

Minutes of March 15, 2011
Mayor and Board of Aldermen

Be it remembered that three public hearings before the Mayor and Board of Aldermen, Long Beach, Mississippi, were begun and held, at 5:00 o'clock p.m., Tuesday, the 15th day of, March, 2011, in the Long Beach City Hall, 201 Jeff Davis Avenue, in said City, and the same being the time, date and place fixed by order of the Mayor and Board of Aldermen for holding said public hearings.

There were present and in attendance on said board and at the public hearings the following named persons: Mayor William Skellie, Jr., Aldermen Leonard G. Carrubba, Sr., Gary J. Ponthieux, Bernie Parker, Kaye H. Couvillon, Ronnie Hammons, Jr., Mark E. Lishen, Carolyn J. Anderson, City Clerk Rebecca E. Schruoff, and City Attorney James C. Simpson, Jr.

There being a quorum present sufficient to transact the business of these public hearings, the following proceedings were had and done.

The first public hearing was called to order to determine whether or not a parcel of property situated in the City of Long Beach at 0 West Beach Boulevard (corner of Beach View Circle and Highway 90) and assessed to LA Home Recovery, LLC, is in such a state of uncleanness as to constitute a menace to the public health and safety of the community, all in accordance with §21-19-11 of the Mississippi Code 1972, as amended.

The Mayor recognized the City Clerk for her report, whereupon, Alderman Ponthieux made motion seconded by Alderman Lishen and unanimously carried to make the aforesaid report a part of the record of this public hearing, collective Exhibit "A", as follows:

- The Clerk reported that pursuant to that certain order of the Mayor and Board of Aldermen at a regular meeting duly held and convened on February 15, 2011, that she did cause to be sent, via certified mail, return receipt requested, Legal Notice of Public Hearing, to LA Home Recovery, LLC, at the mailing address, 748 Marina Drive, Slidell, LA 70458, as the same appears record on the Harrison County 2010 Real Property Tax Rolls.
- The Clerk further reported that the legal notice was delivered to the property owners February 22, 2011, at 3:13 p.m. Said notice is as follows:

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City of Long Beach

BOARD OF ALDERMEN
Leonard G. Carrubba, Sr. - At-Large
Gary J. Ponthieux - Ward 1
Bernie Parker - Ward 2
Kaye H. Couvillon - Ward 3
Ronnie Hammons, Jr. - Ward 4
Mark E. Lishen - Ward 5
Carolyn J. Anderson - Ward 6



WILLIAM SKELLIE, JR.
MAYOR

CITY CLERK
TAX COLLECTOR
Rebecca E. Schruff

CITY ATTORNEY
James C. Simpson, Jr.

91 7108 2133 3938 9856 3546

MAILED

Date: 2/16/11

February 9, 2011

Name: LA Home Recovery LLC
Address: 748 Marina Drive
City, State, Zip Code: Slidell, LA 70458

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Mayor and Board of Aldermen of The City of Long Beach, Mississippi, will, in accordance with motion duly made, seconded and adopted at its regular meeting, February 9, 2010, hold a public hearing at 5:00 p.m. Tuesday, March 15, 2011, at the Long Beach City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi, to determine whether or not a parcel of land owned by and/or assessed to LA Home Recovery LLC, and situated in the City of Long Beach, Mississippi, at 0 West Beach Boulevard (SE Corner Beach View Circle and West Beach Boulevard), is in such a state of uncleanness as to be a menace to the public health and safety of the community, all in accordance with Section 21-19-11 of the Mississippi Code of 1972, as amended. Said property is more particularly described, as follows:

Address: 0 West Beach Boulevard (SE Corner Beach View Circle and West Beach Boulevard)
Parcel Number: 0612L-01-001.001

Legal Description: BEG AT INTER OF W MAR OF BEACH VIEW CIRCLE & N MAR OF HWY 90 N ALONG BEACH VIEW CIRCLE 119.7 FT W 66.6 FTS 7 DGS E 141.1 FT TO NO MAR OF HWY 90 E ALONG MAR 34 FT TO POB BEING

If at such hearing, the governing authority shall, in its resolution, adjudicate such parcel of land in its then condition to be a menace to the public health and safety of the community, the governing authority shall, if the owner does not do so himself, proceed to clean the land, by the use of municipal employees or by contract, by cutting weeds; filling cisterns; removing rubbish, dilapidated fences, outside toilets, dilapidated buildings and other debris; filling swimming pools; and draining cesspools and standing water therefrom. Thereafter, the governing authority shall, at its next regular meeting, by resolution adjudicate the actual cost of cleaning the property and may also impose a penalty of One Thousand Five Hundred Dollars(\$1,500.00) or fifty (50%) of such actual cost, whichever is more. The cost and any penalty may become a civil debt against the property owner, or, at the option of the governing authority, an assessment against the property. The cost assessed against the property means the cost to

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Minutes of March 15, 2011

Mayor and Board of Aldermen

the municipality of using its own employees to do the work or the cost to the municipality of any contract executed by the municipality to have the work done.

An adjudication at the hearing that the property or parcel of land is in need of cleaning will authorize the municipality to reenter the property or parcel of land for a period of one (1) year after the hearing without any further hearing if notice is posted on the property or parcel of land and at city hall or another place in the municipality where such notices are generally posted at least seven (7) days before the property or parcel of land is reentered for cleaning.

The action herein authorized shall not be undertaken against any one (1) parcel of land more than six (6) times in any one (1) calendar year, and the expense of cleaning of said property shall not exceed an aggregate amount of Twenty Thousand Dollars (\$20,000.00) per year, or the fair market value of the property subsequent to cleaning, whichever is less. If it is determined by the governing authority that it is necessary to clean the property or land more than once within a calendar year, then the municipality may clean it provided notice to the property owner is given by United States mail to the last known address at least ten (10) days before cleaning the property. The governing authority may assess the same penalty for each time the property or land is cleaned as otherwise provided in this section. The penalty provided herein shall not be assessed against the State of Mississippi upon request for reimbursement under Section 29-1-145, nor shall a municipality clean a parcel owned by the State of Mississippi without first giving notice. In the event the governing authority declares, by resolution, that the cost and any penalty shall be collected as a civil debt, the governing authority may authorize the institution of a suit on open account against the owner of the property in court of competent jurisdiction in the manner provided by law for the cost and any penalty, plus court costs, reasonable attorney's fees and interest from the date that the property was cleaned. In the event that the governing authority does not declare that the cost and any penalty shall be collected as a civil debt, then the assessment above provided for shall be a lien against the property and may be enrolled in the office of the circuit clerk of the county as other judgments are enrolled, and the tax collector of the municipality shall, upon order of the board of governing authorities, proceed to sell the land to satisfy the lien as now provided by law for the sale of lands for delinquent municipal taxes as provided by *Section 21-19-11 Mississippi Code, Annotated*.

All decisions rendered under the provisions of this section may be appealed in the same manner as other appeals from municipal boards or courts are taken.

Done by order of the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, this the 15th day of February 15, 2011.


Rebecca E. Schruoff
City Clerk

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Label/Receipt Number: 9171 0821 3339 3898 5635 46
Class: First-Class Mail®
Service(s): Return Receipt Electronic
Status: Delivered

Your item was delivered at 3:15 pm on February 22, 2011 in SLIDELL, LA 70458.

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Enter Label/Receipt Number.

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Detailed Results:

- Delivered, February 22, 2011, 3:15 pm, SLIDELL, LA 70458
- Notice Left, February 19, 2011, 10:59 am, SLIDELL, LA 70458
- Arrival at Unit, February 19, 2011, 5:55 am, SLIDELL, LA 70458
- Electronic Shipping Info Received, February 17, 2011

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3/15/2011

- The Clerk further reported that the Legal Notice of Public Hearing was posted at City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi and on the subject property, 0 West Beach Boulevard, Long Beach, Mississippi, by Building Official Earl Levens.
- The Clerk submitted photographs depicting the subject property taken on March 15, 2011, by Building Official Earl Levens, as follows:

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- The Clerk submitted a sworn affidavit affirming the posting of said Notice of Public Hearing and the validity of the photographs depicting the subject property, 0 West Beach Boulevard, Long Beach, Mississippi, as of March 15, 2011; said affidavit is as follows:

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Mayor and Board of Aldermen**

AFFIDAVIT

STATE OF MISSISSIPPI
COUNTY OF HARRISON
CITY OF LONG BEACH

BEFORE ME, the under signed legal authority authorized to administer oaths in and for the jurisdiction aforesaid, on this day personally appeared EARL LEVENS, known to me to be the Building Official of the City of Long Beach, Mississippi, who being by me first duly sworn, deposes and says on oath as follows, to-wit:

1. That he is the duly appointed and acting Building Official of the City of Long Beach, Mississippi;

2. That in such capacity, he is responsible for the posting of notices of public hearings for the purpose of determining whether or not certain properties are in such a state of uncleanness as to constitute a menace to the public health and safety of the community; he is responsible for the taking of photographs of those certain properties to determine the state of the property in its then condition on the date of such public hearings; and other matters pertaining to such public hearings and the business of the zoning/code enforcement in and for the City of Long Beach;

3. That on or before March 4, 2011, he did cause to be posted, Notice of Hearing, a copy of which is attached hereto, on property assessed to LA Home Recovery LLC and located at 0 West Beach Boulevard (SW Corner Beach View Circle and West Beach Boulevard), Long Beach, Mississippi and at the City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi; and that on March 15, 2011, he did take and cause to be processed photographs depicting said property in its then condition, to be submitted as exhibits at the public hearing scheduled for March 15, 2011.

This the 15th day of March, 2011.


REBECCA E. SCHRUFF, AFFIANT

SWORN TO AND SUBSCRIBED before me on this the 1st day of March, 2011.

-My Comm




NOTARY PUBLIC

AFFIDAVIT-PHOTOS;POST NOTICE

The Mayor opened the floor for public comments from the property owner or their representative and no one came forward to be heard.

There being no further discussion or comments, Alderman Lishen made motion seconded by Alderman Ponthieux and unanimously carried to close the public hearing and take official action, as follows:

Minutes of March 15, 2011 Mayor and Board of Aldermen

91 7108 2133 3938 9856 3669

MAILED 
Date: 3/16/11

The Mayor and Board of Aldermen, Long Beach, Mississippi, took up the matter of the public hearing on the property located at 0 West Beach Boulevard, Long Beach, Mississippi, to determine and consider the condition of said property. After conducting the hearing and considering all matters produced there at and after hearing all persons interested and appearing, the Board of Aldermen declared the hearing finally closed. After a discussion of the subject, Alderman Ponthieux offered and moved the adoption of the following Resolution and Order:

RESOLUTION AND ORDER BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI ADJUDICATING THE PROPERTY LOCATED AT 0 WEST BEACH BOULEVARD, LONG BEACH, MISSISSIPPI, TO BE A MENACE TO THE PUBLIC HEALTH AND SAFETY OF THE COMMUNITY AND REQUIRING OWNER OF SUCH PROPERTY TO CLEAN SAID PROPERTY.

WHEREAS, the Mayor and Board of Aldermen having made due investigation therefore do now find, determine, declare and order as follows:

1. That on complaint and motion of the Governing Authorities of the City of Long Beach wherein lies the property known as 0 West Beach Boulevard, Long Beach, Mississippi, (hereinafter referred to as the subject parcel), and after discussion of same, the Mayor and Board of Aldermen, at its regular meeting of February 9, 2011, on its own motion did set a hearing to determine whether or not the subject parcel, in its then condition, was in such a state of uncleanness as to be a menace to the public health and safety of the community in accordance with Miss Code Annotated Section 21-19-11, as amended, said hearing to be held March 15, 2011, and directed notice of said hearing be served on the owner of said property in the manner as provided by said MCA Section

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21-19-11;

2. That, having served the owner of said property, either by registered mail as is evidenced by the return receipt included in the materials produced at said hearing, or by personal service by police officer as evidenced by the return of service of such police officer, or my posting and publication of same, such service being in accordance with said MCA Section 21-19-11, and proof of same being spread upon the minutes of the Governing Authorities taken of such hearing, hereby made a part of the record of these proceedings;

3. That the Mayor and Board of Aldermen having considered testimony evidence adduced at hearing regarding the condition of the subject property and the observations of individual Aldermen concerning the condition of the subject property in its condition on the date of hearing, and being fully advised in the premises, do find and adjudicate that the property is, in its present condition, in such a state of uncleanliness as to be a menace to the public health and safety of the community and constitutes an attractive nuisance. It is therefore,

RESOLVED AND ORDERED BY THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF LONG BEACH, MISSISSIPPI, AS FOLLOWS:

1. That the parcel of land lying and being situated in the City of Long Beach, First Judicial District of Harrison County, Mississippi, and having the street address of Long Beach, Mississippi, which parcel of land is identified by Harrison County Tax Parcel Number 0612L-01-001.001, and according to said tax records is owned by LA Home Recovery, LLC, is at present in such a state of uncleanliness as to be a menace to the public health and safety of the community and an attractive nuisance.

2. That the aforesaid owner is hereby order to clean said parcel of land within ten (10) days from the entry of this Resolution and Order, and that such cleaning

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shall include:

Removal of all discarded materials, dangerous items, and such other rubbish and/or debris as described in any notice or as appearing on said property contributing to the property constituting a nuisance and menace overall to the public health and safety, and abate or cause to be abated the conditions otherwise existing and constituting a menace to public safety and health as testified and/or described in general at the hearing, and as contained in the report letter of Claire Leatherwood, City Zoning Enforcement Officer dated November 23, 2010, and attached hereto.

3. That in the event that said owner shall fail to complete cleaning of the subject property within ten (10) days from entry of this Resolution and Order, then the governing authority shall proceed to clean the subject property as required by paragraph 2, above, by the use of municipal employees or by contract, with the cost of same, together with a penalty of \$1,500.00 or 50% of such actual cost, whichever is greater, to be, at the next regular meeting after completion of such clean-up, assessed against the said parcel of land.

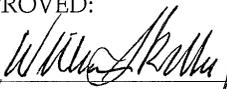
Alderman Anderson seconded the motion to adopt the foregoing resolution and order, and the question being put to a roll call vote by the Mayor, the result was as follows:

Alderman Bernie Parker	voted	Aye
Alderman Gary J. Ponthieux	voted	Aye
Alderman Kaye H. Couvillon	voted	Aye
Alderman Carolyn J. Anderson	voted	Aye
Alderman Leonard G. Carrubba, Sr.	voted	Aye
Alderman Mark E. Lishen	voted	Aye
Alderman Ronnie Hammons, Jr.	voted	Aye

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Mayor and Board of Aldermen**

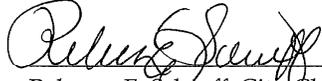
The question having received the Affirmative vote of all the Aldermen present and voting, the Mayor declared the motion carried and the resolution and order adopted and approved this the 15th day of March, 2011.

APPROVED:



William Skellie, Jr., Mayor

ATTEST:



Rebecca E. Schruoff, City Clerk

The second public hearing was called to order to determine whether or not a parcel of property situated in the City of Long Beach and located at 20156 Pineville Road, assessed to Pineville Partners, LLC, is in such a state of uncleanliness as to constitute a menace to the public health and safety of the community.

The Mayor recognized the City Clerk for her report, whereupon, Alderman Carrubba made motion seconded by Alderman Lishen and unanimously carried to make the aforementioned report a part of the record of this public hearing, collective Exhibit "A", as follows:

Minutes of March 15, 2011

Mayor and Board of Aldermen

- The Clerk reported that pursuant to that certain order of the Mayor and Board of Aldermen at a regular meeting duly held and convened on February 15, 2011, that she did cause to be sent, via certified mail, return receipt requested, Legal Notice of Public Hearing, to Pineville Partners, LLC, the mailing address, 806 Ford Street, Gulfport, MS, 39507, as the same appears of record on the Harrison County 2010 Real Property Tax Rolls.
- The Clerk further reported that the legal notice was delivered by the United States Postal Service February 25, 2011, at 3:48 p.m. Said legal notice is as follows:

City of Long Beach

BOARD OF ALDERMEN

Leonard G. Carrubba, Sr. - At-Large
Gary J. Ponthieux - Ward 1
Bernie Parker - Ward 2
Kaye H. Couvillon - Ward 3
Ronnie Hammons, Jr. - Ward 4
Mark E. Lishen - Ward 5
Carolyn J. Anderson - Ward 6



WILLIAM SKELLIE, JR.
MAYOR

CITY CLERK
TAX COLLECTOR
Rebecca E. Schruoff

CITY ATTORNEY
James C. Simpson, Jr.

91 7108 2133 3938 9856 3560

MAILED

Date: 2/10/11

February 9, 2011

Name: Pineville Partners, LLC
Address: 806 Ford Street
City, State, Zip Code: Gulfport, MS 39507

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Mayor and Board of Aldermen of The City of Long Beach, Mississippi, will, in accordance with motion duly made, seconded and adopted at its regular meeting, February 9, 2010, hold a public hearing at 5:00 p.m. Tuesday, March 15, 2011, at the Long Beach City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi, to determine whether or not a parcel of land owned by and/or assessed to Pineville Partners, LLC, and situated in the City of Long Beach, Mississippi, at 20156 Pineville Road, is in such a state of uncleanness as to be a menace to the public health and safety of the community, all in accordance with Section 21-19-11 of the Mississippi Code of 1972, as amended. Said property is more particularly described, as follows:

Address: 20156 Pineville Road, Long Beach, Mississippi 39560

Parcel Number: 0511J-02-065.001

Legal Description: 1.2 AC BEG AT SW COR OF SE ¼ OF NW ¼ OF SEC 10 ON N MAR OF PINEVILLE RD N 225 FT 2 225 FT S 225 FT TO PINEVILLE RD W ALONG RD TO POB PART OF LOT 51 HENDERSON SHIPMAN

If at such hearing, the governing authority shall, in its resolution, adjudicate such parcel of land in its then condition to be a menace to the public health and safety of the community, the governing authority shall, if the owner does not do so himself, proceed to clean the land, by the use of municipal employees or by contract, by cutting weeds; filling cisterns; removing rubbish, dilapidated fences, outside toilets, dilapidated buildings and other debris; filling swimming pools; and draining cesspools and standing water therefrom. Thereafter, the governing authority shall, at its next regular meeting, by resolution adjudicate the actual cost of cleaning the property and may also impose a penalty of One Thousand Five Hundred Dollars(\$1,500.00) or fifty (50%) of such actual cost, whichever is more. The cost and any penalty may become a civil debt against the property owner, or, at the option of the governing authority, an assessment against the property. The cost assessed against the property means the cost to the municipality of using its own employees to do the work or the cost to the municipality of any contract executed by the municipality to have the work done.

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Minutes of March 15, 2011 Mayor and Board of Aldermen

An adjudication at the hearing that the property or parcel of land is in need of cleaning will authorize the municipality to reenter the property or parcel of land for a period of one (1) year after the hearing without any further hearing if notice is posted on the property or parcel of land and at city hall or another place in the municipality where such notices are generally posted at least seven (7) days before the property or parcel of land is reentered for cleaning.

The action herein authorized shall not be undertaken against any one (1) parcel of land more than six (6) times in any one (1) calendar year, and the expense of cleaning of said property shall not exceed an aggregate amount of Twenty Thousand Dollars (\$20,000.00) per year, or the fair market value of the property subsequent to cleaning, whichever is less. If it is determined by the governing authority that it is necessary to clean the property or land more than once within a calendar year, then the municipality may clean it provided notice to the property owner is given by United States mail to the last known address at least ten (10) days before cleaning the property. The governing authority may assess the same penalty for each time the property or land is cleaned as otherwise provided in this section. The penalty provided herein shall not be assessed against the State of Mississippi upon request for reimbursement under Section 29-1-145, nor shall a municipality clean a parcel owned by the State of Mississippi without first giving notice. In the event the governing authority declares, by resolution, that the cost and any penalty shall be collected as a civil debt, the governing authority may authorize the institution of a suit on open account against the owner of the property in court of competent jurisdiction in the manner provided by law for the cost and any penalty, plus court costs, reasonable attorney's fees and interest from the date that the property was cleaned. In the event that the governing authority does not declare that the cost and any penalty shall be collected as a civil debt, then the assessment above provided for shall be a lien against the property and may be enrolled in the office of the circuit clerk of the county as other judgments are enrolled, and the tax collector of the municipality shall, upon order of the board of governing authorities, proceed to sell the land to satisfy the lien as now provided by law for the sale of lands for delinquent municipal taxes as provided by *Section 21-19-11 Mississippi Code, Annotated*.

All decisions rendered under the provisions of this section may be appealed in the same manner as other appeals from municipal boards or courts are taken.

Done by order of the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, this the 15th day of February 15, 2011.


Rebecca E. Schuff
City Clerk

Minutes of March 15, 2011 Mayor and Board of Aldermen

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Search Results

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Class: First-Class Mail®
Service(s): Return Receipt Electronic
Status: Delivered

Your item was delivered at 3:48 pm on February 25, 2011 in GULFPORT, MS 39507.

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Enter Label/Receipt Number.

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Detailed Results:

- Delivered, February 25, 2011, 3:48 pm, GULFPORT, MS 39507
- Notice Left, February 18, 2011, 2:29 pm, GULFPORT, MS 39507
- Arrival at Unit, February 18, 2011, 8:06 am, GULFPORT, MS 39507
- Electronic Shipping Info Received, February 17, 2011

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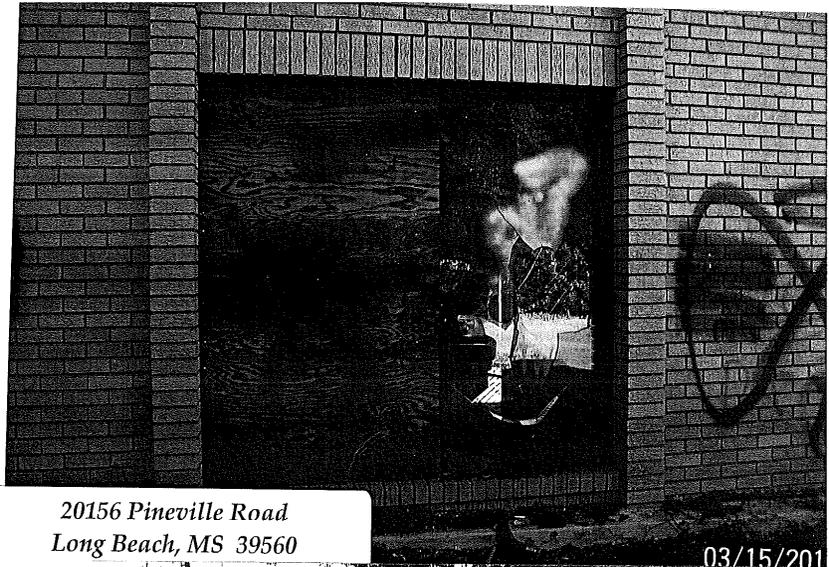
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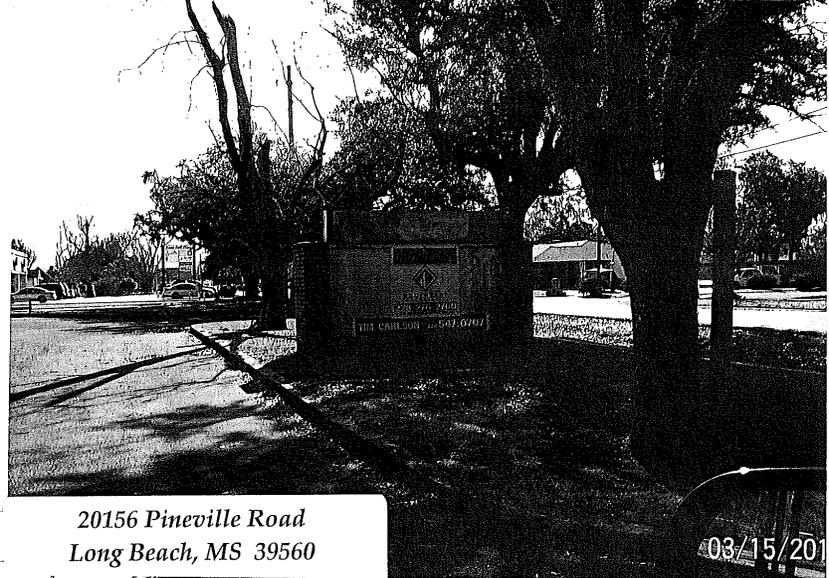
- The Clerk further reported that the Legal Notice of Public Hearing was posted at the City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi, and on the subject property, 20156 Pineville Road, Long Beach, Mississippi, by Building Official Earl Levens as required by state law.
- The Clerk submitted photographs depicting the subject property taken on March 15, 2011, by Building Official Earl Levens, as follows:

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Mayor and Board of Aldermen**



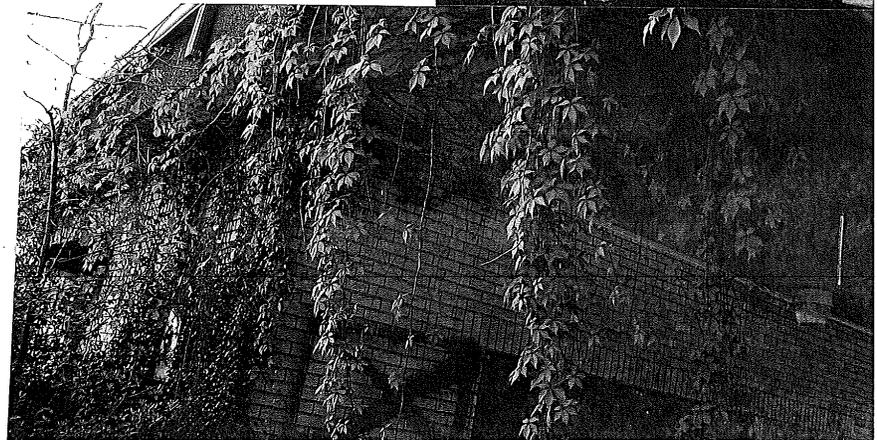
*20156 Pineville Road
Long Beach, MS 39560*

03/15/201

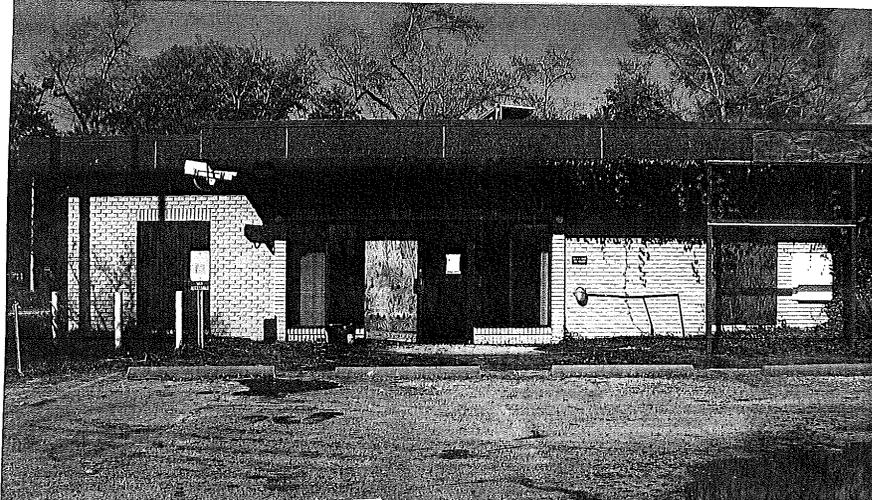
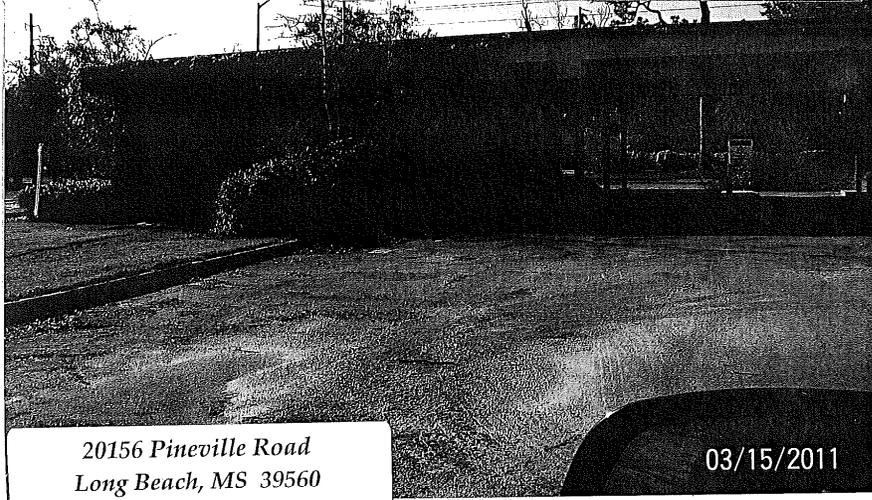
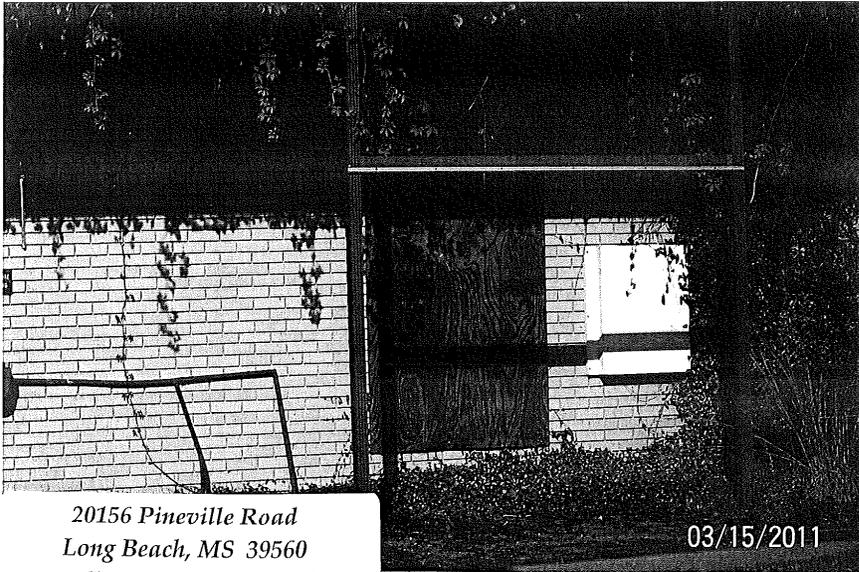


*20156 Pineville Road
Long Beach, MS 39560*

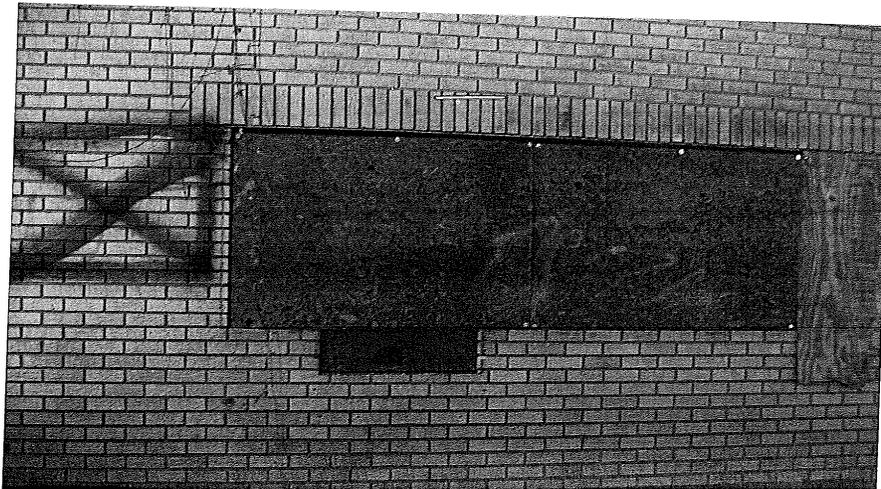
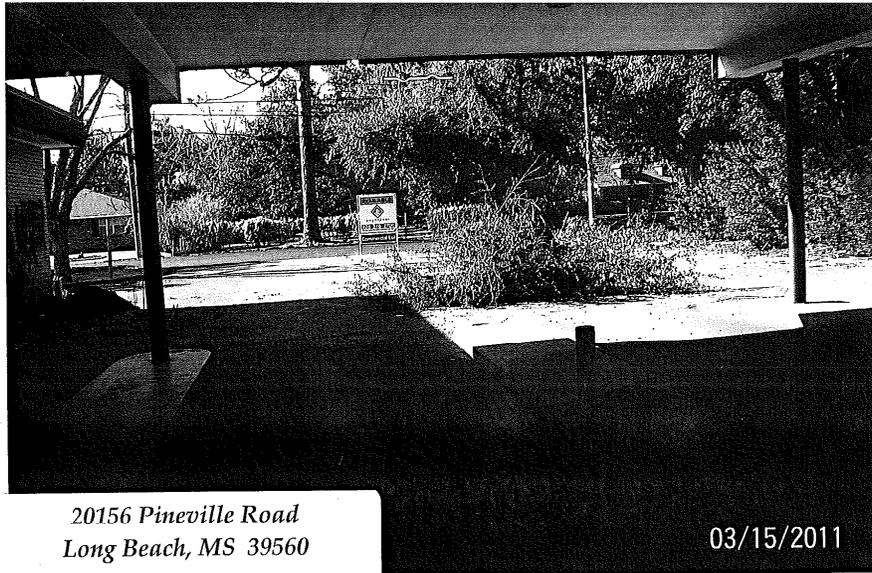
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Minutes of March 15, 2011
Mayor and Board of Aldermen



**Minutes of March 15, 2011
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- The Clerk submitted a sworn affidavit affirming the posting of said Notice of Public Hearing and the validity of the photographs depicting the subject property, 20156 Pineville Road, Long Beach, Mississippi, as of March 15, 2011; said affidavit is as follows:

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Mayor and Board of Aldermen

AFFIDAVIT

STATE OF MISSISSIPPI
COUNTY OF HARRISON
CITY OF LONG BEACH

BEFORE ME, the under signed legal authority authorized to administer oaths in and for the jurisdiction aforesaid, on this day personally appeared EARL LEVENS, known to me to be the Building Official of the City of Long Beach, Mississippi, who being by me first duly sworn, deposes and says on oath as follows, to-wit:

1. That he is the duly appointed and acting Building Official of the City of Long Beach, Mississippi;

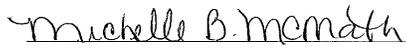
2. That in such capacity, he is responsible for the posting of notices of public hearings for the purpose of determining whether or not certain properties are in such a state of uncleanness as to constitute a menace to the public health and safety of the community; he is responsible for the taking of photographs of those certain properties to determine the state of the property in its then condition on the date of such public hearings; and other matters pertaining to such public hearings and the business of the zoning/code enforcement in and for the City of Long Beach;

3. That on or before March 4, 2011, he did cause to be posted, Notice of Hearing, a copy of which is attached hereto, on property assessed to Pineville Road Partners, LLC and located at 20156 Pineville Road, Long Beach, Mississippi and at the City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi; and that on March 15, 2011, he did take and cause to be processed photographs depicting said property in its then condition, to be submitted as exhibits at the public hearing scheduled for March 15, 2011.

This the 15th day of March, 2011.


REBECCA E. SCHRUFF, AFFIANT

SWORN TO AND SUBSCRIBED before me on this the 1st day of March, 2011.


NOTARY PUBLIC



AFFIDAVIT- PHOTOS;POST NOTICE

The Mayor opened the floor for public comments from the property owner or their representative and no one came forward to be heard.

Upon further discussion, Building Official Earl Levens reported that there were people on the property cleaning this afternoon, however, he could not confirm whether or not the property is in compliance.

There being no further discussion or comments, Alderman Carrubba made motion seconded by Alderman Anderson and unanimously carried to close the public hearing and take official action, as follows:

**Minutes of March 15, 2011
Mayor and Board of Aldermen**

91 7108 2133 3938 9856 3676

MAILED - *Pa*

Date: 3/16/11

The Mayor and Board of Aldermen, Long Beach, Mississippi, took up the matter of the public hearing on the property located at 20156 Pineville Road, Long Beach, Mississippi, to determine and consider the condition of said property. After conducting the hearing and considering all matters produced there at and after hearing all persons interested and appearing, the Board of Aldermen declared the hearing finally closed. After a discussion of the subject, Alderman Carrubba offered and moved the adoption of the following Resolution and Order:

**RESOLUTION AND ORDER BY THE MAYOR AND BOARD OF ALDERMEN OF
THE CITY OF LONG BEACH, MISSISSIPPI ADJUDICATING THE PROPERTY
LOCATED AT 20156 PINEVILLE ROAD, LONG BEACH, MISSISSIPPI, TO BE A
MENACE TO THE PUBLIC HEALTH AND SAFETY OF THE COMMUNITY AND
REQUIRING OWNER OF SUCH PROPERTY TO CLEAN SAID PROPERTY.**

WHEREAS, the Mayor and Board of Aldermen having made due investigation therefore do now find, determine, declare and order as follows:

1. That on complaint and motion of the Governing Authorities of the City of Long Beach wherein lies the property known as 20156 Pineville Road, Long Beach, Mississippi, (hereinafter referred to as the subject parcel), and after discussion of same, the Mayor and Board of Aldermen, at its regular meeting of February 9, 2011, on its own motion did set a hearing to determine whether or not the subject parcel, in its then condition, was in such a state of uncleanliness as to be a menace to the public health and safety of the community in accordance with Miss Code Annotated Section 21-19-11, as amended, said hearing to be held March 15, 2011, and directed notice of said hearing be served on the owner of said property in the manner as provided by said MCA Section

Minutes of March 15, 2011 Mayor and Board of Aldermen

21-19-11;

2. That, having served the owner of said property, either by registered mail as is evidenced by the return receipt included in the materials produced at said hearing, or by personal service by police officer as evidenced by the return of service of such police officer, or my posting and publication of same, such service being in accordance with said MCA Section 21-19-11, and proof of same being spread upon the minutes of the Governing Authorities taken of such hearing, hereby made a part of the record of these proceedings;

3. That the Mayor and Board of Aldermen having considered testimony evidence adduced at hearing regarding the condition of the subject property and the observations of individual Aldermen concerning the condition of the subject property in its condition on the date of hearing, and being fully advised in the premises, do find and adjudicate that the property is, in its present condition, in such a state of uncleanliness as to be a menace to the public health and safety of the community and constitutes an attractive nuisance. It is therefore,

RESOLVED AND ORDERED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AS FOLLOWS:

1. That the parcel of land lying and being situated in the City of Long Beach, First Judicial District of Harrison County, Mississippi, and having the street address of Long Beach, Mississippi, which parcel of land is identified by Harrison County Tax Parcel Number 0511J-02-065.001, and according to said tax records is owned by Pineville Road Partners, LLC, is at present in such a state of uncleanliness as to be a menace to the public health and safety of the community and an attractive nuisance.

2. That the aforesaid owner is hereby order to clean said parcel of land within ten (10) days from the entry of this Resolution and Order, and that such cleaning

Minutes of March 15, 2011

Mayor and Board of Aldermen

shall include:

Removal of all discarded materials, dangerous items, and such other rubbish and/or debris as described in any notice or as appearing on said property contributing to the property constituting a nuisance and menace overall to the public health and safety, and abate or cause to be abated the conditions otherwise existing and constituting a menace to public safety and health as testified and/or described in general at the hearing, and as contained in the report letter of Claire Leatherwood, City Zoning Enforcement Officer dated August 25, 2010, and attached hereto.

3. That in the event that said owner shall fail to complete cleaning of the subject property within ten (10) days from entry of this Resolution and Order, then the governing authority shall proceed to clean the subject property as required by paragraph 2, above, by the use of municipal employees or by contract, with the cost of same, together with a penalty of \$1,500.00 or 50% of such actual cost, whichever is greater, to be, at the next regular meeting after completion of such clean-up, assessed against the said parcel of land.

Alderman Anderson seconded the motion to adopt the foregoing resolution and order, and the question being put to a roll call vote by the Mayor, the result was as follows:

Alderman Bernie Parker	voted	Aye
Alderman Gary J. Ponthieux	voted	Aye
Alderman Kaye H. Couvillon	voted	Aye
Alderman Carolyn J. Anderson	voted	Aye
Alderman Leonard G. Carrubba, Sr.	voted	Aye
Alderman Mark E. Lishen	voted	Aye
Alderman Ronnie Hammons, Jr.	voted	Aye

**Minutes of March 15, 2011
Mayor and Board of Aldermen**

The question having received the Affirmative vote of all the Aldermen present and voting, the Mayor declared the motion carried and the resolution and order adopted and approved this the 15th day of March, 2011.

APPROVED:



William Skellie, Jr., Mayor

ATTEST:



Rebecca E. Schruff, City Clerk

**Minutes of March 15, 2011
Mayor and Board of Aldermen**

August 25, 2010

FAILURE TO COMPLY

Pineville Partners

806 Ford Street

Gulfport, Ms.38507

PARCEL # 0511J-02-065.001

20156 Pineville Road

Dear Pineville Partners & Mr. Tim Carlson,

This letter is to inform you that this property has been removed from the

Noncompliance list, to the list of properties that the City of Long Beach will adjudicate and the cost we acquire cleaning your property shall be placed on your taxes.

You have shown blatant disrespect to our City. The violations listed below against your property are according to the International Property Maintenance Code that our City has adopted as a means of reference.

It has been determined that your property is not only a blighted area, but a threat to the health and safety of the neighborhood.

**Minutes of March 15, 2011
Mayor and Board of Aldermen**

CODE VIOLATIONS: CHAPTER ONE: /SECTIONS 102.1/102.2/

CHAPTER THREE /SECTIONS/301.3, 302.1/302.4/302.5/302.9

Enclosed are the explanation of the code violations. If you have any questions you may call my office, 228-863-1554 , or my cell # 228-669-2318.

Respectfully Yours,

Claire Leatherwood

Ordinance Officer

The third public hearing was called to order to determine whether or not a parcel of property situated in the City of Long Beach and located at 500 Mason Avenue, assessed to Llewellyn and Patricia A. Powell, is in such a state of uncleanliness as to constitute a menace to the public health and safety of the community, all in accordance with §21-19-11 of the Mississippi Code 1972, as amended.

The Mayor recognized the City Clerk for her report, whereupon, Alderman Carrubba made motion seconded by Alderman Lishen and unanimously carried to

Minutes of March 15, 2011
Mayor and Board of Aldermen

make the aforementioned report a part of the record of this public hearing, collective Exhibit "A", as follows:

- The Clerk reported that pursuant to that certain order of the Mayor and Board of Aldermen at a regular meeting duly held and convened on February 15, 2011, that she did cause to be sent, via certified mail, return receipt requested, Legal Notice of Public Hearing to Llewellyn and Patricia A. Powell, 2379 College Road, Southaven, Mississippi, 38672, as the same appears of record on the Harrison County 2010 Real Property Tax Rolls.
- The Clerk further reported that the legal notice was delivered February 22, 2011, at 1:21 p.m. Said Notice is as follows:

Minutes of March 15, 2011 Mayor and Board of Aldermen

City of Long Beach

BOARD OF ALDERMEN

Leonard G. Carrubba, Sr. - At-Large
Gary J. Ponthieux - Ward 1
Bernie Parker - Ward 2
Kaye H. Couvillon - Ward 3
Ronnie Hammons, Jr. - Ward 4
Mark E. Lishen - Ward 5
Carolyn J. Anderson - Ward 6



WILLIAM SKELLIE, JR.
MAYOR

CITY CLERK
TAX COLLECTOR
Rebecca E. Schruuff

CITY ATTORNEY
James C. Simpson, Jr.

91 7108 2133 3938 9856 3553

MAILED
Date: 2/16/11

February 9, 2011

Name: Llewellyn and Patricia A. Powell
Address: 2379 College Road
City, State, Zip Code: Southaven, MS 38672

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Mayor and Board of Aldermen of The City of Long Beach, Mississippi, will, in accordance with motion duly made, seconded and adopted at its regular meeting, February 9, 2010, hold a public hearing at 5:00 p.m. Tuesday, March 15, 2011, at the Long Beach City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi, to determine whether or not a parcel of land owned by and/or assessed to Llewellyn and Patricia A. Powell, and situated in the City of Long Beach, Mississippi, at 20156 Pineville Road, is in such a state of uncleanliness as to be a menace to the public health and safety of the community, all in accordance with Section 21-19-11 of the Mississippi Code of 1972, as amended. Said property is more particularly described, as follows:

Address: 500 Mason Avenue, Long Beach, Mississippi 39560

Parcel Number: 0612G-02-035.000

Legal Description: 1.1 AC (C) BEG AT INTER OF S MAR OF 5TH ST & W MAR OF MASON AVE SELY ALONG MASON AVE 235 FT S 73 DGS W 199.4 FT N 28 DGS W 235.7 FT TO 5TH ST NELY ALONG RD 200 FT TO POB

If at such hearing, the governing authority shall, in its resolution, adjudicate such parcel of land in its then condition to be a menace to the public health and safety of the community, the governing authority shall, if the owner does not do so himself, proceed to clean the land, by the use of municipal employees or by contract, by cutting weeds; filling cisterns; removing rubbish, dilapidated fences, outside toilets, dilapidated buildings and other debris; filling swimming pools; and draining cesspools and standing water therefrom. Thereafter, the governing authority shall, at its next regular meeting, by resolution adjudicate the actual cost of cleaning the property and may also impose a penalty of One Thousand Five Hundred Dollars(\$1,500.00) or fifty (50%) of such actual cost, whichever is more. The cost and any penalty may become a civil debt against the property owner, or, at the option of the governing authority, an assessment against the property. The cost assessed against the property means the cost to the municipality of using its own employees to do the work or the cost to the municipality of any contract executed by the municipality to have the work done.

201 Jeff Davis • P.O. Box 929 • Long Beach, MS 39560 • 863-1556 • FAX 865-0822
www.cityoflongbeachms.com

Minutes of March 15, 2011 Mayor and Board of Aldermen

An adjudication at the hearing that the property or parcel of land is in need of cleaning will authorize the municipality to reenter the property or parcel of land for a period of one (1) year after the hearing without any further hearing if notice is posted on the property or parcel of land and at city hall or another place in the municipality where such notices are generally posted at least seven (7) days before the property or parcel of land is reentered for cleaning.

The action herein authorized shall not be undertaken against any one (1) parcel of land more than six (6) times in any one (1) calendar year, and the expense of cleaning of said property shall not exceed an aggregate amount of Twenty Thousand Dollars (\$20,000.00) per year, or the fair market value of the property subsequent to cleaning, whichever is less. If it is determined by the governing authority that it is necessary to clean the property or land more than once within a calendar year, then the municipality may clean it provided notice to the property owner is given by United States mail to the last known address at least ten (10) days before cleaning the property. The governing authority may assess the same penalty for each time the property or land is cleaned as otherwise provided in this section. The penalty provided herein shall not be assessed against the State of Mississippi upon request for reimbursement under Section 29-1-145, nor shall a municipality clean a parcel owned by the State of Mississippi without first giving notice. In the event the governing authority declares, by resolution, that the cost and any penalty shall be collected as a civil debt, the governing authority may authorize the institution of a suit on open account against the owner of the property in court of competent jurisdiction in the manner provided by law for the cost and any penalty, plus court costs, reasonable attorney's fees and interest from the date that the property was cleaned. In the event that the governing authority does not declare that the cost and any penalty shall be collected as a civil debt, then the assessment above provided for shall be a lien against the property and may be enrolled in the office of the circuit clerk of the county as other judgments are enrolled, and the tax collector of the municipality shall, upon order of the board of governing authorities, proceed to sell the land to satisfy the lien as now provided by law for the sale of lands for delinquent municipal taxes as provided by *Section 21-19-11 Mississippi Code, Annotated*.

All decisions rendered under the provisions of this section may be appealed in the same manner as other appeals from municipal boards or courts are taken.

Done by order of the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, this the 15th day of February 15, 2011.


Rebecca E. Schruoff
City Clerk

Minutes of March 15, 2011 Mayor and Board of Aldermen

USPS - Track & Confirm

Page 1 of 1



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[FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: 9171 0821 3339 3898 5635 53
Class: First-Class Mail®
Service(s): Return Receipt Electronic
Status: Delivered

Your item was delivered at 1:21 pm on February 22, 2011 in SOUTHAVEN, MS 38671.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- Delivered, February 22, 2011, 1:21 pm, SOUTHAVEN, MS 38671
- Notice Left, February 19, 2011, 11:01 am, SOUTHAVEN, MS 38672
- Arrival at Unit, February 19, 2011, 8:08 am, SOUTHAVEN, MS 38671
- Electronic Shipping Info Received, February 17, 2011

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

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[Business Customer Gateway](#)

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No FEAR Act EEO Data

FOIA



Useful Links
Customer Service



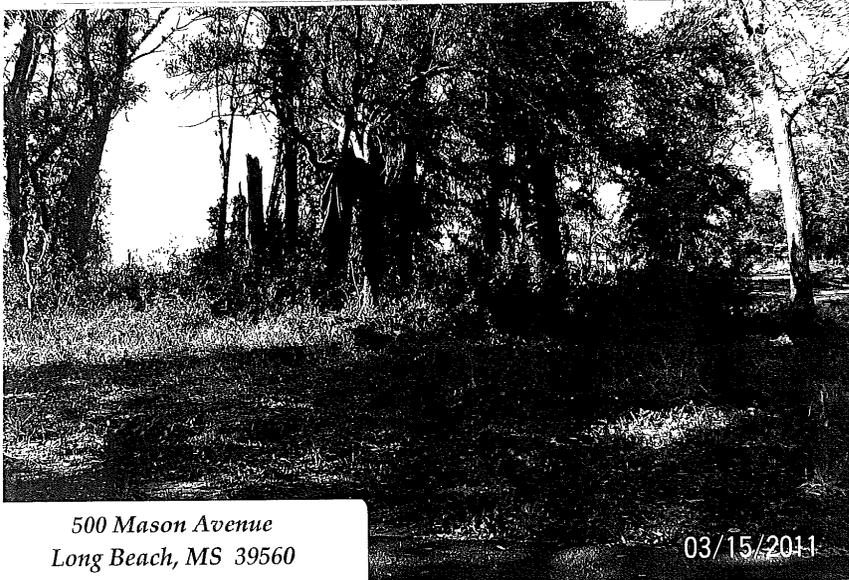
Business Customer Gateway
Customer Service

<http://trkcnfrm1.smi.usps.com/PTSIInternetWeb/InterLabelInquiry.do>

3/15/2011

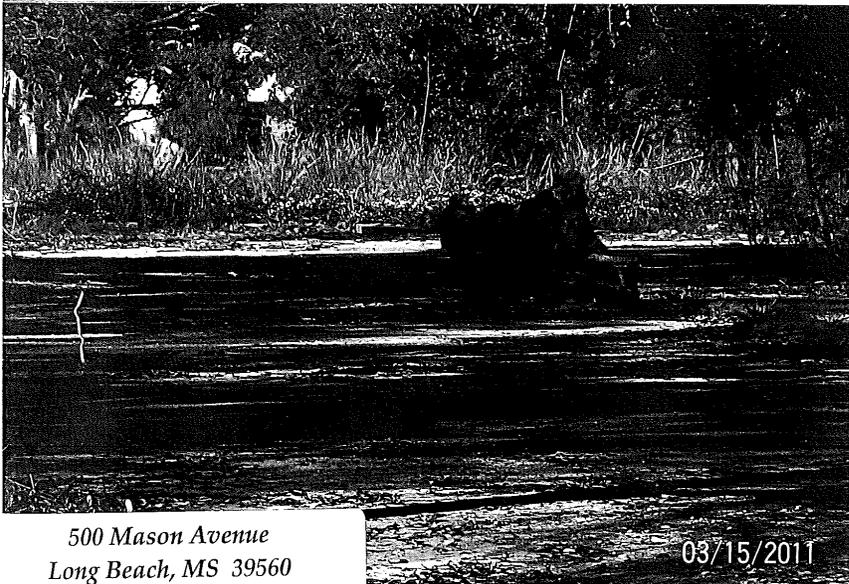
- The Clerk reported that the legal notice of public hearing was posted at the Long Beach City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi, and on the subject property, 500 Mason Avenue, Long Beach, Mississippi, by Building Official Earl Levens, as required by state law.
- The Clerk submitted photographs depicting the subject property taken on March 15, 2011, by Building Official Earl Levens, as follows:

**Minutes of March 15, 2011
Mayor and Board of Aldermen**



*500 Mason Avenue
Long Beach, MS 39560*

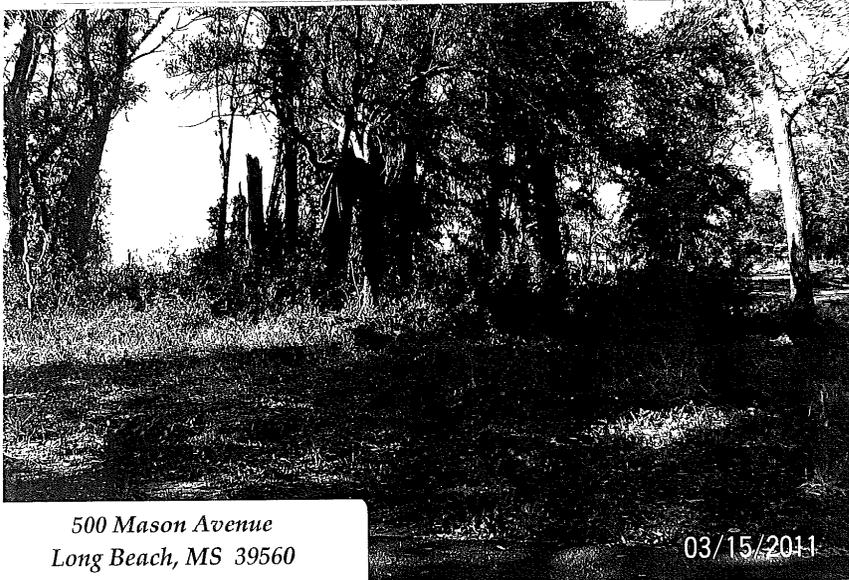
03/15/2011



*500 Mason Avenue
Long Beach, MS 39560*

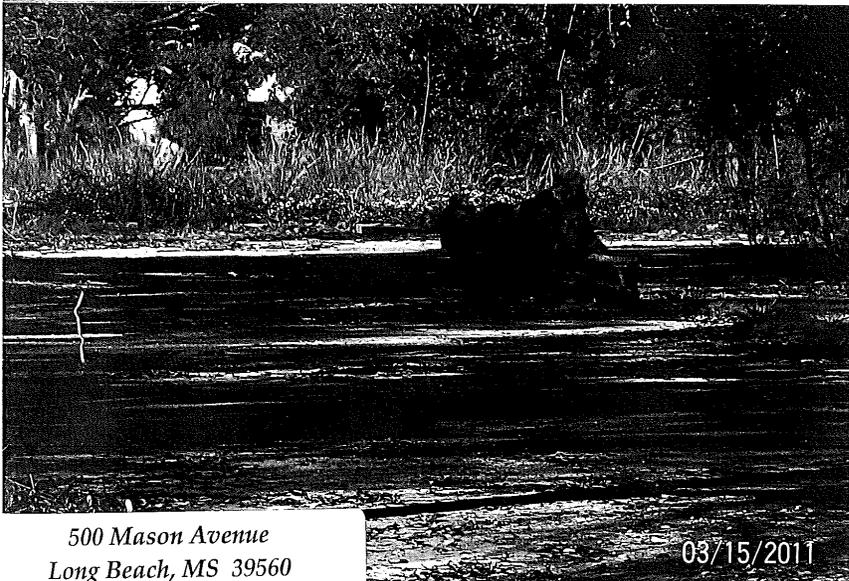
03/15/2011

**Minutes of March 15, 2011
Mayor and Board of Aldermen**



*500 Mason Avenue
Long Beach, MS 39560*

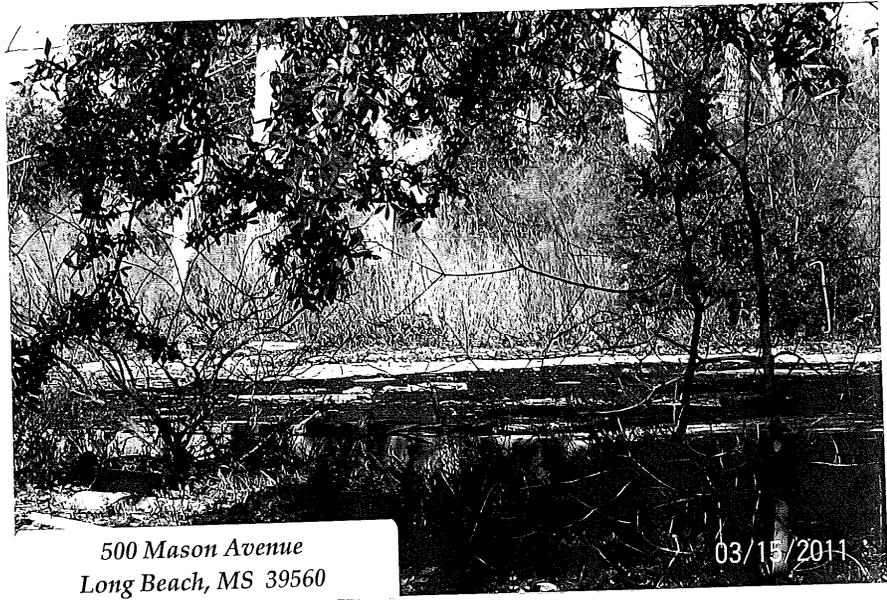
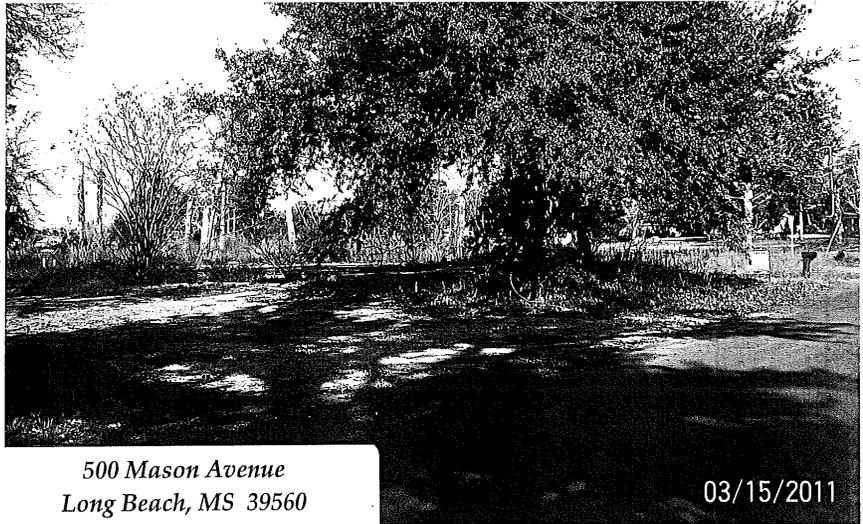
03/15/2011



*500 Mason Avenue
Long Beach, MS 39560*

03/15/2011

**Minutes of March 15, 2011
Mayor and Board of Aldermen**



- The Clerk submitted a sworn affidavit affirming the posting of said Notice of Public Hearing and the validity of the photographs depicting the subject property, 500 Mason Avenue, Long Beach, Mississippi, as of March 15, 2011; said affidavit is as follows:

**Minutes of March 15, 2011
Mayor and Board of Aldermen**

AFFIDAVIT

STATE OF MISSISSIPPI
COUNTY OF HARRISON
CITY OF LONG BEACH

BEFORE ME, the under signed legal authority authorized to administer oaths in and for the jurisdiction aforesaid, on this day personally appeared EARL LEVENS, known to me to be the Building Official of the City of Long Beach, Mississippi, who being by me first duly sworn, deposes and says on oath as follows, to-wit:

1. That he is the duly appointed and acting Building Official of the City of Long Beach, Mississippi;

2. That in such capacity, he is responsible for the posting of notices of public hearings for the purpose of determining whether or not certain properties are in such a state of uncleanliness as to constitute a menace to the public health and safety of the community; he is responsible for the taking of photographs of those certain properties to determine the state of the property in its then condition on the date of such public hearings; and other matters pertaining to such public hearings and the business of the zoning/code enforcement in and for the City of Long Beach;

3. That on or before March 4, 2011, he did cause to be posted, Notice of Hearing, a copy of which is attached hereto, on property assessed to Llewellyn and Patricia A. Powell and located at 500 Mason Avenue, Long Beach, Mississippi and at the City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi; and that on March 15, 2011, he did take and cause to be processed photographs depicting said property in its then condition, to be submitted as exhibits at the public hearing scheduled for March 15, 2011.

This the 15th day of March, 2011.


REBECCA E. SCHRUFF, AFFIANT

SWORN TO AND SUBSCRIBED before me on this the 1st day of March, 2011.


NOTARY PUBLIC

-My Commission Expires-



AFFIDAVIT-PHOTOS;POST NOTICE

The Mayor opened the floor for public comments from the property owners or their representative and recognized Dr. Llewellyn Powell.

Dr. Powell stated for the record that he traveled from Southaven, Mississippi, to attend to the property and had difficulty hiring someone to clean it. He has engaged the assistance of his son-in-law, who lives in the area, to find a business to bring the property into compliance with city ordinances and state law. He further stated that it is

**Minutes of March 15, 2011
Mayor and Board of Aldermen**

not cost effective to remove the slab from the property at this time and was apprised that slab removal is not required.

It was noted for the record that upon adoption of a resolution to adjudicate the property for cleaning, there is a ten (10) day grace period. Dr. Powell was advised to contact the Mayor's Office should he be unable to have the property cleaned before the expiration of the 10 day grace period.

There being no further discussion or comments, Alderman Carrubba made motion seconded by Alderman Anderson and unanimously carried to close the public hearing and take official action, as follows:

91 7108 2133 3938 9856 3683

MAILED
Date: 3/16/11

The Mayor and Board of Aldermen, Long Beach, Mississippi, took up the matter of the public hearing on the property located at 500 Mason Avenue, Long Beach, Mississippi, to determine and consider the condition of said property. After conducting the hearing and considering all matters produced there at and after hearing all persons interested and appearing, the Board of Aldermen declared the hearing finally closed. After a discussion of the subject, Alderman Couvillon offered and moved the adoption of the following Resolution and Order:

RESOLUTION AND ORDER BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI ADJUDICATING THE PROPERTY LOCATED AT 500 MASON AVENUE, LONG BEACH, MISSISSIPPI, TO BE A MENACE TO THE PUBLIC HEALTH AND SAFETY OF THE COMMUNITY AND REQUIRING OWNER OF SUCH PROPERTY TO CLEAN SAID PROPERTY.

WHEREAS, the Mayor and Board of Aldermen having made due investigation therefore do now find, determine, declare and order as follows:

1. That on complaint and motion of the Governing Authorities of the City of Long Beach wherein lies the property known as 500 Mason Avenue, Long Beach, Mississippi, (hereinafter referred to as the subject parcel), and after discussion of same, the Mayor and Board of Aldermen, at its regular meeting of February 9, 2011, on its own motion did set a hearing to determine whether or not the subject parcel, in its then condition, was in such a state of uncleanness as to be a menace to the public health and safety of the community in accordance with Miss Code Annotated Section 21-19-11, as amended, said hearing to be held March 15, 2011, and directed notice of said hearing be served on the owner of said property in the manner as provided by said MCA Section

Minutes of March 15, 2011 Mayor and Board of Aldermen

21-19-11;

2. That, having served the owner of said property, either by registered mail as is evidenced by the return receipt included in the materials produced at said hearing, or by personal service by police officer as evidenced by the return of service of such police officer, or my posting and publication of same, such service being in accordance with said MCA Section 21-19-11, and proof of same being spread upon the minutes of the Governing Authorities taken of such hearing, hereby made a part of the record of these proceedings;

3. That the Mayor and Board of Aldermen having considered testimony evidence adduced at hearing regarding the condition of the subject property and the observations of individual Aldermen concerning the condition of the subject property in its condition on the date of hearing, and being fully advised in the premises, do find and adjudicate that the property is, in its present condition, in such a state of uncleanness as to be a menace to the public health and safety of the community and constitutes an attractive nuisance. It is therefore,

RESOLVED AND ORDERED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AS FOLLOWS:

1. That the parcel of land lying and being situated in the City of Long Beach, First Judicial District of Harrison County, Mississippi, and having the street address of Long Beach, Mississippi, which parcel of land is identified by Harrison County Tax Parcel Number 0612G-02-035.000, and according to said tax records is owned by Llewellyn and Patricia A. Powell, is at present in such a state of uncleanness as to be a menace to the public health and safety of the community and an attractive nuisance.

2. That the aforesaid owner is hereby order to clean said parcel of land within ten (10) days from the entry of this Resolution and Order, and that such cleaning

Minutes of March 15, 2011

Mayor and Board of Aldermen

shall include:

Removal of all discarded materials, dangerous items, and such other rubbish and/or debris as described in any notice or as appearing on said property contributing to the property constituting a nuisance and menace overall to the public health and safety, and abate or cause to be abated the conditions otherwise existing and constituting a menace to public safety and health as testified and/or described in general at the hearing, and as contained in the report letter of Claire Leatherwood, City Zoning Enforcement Officer dated November 12, 2010, and attached hereto.

3. That in the event that said owner shall fail to complete cleaning of the subject property within ten (10) days from entry of this Resolution and Order, then the governing authority shall proceed to clean the subject property as required by paragraph 2, above, by the use of municipal employees or by contract, with the cost of same, together with a penalty of \$1,500.00 or 50% of such actual cost, whichever is greater, to be, at the next regular meeting after completion of such clean-up, assessed against the said parcel of land.

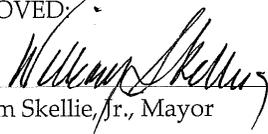
Alderman Lishen seconded the motion to adopt the foregoing resolution and order, and the question being put to a roll call vote by the Mayor, the result was as follows:

Alderman Bernie Parker	voted	Aye
Alderman Gary J. Ponthieux	voted	Aye
Alderman Kaye H. Couvillon	voted	Aye
Alderman Carolyn J. Anderson	voted	Aye
Alderman Leonard G. Carrubba, Sr.	voted	Aye
Alderman Mark E. Lishen	voted	Aye
Alderman Ronnie Hammons, Jr.	voted	Aye

**Minutes of March 15, 2011
Mayor and Board of Aldermen**

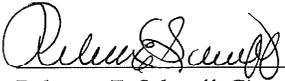
The question having received the Affirmative vote of all the Aldermen present and voting, the Mayor declared the motion carried and the resolution and order adopted and approved this the 15th day of March, 2011.

APPROVED:



William Skellie, Jr., Mayor

ATTEST:



Rebecca E. Schruoff, City Clerk

**Minutes of March 15, 2011
Mayor and Board of Aldermen**

City of Long Beach

BOARD OF ALDERMEN
Leonard G. Carrubba, Sr. - At-Large
Gary J. Ponthieux - Ward 1
Bernie Parker - Ward 2
Kaye H. Couvillon - Ward 3
Ronnie Hammons, Jr. - Ward 4
Mark E. Lishen - Ward 5
Carolyn J. Anderson - Ward 6



WILLIAM SKELLIE, JR.
MAYOR

CITY CLERK
TAX COLLECTOR
Rebecca E. Schruoff

CITY ATTORNEY
James C. Simpson, Jr.

November 12, 2010

NOTICE OF NON COMPLIANCE WITH ZONING ORDINANCE

Powell
2379 College Road
Southaven, Ms. 38672

91 7108 2133 3938 0606 8613

Reference: 500 Mason Street Long Beach, Ms. 39560
Parcel # 0612G-02-035.000

Dear Dr. Powell,

**You are hereby notified that you are in violation of the following:
INTERNATIONAL PROPERTY MAINTENCE CODE: CHAPTER 3 : SECTION
301.3, 302.1, 302.5 302.4 (SEE ATTACHED)**

After inspecting the above referenced property, it has been determined that you are in violation of overgrown grass and weeds. You have 14 days to bring this matter into compliance. You may call 228-863-1554, my cell 228-669-2318, or take this notice with you to the Permit Office, located at 645 Klondyke Road for directions and/or corrective measures..

Failure to comply with this notice constitutes a violation and is chargeable as a misdemeanor

By order of
City of Long Beach
Claire leatherwood
Ordinance Officer

201 Jeff Davis • P.O. Box 929 • Long Beach, MS 39560 • 863-1556 • FAX 865-0822
www.cityoflongbeachms.com

Be it remembered that a regular meeting of the Mayor and Board of Aldermen, Long Beach, Mississippi, was begun and held at 5:00 o'clock p.m., Long Beach City Hall, 201 Jeff Davis Avenue, in said City, it being the third Tuesday in March, 2011, and the same being the time, date and place fixed by Laws of the State of Mississippi and ordinance of the City of Long Beach for holding said meeting.

There were present and in attendance on said board and at the meeting the following named persons: Mayor William Skellie, Jr., Aldermen Leonard G. Carrubba,

Minutes of March 15, 2011
Mayor and Board of Aldermen

Sr., Gary J. Ponthieux, Bernie Parker, Kaye H. Couvillon, Ronnie Hammons, Jr., Mark E. Lishen, Carolyn J. Anderson, City Clerk Rebecca E. Schruff, and City Attorney James C. Simpson, Jr.

There being a quorum present sufficient to transact the business of the City, the following proceedings were had and done.

The meeting was called to order and there were no bids, announcements, proclamations, announcements or amendments to the Municipal Docket.

The Mayor opened the floor for public comments regarding agenda items and considerable discussion followed regarding same, as follows:

**Minutes of March 15, 2011
Mayor and Board of Aldermen**

**PUBLIC COMMENTS PERTAINING TO MATTERS ON THE AGENDA
ONLY**

NOTE: All comments **shall** be directed to the Chairman (Mayor).
 Comments of a personal nature regarding individual members of the Governing Authority (Mayor and Board of Aldermen), City Staff and/or Personnel, other Citizens, disruptive comments or improper actions **will not** be permitted.
 Public Comments will be limited to a total of **ten (10) minutes** and limited to a maximum of **two (2) minutes** per person.
 Except as otherwise directed by the Chairman (Mayor), Public Comments will not be permitted before or after the allotted time. Disruption of the regular business meeting will be cause for removal from the public meeting.

	PLEASE PRINT: NAME / ADDRESS / TELEPHONE	AGENDA ITEM NO.	AGENDA ITEM SUBJECT MATTER
1	Randy Fischer 679 Klondyke Rd		Planning Commission
2	Steve Nkosia 515 Gulf View		2006 Codes
3			
4			
5			
6			
7			
8			
9			
10			

City of Long Beach, Mississippi
 Mayor and Board of Aldermen Meeting
 Date: _____

Excel Worksheet: public comments - agenda PUBLIC COMMENTS-AGENDA

Alderman Lishen made motion seconded by Alderman Anderson and unanimously carried to approve the public hearing and regular meeting minutes of the Mayor and Board of Aldermen dated March 1, 2011, as submitted.

There came on for consideration the March 10, 2011, Planning Commission minutes, whereupon, Alderman Anderson made motion seconded by Alderman Lishen and unanimously carried to approve said minutes with exception to action taken by the

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Planning Commission approving residential construction in a C-2, General Commercial Zone district for property on Klondyke Road, as submitted by Mr. David Kelly, Long Beach Estates.

Upon discussion, the Mayor recognized Mr. David Kelly to answer questions and provide additional information; Mr. Randy Fischer, 679 Klondyke Road, was recognized to express his concerns as a resident who would be impacted by the Long Beach Estates development.

After considerable discussion, it was determined that several unanswered questions remained:

- Can the city approve the residential construction in a C-2 General Commercial Zone and place certain restrictions on the development?
- Does the tax exemption include school taxes?
- If the site plan is a matter of right, will concepts, preliminary plans, etc., be submitted to the Mayor and Board of Aldermen for review and prior approval?

It was noted for the record that approval or disapproval of the development would not be based upon the issue of low income housing.

Upon further discussion, Alderman Carrubba made motion seconded by Alderman Parker and unanimously carried to take the matter under advisement for further review and consideration at the next regular meeting, April 5, 2011, directing the City Attorney to research the questions set forth above and any other considerations that may arise, for a report at the April 5, 2011, meeting.

Alderman Lishen made motion seconded by Alderman Anderson and unanimously carried to approve payment of invoices as listed in Docket of Claims number 031511.

There was no report from the Mayor's Office.

Alderman Ponthieux made motion seconded by Alderman Hammons and unanimously carried to extend the Proclamation of Civil Emergency, Hurricane Katrina, to protect and preserve the public health and safety of the community.

There were no CDBG Requests for Cash or payment of invoices.

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CONTRACT CHANGE ORDER				
OWNER: <u>CITY OF LONG BEACH</u> PROJECT NAME: <u>JEFF DAVIS AVE. ROADWAY IMPROVEMENTS</u>				
PROJECT CONTRACTOR: <u>J. LEVENS BUILDERS</u> DATE: <u>03/02/2011</u>				
CHANGE ORDER NUMBER: <u>6</u> CONTRACT NUMBER: <u>KATRINA CDBG PROJECT NO.R-103-235-01-KCR</u>				
REASON FOR CHANGE: <u>IMPROVEMENTS AT FIRST STREET INTERSECTION</u>				
YOU ARE HEREBY REQUESTED TO COMPLY WITH THE FOLLOWING CHANGES FROM THE CONTRACT PLANS, SPECIFICATIONS AND CONTRACT DOCUMENTS: (USE ADDITIONAL SHEETS IF REQUIRED)				
ITEM NO.	DESCRIPTION OF CHANGE(S) (QUANTITIES, ETC.)	QTY	UNIT COST	TOTAL CONTRACT
618-A	Maintenance of Traffic	1 LS	\$500.00	\$500.00
620-A	Mobilization	1 LS	\$2,000.00	\$2,000.00

00500-1

Neel-Schaffer, Inc.
South Mississippi: PROJECTS 6682- LONG BEACH CDBG CONSTRUCTION ADMINISTRATION CHANGE ORDERS/CHANGE ORDER NO. 6/CONTRACT CHANGE ORDER 6.DOC

Final: September, 2008

Minutes of March 15, 2011 Mayor and Board of Aldermen

TOTAL CONTRACT CHANGE	\$2,500.00						
	TOTAL CONTRACT						
ORIGINAL CONTRACT AMOUNT:	\$4,597,492.75						
CURRENT CONTRACT AMOUNT:	\$4,991,509.45						
THIS CONTRACT CHANGE	\$2,500.00						
REVISED CONTRACT AMOUNT:	\$4,994,009.45						
CURRENT CONTRACT COMPLETION DATE:	05/01/2011						
TIME EXTENSION REQUIRED BY CHANGE:	0 DAYS						
REVISED CONTRACT COMPLETION DATE:	05/01/2011						
<p>THIS DOCUMENT SHALL BE AN AMENDMENT TO THE CONTRACT AND ALL PROVISIONS OF THE CONTRACT WILL APPLY.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 35%; vertical-align: top;"> RECOMMENDED BY: <u>Richie Ashley</u> ENGINEER NEEL-SCHAFFER, INC. </td> <td style="width: 30%; vertical-align: top; text-align: center;"> <u>3-10-2011</u> DATE </td> <td style="width: 35%;"></td> </tr> <tr> <td style="vertical-align: top;"> ACCEPTED BY: <u>John A. [Signature]</u> CONTRACTOR </td> <td style="vertical-align: top; text-align: center;"> <u>3-10-2011</u> DATE </td> <td></td> </tr> </table>		RECOMMENDED BY: <u>Richie Ashley</u> ENGINEER NEEL-SCHAFFER, INC.	<u>3-10-2011</u> DATE		ACCEPTED BY: <u>John A. [Signature]</u> CONTRACTOR	<u>3-10-2011</u> DATE	
RECOMMENDED BY: <u>Richie Ashley</u> ENGINEER NEEL-SCHAFFER, INC.	<u>3-10-2011</u> DATE						
ACCEPTED BY: <u>John A. [Signature]</u> CONTRACTOR	<u>3-10-2011</u> DATE						

00500-2

Neel-Schaffer, Inc.
South, Mississippi

Final: September, 2008

PROJECTS\6682- LONG REACH CDBG CONSTRUCTION ADMINISTRATION\CHANGE ORDERS\CHANGE ORDER NO. 6\CONTRACT CHANGE ORDER 6.DOC

Minutes of March 15, 2011 Mayor and Board of Aldermen

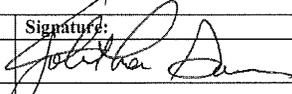
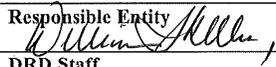
Change Order Request Form

Applicant Name:	City of Long Beach
Project Description:	Jeff Davis Avenue Roadway Improvements Project
Contract Number:	R-103-235-01-KCR
Change Order Request Number:	Six

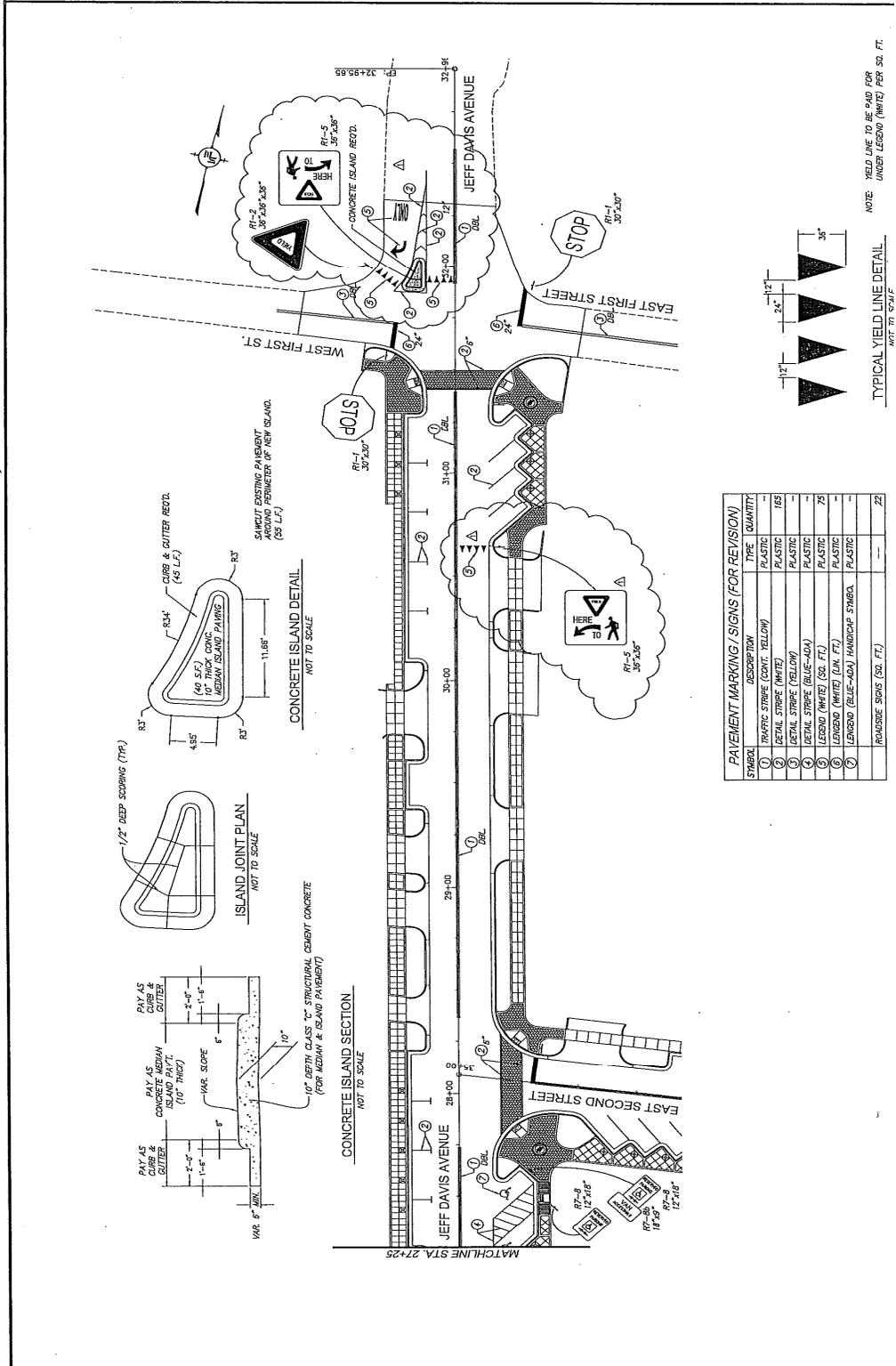
Please include the following information:

REQUIRED INFORMATION	EXPLANATION
Description of the change	Intersection improvements at First Street to make pedestrian crossing safer.
A justification of the need for the change	Contractor is currently offsite and substantially complete with the project but remains under contract with the city. This change order will cover the contractor's remobilization and traffic control for the intersection improvements.
A justification of the need for time extension	Time Extension, if needed, will be determined at a later date.
Revised plans, specifications, and contract documents as needed	See the attached for plan revision.
Engineering computations and sketches, if necessary to justify the change	See the attached for sketches that show the changes made.
Contractor certification in writing that the cost of the change order has been analyzed and found to be reasonable	The change order costs are based on quoted material costs and current labor rates for in house labor.

Signatures:

	Signature:	Date:
Contractor		3-10-2011
Responsible Entity		3-15-2011
DRD Staff		
DRD Bureau Manager		

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There came on for consideration the matter of accepting book donations at the Library and declaring those books surplus. A letter from Library Director Jeannie Ripoll regarding same is as follows:

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Long Beach Public Library

*209 Jeff Davis Avenue
Long Beach, Mississippi 39560
228-863-0711
Fax 228-863-8511
Jeannie Ripoll, Director*

Date: March 11, 2011

To: Mayor Skellie and Aldermen

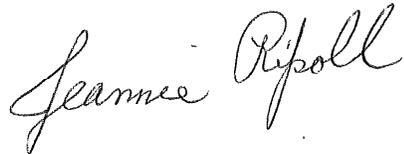
From: Jeannie Ripoll, Director

The library has hundreds of donations that were given to us after Katrina. Both of our meeting rooms have become storage areas for these books. We have gone through all of them and are processing the ones that we need to keep. The others are duplicates that we cannot use.

Libraries here on the coast are in the same situation that we are. I have contacted two libraries in the delta area that are interested in obtaining some of these copies for their shelves. Their book budgets have been severely cut, and the chances of budgets improving in the near future are nil.

Will you please declare these books surplus, so that we can get them out of the library?

Thank you for your help with this matter.



Based upon the recommendation of Mrs. Ripoll as set forth above, Alderman Hammons made motion seconded by Alderman Anderson and unanimously carried acknowledging receipt of the donated books and declaring them surplus for donation to other libraries in need.

Based upon the recommendation of Harbor Master William Angley and certification by the Civil Service Commission, Alderman Lishen made motion seconded

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by Alderman Hammons and unanimously carried approving the retirement of Harbor Guard Don Dillistone, effective March 31, 2011.

School Board interviews were scheduled for Tuesday, March 29, 2011, at 5:30 p.m., City Hall, 201 Jeff Davis Avenue.

Alderman Anderson made motion seconded by Alderman Ponthieux to appoint Selection Committee Members, Flood Mitigation Assistance Grant Program (FMA) Project Management Services, as follows:

Mayor William Skellie, Jr.
Alderman Mark Lishen
Fire Chief George Bass
Derrel Wilson, Project Manager, Utility Partners, LLC
City Engineer David Ball

Alderman Anderson made motion seconded by Alderman Lishen and unanimously carried to acknowledge receipt of Revenue/Expense Reports, February, 2011.

Based upon the recommendation of Building Official Earl Levens and certification by the Civil Service Commission, Alderman Lishen made motion seconded by Alderman Anderson and unanimously carried to approve the Step Increase, Building Office Clerk Veronica Howard, CSA-7-IV, effective April 1, 2011.

Alderman Parker made motion seconded by Alderman Carrubba and unanimously carried to schedule public hearings, Tuesday, May 3, 2011, 5:00 o'clock p.m., to determine whether or not two (2) properties are in such a state of uncleanliness as to constitute a menace to the public health and safety of the community, as follows:

David and Lisa Waits
18441 – 28th Street
Long Beach, MS 39560

Clinthea McDonnell
311 Charles Avenue
Long Beach, MS 39560

* * * * *

Building Official Earl Levens updated information regarding the status of Chuck Ryan's property and building plans.

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Alderman Anderson made motion seconded by Alderman Lishen and unanimsously carried to schedule a work session, Tuesday, March 29, 2011, 6:30 p.m. (immediately following school board interviews), City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi, to discuss city-wide drainage projects.

ORDINANCE NO. 584

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AMENDING ORDINANCE NO. 478, ENTITLED, "AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, ADOPTING VARIOUS BUILDING AND RELATED CODES AND STANDARDS, AND APPENDIXES REGULATING AND CONTROLLING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF BUILDINGS AND STRUCTURES, PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE WHEN USED WITH MONEY; PROVIDING FOR AND RELATING TO INSPECTION ACTIVITIES AND ENFORCEMENT OF BUILDING PROVISIONS AS PROVIDED IN VARIOUS CODES; AND FOR RELATED PURPOSES", AS HERETOFORE AMENDED TO ADOPT THE 2006 REVISIONS TO THE STANDARDS, REVISIONS AND APPENDIXES PREVIOUSLY ADOPTED BY THE CITY, AND FOR RELATED PURPOSES.

WHEREAS, the Mayor and Board of Aldermen (the "Governing Body") of the City of Long Beach, Mississippi, (the "Municipality") having made due investigation therefore, do now find, determined, adjudicate and declare as follows:

1. That the 2006 revisions to the international building and related codes and standards have been published and in order to protect the public health and safety, it is necessary to adopt the certain of such revisions to the standards, revisions and appendixes and related codes.
2. That the Governing Authorities have heretofore adopted the 2006 international building and related codes and standards.

Now therefore,

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AS FOLLOWS:

SECTION 1. Section 1 of Ordinance No. 516 of the City of Long Beach, Mississippi, entitled, "AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, ADOPTING VARIOUS BUILDING AND RELATED CODES AND STANDARDS, AND APPENDIXES REGULATING AND CONTROLLING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF BUILDINGS AND STRUCTURES, PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE WHEN USED WITH MONEY; PROVIDING FOR AND RELATING TO INSPECTION ACTIVITIES AND ENFORCEMENT OF BUILDING PROVISIONS

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AS PROVIDED IN VARIOUS CODES; AND FOR RELATED PURPOSES ", as Amended, be and it is hereby amended to read as follows:

SECTION 1. Adoption

The following Standards, Revisions, and Appendixes are hereby and herein adopted as if copied in words and figures in full and ordered, ordained, decreed and declared an ordinance of the City of Long Beach, Mississippi.

- 2006 International Building Code and Appendixes, less and except Section 105.2.1 and Section 105.2.2, which subsections are hereby deleted, and less and except part A101.4 of Appendix A to said International Building Code, which part A101.4 is hereby deleted.
- 2006 International Residential Code for One- and Two-Family Dwellings and Appendixes
- 2006 International Property Maintenance Code
- 2006 International Code Council Performance Code
- 2006 International Mechanical Code and Appendixes
- 2006 International Existing Building Code
- 2006 International Fuel Gas Code and Appendixes
- 2006 International Plumbing Code and Appendixes
- 2006 NFPA Life Safety Code and Appendixes
- 2006 International Energy Conservation Code and Appendixes
- 2006 International Private Sewage Disposal Code and Appendixes
- 2006 International Fire Code and Appendixes
- 2005 Electrical Code and Appendixes
- ICC 600 High Wind Construction Standards for Hurricane Residential Standard for Sound Control
- Standard Unsafe Building Abatement Code
- Standard Amusement Device Code
- Standard Swimming Pool Code
- ANSI/NSPI - 1 2003 Standard for Public Swimming Pools
- ANSI/NSPI - 2 1999 Standard for Public Spas
- ANSI/NSPI - 3 1999 Standard for Permanently Installed Residential Spas
- ANSI/NSPI - 4 2007 Standard for Above Ground/Onground Swimming Pools
- ANSI/NSPI - 5 2003 Residential in ground Swimming Pools Standard for Public Swimming Pools
- ANSI/NSPI - 6 1999 Standard for Residential Portable Spas
- ANSI/NSPI - 8 1996 Model Barrier Code for Residential Pools and Spas
- NSPI Workmanship Standards
- ANSI/NSPI-9 2005 American National Standard For Aquatic Recreation Facilities

SECTION 2. Severability

If any section, subsection, sentence, clause or phrase of this Ordinance, or the application thereof, be held by any court of competent jurisdiction to be invalid or unconstitutional, such holding shall not affect the remaining portions of this Ordinance.

SECTION 3. Effective Date

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This ordinance shall take effect and be and force thirty (30) days after its adoption, publication and enrollment thereof as provided by law.

The above and foregoing Ordinance No. 584 was introduced in writing by Alderman Anderson who moved its adoption. Alderman Lishen seconded the motion to adopt the Ordinance, and after discussion, no member of the Board of Aldermen having requested the Ordinance to be read by the City Clerk, and the question being put to a roll call vote, the result was as follows:

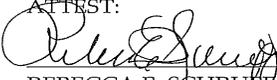
Alderman Bernie Parker	voted	Aye
Alderman Gary J. Ponthieux	voted	Aye
Alderman Kaye H. Couvillon	voted	Aye
Alderman Carolyn J. Anderson	voted	Aye
Alderman Leonard G. Carrubba, Sr.	voted	Aye
Alderman Mark E. Lishen	voted	Aye
Alderman Ronnie Hammons, Jr.	voted	Aye

The question having received the affirmative vote of a majority the Aldermen present and voting, the Mayor declared the motion carried and the said Ordinance adopted and approved this the 15th day of March, 2011.

APPROVED:


WILLIAM "BILLY" SKELLIE, JR., MAYOR

ATTEST:


REBECCA E. SCHRUPP, CITY CLERK

Alderman Anderson made motion seconded by Alderman Parker and unanimously carried to approve appointments to the Hazard Mitigation Council, as follows:

Alderman Carrubba appointed Tony DiLorenzo
Alderman Lishen appointed Ronnie Hammons
Alderman Hammons appointed Mark Lishen

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Alderman Anderson made motion seconded by Alderman Hammons and unanimously carried to re-appoint Mr. Pat Donald, Long Beach Housing Authority, for the term April, 2011-2016.

The Mayor recognized City Attorney James C. Simpson, Jr., for his report and official action was taken, as follows:

A RESOLUTION AND ORDER BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH MEMORIALIZING AND REQUESTING THE MISSISSIPPI LEGISLATURE TO FIND AND DECLARE THAT A SMALL CRAFT HARBOR AND RECREATIONAL PARK OR AREA CONNECTED THEREWITH OPERATED AND MAINTAINED BY A MUNICIPALITY PURSUANT TO LOCAL AND PRIVATE ENACTMENT AND/OR MISS. CODE ANN. § 5-15-1, ET SEQ. (REV. 2004) ARE NOT WITHIN THE AMBIT OF THE STATE'S "1989 PUBLIC TRUST TIDELANDS ACT" (MISS. CODE ANN. § 29-15-1, ET SEQ., (REV. 2010)) AND ARE SPECIFICALLY NOT WITHIN TIDELANDS ENFORCEMENT

WHEREAS, pursuant to Chapter 917 of the Local and Private Laws of the State of Mississippi of 1962, House Bill 886 was adopted, same being an act to provide for the development and improvement of public harbor facilities in Long Beach, Mississippi by the governing authorities of the City of Long Beach and the Harrison County Board of Supervisors; and

WHEREAS, pursuant to such act, the municipal port commission was constituted and granted full jurisdiction and control of such harbor facilities including but not limited to authority to regulate boats in and immediately adjacent to the harbor and the entrance thereto; the use of the harbor to allocate wharf space and fix and collect rental therefor; to lease space for such periods as it may deem proper for businesses furnishing fuel and other goods, wares and merchandise and services useful or needed by boats and boating; and to set aside and lease under long term lease area for a yacht club; and

WHEREAS, pursuant to such act all income derived from the above and from any other source shall be deposited in the city port fund and be disbursed by warrants signed by the mayor and city clerk of such city, but only after the claim therefor has been approved by said port commission by order spread upon its minutes and a copy thereof, certified by the president and secretary of said port commission, delivered to the city clerk; and

WHEREAS, such Local and Private Act was amended in Chapter 696 of the Local and Private Laws of the State of Mississippi of 1962, by Senate Bill 1993 providing authority for the issuance of public bonds by the Harrison County Board of Supervisors for payment of costs associated with the construction of a harbor in Long Beach, Mississippi, such bonds to be repaid out of monies collected from an ad valorem tax levy upon the real property of the citizens of Harrison County, Mississippi; and

WHEREAS, such Local and Private Act was further amended in Chapter 818 of the Local and Private Laws of the State of Mississippi of 1985, in Senate Bill 2281, by which the Harrison County Board of Supervisors was granted authority in its discretion, to annually levy a tax not exceeding one (1) mill on each dollar of the assessed valuation of all the taxable property within such county for the purpose of aiding in the development, improvement and maintenance of such harbor; and

WHEREAS, the said Board was further authorized in such act, in its discretion, to allocate and pay into the said municipal port fund any funds available for port or harbor facilities derived from ad valorem taxes levied by said board of supervisors, which said proceeds of such tax levy and all other monies deposited in said municipal port fund may be expended by said port commission for any and all things deemed by said commission necessary or proper in the development, improvement and maintenance of

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said harbor including, but not limited to, building wharves, piers and buildings for shelter, dredging such harbor and the entrance thereto, and in the maintenance of the harbor facilities; and

WHEREAS, such Local and Private Act was further amended in Chapter 861 of the Local and Private Laws of the State of Mississippi of 1987, in House Bill 1234, by which the governing authorities of the City of Long Beach, Mississippi were authorized, by order spread upon its official minutes and approved by the Board of Supervisors of Harrison County, by order spread upon its minutes, to reconstitute and create a municipal port commission for the development of its harbor or port facilities under the provision of this act; and

WHEREAS, upon and with the approval and ratification of the governing authorities of the municipality, the port commission as above constituted was granted control and management of the port and harbor facilities of the municipality, including, but not limited to, authority to regulate boats in and immediately adjacent to the harbor and entrance thereto; the use of the harbor to allocate wharf space and fix and collect rentals therefor; to lease space for such periods as it may deem proper for businesses furnishing fuel and other goods, wares and merchandise and services useful or needed by boats and boating; and to set aside and lease under a long-term lease area for a yacht club; and

WHEREAS, it was further provided under such act that all income derived from the above and from any other source whatsoever shall be deposited in the city port fund and be disbursed only by municipal warrants signed by the Mayor and the City Clerk of the City of Long Beach, Mississippi, and might be expended by said port commission for any and all things deemed by said port commission necessary or proper in the development, improvement and maintenance of said port or harbor facilities including, but not limited to building wharves, piers and buildings for shelter, dredging such harbor and the entrance thereto, and in the maintenance of the harbor facilities; and

WHEREAS, in conjunction with and addition to the above local and private laws the City of Long Beach is authorized to build and maintain a public small craft harbor pursuant to act of the State of Mississippi Legislature, Laws. 1935, enacted a "Small Craft Harbor Act" (Miss. Code Ann. § 59-15-1, et seq.) and Section 59-15-1 of this Act, entitled *Acquisition of land, harbor sites or water frontage by certain cities*, which provides in pertinent part as follows:

frontage for the purpose of establishing, developing, promoting, maintaining, and operating harbors for small water crafts and recreational parks connected therewith its territorial limits, or both, and shall have the power to acquire, purchase, install, rent lease, mortgage, encumber, construct, own, hold, maintain, equip, use, control and operate recreational parks and harbors for small water craft.

And

WHEREAS, Section 59-15-3 of this Act, entitled *Operation of improvements and facilities*, holds that "[a]ll improvements and facilities constructed pursuant to this chapter shall be maintained and operated under control of the city authorities"; and

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WHEREAS, this Act, and specifically § 59-15-1 and § 59-15-3, are certainly applicable to the City of Long Beach; and

WHEREAS, in reliance on these enactments for over forty years the City has maintained a harbor and associated amenities and adjoining areas which have clearly met the intent of these laws, and the City has owned and continues to own all docks, piers, slips, wharves, structures, buildings and facilities associated with this harbor and areas in accordance with applicable law and statutory authority; and

WHEREAS, recently the Secretary of State for the State of Mississippi has asserted for the first time that he has custody and control of the City's harbor, harbor amenities and adjoining areas and has relied on the argument that the small craft harbor and its adjoining facilities and amenities are "tidelands" and that the State of Mississippi's "1989 Public Trust Tidelands Act" (Miss. Code Ann. § 29-15-1, et seq.), which became effective March 31, 1989, somehow supersedes the specific pronouncement of the State Legislative Authority found in the legislative enactments identified above, and that the City's harbor and adjoining facilities and amenities are now under the custody and control of the Secretary of State as purveyor and custodian of "tidelands" and not the City.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Authorities of the City of Long Beach and the Long Beach Port Commission, do hereby express their authority and assert their ownership and jurisdiction over the docks, piers, slips, wharves, structures, buildings and facilities associated with the Long Beach Harbor and harbor area itself and amenities appurtenant thereto, pursuant to the legislative authorities and enactments cited above and otherwise in accordance with law;

RESOLVED FURTHER, by this resolution, the Governing Authorities of the City of Long Beach and the Long Beach Port Commission do request and urge the Legislature to amend Miss. Code Ann. § 59-15-1, all applicable Local & Private laws, and/or specifically otherwise enact legislation ratifying the intent of the "Small Craft Harbor" Act and the local and private acts establishing the Long Beach Harbor and granting authority and jurisdiction over same exclusively to the local jurisdictions as stated above, and finding and declaring where a municipality in this State has established, developed, promoted, maintained and/or operated a harbor for small water crafts and/or recreational parks connected therewith as intended and set forth in § 59-15-1 or by specific local and private enactment, such harbor and areas are not within the subject of tidelands enforcement under the "1989 Public Trust Tidelands Act" (Miss. Code Ann. § 29-15-1, et seq. (Rev. 2010)) and that the establishment, development promotion, maintenance, and/or operation of such a harbor and /or area does not conflict with the higher public purposes of the "1989 Public Trust Tidelands Act."

RESOLVED FINALLY, that this Resolution shall be in full force and effect immediately upon its adoption and enactment and the City Clerk is hereby directed to spread this Resolution on the Minutes of the Board of Aldermen of the City of Long Beach, and to furnish copies thereof to the State of Mississippi Legislature.

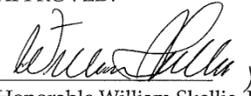
Alderman Carrubba made motion seconded by Alderman Anderson to adopt the foregoing resolution and order, and the question being put to a roll call vote by the Mayor, the result was as follows:

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Alderman Bernie Parker	voted	Aye
Alderman Gary J. Ponthieux	voted	Aye
Alderman Kaye H. Couvillon	voted	Aye
Alderman Carolyn J. Anderson	voted	Aye
Alderman Leonard G. Carrubba, Sr.	voted	Aye
Alderman Mark E. Lishen	voted	Aye
Alderman Ronnie Hammons, Jr.	voted	Aye

The question having received the Affirmative vote of all the Aldermen present and voting, the Mayor declared the motion carried and the resolution and order adopted and approved this 15th day of March, 2011.

APPROVED:


Honorable William Skellie, Jr.
Mayor

ATTEST:


Rebecca E. Schruoff, City Clerk

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AN ORDER BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH EMPLOYING JAMES C. SIMPSON, JR., CITY ATTORNEY FOR THE PURPOSE OF PURSUING OVERDUE UTILITY CHARGES DUE THE CITY AND FIXING HIS COMPENSATION, AND FOR RELATED PURPOSES.

BE IT ORDERED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AS FOLLOWS:

SECTION 1. That James C. Simpson, Jr., an attorney licensed to practice law in the State of Mississippi, and City Attorney of the City of Long Beach be, and hereby is appointed and employed to act as counsel on behalf of the City to file suit for and collect delinquent utility bills and charges due to the City on accounts referred to him by the City.

SECTION 2. Pursuant to Miss Code Annotated Section 21-17-1 (6), the City hereby contracts with the said attorney for collection of the delinquent payments from the delinquent party, and as authorized by said statute, the City is entitled to collect an additional amount not to exceed twenty five percent (25%) of the delinquent payment for its costs of collection and attorneys fees.

SECTION 3. That for his duties, James C. Simpson, Jr., shall be paid a sum equal to twenty five percent (25%) of the delinquent payment amount collected, less any amounts paid by the City as costs for filing fees, service or process or otherwise. costs of collection.

Alderman Anderson moved the adoption of the above and foregoing Order, seconded by Alderman Lishen, and the question being to a roll call vote by the Mayor,

**Minutes of March 15, 2011
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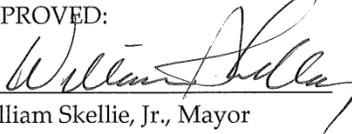
the result was as follows:

Alderman Gary J. Ponthieux	Voted	Aye
Alderman Bernie Parker	Voted	Aye
Alderman Kaye H. Couvillon	Voted	Aye
Alderman Ronnie Hammons, Jr.	Voted	Aye
Alderman Mark E. Lishen	Voted	Aye
Alderman Carolyn J. Anderson	Voted	Aye
Alderman Leonard G. Carrubba, Sr.	Voted	Aye

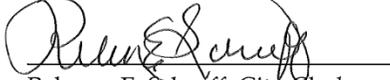
The question having received the affirmative vote of all the Aldermen present and voting, the Mayor declared the motion carried and the order adopted this the 15th

day of March, 2011.

APPROVED:


William Skellie, Jr., Mayor

ATTEST:


Rebecca E. Schruff, City Clerk

There were no public comments regarding matters not appearing on the Municipal Docket.

There being no further business to come before the Mayor and Board of Aldermen at this time, Alderman Carrubba made motion seconded by Alderman Lishen and unanimously carried to adjourn until the next regular meeting in due course.

**Minutes of March 15, 2011
Mayor and Board of Aldermen**

APPROVED:

Alderman Leonard G. Carrubba, Sr., At-Large

Alderman Gary J. Ponthieux, Ward 1

Alderman Bernie Parker, Ward 2

Alderman Kaye H. Couvillon, Ward 3

Alderman Ronnie Hammons, Jr., Ward 4

Alderman Mark E. Lishen, Ward 5

Alderman Carolyn J. Anderson, Ward 6

Date

ATTEST:

Rebecca E. Schruff, City Clerk