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## MEMORANDUM

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**TO:** HONORABLE MAYOR BUTCH LEE AND BOARD OF ALDERMEN  
**FROM:** MATTHEW DODD  
**CC:** MARK BAKER, ANGELA BEAN  
**BOARD AGENDA:** AUGUST 16, 2021  
**SUBJECT:** CONSIDERATION TO ADOPT A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN REGARDING THE ADOPTION OF AN ORDINANCE IMPLEMENTING A TEMPORARY MORATORIUM OF THE ISSUANCE OF PRIVILEGE LICENSES OR PERMITS FOR JUNK YARDS (INCLUDING WRECKER YARDS) AND OTHER SIMILAR BUSINESSES IN THE CITY OF BRANDON, AND TO SET A PUBLIC HEARING FOR SEPTEMBER 20, 2021 DURING THE REGULAR BOARD MEETING.

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Junk Yards, Wrecking Yards, and similar establishments are not currently defined in our zoning ordinance. Community Development is recommending adopting a temporary moratorium of the issuance of privilege licenses and/or permits regarding such uses until such time the Planning Commission and Community Development Department can evaluate the use(s) and make zoning ordinance amendment recommendations for consideration by the Mayor and Board of Aldermen.

**ATTACHMENTS:**

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Resolution

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF BRANDON REGARDING THE ADOPTION OF AN ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN ADOPTING A TEMPORARY MORATORIUM OF THE ISSUANCE OF PRIVILEGE LICENSES OR PERMITS FOR JUNK YARDS (INCLUDING WRECKER YARDS) AND OTHER SIMILAR BUSINESSES IN THE CITY OF BRANDON**

Whereas, there came for consideration the question of the imposition of a temporary moratorium which would preclude the issuance of permits and privilege licenses for junk yards (including wrecker yards) and other similar businesses in the City of Brandon; and

Whereas, the governing authorities are authorized to regulate the same within the corporate limits and to permit such establishments within the City requires the evaluation of the same and the adoption of appropriate regulations; and

Whereas, the City of Brandon has adopted a comprehensive plan for Brandon, Mississippi. This comprehensive planning has provided the Mayor, and Board of Aldermen with a basis for regulatory and investment decisions supporting the City's growth and development; and

Whereas, the Board of Aldermen has adopted a zoning ordinance including an official zoning map which it has, with reasonable and necessary amendments, enforced, and all of which must be applied uniformly on a site-specific basis to all territory within the City of Brandon; and

Whereas, the said zoning ordinance requires review under the circumstances to evaluate the location of the stated establishments within appropriate zoning districts in the City and to include as necessary appropriate regulations pertaining to the same; and

Whereas, the Board of Aldermen has adopted ordinances providing regulations governing certain businesses within the City, which as to the stated establishments requires review and analysis under the circumstances; and

Whereas, the City determines that consideration of revisions to the City's zoning ordinance to address the matters at issue requires a public hearing to be held before the Board of Aldermen can adopt the necessary ordinances to address the matters set forth herein and to assist with accomplishment of this process, the Board of Aldermen has requested assistance from its advisory Planning Commission and the Community Development Department with updating its zoning ordinance and other relevant ordinances; and

Whereas, the temporary moratorium is necessary in order for the City of Brandon to evaluate the need for any amendment to its zoning ordinance to address the location of the stated establishments in the City and to evaluate the need to amend current ordinances or adopt new ordinances relative to pertinent regulation of the stated establishments; and

Whereas, the purpose of the temporary moratorium is required to allow the City of Brandon to address the matters generally described herein, in order that the City may develop in an orderly fashion in conformance with the City's needs therein and the health, safety and welfare of the citizenry; and

Whereas, due to requests for privilege licenses and related permits with respect to the stated businesses, a temporary privilege license and permit moratorium is necessary as to the stated establishments to allow sufficient time to consider amendment to the City's zoning ordinance and other ordinances regarding the matters herein. Said moratorium is necessary to maintain the status quo pending completion of these steps which are prerequisite to action on this matter by the Mayor and Board of Aldermen; and now therefore

BE IT RESOLVED that based on the forgoing facts a public hearing is hereby set for the September day of 20, 2021, at 6:00 o'clock p.m., in the City of Brandon Board Room, 1000 Municipal Drive, Brandon, Mississippi, to consider the imposition of a temporary moratorium as set forth herein.

BE IT FURTHER RESOLVED that until such public hearing and consideration of the proposed ordinance, no permits or privilege licenses with respect to such businesses shall be issued by the City and pending or future applicants for such shall be advised that consideration of such shall occur only after the public hearing referenced herein and after consideration of the proposed ordinance regarding the imposition of a temporary moratorium.

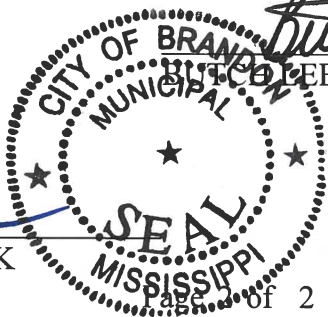
BE IT FURTHER RESOLVED that at the public hearing all persons interested in, affected by, or aggrieved by the imposition of a temporary moratorium as described herein shall be permitted to present testimony or evidence in support of or in opposition to the same.

Said Resolution having previously been reduced to writing, a motion was made by Alderman VINSON and seconded by Alderman MIDDLETON to adopt the Resolution, and no request having been made by any member that said Resolution be read by the clerk before a vote was taken, said Resolution was adopted by the vote of the Board of Aldermen, the results being as follows:

Sharon Womack, Alderman at Large	<u>AYE</u>
Jarrad Craine, Alderman Ward 1	<u>AYE</u>
Cris Vinson, Alderman Ward 2	<u>AYE</u>
Harry Williams, Alderman Ward 3	<u>AYE</u>
Lu Coker, Alderman Ward 4	<u>AYE</u>
Dwight Middleton, Alderman Ward 5	<u>AYE</u>
Tahya Dobbs, Alderman Ward 6	<u>AYE</u>

The Mayor thereby declared the motion carried and the Resolution adopted and approved on this the 16th day of AUGUST A.D., 2021.

*Butch Lee*  
\_\_\_\_\_  
BUTCH LEE, MAYOR



ATTEST:

*Angela Bean*  
\_\_\_\_\_  
ANGELA BEAN, CITY CLERK

**MINUTES**  
**REGULAR PLANNING COMMISSION MEETING**  
**CITY OF BRANDON, MISSISSIPPI**

August 23, 2021  
6:00 p.m.

A Regular Meeting of the Planning Commission of the City of Brandon was held at 6 o'clock on the evening of August 23, 2021, in the Brandon Municipal Complex Board Room, located at 1000 Municipal Drive in Brandon, Mississippi.

The meeting was led by Ronnie Adcock. Members present included Ronnie Adcock, David Stevens, and Suzanne Ross. Others present included Matthew Dodd representing the Community Development Department, Steve Whitney with AT&T of Mississippi, and Brant Ratcliff with Verizon Wireless.

Ronnie Adcock called the meeting to order at 6:14 p.m. Ronnie Adcock led the invocation and pledge.

**(1)**

**Consideration of minutes of the Regular Planning Commission Meeting of July 23, 2021, attached hereto.** David Stevens made a motion to approve the minutes. The motion was seconded by Suzanne Ross and carried by a vote of 3/0.

Ronnie Adcock	AYE
TL Chandler	ABSENT
Suzanne Ross	AYE
David Stevens	AYE
Jim Brooks	ABSENT

**(2)**

**Case Number 21-021: Consideration of a Conditional Use application request from AT&T of Mississippi to install four (4) new permanent small cell facilities on new support structures.** David Stevens made a motion to recommend approval of the conditional use request pursuant to the staff report. The motion was seconded by Suzanne Ross and carried by a vote of 3/0.

Ronnie Adcock	AYE
TL Chandler	ABSENT
Suzanne Ross	AYE
David Stevens	AYE
Jim Brooks	ABSENT

**(3)**

**Case Number 20-016: Consideration of a Conditional Use application request from Verizon Wireless to install one (1) new permanent small cell facility on a new support structure.** Suzanne Ross made a motion to recommend approval of the conditional use request pursuant to the staff report. The motion was seconded by David Stevens and carried by a vote of 3/0.

Ronnie Adcock	AYE
TL Chandler	ABSENT
Suzanne Ross	AYE
David Stevens	AYE
Jim Brooks	ABSENT

**(4)**

**Case Number 21-022: Consideration of a resolution regarding the adoption of an ordinance of the Mayor and Board of Aldermen adopting a temporary moratorium of the issuance of privilege licenses or permits for junk yards (including wrecker yards) and other similar businesses in the City of Brandon.** David Stevens made a motion to approve the resolution. The motion was seconded by Suzanne Ross and carried by a vote of 3/0.

Ronnie Adcock	AYE
TL Chandler	ABSENT
Suzanne Ross	AYE
David Stevens	AYE
Jim Brooks	ABSENT

**David Stevens made a motion to adjourn until Monday, September 27, 2021 at 6 o'clock pm, seconded by Suzanne Ross. The meeting was adjourned by a vote of 3/0.**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BRANDON  
REGARDING THE ADOPTION OF A TEMPORARY MORATORIUM OF THE  
ISSUANCE OF PRIVILEGE LICENSES OR PERMITS FOR JUNK YARDS  
(INCLUDING WRECKER YARDS) AND OTHER SIMILAR BUSINESSES IN THE  
CITY OF BRANDON**

Whereas, then there came for consideration the question of imposition of a temporary moratorium which precludes issuance of privilege licences or permits for junk yards (including wrecker yards) and other similar businesses in the City of Brandon; and therefore

Be it resolved that:

1. There came for consideration the question of the imposition of a temporary moratorium which would preclude the issuance of permits and privilege licenses for junk yards (including wrecker yards) and other similar businesses in the City of Brandon.
2. The governing authorities are authorized to regulate the same within the corporate limits and to permit such establishments within the City requires the evaluation of the same and the adoption of appropriate regulations.
3. The City of Brandon has adopted a comprehensive plan for Brandon, Mississippi. This comprehensive planning has provided the Mayor and Board of Aldermen with a basis for regulatory and investment decisions supporting the City's growth and development.
4. The Board of Aldermen has adopted a zoning ordinance including an official zoning map which it has, with reasonable and necessary amendments, enforced, and all of which must be applied uniformly on a site-specific basis to all territory within the City of Brandon.
5. The said zoning ordinance requires review under the circumstances to evaluate the location of the stated establishments within appropriate zoning districts in the City and to include as necessary appropriate regulations pertaining to the same; and
6. The Board of Aldermen has adopted ordinances providing regulations governing certain businesses within the City, which as to the stated establishments requires review and analysis under the circumstances; and
7. The City determines that consideration of revisions to the City's zoning ordinance to address the matters at issue requires a public hearing to be held before the Board of Aldermen can adopt the necessary ordinances to address the matters set forth herein and to assist with accomplishment of this process, the Board of Aldermen has requested assistance from its advisory Planning Commission and the Community Development Department with updating its zoning ordinance and other relevant ordinances; and

8. The temporary moratorium is necessary in order for the City of Brandon to evaluate the need for any amendment to its zoning ordinance to address the location of the stated establishments in the City and to evaluate the need to amend current ordinances or adopt new ordinances relative to pertinent regulation of the stated establishments; and

9. The purpose of the temporary moratorium is required to allow the City of Brandon to address the matters generally described herein, in order that the City may develop in an orderly fashion in conformance with the City's needs therein and the health, safety and welfare of the citizenry; and

10. Due to requests for privilege licenses and related permits with respect to the stated businesses, a temporary privilege license moratorium is necessary as to the stated establishments to allow sufficient time to consider amendment to the City's zoning ordinance and other ordinances regarding the matters herein. Said moratorium is necessary to maintain the status quo pending completion of these steps which are prerequisite to action on this matter by the Mayor and Board of Aldermen.

11. The Planning Commission of the City of Brandon has examined the proposed temporary moratorium and adopts this resolution in support of the same.

12. Based on the foregoing facts the following actions should be taken:

A. A temporary moratorium should be imposed which precludes the issuance of privilege licences or permits for the stated establishments within the City.

B. The temporary moratorium should be imposed until the City has completed its planning and zoning activities or twelve (12) months from the date of passage of any moratorium, whichever comes first.

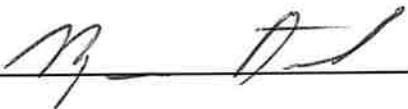
C. The purpose of the temporary moratorium is to allow sufficient time to conduct appropriate land use and related studies, to amend the city's comprehensive plan, its zoning ordinance and official zoning map to address the matters herein, and to consider the adoption of other ordinances regulating such businesses in the City. Said moratorium is necessary to maintain the status quo pending completion of these steps which are prerequisite to action on this matter by the mayor and board of aldermen.

Be it further resolved that the Planning Commission of the City of Brandon does hereby find for all of the reasons set forth herein and in accordance with the findings herein that a temporary moratorium precluding the issuance of privilege licenses or permits for the stated establishments, is reasonable and required under the circumstances and it is recommended that the Mayor and Board of Aldermen of the City of Brandon adopt an ordinance effecting the same.

The foregoing Resolution having been reduced to writing was introduced by David Stevens, seconded by Suzanne Ross and was adopted by the following vote, to wit:

Ronnie Adcock	<u>Aye/Nay</u>
TL Chandler	Aye/Nay
Suzanne Ross	<u>Aye/Nay</u>
David Stevens	<u>Aye/Nay</u>
Jim Brooks	Aye/Nay

The Chairman thereby declared the motion carried and the Resolution adopted and approved on this the 23rd day of August, 2021.

, Chairman