOUNT OF \$16,000.00 FOR RIVAGE SUBDIVISION; APPROVE GRINER DRILLING SERVICES, INC. PAY REQUEST #1 IN THE AMOUNT OF \$56,468.71

WITH REGARD TO THE NEW LAKEBEND WATER WELL AND AUTHORIZE PAYMENT OF THE SAME; APPROVE UTILITY CONSTRUCTORS, INC. PAY REQUEST #7 IN THE AMOUNT OF \$124,131.71 WITH REGARD TO THE EAST BRANDON SANITARY SEWER IMPROVEMENT PROJECT, PHASE IV AND AUTHORIZE PAYMENT OF THE SAME; APPROVE HEMPHILL CONSTRUCTION CO. PAY REQUEST #1 IN THE AMOUNT OF \$765,979.30 WITH REGARD TO THE HIGHWAY 80 IMPROVEMENTS-LOUIS WILSON TO TRICKHAMBRIDGE ROAD AND AUTHORIZE PAYMENT OF THE SAME; AND AUTHORIZE DAVID "RANDY" MOREHEAD AS AN AUTHORIZED PURCHASER ON THE HOME DEPOT ACCOUNT

Alderman Morris made the motion to release the Irrevocable Standby Letter of Credit No. 16-044-SP dated July 28, 2016 in the amount of \$16,000.00 for Rivage Subdivision; to approve the Griner Drilling Services, Inc. Pay Request #1 in the amount of \$56,468.71 with regard to the New Lakebend Water Well and to authorize payment of the same; to approve the Utility Constructors, Inc. Pay Request #7 in the amount of \$124,131.71 with regard to the East Brandon Sanitary Sewer Improvement Project, Phase IV and to authorize payment of the same; to approve Hemphill Construction Co. Pay Request #1 in the amount of \$765,979.30 with regard to the Highway 80 Improvements-Louis Wilson to Trickhambridge Road and to authorize payment of the same; and to authorize David "Randy" Morehead as an authorized purchaser on the Home Depot account, in accordance with the memos from the Public Works Department, which are appended hereto, seconded by Alderman Coker, and upon unanimous vote the motion carried.

11.

APPROVE CAL-MAR CONSTRUCTION CO. PAY REQUEST #2 IN THE AMOUNT OF \$14,621.60 WITH REGARD TO THE TENNIS COURT CONVERSION/BLENDED LINES PROJECT AND AUTHORIZE PAYMENT OF THE SAME; AND APPROVE THRASH COMMERCIAL CONTRACTORS, INC. PAY REQUEST #14 IN THE AMOUNT OF \$1,491,004.09 WITH REGARD TO THE RANKIN TRAILS/THE QUARRY BASEBALL AND AMPHITHEATER PROJECT AND AUTHORIZE PAYMENT OF THE SAME

Alderman Vinson made the motion to approve the Cal-Mar Construction Co. Pay Request #2 in the amount of \$14,621.60 with regard to the Tennis Court Conversion/Blended Lines Project and to authorize payment of the same; and to approve the Thrash Commercial Contractors, Inc. Pay Request #14 in the amount of \$1,491,004.09 with regard to the Rankin Trails/The Quarry Baseball and Amphitheater Project and to authorize payment of the same, in accordance with the memos from the Parks and Recreation Director, which are appended hereto, seconded by Alderman Corley, and upon unanimous vote the motion carried.

12.

ESTABLISH A PETTY CASH FUND FOR CONFERENCE CENTER SERVICES IN THE AMOUNT OF \$100.00 AND AUTHORIZE LORI FARRAR AS THE CUSTODIAN; AND APPROVE THE DOCKET OF CLAIMS FOR DECEMBER 18, 2017 AND FOX EVERETT CLAIMS RELEASED ON DECEMBER 14, 2017

Alderman Coker made the motion to establish a petty cash fund for Conference Center Services in the amount of \$100.00 and to authorize Lori Farrar as the custodian; and to approve the Docket of Claims for December 18, 2017 and Fox Everett Claims released on December 14, 2017, in accordance with the memos from the City Clerk, which are appended hereto, seconded by Alderman Williams, and upon unanimous vote the motion carried.

13.  
EXECUTIVE SESSION

Alderman Morris made the motion to consider the need to go into executive session to discuss personnel matters, acquisition of real property, and transaction of business and discussion regarding the prospective exclusive use of lands which includes commercial, financial information exempt from the provisions of public access, seconded by Alderman Corley, and upon unanimous vote the motion carried.

Alderman Corley then made the motion to go into executive session for the reasons stated and in particular to discuss personnel matters involving the Fire Department, the acquisition of real property for the Grants Ferry Parkway Extension (Phase B), and the exclusive use of the Amphitheater on dates to be determined and the associated offers related thereto as presented by Red Mountain Entertainment, Inc., seconded by Alderman Coker, and upon unanimous vote the motion carried.

The Mayor advised that City has received commercial and financial information of a proprietary nature from Red Mountain Entertainment, Inc., (RME), who is the City's exclusive provider of promotional and booking services for the Amphitheater regarding the booking of Events #2018-004.v2 (which supercedes and replaces the previously approved offer for #2018-004), #2018-010.v2 (which supercedes and replaces the previously approved offer for #2018-010), #2018-014.v2 (which superceded and replaces the previously approved offer for #2018-014), and #2018-029, at the Amphitheater and for the exclusive use of the same on dates certain to be determined, which information is required to be submitted by RME to the City for approval in accordance with the RME's professional services agreement with the City, and based on such trade secrets and commercial and financial information submitted by RME, all of which is proprietary to RME, Alderman Corley made the motion to authorize the Mayor to execute the offers on behalf of the City for said events, as presented by RME, which offers contain trade secrets and confidential and proprietary commercial and financial information and accordingly are exempt from the provisions of the Mississippi Public Records Act of 1983, and to direct the City Clerk to maintain the approved and executed offers in a segregated file with accompanying and associated information received from RME regarding said events, which file shall, unless otherwise directed by the Mayor and Board of Aldermen, be accessible only by the Mayor, City Attorney and City Clerk and further that in the event the offers for said events are accepted, the Mayor is authorized to execute contract documents and set ticket pricing including associated fees and municipal charges, as recommended by RME, and to receive revenue and incur costs and expend monies and to take action consistent with the accepted offers and the agreements with RME relative to the advertising, promotion and staging of said events at the Amphitheater

and after said events have been publicly announced by RME, the City Clerk shall present the executed contract for said events to be spread on the Minutes, with any proprietary commercial or financial information or trade secrets redacted therefrom, and shall thereafter provide a full accounting of all revenue and expenditures of said events to the Mayor and Board of Aldermen, all of which shall be maintained and reflected in a segregated event file for said events, and shall be reported and reconciled based on standards acceptable to the City's auditors with proprietary commercial and financial information and trade secrets of RME redacted therefrom, to be spread on the Minutes as soon as practical after said events, seconded by Alderman Williams, and upon unanimous vote the motion carried.

Alderman Coker made the motion to resume the Regular Board Meeting out of Executive Session, seconded by Alderman Corley, and upon unanimous vote the motion carried.

(The vote taken in Executive Session was announced upon return to the Board Room.)

Alderman Vinson and Alderman Williams left the Board Room.

14.

ACCEPT SPECIAL WARRANTY DEED FROM GRANT'S FERRY PARKWAY, LLC, FOR GRANT'S FERRY PARKWAY EXTENSION (PHASE B) AND AUTHORIZE FILING OF THE SAME WITH THE RANKIN COUNTY CHANCERY CLERK

Alderman Morris made the motion to accept the Special Warranty Deed from Grant's Ferry Parkway, LLC, for Grant's Ferry Parkway Extension (Phase B) and to authorize filing of the same with the Rankin County Chancery Clerk, seconded by Alderman Middleton, and upon unanimous vote the motion carried.

15.

APPROVE TRAINING REPAYMENT AGREEMENT WITH ROD BURCH RE: EMT TRAINING EXPENSES

Alderman Coker made the motion to approve the Training Repayment Agreement with Rod Burch re: EMT Training expenses, seconded by Alderman Dobbs, and upon unanimous vote the motion carried.

16.

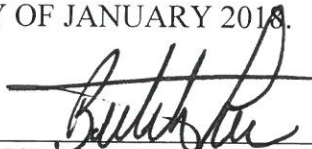
RECESS BOARD MEETING TO DECEMBER 28, 2017 AT 12:00 O'CLOCK P.M.

Alderman Coker made the motion to recess the Regular Board Meeting to December 28, 2017 at 12:00 p.m., for purposes of consideration of audio visual bids, consideration to award the property insurance renewal for 2018, and consideration of an advertising budget for the Brandon Amphitheater, and related matters, seconded by Alderman Corley, and upon unanimous vote the motion carried.



(This Board Meeting Recessed to December 28, 2017 at 12:00 o'clock p.m. Next Regular Board Meeting January 2, 2017.)

MINUTES APPROVED THIS THE 2<sup>nd</sup> DAY OF JANUARY 2018.

  
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HON. BUTCH LEE, MAYOR

ATTEST:

  
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ANGELA BEAN, CITY CLERK

