

**Minutes of November 20, 2012
Mayor and Board of Aldermen**

Be it remembered that three (3) 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 20th day of November, 2012, 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 hearing 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. Schruff 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 located at 206 Cox Avenue, assessed to Gary Darden, and situated in the City of Long Beach, 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 Lishen made motion seconded by Alderman Carrubba and unanimously carried to make said report a part of the record of this public hearing, 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 Tuesday, October 16, 2012, she did cause to be sent via certified mail, electronic receipt requested, Notice of Public Hearing to the property owner, Gary Darden, Certified Receipt #91 7108 2133 3939 0116 0663, 206 Cox Avenue, Long Beach, Mississippi, 39560, as the same appears of record on the 2012 Harrison County Property Tax Rolls.
- Said Notice of Public Hearing was returned by the USPS marked "UNABLE TO FORWARD"; said notice is as follows:

Minutes of November 20, 2012 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. Schruff

CITY ATTORNEY
James C. Simpson, Jr.

October 16, 2012

Gary Darden
206 Cox Avenue
Long Beach, MS 39560

91 7108 2133 3939 0116 0663

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 October 16, 2012, hold a public hearing at 5:00 p.m., Tuesday, November 20, 2012, 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 Gary Darden, and situated in the City of Long Beach, Mississippi, at 206 Cox Avenue, 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: 206 Cox Avenue, Long Beach, Mississippi
Parcel Number: 0612E-01-008.000
Legal Description: LOTS 15 & 16 BLK A BELMONT.SUBD

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. 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

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Mayor and Board of Aldermen

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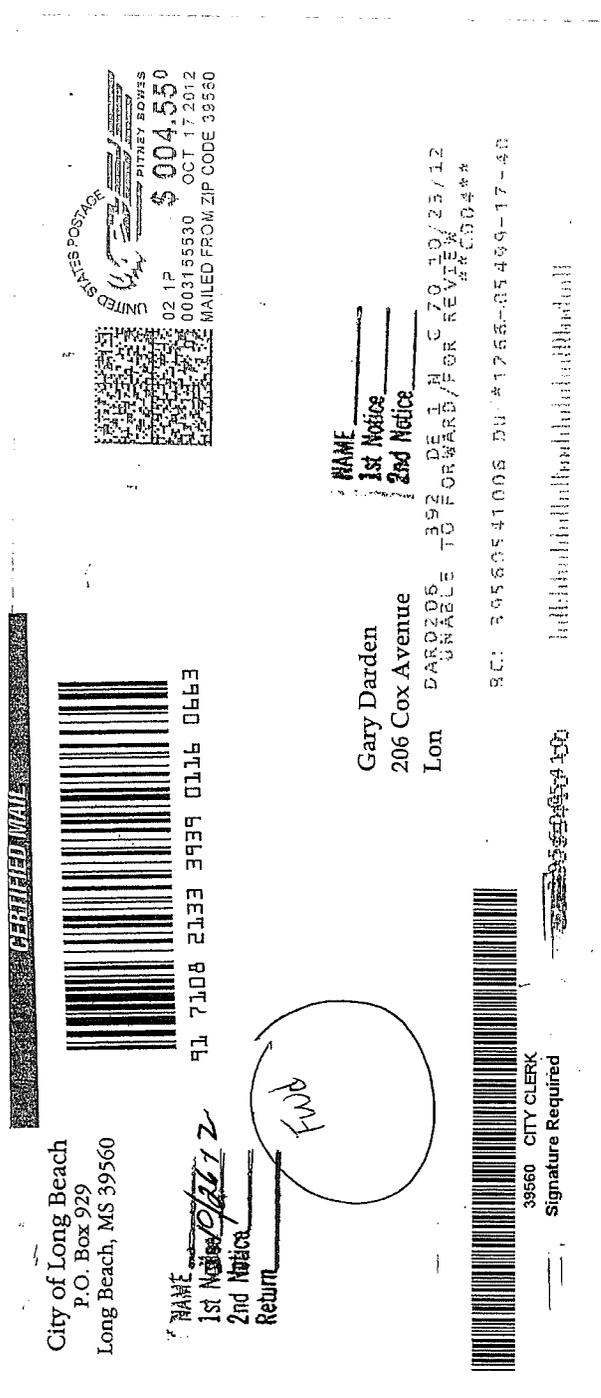
expense of cleaning of said property shall not exceed an aggregate amount of Twenty Thousand Dollars (\$20,000.00) per year, or the fair market value of the property subsequent to cleaning, whichever is less. If it is determined by the governing authority that it is necessary to clean the property or 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.

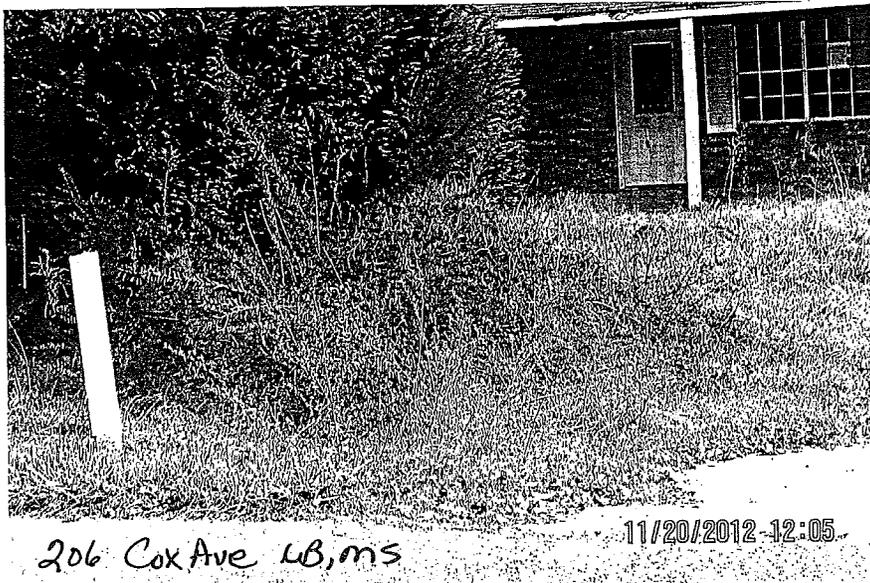
Done by order of the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, this the 16th day of October, 2012.


Rebecca E. Schruff
City Clerk

Minutes of November 20, 2012
Mayor and Board of Aldermen



- Said Notice of Public Hearing was posted on the bulletin board, City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi and on the subject property, 206 Cox Avenue, Long Beach, Mississippi, 39560.
- The Clerk submitted photographs depicting the subject property taken November 20, 2012, as follows:



- The Clerk submitted a sworn affidavit from Building Official Earl Levens and Zoning Enforcement Claire Leatherwood, affirming photographs taken November 20, 2012; the posting of Notice of Public Hearing on the subject property, 206 Cox Avenue, Long Beach, Mississippi; and the bulletin board, City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi, as follows:

Minutes of November 20, 2012 Mayor and Board of Aldermen

AFFIDAVIT

STATE OF MISSISSIPPI
COUNTY OF HARRISON
CITY OF LONG BEACH

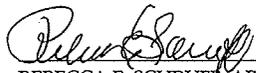
BEFORE ME, the under signed legal authority authorized to administer oaths in and for the jurisdiction aforesaid, on this day personally appeared EARL LEVENS, known to me to be the Building Official and CLAIRE LEATHERWOOD known to me to be the Zoning Enforcement Officer both of the City of Long Beach,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

1. That Earl Levens is the duly appointed and acting Building Official and Claire Leatherwood is the duly appointed and acting Zoning Enforcement Officer of the City of Long Beach, Mississippi;

2. That in such capacity, they are 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; they are 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 November 5, 2012, Earl Levens did cause to be posted, Notice of Hearing, a copy of which is attached hereto, on property assessed to Gary Darden, 206 Cox Avenue, Long Beach, Mississippi and at the City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi; and that on November 20, 2012, Claire Leatherwood 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 November 20, 2012.

This the 20th day of November, 2012.


REBECCA E. SCHRUFF, AFFIANT

SWORN TO AND SUBSCRIBED before me on this the 20th day of November, 2012.


NOTARY PUBLIC

-My Commission Expires



AFFIDAVIT-PHOTOS;POST NOTICE

*

*

The Mayor opened the floor for public comments from the property owner or his representative and no one came forward to be heard; there being no further comments or discussion, Alderman Lishen made motion seconded by Alderman Hammons and unanimously carried to close the public hearing and take official action, as follows:

**Minutes of November 20, 2012
Mayor and Board of Aldermen**

The Mayor and Board of Aldermen took up the matter of the public hearing on the property located at 206 Cox Avenue 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 Hammons 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 206 COX 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 206 Cox 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 October 16, 2012, 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 November 20, 2012, and directed notice of said hearing be served on the owner of said property in the manner as provided by said MCA Section 21-19-11;

**Minutes of November 20, 2012
Mayor and Board of Aldermen**

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 206 Cox Avenue, Long Beach, Mississippi, which parcel of land is identified by Harrison County Tax Parcel Number 0612E-01-008.000 and according to said tax records is owned by Gary Darden 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 fourteen (14) days from the entry of this Resolution and Order, and that such cleaning shall include:

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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 from Zoning Enforcement Officer Claire Leatherwood, dated August 7, 2012, and attached hereto.

3. That in the event that said owner shall fail to complete cleaning of the subject property within fourteen (14) 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 20th day of November, 2012.

APPROVED:

/s/signed _____
William Skellie, Jr., Mayor

ATTEST:

Rebecca E. Schruff, City Clerk

The second public hearing was called to order to determine whether or not a parcel of property located at 5 Michael Court, assessed to Byron C. & Kathryn A. Koby, and situated in the City of Long Beach, Mississippi, 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 Anderson and unanimously carried to make said report a part of the record of this public hearing, as follows:

Minutes of November 20, 2012
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 Tuesday, October 16, 2012, she did cause to be sent via certified mail, electronic receipt requested, Notice of Public Hearing to the property owners, Byron C. Koby, Certified Receipt #91 7107 2133 3939 0116 0694 and Kathryn A. Koby, Certified Receipt #91 7108 2133 3939 0116 0687, 5 Michael Court, Long Beach, Mississippi, 39560, as the same appears of record on the 2012 Harrison County Property Tax Rolls; to Baker, Donelson, Bearman Caldwell & Berkowitz, P.C., Attn: Virginia Todd Weaver, 4268 I-55 North, Meadowbrook Office Park, Jackson, Mississippi, 39211, Certified Receipt #91 7108 2133 3939 0116 0700; and to Regions Bank, 2200 14th Street, Gulfport, Mississippi, 39501, Certified Receipt #91 7108 2133 3939 0116 0670.
- The Clerk reported that said Notices of Public Hearing addressed to Byron C. Koby and Kathryn A. Koby, 5 Michael Court, Long Beach, Mississippi, 39560, were returned by the USPS, "UNDELIVERABLE AS ADDRESSED, NO FORWARDING ORDER ON FILE"; said Notice of Public Hearing addressed to Baker, Donelson, Bearman Caldwell & Berkowitz, P.C., Attn: Virginia Todd Weaver, 4268 I-55 North, Meadowbrook Office Park, Jackson, Mississippi, 39211, was delivered October 19, 2012; and said Notice of Public Hearing addressed to Regions Bank, 2200 14th Street, Gulfport, Mississippi, 39501, was delivered on October 18, 2012; 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.

October 16, 2012

Byron C. Koby
5 Michael Court
Long Beach, MS 39560

91 7108 2133 3939 0116 0694

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 October 16, 2012, hold a public hearing at 5:00 p.m., Tuesday, November 20, 2012, 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 Byron C. & Kathryn A. Koby, and situated in the City of Long Beach, Mississippi, at 5 Michael Court, 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: 5 Michael Court, Long Beach, Mississippi
Parcel Number: 0612C-01-032.004
Legal Description: LOT 5 MICHAEL COURT SUBD SEC 14-8-12

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. 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

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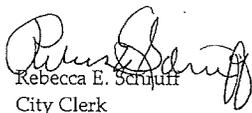
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expense of cleaning of said property shall not exceed an aggregate amount of Twenty Thousand Dollars (\$20,000.00) per year, or the fair market value of the property subsequent to cleaning, whichever is less. If it is determined by the governing authority 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 16th day of October, 2012.


Rebecca E. Schuff
City Clerk

Minutes of November 20, 2012
Mayor and Board of Aldermen

CERTIFIED MAIL

City of Long Beach
P.O. Box 929
Long Beach, MS 39560

91 7108 2133 3939 0116 0687

BYRON C. KOPY
5 MICHAEL COURT
LONG BEACH, MS 39560

39560 CITY CLERK
Signature Required

02 1P \$004.550
0003155530 OCT 17 2012
MAILED FROM ZIP CODE 39560

NAME
1st Notice
2nd Notice
Return

91 7108 2133 3939 0116 0687

39560 CITY CLERK
Signature Required

02 1P \$004.550
0003155530 OCT 17 2012
MAILED FROM ZIP CODE 39560

NAME
1st Notice
2nd Notice
Return

CERTIFIED MAIL

City of Long Beach
P.O. Box 929
Long Beach, MS 39560

91 7108 2133 3939 0116 0687

KATHRYN A. KOPY
5 MICHAEL COURT
LONG BEACH, MS 39560

39560 CITY CLERK
Signature Required

02 1P \$004.550
0003155530 OCT 17 2012
MAILED FROM ZIP CODE 39560

NAME
1st Notice
2nd Notice
Return

91 7108 2133 3939 0116 0687

39560 CITY CLERK
Signature Required

02 1P \$004.550
0003155530 OCT 17 2012
MAILED FROM ZIP CODE 39560

NAME
1st Notice
2nd Notice
Return

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9171082133393901160700	First-Class Mail®	Delivered	October 19, 2012, 11:50 am	JACKSON, MS 39211	Return Receipt Electronic
		Processed through USPS Sort Facility	October 19, 2012, 4:28 am	JACKSON, MS 39201	
		Depart USPS Sort Facility	October 19, 2012	JACKSON, MS 39201	
		Processed through USPS Sort Facility	October 19, 2012, 2:19 am	JACKSON, MS 39201	
		Depart USPS Sort Facility	October 17, 2012	GULFPORT, MS 39503	
		Processed at USPS Origin Sort Facility	October 17, 2012, 8:19 pm	GULFPORT, MS 39503	
		Electronic Shipping Info Received	October 17, 2012		
		Accepted at USPS Origin Sort Facility	October 17, 2012, 7:04 pm	LONG BEACH, MS 39560	

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9171082133393901160670	First-Class Mail®	Delivered	October 18, 2012, 9:54 am	GULFPORT, MS 39501	Return Receipt Electronic
		Arrival at Unit	October 18, 2012, 8:29 am	GULFPORT, MS 39507	
		Processed through USPS Sort Facility	October 18, 2012, 4:10 am	GULFPORT, MS 39503	
		Depart USPS Sort Facility	October 17, 2012	GULFPORT, MS 39503	
		Processed at USPS Origin Sort Facility	October 17, 2012, 8:19 pm	GULFPORT, MS 39503	
		Electronic Shipping Info Received	October 17, 2012		
		Accepted at USPS Origin Sort Facility	October 17, 2012, 7:04 pm	LONG BEACH, MS 39560	

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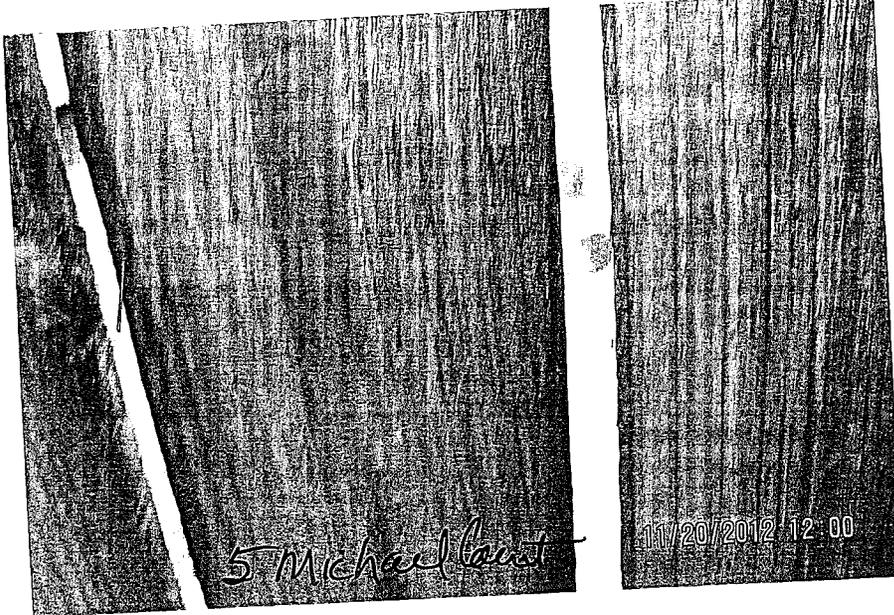
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11/20/2012

- The Clerk further reported that the Notice of Public Hearing, was posted on the subject property, 5 Michael Court, Long Beach, Mississippi, and on the bulletin board, City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi.
- The Clerk submitted photographs depicting the subject property, 5 Michael Court, Long Beach, Mississippi, as follows:

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Mayor and Board of Aldermen



- The Clerk submitted a sworn affidavit from Building Official Earl Levens and Zoning Enforcement Officer Claire Leatherwood affirming photographs taken on November 20, 2012; the posting of Notice of Public Hearing on the subject property, 5 Michael Court, Long Beach, Mississippi; and the bulletin board, City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi, as follows:

Minutes of November 20, 2012 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 and CLAIRE LEATHERWOOD known to me to be the Zoning Enforcement Officer both 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 Earl Levens is the duly appointed and acting Building Official and Claire Leatherwood is the duly appointed and acting Zoning Enforcement Officer of the City of Long Beach, Mississippi;

2. That in such capacity, they are 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; they are 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 November 5, 2012, Earl Levens did cause to be posted, Notice of Hearing, a copy of which is attached hereto, on property assessed to Byron C. and Kathryn A. Koby, 5 Michael Court, Long Beach, Mississippi and at the City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi; and that on November 20, 2012, Claire Leatherwood 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 November 20, 2012.

This the 20th day of November, 2012.


REBECCA E. SCHRUFF, AFFIANT

SWORN TO AND SUBSCRIBED before me on this the 20th day of November, 2012.

-My Commission Expires-


NOTARY PUBLIC
ID # 62952
BRIAN F. BEEMAN
Commission Expires
May 17, 2013
STONE COUNTY

AFFIDAVIT-PHOTOS;POST NOTICE

* *

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

* *

Upon discussion, the Clerk reported that she was contacted by Michelle Maurin, Regions Bank, who stated that the property would be cleaned and brought into compliance.

**Minutes of November 20, 2012
Mayor and Board of Aldermen**

*

*

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

Alderman Carrubba made motion seconded by Alderman Anderson and unanimously carried finding that, based upon discussion held and exhibits submitted during the course of this public hearing, the property assessed to Byron C. and Kathryn A. Koby, located at 5 Michael Court, Long Beach, Mississippi, is in compliance with property maintenance codes and city ordinances at this time.

The third and final public hearing was called to order to determine whether or not a parcel of property located at 207 Reeves Street, assessed to James G. Powers, and situated in the City of Long Beach, Mississippi, 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 Anderson and unanimously carried to make said report a part of the record of this public hearing, 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 October 16, 2012, she did cause to be sent via certified mail, electronic receipt requested, Notice of Public Hearing, to James G. Powers, Certified Receipt #91 7108 2133 3939 0116 0649, 207 Reeves Street, Long Beach, Mississippi, 39560, as the same appears of record on the 2012 Harrison County Property Tax Rolls; and to James G. Powers, Certified Receipt #91 7108 2133 3939 0116 0656, 3220 Peninsula Road, Apt. 261, Oxnard, CA, 93035-4229.
- The Notice of Public Hearing addressed to James G. Powers, 207 Reeves Street, Long Beach, Mississippi, 39560, was returned by the USPS, "UNDELIVERABLE AS ADDRESSED, NO FORWARDING ORDER ON FILE"; the Notice of Public Hearing addressed to James G. Powers, 3220 Peninsula Road, Apt. 261, Oxnard, CA, 93035-4229, was delivered on October 23, 2012; said notice is as follows:

Minutes of November 20, 2012 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

October 16, 2012

CITY CLERK
TAX COLLECTOR
Rebecca E. Schruoff

CITY ATTORNEY
James C. Simpson, Jr.

James G. Powers
3220 Peninsula Road, Apt. 261
Oxnard, CA 93035-4229

91 7108 2133 3939 0116 0656

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 October 16, 2012, hold a public hearing at 5:00 p.m., Tuesday, November 20, 2012, 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 James G. Powers, and situated in the City of Long Beach, Mississippi, at 207 Reeves Street, 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: 207 Reeves Street, Long Beach, Mississippi
Parcel Number: 0611E-03-010.000
Legal Description: LOT 23 REPLAT OF DAUGHERTY PARK SUBD.

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. 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

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

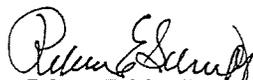
Minutes of November 20, 2012
Mayor and Board of Aldermen

Page 2 of 2

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 16th day of October, 2012.


Rebecca E. Schruff
City Clerk

Minutes of November 20, 2012 Mayor and Board of Aldermen

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9171082133393901160656	First-Class Mail®	Delivered	October 23, 2012, 5:34 pm	OXNARD, CA 93036	Return Receipt Electronic
		Notice Left	October 20, 2012, 12:43 pm	OXNARD, CA 93035	
		Depart USPS Sort Facility	October 20, 2012	GOLETA, CA 93189	
		Processed through USPS Sort Facility	October 19, 2012, 11:37 pm	GOLETA, CA 93189	
		Depart USPS Sort Facility	October 17, 2012	GULFPORT, MS 39503	
		Processed through USPS Sort Facility	October 17, 2012, 9:45 pm	GULFPORT, MS 39503	
		Electronic Shipping Info Received	October 17, 2012		
		Accepted at USPS Origin Sort Facility	October 17, 2012, 7:04 pm	LONG BEACH, MS 39560	

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11/20/2012

Minutes of November 20, 2012
Mayor and Board of Aldermen

CENTREMAIL

City of Long Beach
P.O. Box 929
Long Beach, MS 39560

10/20/12



91 7106 2133 3939 0116 0649

UNDELIVERABLE AS ADDRESSED
NO FORWARDING ORDER ON FILE
NOT RETURNED TO SENDER

JGP

James G. Powers
207 Reeves Street
Long Beach, MS 39560



38560 CITY CLERK
Signature Required



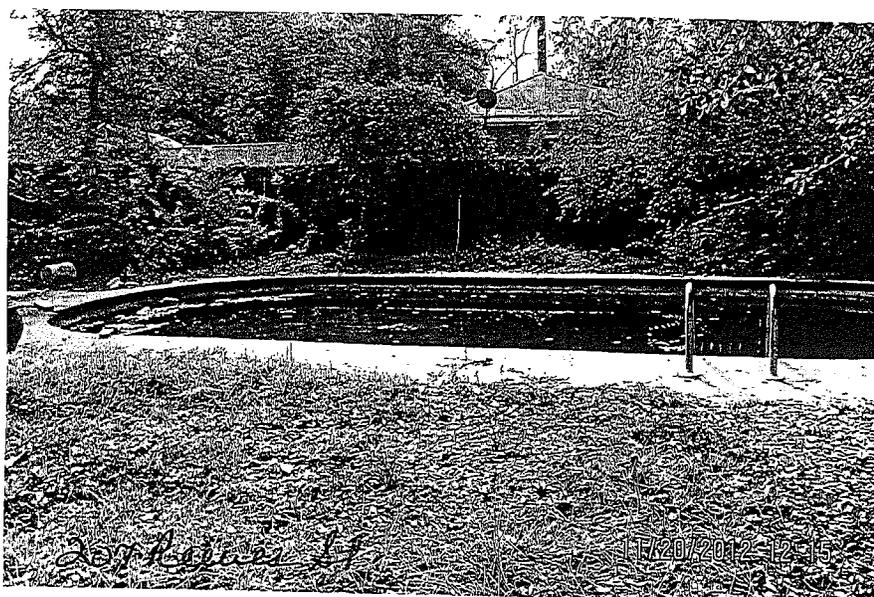
NAME _____
1st Notice _____
2nd Notice _____
Return _____

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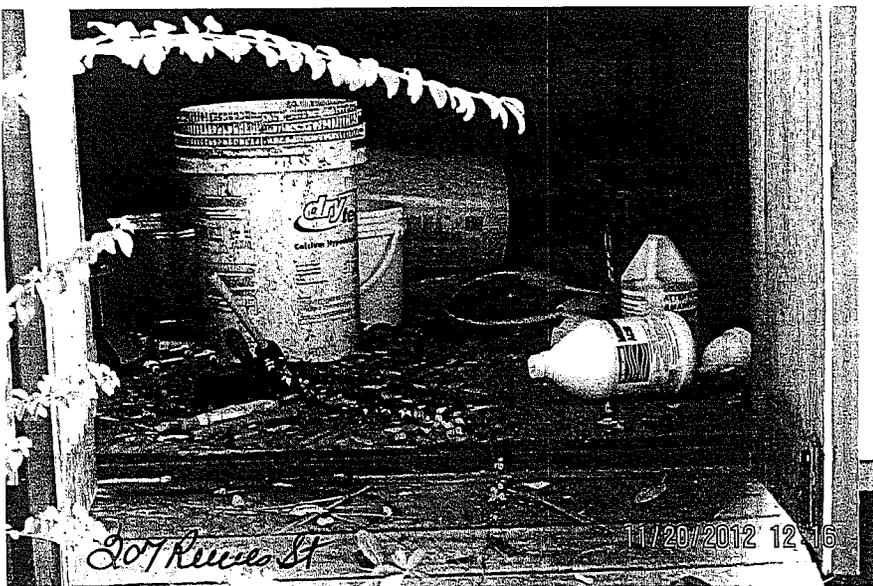
**Minutes of November 20, 2012
Mayor and Board of Aldermen**

- Said Notice of Public Hearing was posted on the bulletin board, City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi, and on the subject property, 207 Reeves Street, Long Beach, Mississippi.
- The Clerk submitted photographs depicting the property taken November 20, 2012, as follows:

Minutes of November 20, 2012
Mayor and Board of Aldermen



Minutes of November 20, 2012
Mayor and Board of Aldermen





**Minutes of November 20, 2012
Mayor and Board of Aldermen**

- The Clerk submitted a sworn affidavit from Building Official Earl Levens and Zoning Enforcement Claire Leatherwood, affirming photographs taken November 20, 2012; the posting of Notice of Public Hearing on the subject property, 207 Reeves Street; and the bulletin board, City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi, as follows:

Minutes of November 20, 2012 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 and CLAIRE LEATHERWOOD known to me to be the Zoning Enforcement Officer both 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 Earl Levens is the duly appointed and acting Building Official and Claire Leatherwood is the duly appointed and acting Zoning Enforcement Officer of the City of Long Beach, Mississippi;

2. That in such capacity, they are 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; they are 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;

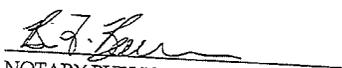
3. That on or before November 5, 2012, Earl Levens did cause to be posted, Notice of Hearing, a copy of which is attached hereto, on property assessed to James G. Powers, 207 Reeves Street, Long Beach, Mississippi and at the City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi; and that on November 20, 2012, Claire Leatherwood 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 November 20, 2012.

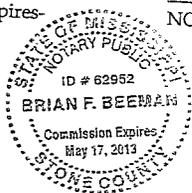
This the 20th day of November, 2012.


REBECCA E. SCHRUFF, AFFIANT

SWORN TO AND SUBSCRIBED before me on this the 20th day of November, 2012.

-My Commission Expires-


NOTARY PUBLIC



AFFIDAVIT-PHOTOS;POST NOTICE

*

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**Minutes of November 20, 2012
Mayor and Board of Aldermen**

The Mayor opened the floor for public comments from the property owner or his representative and no one came forward to be heard; there being no further comments or discussion, Alderman Anderson made motion seconded by Alderman Hammons and unanimously carried to close the public hearing and take official action, as follows:

The Mayor and Board of Aldermen took up the matter of the public hearing on the property located at 207 Reeves Street 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 Lishen 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 207 REEVES STREET, 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 207 Reeves Street, 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 October 16, 2012, 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 November 20, 2012, and directed notice of said hearing be served on the owner of said property in the manner as provided by said MCA Section 21-19-11;

Minutes of November 20, 2012
Mayor and Board of Aldermen

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 207 Reeves Street, Long Beach, Mississippi, which parcel of land is identified by Harrison County Tax Parcel Number 0611E-03-010.000 and according to said tax records is owned by James G. Powers, 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 fourteen (14) days from the entry of this Resolution and Order, and that such

**Minutes of November 20, 2012
Mayor and Board of Aldermen**

cleaning 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 from Zoning Enforcement Officer Claire Leatherwood, dated August 20, 2012, and attached hereto.

3. That in the event that said owner shall fail to complete cleaning of the subject property within fourteen (14) 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 Couvillon 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:

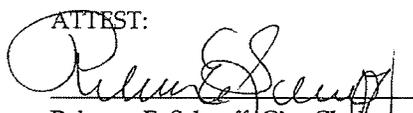
Alderman Bernie Parker	voted	Aye
Alderman Gary J. Ponthieux	voted	Aye
Alderman Kaye H. Couvillon	voted	Aye
Alderman Carolyn J. Anderson	voted	Aye
Alderman Leonard G. Carrubba, Sr.	voted	Aye
Alderman Mark E. Lishen	voted	Aye
Alderman Ronnie Hammons, Jr.	voted	Aye

Minutes of November 20, 2012
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 20th day of November, 2012.

APPROVED:

/s/signed
William Skellie, Jr., Mayor

ATTEST:

Rebecca E. Schruff, City Clerk

Minutes of November 20, 2012
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.

August 20, 2012

91 7108 2133 3938 0607 3143

NOTICE OF NON COMPLIANCE WITH ZONING ORDINANCE

Powers James
207 Reeves Street
Long Beach, Ms. 39560

Reference: 207 Reeves Street Long Beach, Ms. 39560
Parcel # 0611E-03-010.000

Dear Mr. Powers,

You are hereby notified that you are in violation of the following:
INTERNATIONAL PROPERTY MAINTENCE CODE: CHAPTER 3 :
SECTIONS: #301.3, #302.1# 302.4 #303.1#303.2 (SEE ATTACHED)

After inspecting the above referenced property, it has been determined that you are in violation of overgrown grass, weeds that is affecting the health & safety of the neighborhood. . You have 7(seven) days to bring this matter into compliance by calling my cell 228-669-2318, for directions and/or corrective measures. This phone is on seven days a week. Or, you may also bring this letter to the our office , located at 201 Jeff Davis Avenue, Long Beach, Ms. 39560. Office # 228-863-1554.

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

By order of
City of Long Beach


Claire leatherwood
Zoning Department

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

Minutes of November 20, 2012

Mayor and Board of Aldermen

CHAPTER 3

GENERAL REQUIREMENTS

SECTION 301 GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

301.2 Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

301.3 Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302 EXTERIOR PROPERTY AREAS

302.1 Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

302.2 Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

302.3 Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of (jurisdiction to insert height in inches). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the

property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

302.5 Rodent harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

302.7 Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure

Minutes of November 20, 2012
Mayor and Board of Aldermen

GENERAL REQUIREMENTS

shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

SECTION 304
EXTERIOR STRUCTURE

304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

[F] 304.3 Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

304.4 Structural members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

304.5 Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

304.8 Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

304.9 Overhang extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.11 Chimneys and towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.12 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.13.1 Glazing. All glazing materials shall be maintained free from cracks and holes.

304.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

304.14 Insect screens. During the period from [DATE] to [DATE], every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

304.15 Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.16 Basement hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

304.17 Guards for basement windows. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

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 November, 2012, 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 November 20, 2012
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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 the City, the following proceedings were had and done.

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

The Mayor opened the floor for public comments, as follows:

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 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	David Ruff 125 Markham 228-206-2188	6	Develic + Properties
2			
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 Ponthieux made motion seconded by Alderman Couvillon to approve the public hearing and regular meeting minutes of the Mayor and Board of Aldermen dated November 6, 2012, as submitted. The motion carried upon the affirmative voice vote of all the Aldermen present and voting, with Alderman Anderson present, not voting.

Upon clarification of several matters, Alderman Lishen made motion seconded by Alderman Anderson and unanimously carried to approve the work session and

**Minutes of November 20, 2012
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regular meeting minutes of the Planning Commission, dated November 5, 2012, and November 8, 2012, respectively, as submitted.

There came on for consideration the regular meeting minutes of the Port Commission dated November 15, 2012, and approval of amendments to the Blue Ridge Properties, LLC, Lease Agreement.

After considerable discussion and clarification of several matters, Alderman Anderson made motion seconded by Alderman Ponthieux to take official action, as follows:

- Approve said minutes as submitted.
- Approve the Third Amendment to Amended and Restated Lease Agreement, Blue Ridge Properties, LLC, as follows:

**Minutes of November 20, 2012
Mayor and Board of Aldermen**

State of Mississippi
County of Harrison
First Judicial District

**THIRD AMENDMENT TO AMENDED AND
RESTATED LEASE AGREEMENT**

THIS THIRD AMENDMENT TO THE AMENDED AND RESTATED LEASE AGREEMENT (this "Amendment") is made and entered into by and between the LONG BEACH PORT COMMISSION (hereinafter referred to as "Lessor") and BLUE RIDGE PROPERTIES, LLC, a Mississippi limited liability company (hereinafter referred to as "Lessee"), and to be considered effective as of the date of approval hereof by the Governing Authorities of the City of Long Beach (the "Effective Date.")

WHEREAS, the parties have previously entered into and twice amended an AMENDED AND RESTATED LEASE AGREEMENT with an Effective date of February 11, 2010, such agreement being recorded March 1, 2010 as Instrument Number 2010 1735 -D-J1 in the office of the Chancery Clerk of Harrison County, Mississippi, First Judicial District; and

WHEREAS, due to the close proximity of construction operations of the BIG construction program underway in the Long Beach harbor by the Long Beach Port Commission and the City of Long Beach to the construction site and location of Lessee's proposed building, it is recognized and acknowledged between the parties that construction delays may be unavoidable, and an accommodation of construction schedules between the parties is deemed in the best interests of all parties, so as to allow for the orderly, efficient, safe and timely construction of both projects; and

WHEREAS, in order to accomplish same, the parties wish to again amend said AMENDED AND RESTATED LEASE AGREEMENT for such purpose, so it is therefore

Minutes of November 20, 2012
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agreed as follows:

WITNESSETH:

FOR AND IN CONSIDERATION of the mutual covenants herein contained and for other good, lawful and valuable consideration given and received by each of the parties to be bound hereby, the parties agree that Sections 1.2 and 4.3 of the AMENDED AND RESTATED LEASE AGREEMENT as referenced above shall be amended to read as follows:

Section 1.2 Exclusive Gaming Rights. Lessor grants to Lessee the exclusive right to conduct or participate in a lawful gaming operation for **Six (6)** years from the Effective Date hereof, being February 11, 2010, on land and area in the possession and/or control of Landlord, or using the land and area in the possession and/or control of Landlord to conduct a gaming operation in a structure not located on land and area in the possession and/or control of Landlord but which is located more than eight hundred feet (800') within legal limits from the mean high-water line (as defined in Section 29-15-1, MCA) of the waters within the State of Mississippi in accordance with Section 87-1-5, MCA, as amended. Upon expiration of the **six (6)** year exclusivity period, Lessee shall retain the right to conduct or participate in a lawful gaming operation as set forth herein on a non-exclusive basis.

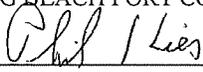
Section 4.3 Failure to Submit Plans, Commence Construction or Complete Construction. Lessee shall submit final building plans and specifications for approval to Lessor within ninety (90) days from Lessor's approval of the rendering of the proposed building. Lessee shall obtain a building permit from the City of Long Beach and commence actual construction of such building and permitted structure within sixty (60) days of final approval by Lessor of such plans and specifications and issuance of the building permit, and thereafter proceed with commercially reasonable diligence to complete such construction. This sixty (60) day commencement date is subject to any delay that may be caused due to the failure of permitting by any other governmental agency, State or Federal, which may be required. Notwithstanding anything in this paragraph to the contrary, construction shall be completed and the facility operating not later than **December 1, 2013**. Failure to have such facility operating by **December 1, 2013** shall be considered an act of default.

All other provisions, terms and conditions of the **AMENDED AND RESTATED LEASE AGREEMENT** as previously amended shall remain unchanged, and in full force and effect.

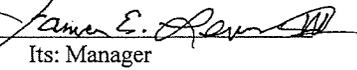
Minutes of November 20, 2012
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IN WITNESS WHEREOF, the parties have caused this Amendment to be duly executed
as of the date hereof.

LONG BEACH PORT COMMISSION, Lessor

By: 
Phil Kies, President

Blue Ridge Properties, LLC, Lessee

By: 
Its: Manager

AND NOW COMES WILLIAM SKELLIE, JR., Mayor of the City of Long Beach,
Mississippi, who signs herein below acknowledging the approval of this Lease by the City of
Long Beach, Mississippi Board of Aldermen.

Date of Execution: November 20, 2012

WITNESS OR ATTEST:


Rebecca Schuff, City Clerk

CITY OF LONG BEACH


William Skellie, Jr., Mayor

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STATE OF MISSISSIPPI
COUNTY OF HARRISON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for said county and state, on this 20th day of Nov, 2012, within my jurisdiction the within named William Skellie, Jr., personally known to me to be the Mayor, and Rebecca Schruoff, personally known to me to be the City Clerk of the CITY OF LONG BEACH, MS, who acknowledged that they executed the above and foregoing THIRD AMENDMENT TO AMENDED AND RESTATED LEASE AGREEMENT as the act and deed of said City, on the date and for the purposes therein stated, being first duly authorized to so do.

Stacey Dahl
NOTARY PUBLIC

My Commission Expires:

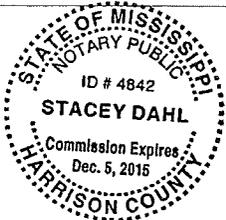


STATE OF MISSISSIPPI
COUNTY OF HARRISON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for said county and state, on this 28 day of Nov, 2012, within my jurisdiction the within named Phil Kies, personally known to me to be the President, of the LONG BEACH PORT COMMISSION, who acknowledged that they executed the above and foregoing THIRD AMENDMENT TO AMENDED AND RESTATED LEASE AGREEMENT as the act and deed of said Long Beach Port Commission on the date and for the purposes therein stated, being first duly authorized to so do.

Stacey Dahl
NOTARY PUBLIC

My Commission Expires:



Minutes of November 20, 2012
 Mayor and Board of Aldermen

STATE OF MISSISSIPPI
 COUNTY OF HARRISON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for said county and state, on this 27 day of NOV, 2012, within my jurisdiction the within named James E Levens III, personally known to me to be the MANAGER/MEMBER of the BLUE RIDGE PROPERTIES, LLC, who acknowledged that he/she executed the above and foregoing THIRD AMENDMENT TO AMENDED AND RESTATED LEASE AGREEMENT as the act and deed of said limited liability company, on the date and for the purposes therein stated, being first duly authorized to so do.

Stacey Dahl
 NOTARY PUBLIC

My Commission Expires:



The question being put to a roll call vote by the Mayor, the result was follows:

Alderman Parker	voted	Nay
Alderman Ponthieux	voted	Aye
Alderman Couvillon	voted	Nay
Alderman Anderson	voted	Aye
Alderman Carrubba	voted	Nay
Alderman Lishen	voted	Aye
Alderman Hammons	voted	Aye

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The question having received the Affirmative vote of a majority of the Aldermen present and voting, the Mayor declared the motion carried.

Upon further discussion, Alderman Parker, Alderman Couvillon and Alderman Carrubba stated, for the record, that they are in agreement with the Blue Ridge Properties, LLC, Lease Agreement amendment extending the restaurant completion date to December 1, 2013, however, they are opposed to the one (1) year extension of exclusive gaming rights for a period of six (6) years total or until February 11, 2016.

Alderman Anderson made motion seconded by Alderman Lishen and unanimously carried to approve payment of invoices as listed in Docket of Claims number 112012, inclusive of pay application #4, ProCon, Inc., HMGP Drainage Improvement Project, Shady Drive to Cypress Drive.

There was no additional report from the Mayor's Office.

Based upon the recommendation of Assistant Fire Chief Mike Brown and certification by the Civil Service Commission, Alderman Parker made motion seconded by Alderman Carrubba and unanimously carried to approve Fire Department personnel matters, as follows:

- Education Pay, Associate Degree-\$100.00 per month, Driver/Operator Jared Bolton, FS-10-II, effective December 1, 2012.
- Education Pay, Bachelor Degree-\$150.00 per month, Lieutenant Jarod McGill, Fs-12-V, effective December 1, 2012.

There was no action required or taken regarding CDBG Requests for Cash or Payment of Invoices.

There came on for consideration a letter from Police Chief Wayne McDowell, as follows:

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228-863-7292
FAX 228-863-1557



LONG BEACH POLICE DEPARTMENT

P.O. BOX 929 LONG BEACH, MS 39560

Date: November 15, 2012
To: Mayor and Board of Alderman
From: Wayne McDowell
Chief of Police
Re: Compensation Time Liability

Mayor and Board of Alderman,

With the recent request by employees to cash in accrued comp time, which they have earned over their tenure with the city, for payment; I'm requesting approval of a plan to lower our liability. Since May of this year, I have not allowed comp time to be earned and carried on the books for future use, with the exception of new hires whom I have allowed to earn up to 48 hours in case of an emergency since they do not earn vacation until after their first year. The City's liability increases the longer these hours are kept by the employees. I would like to be allowed to slowly pay down, up to 10 hours a month per employee, throughout the year as the budget year progresses. I also will require those employees with a large number of accrued comp time to take time off when feasible.

Thank you;


Wayne McDowell
Chief of Police

Upon discussion, Alderman Hammons made motion seconded by Alderman Anderson and unanimously carried to approve the request from Chief McDowell, as set forth above.

Based upon the recommendation of Police Chief Wayne McDowell and certification by the Civil Service Commission, Alderman Hammons made motion seconded by Alderman Ponthieux and unanimously carried to approve Police Department personnel matters, as follows:

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- Reassignment, Nathan Clay from Police Officer Recruit to Dispatcher 1st Class, PS-3-I, effective December 1, 2012.
- Payment of ninety (90) hours accrued compensation time, Sergeant Kipper Thomas, for a total payout of \$1,627.20.

Alderman Parker made motion seconded by Alderman Ponthieux and unanimously carried to establish a Police Department petty cash fund in the amount of \$150.00 as requested by Chief Wayne McDowell.

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 October 8, 2012, she did cause to be published in The Sun Herald, a newspaper with a general circulation in the City of Long Beach and published in Harrison County, Legal Notice, Election of School Trustee, as evidenced by the Publisher's Proof of Publication.

Alderman Carrubba made motion seconded by Alderman Couvillon and unanimously carried to spread said Proof of Publication upon the minutes of this meeting in words and figures, as follows:

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PROOF OF PUBLICATION

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Before me, the undersigned Notary of Harrison County, Mississippi personally appeared CRISTA LAUX who, being by me first duly sworn, did depose and say that she is a clerk of The Sun Herald, a newspaper published in the city Gulfport, in Harrison County, Mississippi, and the publication of the notice, a copy of which is hereto attached, has been made in said paper 2 times in the following numbers and on the following dates of such paper, viz:

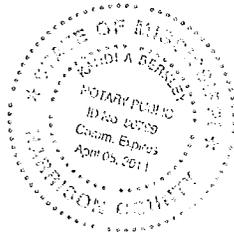
- Vol. 129 No., 5 dated 8 day of Oct, 20 12
- Vol. 129 No., 12 dated 15 day of Oct, 20 12
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____

Affiant further states on oath that said newspaper has been established and published continuously in said country for a period of more than twelve months next prior to the first publication of said notice.

CRISTA LAUX
Clerk

Sworn to and subscribed before me this 15 day of

Oct, A.D., 20 12



Krista Laux
Notary Public

LEGAL NOTICE
ELECTION OF SCHOOL TRUSTEE
THE CITY OF LONG BEACH, MISSISSIPPI
NOTICE IS HEREBY GIVEN that the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, at its first meeting in February to be held on Tuesday, the 5th day of February, 2012, at 5:00 p.m. at the Long Beach City Hall, 201 Jeff Davis Avenue, in said City, or at such meeting to which the same may be recessed or adjourned, will consider and act upon the election of appointment of a Trustee to the Board of Trustees of the Long Beach School District, required by Law to be elected by said Mayor and Board of Aldermen.
Any person desiring to be considered an applicant for such office of trustee, or any person or civic organization desiring to submit the name of any person as an applicant, may so do by filing a curriculum vitae or resume with the City Clerk (cityclerk@citylongbeach.ms.gov) of said City at the City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi, or by mail to Post Office Box 929, Long Beach, Mississippi, 39560, no later than thirty (30) days from the date of this notice, 5:00 o'clock p.m. on Thursday, the 8th day of November, 2012. The resume shall include, but is not limited to, the name, birthday and address of the applicant, his or her work history, and qualifications, and the name, address, birthday, and present employment of the applicant's spouse, with such other information as may be required by the Mayor and Board of Aldermen.
This, the 6th day of October, 2012.
Rebecca E. Schuff, City Clerk
SEAL
ADV 6, 15, 2MON
1600831

The Clerk further reported that two resumes were properly filed, as follows:

Marvin Craig Carpenter
208 East 2nd Street
Long Beach, MS 39560

Shane A. Walker
109 York Drive
Long Beach, MS 39560

**Minutes of November 20, 2012
Mayor and Board of Aldermen**

Upon discussion, Alderman Couvillon made motion seconded by Alderman Carrubba and unanimously carried to schedule twenty minute interviews, Wednesday, January 2, 2012, commencing at 4:15 p.m.

Alderman Parker made motion seconded by Alderman Hammons and unanimously carried to approve the 2012-2013 Holiday Schedule, as follows:

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HOLIDAY SCHEDULE *

2012

Wednesday, November 21 st	Close Noon (<u>ALL</u> administrative employees taking off at noon <u>MUST</u> utilize leave or remain at work for their normal work day)
Thursday, November 22 nd	Closed-Thanksgiving Holidays
Friday, November 23 rd	Closed-Thanksgiving Holidays
Friday, December 21 st	Close Noon (<u>ALL</u> administrative employees taking off at noon <u>MUST</u> utilize leave or remain at work for their normal work day)
Monday, December 24 th	Closed-Christmas Holidays
Tuesday, December 25 th	Closed-Christmas Holidays
Monday, December 31 st	Closed-(<u>ALL</u> administrative employees taking off <u>MUST</u> utilize leave or remain at work for their normal work day)

2013

Tuesday, January 1 st	Closed-Observance of New Year
Monday, January 21 st	Closed-Martin Luther King's and Robert E. Lee's Birthday
Monday, February 18 th	Closed-President's Day
Monday, April 29 th	Closed-Confederate Memorial Day
Monday, May 27 th	Closed-Memorial Day
Thursday, July 4 th	Closed-Independence Day
Monday, September 2 nd	Closed-Labor Day
Monday, November 11 th	Closed-Honor Veteran's Day
Wednesday, November 27 th	Close Noon (<u>ALL</u> administrative employees taking off at noon <u>MUST</u> utilize leave or remain at work for their normal work day)
Thursday, November 28 th	Closed-Thanksgiving Holidays
Friday, November 29 th	Closed-Thanksgiving Holidays
Monday, December 23 rd	Closed-(<u>ALL</u> administrative employees taking off <u>MUST</u> utilize leave or remain at work for their normal work day)
Tuesday, December 24 th	Closed-Christmas Holidays
Wednesday, December 25 th	Closed-Christmas Holidays
Tuesday, December 31 st	Close Noon (<u>ALL</u> administrative employees taking off at noon <u>MUST</u> utilize leave or remain at work for their normal work day)
Wednesday, January 1, 2014	Closed- New Year's Day

*HOLIDAYS ARE SUBJECT TO CHANGE IN ACCORDANCE WITH GOVERNOR'S PROCLAMATION

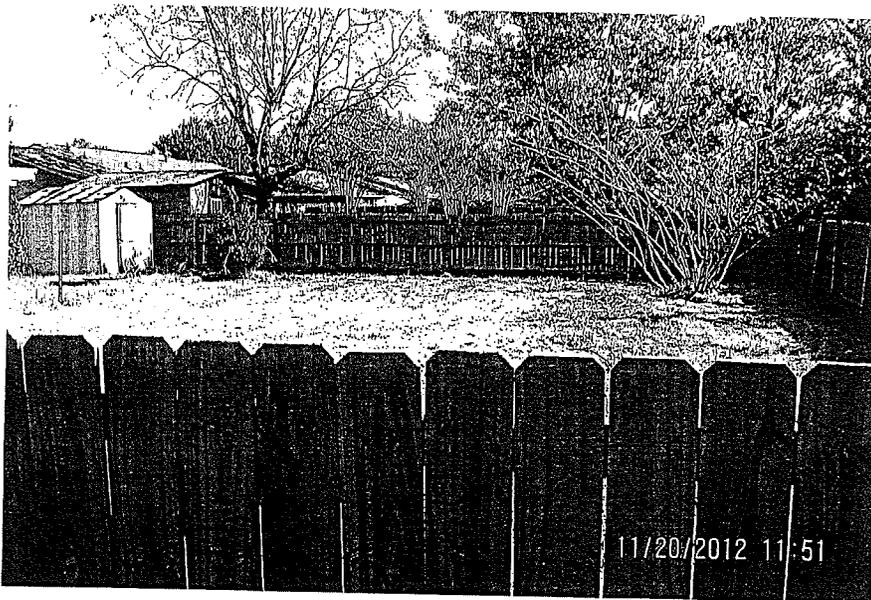
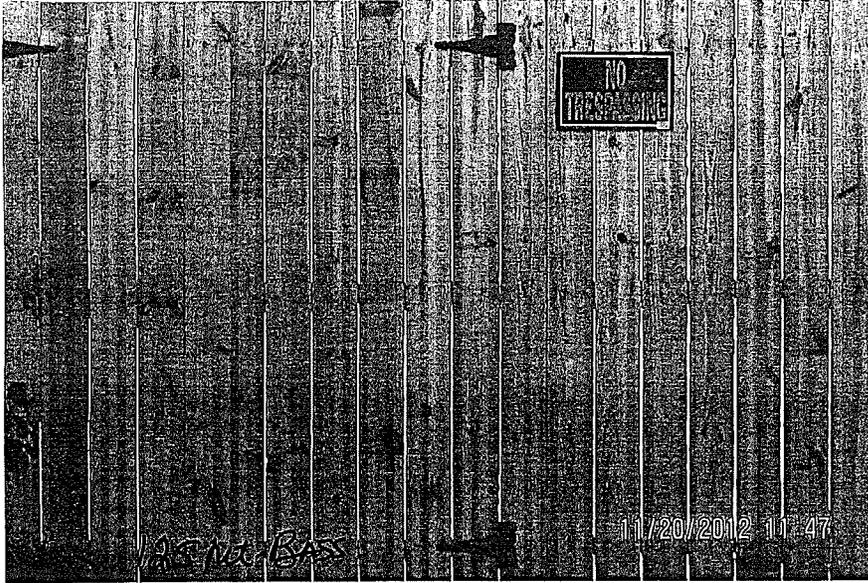
**Minutes of November 20, 2012
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Alderman Parker made motion seconded by Alderman Hammons and unanimously carried to acknowledge the October, 2012, Revenue/Expense Report.

There came on for consideration property located at 125 Mt. Bass, Long Beach, Mississippi, assessed to Joey N. and Kiasha Brou, adjudicated by resolution to be a menace to the public health and safety of the community at a public hearing duly held and convened on November 6, 2012, and stipulating that said property be satisfactorily cleaned by November 20, 2012.

The Clerk submitted photographs of the subject property taken by Zoning Enforcement Officer Claire Leatherwood on November 20, 2012, as follows:

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Upon review and discussion, Alderman Couvillon made motion seconded by Alderman Parker and unanimously carried that the subject property, 125 Mt. Bass, Long Beach, Mississippi, is in compliance with property maintenance codes and city ordinances at this time.

The following agenda items were taken under advisement, as follows:

- Update on 0 Old Savannah Drive – December 4, 2012.

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- Hurricane & Disaster Debris Management Ordinance; Alderman Lishen – January 15, 2012.
- MDEQ MS4 Requirements – December 4, 2012.
- Trash Container Ordinance – December 4, 2012.
- Yard Sale Ordinance – December 4, 2012.

There came on for consideration at a duly constituted meeting of the Board of Aldermen and Mayor of the City of Long Beach held on the 20th day of November, 2012, the following Resolution, which was reduced to writing and presented in advance of the meeting for reading and examination:

RESOLUTION SEEKING THE ASSISTANCE OF THE
HARRISON COUNTY BOARD OF SUPERVISORS IN
PROVIDING ASSISTANCE IN THE PAVING OF GIRARD
AND BEACH PARK AVENUES AND THE OFF-STREET
PARKING BETWEEN WEST 3RD STREET AND WEST 4TH
STREET IN THE CITY OF LONG BEACH, AND FOR
OTHER PURPOSES;

WHEREAS, being without sufficient resources at the present time to pay the cost of paving Girard Avenue and Beach Park Avenue, and the off-street parking between West 3rd Street and West 4th Street, the City of Long Beach hereby seeks the assistance of the Harrison County Board of Supervisors to pave said streets for the protection, health and safety of all citizens of Harrison County; and

WHEREAS, the Public Works Department in the City of Long Beach will prepare the aforementioned streets and parking areas for the county to pave same and the City of Long Beach will reimburse Harrison County for the asphalt and paving upon availability of funds.

NOW, THEREFORE, be it resolved by the Board of Aldermen of the City of Long Beach that the Harrison County Board of Supervisors be, and same hereby are requested to provide assistance by paving Girard Avenue and Beach Park Avenue and the off-street parking between West 3rd Street and West 4th Street in the City of Long Beach.

BE IT FURTHER RESOLVED, by the Mayor and Board of Aldermen of the City of Long Beach that we express our appreciation to the Harrison County Board of Supervisors for any assistance it is able to provide in this request.

The above and foregoing Resolution having been introduced in writing, was first

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Mayor and Board of Aldermen

read and considered section by section and then as a whole, whereupon, Alderman Ponthieux moved the adoption of the above and foregoing resolution, seconded by Alderman Anderson. This question being put to a roll call vote by the Mayor, the result was a 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 all the Aldermen present and voting, the Mayor declared the Motion carried and resolution adopted and approved on this the 20th day of November, 2012.

CITY OF LONG BEACH, MISSISSIPPI

BY: William Skellie, Jr.
WILLIAM SKELLIE, JR., Mayor

ATTEST:

Rebecca E. Schrupf
REBECCA E. SCHRUPF CITY CLERK

(SEAL)

No action was taken regarding funding for the 2013 Gulf Coast Legislative Reception or funding for Christmas at Beauvoir.

There came on for consideration a request submitted by Shane Walker, Southern Star Lodge #500, to organize a Saint Patrick's Day Parade on March 10, 2013, in the City of Long Beach. After considerable discussion, Alderman Anderson made motion seconded by Alderman Couvillon and unanimously carried approving the concept and

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directing Mr. Walker to submit a detailed plan at the next regular meeting, December 4, 2012.

Alderman Lishen left the public meeting.

There came on for consideration by the Mayor and the Board of Aldermen of the City of Long Beach, Mississippi a Resolution to establish just compensation for certain real property as follows:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH TO ESTABLISH JUST COMPENSATION AND TO AUTHORIZE THE MAYOR TO EXECUTE DOCUMENTS NECESSARY TO EFFECT THE ACQUISITION OF CERTAIN HEREINAFTER DESCRIBED REAL PROPERTY DESCRIBED AS 1209 WISTERIA LANE, AND FOR RELATED PURPOSES

WHEREAS, the City of Long Beach, Mississippi (the "City") is currently involved in a Hazard Mitigation Grant from the Federal Emergency Management Agency, FMA-PJ-04-MS-2009-005 for the acquisition of certain real property which is the subject of repeated and continued flooding events; and

WHEREAS, the City Council has been advised by the City Attorney that pursuant to the terms of the Hazard Mitigation Grant, acquisition of a certain parcel of land located at 1209 WISTERIA LANE, has now been approved in the amount of 90% of the appraised value of said property, which said amount is adequate for the acquisition of the property and amounts sufficient to cover the costs of the acquisition, including attorney fees and closing costs in accordance with the terms of the Statement of Voluntary Participation executed between the owner of said property and the City of Long Beach; and

WHEREAS, an appraisal has hereto for been procured which establishes the fair market value of the said property to be \$122,000.00; and

WHEREAS, the City Attorney has advised the City Council that the property owners Mr. Horace J Johnson and Mrs. Faye E Johnson have agreed to accept the sum of 90% of \$122,000.00, being \$109,800.00, less all costs of demolition, appraisal, inspection and professional fees, from the Hazard Mitigation Grant Program; and

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. The City Council does hereby establish just compensation for the property belonging to Mr. Horace J Johnson and Mrs. Faye E Johnson at the sum of \$109,800.00. The Mayor is authorized to extend to Mr. Horace J Johnson and Mrs. Faye

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E. Johnson an offer to purchase the property in said amount, less the cost and expenses mentioned above and in accordance with the Statement of Voluntary participation attached hereto.

SECTION 2. The Mayor is authorized and directed to execute all documents necessary to effect the Hazard Mitigation Grant Program buy-out of the subject property; is further authorized and direct to execute any and all documents that may be necessary to fully effect the transfer of the subject property to the City of Long Beach; is further authorized to advance funds for the purpose of acquisition of such property; and to further take all necessary and proper steps to file for and obtain reimbursement of all such sums in accordance with the from the Hazard Mitigation Grant from the Federal Emergency Management Agency, FMA-PJ-04-MS-2009-005 .

SECTION 3. The City Attorney is authorized to procure a title examination to the property, title insurance and to effect closing the subject property on behalf of the City of Long Beach.

The above Resolution was introduced by Alderman Ponthieux and seconded for adoption by Alderman Parker the motion to adopt the foregoing Resolution, 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	Absent, Not Voting
Alderman Ronnie Hammons, Jr.	voted	Aye

The motion having received the affirmative vote of all the Aldermen present and voting, the Mayor declared the motion carried and the Resolution adopted, this the 20th day of November, 2012.

CITY OF LONG BEACH, MISSISSIPPI

BY: William Skellie, Jr.
Mayor William Skellie, Jr.

ATTEST:
Rebecca E. Schuff
City Clerk, Rebecca E. Schuff

There were no public comments regarding general matters not appearing on the agenda.

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

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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. Schruoff, City Clerk