

Be it remembered that three public hearings before the Mayor and Board of Aldermen, Long Beach, Mississippi, were begun and held, at 5:00 o'clock p.m., Tuesday, the 19th day of November, 2013, in the Long Beach City Hall, 201 Jeff Davis Avenue, in said City, and the same being the time, date and place fixed by order of the Mayor and Board of Aldermen for holding said public hearings.

There were present and in attendance on said board and at the public hearings the following named persons: Mayor William Skellie, Jr., Aldermen Leonard G. Carrubba, Sr., Gary J. Ponthieux, Bernie Parker, Kelly Griffin, Ronnie Hammons, Jr., Alan Young, City Clerk Rebecca E. Schruff and Attorney Russell Nobile.

Alderman Mark E. Lishen and City Attorney James C. Simpson, Jr., were absent the public hearings.

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 consider Zoning Text Changes, various sections, to the Long Beach Comprehensive Unified Land Use Ordinance 598. 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 1, 2013, 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, Mississippi, Legal Notice, Public Hearing, as evidenced by the Publisher's Proof of Publication.

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

Minutes of November 19, 2013 Mayor and Board of Aldermen

LEGAL NOTICE - PUBLIC HEARING - LONG BEACH, MISSISSIPPI

NOTICE IS HEREBY GIVEN that the Board of Aldermen of the City of Long Beach, Mississippi, will hold a public hearing on the proposed Ordinance 598 (P.L. Ordinance 598) on Tuesday, November 19, 2013, at 5:00 o'clock p.m. at the City Hall Meeting Room, 201 Jeff Davis Avenue, Long Beach, Mississippi. The purpose of the hearing is to consider and act upon a zoning text change, Ordinance 598 (P.L. Ordinance 598) as amended by the Board of Aldermen, which will amend the City of Long Beach Comprehensive Zoning Ordinance, Chapter 11, Article 11B, Section 11B-01, to read as follows:

Section 11B-01. Mobile Home Park

(1) The average area of all spaces within the Mobile Home Park shall not be less than three thousand (3,000) square feet excluding drives, playgrounds, and similar areas.

(2) A minimum separation of sixteen (16) feet between Mobile Homes shall be maintained from other structures located on other lots shall be provided.

(3) No part of a Mobile Home or other facility placed on a Mobile Home Lot shall be closer than ten (10) feet to a Mobile Home Park street.

(4) No Mobile Home shall be located closer than ten (10) feet to any perimeter boundary line of the Mobile Home Park, which does not abut upon a Thoroughfare.

(5) No Mobile Home shall be located closer to any perimeter boundary line of the Mobile Home Park than twenty-five (25) feet or such other distance as may be established as a setback requirement with respect to conventional buildings in the district in which the Mobile Home Park is located.

(6) All electrical outlet supplying at least 100-115/220-225 volts (20) ampere, shall be provided for each non-all electric Mobile Home Lot in a Mobile Home Park and 200 volt (20) ampere, shall be provided for each Mobile Home Lot in a Mobile Home Park.

(7) All electrical outlet supplying at least 100-115/220-225 volts (20) ampere, shall be provided for each non-all electric Mobile Home Lot in a Mobile Home Park and 200 volt (20) ampere, shall be provided for each Mobile Home Lot in a Mobile Home Park.

(8) Each Mobile Home Lot in a Mobile Home Park shall be provided with a public access to the entrance to the Mobile Home. Such access shall be a minimum of one (1) foot and shall be surfaced with an all-weather, rigid, impervious, permanent pavement meeting the specifications prescribed for the installation of sidewalks by the City Engineer.

(9) All Mobile Home Lots in a Mobile Home Park shall abut upon a driveway with a minimum right-of-way of ten (10) feet. Driveways shall be unobstructed access to a Thoroughfare.

(10) A minimum of one (1) foot shall be provided for all dead-end roads. The minimum radius of a required turning shall be ten (10) feet.

(11) All driveways and paths shall be paved and shall be greater than two (2) feet wide within a Mobile Home Park. The surface shall be surfaced (concrete or asphalt) and lighted at night with electric lamps of a minimum of 100 watts each, spaced at intervals of not more than one hundred (100) feet.

(12) The average width of all lots within the Mobile Home Park shall be a minimum of forty (40) feet. Each pad shall be paved, drained, uniformly graded, and compacted as approved by the Director of Public Works.

(13) Ground anchors must be provided for each Mobile Home situated in accordance with the requirements set forth in the Building Code. Each Mobile Home shall be properly anchored to the ground.

(14) Parks, Open Space, and Recreational Areas

(a) A minimum of eight (8%) percent of the gross Mobile Home Park area shall be set aside and developed as common areas for open or enclosed recreation facilities.

(b) No street, storage area, Mobile Home Lot, or utility site shall be included in the calculation of land area necessary to meet this requirement.

(c) Fences, Walls, or Hedges shall be provided for certain boundaries.

(d) Where any perimeter boundary line of a Mobile Home Park directly abuts upon a permanent residential building located within twenty-five (25) feet of such boundary, or directly abuts unimproved property which may, under existing codes and regulations, be used for permanent residential construction, an ornamental fence, wall or hedge six (6) feet in height, or a natural buffer of fifteen (15) feet shall be provided along such boundary.

(e) Architecture and Landscaping for Buildings

(1) Buildings in a Mobile Home Park shall be architecturally attractive and surroundings, by landscaping.

(2) Office Buildings

(a) In every Mobile Home Park there shall be an office Building in which shall be located the office of the person in charge of the Mobile Home Park.

(b) Mobile Home Park Service

(1) Each Mobile Home Park shall provide service buildings to house such sanitation facilities as may be required in this Section. At least one service building providing required minimum facilities shall be located within two hundred (200) feet of every dependent Mobile Home Lot.

(2) Service buildings in a Mobile Home Park shall be permanent structures complying with all applicable codes and statutes regulating buildings, electrical installations, plumbing and sanitation systems.

(3) All service buildings in a Mobile Home Park shall be well lighted at all times shall be well ventilated with screened openings, shall be constructed of such moisture-proof, masonry, to include painted woodwork, as shall permit repeated cleaning and washing. The floors of service buildings shall be of concrete, tile or similar material impervious to water, and easily cleaned and pitched to a floor drain.

(4) Water Supply and Distribution

(a) An adequate supply of potable drinking water shall be supplied to all buildings and Mobile Home Lots within a Mobile Home Park to meet the requirements of the Building Code. All drainage vessels shall be provided; nor shall any drinking faucets be placed in a toilet room or water closet compartment.

(b) Each Mobile Home Lot in a Mobile Home Park shall be provided with a cold water tap at least four inches above the ground. An adequate supply of hot water shall be provided at all times in the park service buildings for all bathing, washing and cleaning facilities. The hot and cold water supply shall have a minimum capacity of 125 gallons per day.

(c) An independent water supply can be used in a Mobile Home Park if public water is not available and if a private water system is approved by the City and the County Board of Health.

(d) The water distribution system within a Mobile Home Park shall comply with all minimum standards and specifications of the City plumbing code or other codes. The Mobile Home Park system shall provide running water service at a pressure of not less than 20 pounds per square inch at all outlets.

(e) A minimum of one drinking fountain for each dependent Mobile Home Lot shall be provided for public use in each Mobile Home Park.

(f) Each Mobile Home Park shall be equipped at all times with fire-extinguishing equipment in accordance with such type size, and number

and as located within the Mobile Home Park as to satisfy applicable and reasonable regulations of the City Fire Department. No open fires shall be permitted at any place which may endanger life or property, and no fires shall be left unattended at any time.

(g) At any Mobile Home Park containing more than twenty (20) Lots, an approved fire alarm box must be provided, which shall be conspicuously and conveniently located and clearly identified and shall be suitably connected with the City fire alarm system. In every Mobile Home Park suitable public telephone facilities shall be installed and maintained in a convenient and readily accessible place prominently marked and designated and kept available for use in giving fire alarms at any time.

(h) Each Mobile Home Park which accommodates dependent Mobile Homes shall be provided with the following sanitation facilities:

(1) One flush toilet and one shower or bathtub for each sex, and one shower or bathtub with individual dressing accommodations for each sex for each fifty (50) Mobile Home Lots or fractional number thereof in excess of the first fifty (50) Mobile Home Lots.

(2) One additional flush toilet and one additional shower or bathtub with individual dressing accommodations for each sex for each fractional number in excess of the first fifteen (15) dependent Mobile Homes, or of any less number, to be provided for each sex.

(3) One additional flush toilet and one (1) additional shower or bathtub with individual dressing accommodations for each sex for each fractional number in excess of the first fifteen (15) dependent Mobile Homes so accommodated.

(4) Each toilet and each shower or bathtub with individual dressing accommodations, for which provision is made in this Section shall be in a separate partition or stall.

(5) The toilet and other sanitation facilities required by this Section for males and females shall be either in separate buildings or shall be separated, if in the same building, by a top and bottom Wall. The sanitation facilities for males and females shall be distinctly marked to denote the public sewer system. In each case, the waste from the toilet, urinals, and showers shall be discharged into a private sewer and disposal plant approved by the County Health Department.

(6) Each Mobile Home Lot in a Mobile Home Park shall be provided with a cover at least four inches in diameter, which shall be connected to receive the waste from the shower, bathtub, flush toilet, lavatory and kitchen sink of the Mobile Home located in such lot and having any or all of such facilities. The cover in each lot shall be connected to discharge the Mobile Home waste into a public sewer system in compliance with applicable codes and regulations of the County Board of Health.

(7) The sewer disposal plant approved by the County Health Department, shall be provided in each Mobile Home Park, in quantities adequate to permit disposal of all garbage and rubbish. Garbage containers shall be located not farther than two hundred (200) feet from any Mobile Home Lot. The containers shall be covered and kept in sanitary condition at all times. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that the garbage containers shall not overflow.

(8) Every Mobile Home Park shall be equipped at all times with fire-extinguishing equipment in accordance with such type size, and number

issued in conjunction with a major development plan. The Building Official may grant extensions upon showing of good cause by the applicant and depending on the scope of the project. Should work cease on the project for more than thirty (30) days, the Building Official may revoke the permit and require removal of the device.

(5) The device may be used in commercial districts as permitted by the planning commission.

(6) The device shall not be located in any manner that restricts or impedes visibility for motorists.

(7) The device shall not be placed on any city street where parking is not permitted or that has a pavement width of less than eighteen (18) feet measured from inside of curb to inside of curb, or from edge of pavement to edge of pavement in such a manner that a fire hydrant shall be located within five (5) feet of each Mobile Home Lot.

(8) All buildings and the grounds of each park shall be maintained in a clean and sanitary condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance.

(9) No Owner or Person in charge of any dog, cat, or other pet animal shall permit it to run at large or commit any nuisance within the limits of any Mobile Home Park. Not more than two dogs and cats shall be kept in one Mobile Home and no pets shall be raised for commercial purposes.

(10) Standard fire hydrants and fire service lines shall be installed in such a manner that a fire hydrant shall be located within five (5) feet of each Mobile Home Lot.

(11) The toilet and other sanitation facilities required by this Section for males and females shall be either in separate buildings or shall be separated, if in the same building, by a top and bottom Wall. The sanitation facilities for males and females shall be distinctly marked to denote the public sewer system. In each case, the waste from the toilet, urinals, and showers shall be discharged into a private sewer and disposal plant approved by the County Health Department.

(12) Each Mobile Home Lot in a Mobile Home Park shall be provided with a cover at least four inches in diameter, which shall be connected to receive the waste from the shower, bathtub, flush toilet, lavatory and kitchen sink of the Mobile Home located in such lot and having any or all of such facilities. The cover in each lot shall be connected to discharge the Mobile Home waste into a public sewer system in compliance with applicable codes and regulations of the County Board of Health.

(13) The sewer disposal plant approved by the County Health Department, shall be provided in each Mobile Home Park, in quantities adequate to permit disposal of all garbage and rubbish. Garbage containers shall be located not farther than two hundred (200) feet from any Mobile Home Lot. The containers shall be covered and kept in sanitary condition at all times. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that the garbage containers shall not overflow.

(14) Every Mobile Home Park shall be equipped at all times with fire-extinguishing equipment in accordance with such type size, and number

(5) No building shall be moved into and placed within the City of Long Beach except such buildings, which conform to the standards for new construction for dimensions, use and placement upon the lot, and requirements of this and other Ordinances.

Section 188: amend (e) to read:

(e) No part of a freestanding sign shall exceed a height, measured from ground level, of twenty-five (25) feet in the C-2, C-3, H-1 and H-2, and fifteen (15) feet in all other districts except C-3 and R-O, which shall be ten (10) feet.

The purpose of this proposed change, is to promote uniform development and encourage public safety, thereby enhancing the quality of life for all Long Beach residents. The zoning text changes were approved by the Long Beach Planning Commission at a public hearing duly held and convened on Thursday, September 26, 2013, and forwarded to the Mayor and Board of Aldermen for consideration. The City encourages all residents, groups and organizations to contact the City if they have any questions concerning the petition.

ORDERED, this 1st day of October, 2013, by the Mayor and Board of Aldermen,

Attest: E. Schull City Clerk

ADV1,1F11 1628213

The Clerk further reported that the Legal Notice of Public Hearing - Zoning Text Changes, Several Sections, was posted on the bulletin board at City Hall, the Water Department and the Building Office, 201 Jeff Davis Avenue, Long Beach, Mississippi; the Long Beach Public Library 209 Jeff Davis Avenue, Long Beach, Mississippi; and the city's official website, www.cityoflongbeachms.com.

Alderman Carrubba made motion seconded by Alderman Griffin and unanimously carried to make the aforesaid report a part of the record of this public hearing.

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Alderman Young made motion seconded by Alderman Hammons and unanimously carried to make the September 16, 2013, minutes of the Long Beach Planning Commission a part of the record of this public hearing, on file in the Office of the City Clerk.

* *

The Mayor opened the floor for public comments in favor of the Zoning Text Changes and no one came forward to be heard.

* *

The Mayor opened the floor for public comments in opposition to the Zoning Text Changes and no one came forward to be heard.

* *

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

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ORDINANCE NO. 604

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI AMENDING ORDINANCE NUMBER 598 BY ADDING CERTAIN CHANGES RELATED TO SECTIONS 47,119,120; BY ADDING NEW SECTION 129; BY AMENDING THE CHART OF USES TO ALLOW MANUFACTURED DWELLINGS WITHIN R-4 DISTRICTS WITH PLANNING COMMISSION APPROVAL; BY ADDING SECTION 130; AND BY AMENDING SECTION 188, AND FOR RELATED PURPOSES.

WHEREAS, the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, having made due investigation therefore, do now find, determine adjudicate and declare as follows:

WHEREAS, in accordance with the Comprehensive Long Beach Unified Land Use Ordinance 598, and pursuant to legal notice published and given for the time and in the manner provided by law, the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, did meet at 5:00 o'clock p.m. on Tuesday, the 19th day of November, 2013 at the City Hall in said City at the time, place and date fixed in said legal notice, and did on such date conduct a public hearing at which hearing all parties interested in or opposed to adoption of the text change application and amendments to the Comprehensive Long Beach Unified Land Use Ordinance 598 proposed were given an opportunity to be heard and allowed to make oral and/or written comment to such proposed changes, which proposed changes to the map were then and there on file and had been on file during the period of said notice in the office of the City Clerk at the City Hall in said City, available for public inspection and examination by any and all parties interested in or opposed to the proposed changes, all as more particularly hereinafter set forth in this ordinance; and

WHEREAS, such application has previously been the subject of a public hearing held and conducted by Long Beach Planning Commission in accordance with the Comprehensive Long Beach Unified Land Use Ordinance 598; and

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WHEREAS, the stated purpose of such application being to promote uniform development and encourage public safety, thereby enhancing the quality of life for all citizens of the City of Long beach; and

WHEREAS, periodically it is necessary and proper and in the best interests of the City to incorporate and adopt zoning text changes from time to time as appropriate to reflect changes in circumstances and public need to accommodate and encourage the orderly growth of the City as well as the protection of property owners within the City; and

WHEREAS, after due consideration, hearings and discussion, the Planning and Zoning Commission of the City of Long Beach has reviewed the proposed zone text changes at a regular meeting, duly considered same, and after public hearing, input, and thorough consideration as to all relevant factors required and available under law, and has adopted same and recommended approval thereof by the Mayor and Board of Aldermen as reflected in the official minutes of said meeting; and

WHEREAS, as a result of the aforesaid public hearing and after consideration by the Mayor and Board of Aldermen of the testimony and evidence presented, and after due deliberation by the Mayor and Board of Aldermen, the Mayor and Board of Aldermen did then find, and do now find, determine, adjudicate and declare that the proposed text changes to the Comprehensive Long Beach Unified Land Use Ordinance 598 applied for are necessary and proper, needed and by clear and convincing evidence justified, ; that public need exists for changing the zoning text to provide for and foster orderly development and growth of the City in accordance with a comprehensive plan.

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

Section 1. That the Mayor and Board of Aldermen having considered the comments and testimony at the said hearing, all of the documentary evidence submitted into

evidence and their own knowledge and familiarity of the City of Long Beach hereby find and adjudicate as follows:

(a) That the clear and convincing evidence established that the proposed text changes to the Comprehensive Long Beach Unified Land Use Ordinance 598 applied for are necessary and proper, needed and by clear and convincing evidence justified; that the public need exists for changing the zoning text to provide for and foster orderly development and growth of the City in accordance with a comprehensive plan and further, such action is fully supported by the opinion of the Long Beach Planning Commission;

(b) That the clear and convincing evidence establishes the public need for the said amendment;

(c) The changes will not be detrimental to present and potential uses but will have a beneficial effect, which could not be achieved without the map changes.

(d) The proposed change is in conformance with the general intent of the Comprehensive Master Plan of the City.

(e) The proposed changes do not cause or result in any change in zoning classification of any property within the City.

Section 2. That the Comprehensive Long Beach Unified Land Use Ordinance Number 598 of the City of Long Beach should be and hereby is amended as follows:

Section 47: add the following

(3) Any legal use that would require planning commission approval by this ordinance and existed at the time of adoption of this ordinance shall be considered to have received planning commission approval and no further action is required.

(4) In the case of a use requiring planning commission approval being destroyed by a natural disaster, such use may be replaced without further action as long as the use occupies a footprint equal to or less than the existing use occupied.

Section 119: add the following

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(e) Barbed wire fences or use of barbed wire along the top of a fence or wall shall be permissible on in R-4, I-1 or I-2 districts, subject to planning commission approval upon making written finding that use of barbed wire is reasonably necessary to the safety, welfare, and security of the property.

Section 120: add the following

(e) Notwithstanding other provisions of this Code, fences, walls and hedges maybe permitted in any required yard, or along the edge of any yard, provided that no fence, wall or hedge that obstructs visibility shall be erected, altered or placed in or around any required yard to exceed four (4) feet in height above the ground and provided that a fence or wall along the rear lot line or alongside lot lines to the rear of the setback line shall not exceed eight (8) feet in height. In any event, no fences walls or hedges shall obstruct sight lines for vehicular traffic.

Add new:

Section 129: Manufactured Home/Mobile Home Park Standards

(a) Permitted Locations

(1) Mobile Homes are allowed only in approved Mobile Home Parks, except as otherwise provided, or when permitted as a temporary use for storage or security purposes at a construction project, as described in this code.

(b) Size and Density

(1) Mobile Home Parks may be located on a minimum of ten (10) contiguous acres of land.

(2) Maximum density of Mobile Home Parks is twelve (12) Mobile Home Lots per acre.

(c) Mobile Home Lot

(1) The minimum applicable Mobile Home Lot shall be three thousand (3,000) square feet.

(2) The average area of all spaces within the Mobile Home Park shall not be less than three thousand (3,000) square feet excluding drives, playgrounds, and similar areas.

(3) A minimum separation of sixteen (16) feet between Mobile Homes, one from another and from other structures located on other lots shall be provided.

(4) No part of a Mobile Home or other facility placed on a Mobile Home Lot shall be closer than ten (10) feet to a Mobile Home Park street.

(5) No Mobile Home shall be located closer than ten (10) feet to any perimeter boundary line of the Mobile Home Park which does not abut upon a Thoroughfare.

(6) No Mobile Home shall be located closer to any perimeter boundary line of the Mobile Home Park abutting upon a Thoroughfare than twenty-five (25) feet or such other distance as may be established as a setback requirement with respect to conventional buildings in the district in which the Mobile Home Park is located.

(7) An electrical outlet supplying at least 100-115/220-225 volts, 100 amperes, shall be provided for each non- all-electric Mobile Home Lot in a Mobile Home Park; and 200 amperes for each all-electric Mobile Home Lot in a Mobile Home Park.

(8) Each Mobile Home Lot in a Mobile Home Park shall be provided with a patio adjacent to the entrance to the Mobile Home. Such patio shall be a minimum of one hundred seventy-five (175) square feet and shall be surfaced

with an all-weather, rigid, impervious, permanent pavement meeting the minimum specifications prescribed for the installation of sidewalks by the City Engineer.

(9) All Mobile Home Lots in a Mobile Home Park shall abut upon a driveway with a minimum right-of-way of not less than thirty (30) feet in width, which driveway shall have unobstructed access to a Thoroughfare.

(10) Turnarounds shall be provided for all dead-end roads. The minimum radius of a required turnaround shall be eighty (80) feet.

(11) All driveways and pathways greater than two (2) feet wide within a Mobile Home Park shall be hard-surfaced (concrete or asphalt) and lighted at night with electric lamps of a minimum of 100 watts each, spaced at intervals of not more than one hundred (100) feet.

(12) The average width of all lots within the Mobile Home Park shall be a minimum of forty (40) feet. Each pad shall be well drained, uniformly graded, and compacted as approved by the Director of Public Works.

(13) Ground anchors must be provided for each Mobile Home stand in accordance with the requirements set forth in the Building Code. Each Mobile Home shall be properly secured to the ground anchors.

(d) Parks, Open Space, and Recreational Areas

(1) A minimum of eight (8%) percent of the gross Mobile Home Park area shall be set aside and developed as common use areas for open or enclosed recreation facilities. No street, storage area, Mobile Home Lot, or utility site shall be included in the calculation of land area necessary to meet this requirement.

(e) Fence, Wall or Hedge Required along Certain Boundaries

(1) Where any perimeter boundary line of a Mobile Home Park directly abuts property which is improved with a permanent residential building located within twenty-five (25) feet of such boundary, or directly abuts unimproved property which may, under existing codes and regulations, be used for permanent residential construction, an ornamental fence, wall or hedge six (6) feet in height, or a natural buffer of fifteen (15) feet shall be provided along such boundary.

(f) Architecture and Landscaping for Buildings:

(1) Buildings in a Mobile Home Park shall be architecturally attractive and surrounded by landscaped yards.

(g) Office Building

(1) In every Mobile Home Park there shall be an office Building in which shall be located the office of the person in charge of the Mobile Home Park.

(h) Mobile Home Park Service Buildings

(1) Each Mobile Home Park shall provide service buildings to house such sanitation facilities as are required by this Section. At least one service building providing required minimum facilities shall be located within two hundred (200) feet of every dependent Mobile Home Lot.

(2) Service buildings in a Mobile Home Park shall be permanent structures complying with all applicable codes and statutes regulating buildings, electrical installations, plumbing and sanitation systems.

(3) All service buildings in a Mobile Home Park shall be well lighted at all times; shall be well ventilated with screened openings; shall be constructed of such moisture-proof material, to include painted woodwork, as shall permit repeated cleaning and washing. The floors of service buildings shall be of concrete, tile or similar material impervious to water, and easily cleaned and pitched to a floor drain.

(i) Water Supply and Distribution

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(1) An adequate supply of potable drinking water shall be supplied by pipes to all buildings and Mobile Home Lots within a Mobile Home Park to meet the requirements of the Park. No common drainage vessels shall be provided nor shall any drinking faucets be placed in a toilet room or water closet compartment.

(2) Each Mobile Home Lot in a Mobile Home Park shall be provided with a cold water tap at least four inches above the ground. An adequate supply of hot water shall be provided at all times in the park service buildings for all bathing, washing and cleansing facilities. The hot and cold water supply shall have a minimum capacity of 125 gallons per day.

(3) An independent water supply can be used in a Mobile Home Park if public water is not available; and, if a private water system is approved by the City and the County Board of Health.

(4) The water distribution system within a Mobile Home Park shall comply with all minimum standards and specifications for the installation of public water distribution systems, as established by the provisions of the City plumbing code or other codes. The Mobile Home Park water system shall provide running water service at a pressure of not less than 20 pounds per square inch at all outlets.

(5) A minimum of one drinking fountain for each Playground area and one drinking fountain in the immediate vicinity of each service Building shall be provided for public use in each Mobile Home Park.

(j) Each Mobile Home Park shall be provided, for emergency purposes, with the following sanitation facilities:

(1) One flush toilet and one urinal for males, one flush toilet for females, one lavatory for each sex, and one shower or bathtub with individual dressing accommodations for each sex, for the first fifty (50) Mobile Home Lots or any less number thereof; and

(2) One additional flush toilet and one additional urinal for males, one additional flush toilet for females, one additional lavatory for each sex and one additional shower or bathtub with individual dressing accommodations for each sex for each fifty (50) Mobile Home Lots or fractional number thereof in excess of the first fifty (50) Mobile Home Lots.

(k) Each Mobile Home Park which accommodates Dependent Mobile Homes shall be provided with the following sanitation facilities:

(1) One flush toilet and one urinal for males, one flush toilet for females, one lavatory for each sex, and one shower or bathtub with individual dressing accommodations for each sex for the first fifteen (15) Dependent Mobile Homes, or any less number, so accommodated; and

(2) One additional flush toilet and one (1) additional urinal for males, one (1) additional lavatory for each sex and one additional shower or bathtub with individual dressing accommodations for each sex for each fractional number in excess of the first fifteen (15) Dependent Mobile Homes so accommodated.

(l) Each toilet and each shower or bathtub with individual dressing accommodations, for which provision is made in this Section shall be in a private compartment or stall.

(m) The toilet and other sanitation facilities required by this Section for males and females shall be either in separate buildings or shall be separated, if in the same Building, by a soundproof Wall. The sanitation facilities for males and females shall be distinctly marked to denote the sex for which they are intended.

(n) Waste from showers, bathtubs, flush toilets, urinals, lavatories and slop sinks in service and other buildings within a Mobile Home Park shall be discharged into a

public sewer system in compliance with applicable codes or into a private sewer and disposal plant approved Harrison County Health Department.

(o) Each Mobile Home Lot in a Mobile Home Park shall be provided with a sewer at least four inches in diameter, which shall be connected to receive the waste from the shower, bathtub, flush toilet, lavatory and kitchen sink of the Mobile Home located in such lot and having any or all of such facilities. The sewer in each lot shall be connected to discharge the Mobile Home waste into a public sewer system in compliance with applicable codes or into a private sewer and disposal plant approved Harrison County Health Department.

(p) Approved garbage containers with tight-fitting covers shall be provided in each Mobile Home Park, in quantities adequate to permit disposal of all garbage and rubbish. Garbage containers shall be located not farther than two hundred (200) feet from any Mobile Home Lot. The containers shall be covered and kept in sanitary conditions at all times. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that the garbage containers shall not overflow.

(q) Every Mobile Home Park shall be equipped at all times with fire-extinguishing equipment in good working order, of such type size, and number, and as located within the Mobile Home Park as to satisfy applicable and reasonable regulations of the City Fire Department. No open fires shall be permitted at any place which may endanger life or property, and no fires shall be left unattended at any time.

(r) At any Mobile Home Park containing more than twenty (20) Lots, an approved fire alarm box must be provided, which shall be conspicuously and conveniently located and clearly identified and shall be suitably connected with the City fire alarm system. In every Mobile Home Park suitable public telephone facilities shall be installed and maintained in a convenient and readily accessible place prominently marked and designated and kept available for use in giving fire alarms at any time.

(s) Standard fire hydrants and fire service lines shall be installed in such a manner that a fire hydrant shall be located within five hundred (500) feet of each Mobile Home Lot.

(t) All Buildings and the grounds of each park shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance.

(u) No Owner or Person in charge of any dog, cat., or other pet animal shall permit it to run at large or commit any nuisance within the limits of any Mobile Home Park. Not more than two dogs and cats shall be allowed in one Mobile Home and no pets shall be raised for Commercial purposes.

(v) The sale of automobiles and/or Mobile Homes is prohibited within any Mobile Home Park.

Chart of Uses: add the following

Manufactured Dwelling allowed in R-4 with planning commission approval

Add new:

Section 130: Temporary and Portable Units and Structures

(a) Temporary storage units, portable storage units, "PODS" or dumpsters (hereinafter "devices") may be placed upon private residential property or a city street in accordance with the following limitations:

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(1) A permit must be obtained from the City prior to the placement of any device. The cost of the permit shall be determined by the City. Such devices must be placed upon private property unless some physical condition exists that would prohibit placement in the yard or driveway. If the device cannot be placed on private property it may be placed on a city street directly in front of the property of the permit holder.

(2) A permit issued by the City shall be valid for seven (7) days from the date of issuance. The Building Official may grant an extension of up to seven (7) days upon showing of good cause by the applicant. Not more than two such extensions shall be permitted, for a maximum of twenty-one (21) days in any consecutive twelve (12) month period.

(3) A permit issued by the City shall be valid for ninety (90) days when issued in conjunction with a building permit when there is an active construction project occurring and when such device is placed on private property. The Building Official may grant an extension of up to ninety (90) days upon showing of good cause by the applicant. Not more than two such extensions shall be permitted, for a maximum of two hundred seventy (270) days in any consecutive twelve (12) month period.

(4) A permit issued by the City shall be valid for one hundred eighty (180) days when issued in conjunction with a major development plan. The Building Official may grant extensions upon showing of good cause by the applicant and depending on the scope of the project. Should work cease on the project for more than thirty (30) days, the Building Official may revoke the permit and require removal of the device.

(5) The device may be used in commercial districts as permitted by the planning commission.

(6) The device may not be located in any manner that restricts or impedes visibility of motorists.

(7) The device shall not be placed on any city street where parking is not permitted or that has a pavement width of less than eighteen (18) feet measured from inside of curb to inside of curb, or from edge of pavement to edge of pavement.

(8) The device shall not exceed eight (8) feet in width, nor be placed in a manner that restricts the remaining street width to less than ten feet measured from inside of curb or edge of pavement to the device.

(9) The device must be associated with temporary storage or a project for the property of the permit holder and not more than one (1) temporary or portable storage unit or more than one (1) dumpster shall be permitted at any time.

(10) The device shall not be placed in a manner which damages any public improvement, including but not limited to, the pavement, curb, gutter, grass, landscaping or tree located within the public right-of-way. If the device causes damage to any public improvement, the applicant shall reimburse the city the cost of repair.

(11) Any device which is placed in violation of this section or is not removed at the end of the time for which it is authorized by the city to remain in place may be removed by the city, with prior notice of not less than twenty-four (24) hours, and the cost of such removal, together with the cost of administration of its removal, shall be reimbursed to the city by the applicant.

(b) Temporary and Portable Buildings and Structures

(1) A temporary or portable structure may be erected only in commercial districts, unless otherwise specified in this code.

(2) A temporary or portable structure may be erected only in connection with the erection of a permanent building, street, utility, or other structure. Permission for the erection of any temporary structure shall be obtained from the Building Official after posting of sufficient bond to insure removal of it within two (2) weeks after the permanent structure is complete. A temporary or portable structure may be used for a temporary construction office and for the housing of tools, equipment, and materials.

(3) Subdivision sales offices may be erected only after approval by the Planning Commission subject to such conditions as may be determined by the Commission to be necessary to insure termination of the use after a reasonable period and removal or conversion to a conforming use.

(4) No trailers for dwellings, storage, or business shall be parked in any district, except upon approval by the Planning Commission in connection with a permanent building or construction project. All temporary structures shall be for a period of time not to exceed one year, renewable for periods of six (6) months, stating the use for which approved.

(5) No building shall be moved into and placed within the City of Long Beach except such buildings, which conform to the standards for new construction for dimensions, use and placement upon the lot, and requirements of this and other Ordinances.

Section 188: amend (e) to read

(e) No part of a freestanding sign shall exceed a height, measured from ground level, of twenty-five (25) feet in the C-2, C-1HD, I-1 and I-2; and fifteen (15) feet in all other districts except C-3 and R-O, which shall be ten (10) feet.

Section 3. This Ordinance and Resolution of the Mayor and Board of Aldermen of the City of Long Beach shall be deemed effective in the manner and time prescribed by law.

The City Clerk is hereby ordered to publish this Ordinance and Resolution in the manner and time required by law.

Alderman Parker made motion seconded by Alderman Ponthieux to approve the Ordinance. The motion and the question being put to a roll call vote by the Mayor and the result was as follows:

Alderman Bernie Parker	voted	Aye
Alderman Gary J. Ponthieux	voted	Aye
Alderman Kelly Griffin	voted	Aye
Alderman Alan Young	voted	Aye
Alderman Leonard G. Carrubba, Sr.	voted	Aye
Alderman Mark E. Lishen	voted	Absent, Not Voting
Alderman Ronnie Hammons, Jr.	voted	Aye

Minutes of November 19, 2013
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 said Ordinance Number 604 adopted and approved this, the 19th day of November, 2013.

APPROVED:


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 situated in the City of Long Beach, located at 39 Linda Lane, and assessed to David Penney, is in such a state of uncleanness 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 Parker 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 October 15, 2013, she did cause to be sent via certified mail, electronic receipt requested, Notice of Hearing, to David Penney, 1205 Spring Drive, Long Beach, Mississippi, 39560; and 39 Linda Lane, Long Beach, Mississippi, 39560, as the same appears of record on the Harrison County 2013 Official Real Property Tax Rolls. Said notices were returned marked "Refused-Unable to Forward" and "Forward Time Expired-Return to Sender". Notice was also sent and delivered to Bradley P. Jones, Trustee, 2001 Creek Cove, Suite A, Brandon, Mississippi, 39402. Said Notices of Hearing are as follows:

Minutes of November 19, 2013

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
 Kelly Griffin - Ward 3
 Ronnie Hammons, Jr. - Ward 4
 Mark E. Lishen - Ward 5
 Alan Young - Ward 6



WILLIAM SKELLIE, JR.
 MAYOR

CITY CLERK
 TAX COLLECTOR
 Rebecca E. Schruff
 CITY ATTORNEY
 James C. Simpson, Jr.

October 15, 2013

David Penney
 39 Linda Lane
 Long Beach, MS 39560

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 September 17, 2013, hold a public hearing at 5:00 p.m., Tuesday, November 19, 2013, 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 David Penney, and situated in the City of Long Beach, Mississippi, at 39 Linda Lane, 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: 39 Linda Lane, Long Beach, Mississippi
 Parcel Number: 0611N-01-007.00
 Legal Description: LOT 20 BLK 4 BETTER HOMES 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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www.cityoflongbeachms.com

Minutes of November 19, 2013
Mayor and Board of Aldermen

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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
Kelly Griffin - Ward 3
Ronnie Hammons, Jr. - Ward 4
Mark E. Lishen - Ward 5
Alan Young - Ward 6



WILLIAM SKELLIE, JR.
MAYOR

CITY CLERK
TAX COLLECTOR
Rebecca E. Schruff

CITY ATTORNEY
James C. Simpson, Jr.

October 15, 2013

David Penney
1205 Spring Drive
Long Beach, MS 39560

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 September 17, 2013, hold a public hearing at 5:00 p.m., Tuesday, November 19, 2013, 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 David Penney, and situated in the City of Long Beach, Mississippi, at 39 Linda Lane, 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: 39 Linda Lane, Long Beach, Mississippi
Parcel Number: 0611N-01-007.00
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Minutes of November 19, 2013
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
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WILLIAM SKELLIE, JR.
MAYOR

CITY CLERK
TAX COLLECTOR
Rebecca E. Schruoff

CITY ATTORNEY
James C. Simpson, Jr.

October 15, 2013

Bradley P. Jones
2001 Creek cove, Suite A
Brandon, MS 39042

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 September 17, 2013, hold a public hearing at 5:00 p.m., Tuesday, November 19, 2013, 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 David Penney, and situated in the City of Long Beach, Mississippi, at 39 Linda Lane, 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: 39 Linda Lane, Long Beach, Mississippi
Parcel Number: 0611N-01-007.00
Legal Description: LOT 20 BLK 4 BETTER HOMES 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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Minutes of November 19, 2013
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 15th day of October, 2013.


Rebecca E. Schnuff
City Clerk

REGISTERED MAIL

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

91 7108 2133 3939 0116 0939

U.S. POSTAGE PITNEY BOWES
ZIP 39560 \$004.81⁰
02 1M
0001387306 OCT 24 2013

NAME David Penney
1st Notice 10/2
2nd Notice
Return

Long NIXIE 392 DE 1009 0010/23/13

RETURN TO SENDER
REFUSED
UNABLE TO FORWARD

BC: 39560092929 *1265-04399-24-35

39560 CITY CLERK
Signature Required

NAME David Penney
1st Notice
2nd Notice
Return

Long NIXIE 392 DE 1009 0010/23/13

RETURN TO SENDER
REFUSED
UNABLE TO FORWARD

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39560 CITY CLERK
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NAME David Penney
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RETURN TO SENDER
REFUSED
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BC: 39560092929 *1265-04399-24-35

39560 CITY CLERK
Signature Required

Minutes of November 19, 2013 Mayor and Board of Aldermen

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Change of Address

Ship a Package Send Mail Manage Your Mail Shop Business Solutions

Customer Service
Have questions? We're here to help.

Tracking Number: 9171082133393901160915

Scheduled Delivery Day: October 26, 2013

Product & Tracking Information

Postal Product: First-Class Mail®
Features: Certified Mail™

Available Options

Return Receipt Electronic

Email Updates

DATE & TIME	STATUS OF ITEM	LOCATION
October 28, 2013, 2:45 pm	Delivered	BRANDON, MS 39042
October 26, 2013, 2:36 am	Processed through USPS Sort Facility	JACKSON, MS 39201
October 25, 2013	Depart USPS Sort Facility	JACKSON, MS 39201
October 25, 2013, 12:33 pm	Processed through USPS Sort Facility	JACKSON, MS 39201
October 24, 2013	Electronic Shipping Info Received	
October 24, 2013	Depart USPS Sort Facility	GULFPORT, MS 39503
October 24, 2013, 6:20 pm	Processed at USPS Origin Sort Facility	GULFPORT, MS 39503
October 24, 2013, 2:04 pm	Acceptance	LONG BEACH, MS 39560

Track Another Package

What's your tracking (or receipt) number?

Track It

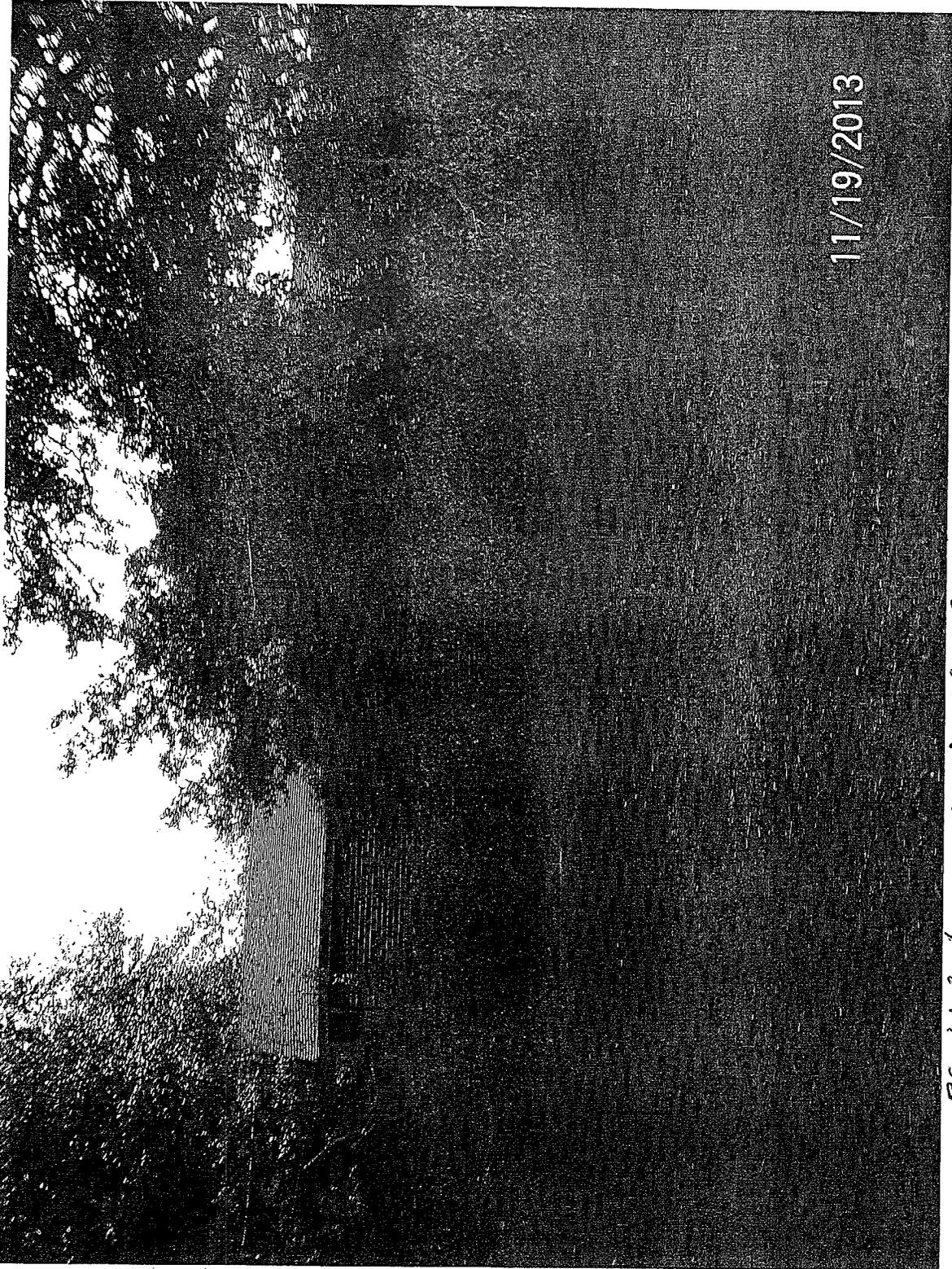
- LEGAL**
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Terms of Use
FOIA
No FEAR Act EEO Data
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Government Services
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Print a Label with Postage
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Postal Explorer

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https://tools.usps.com/go/TrackConfirmAction.action?iRef=fullpage&tLc=1&t... 11/19/2013

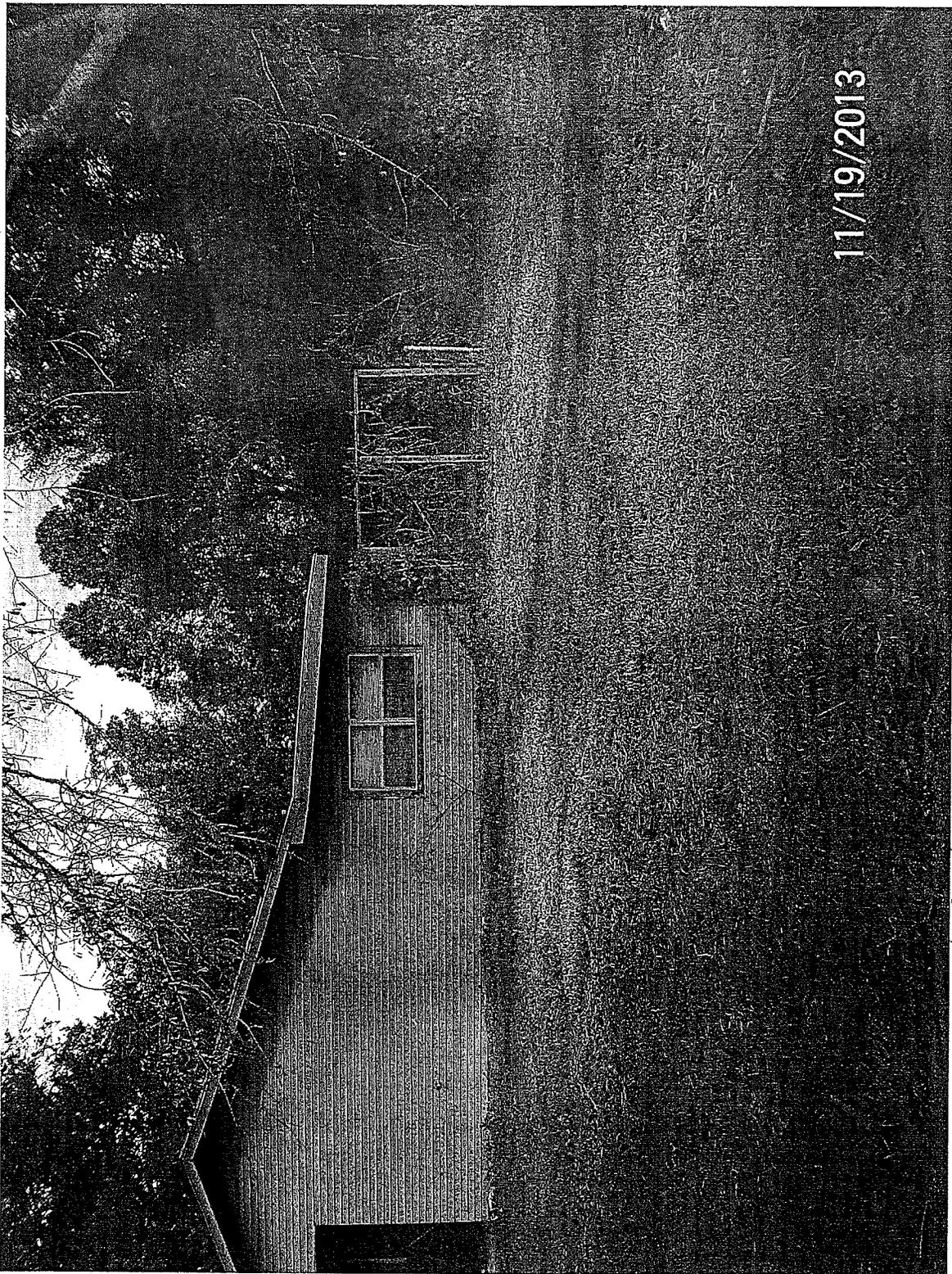
* *
➤ The Clerk further reported that the Notice of Hearing was posted on the subject property, 39 Linda Lane, Long Beach, Mississippi; the bulletin board at City Hall, the Water Department, and the Building Office, 201 Jeff Davis Avenue, Long Beach, Mississippi; the Long Beach Public Library, 209 Jeff Davis Avenue, Long Beach, Mississippi; and the city's official website, www.cityoflongbeachms.com.

- The Clerk submitted photographs depicting the subject property, 39 Linda Lane, Long Beach, Mississippi, in its present condition, taken November 19, 2013, by Building Official Earl Levens, as follows:



39 Linda Lane
Mound 011
EPT

Minutes of November 19, 2013
Mayor and Board of Aldermen



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*

- The Clerk submitted a sworn affidavit affirming that the Notice of Hearing was posted on the subject property, 39 Linda Lane, Long Beach, Mississippi; and the validity of photographs depicting the subject property in its present condition taken November 19, 2013; said affidavit is as follows:

Minutes of November 19, 2013
Mayor and Board of Aldermen

AFFIDAVIT

STATE OF MISSISSIPPI
COUNTY OF HARRISON
CITY OF LONG BEACH

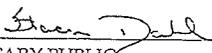
BEFORE ME, the under signed legal authority authorized to administer oaths in and for the jurisdiction aforesaid, on this day personally appeared EARL LEVENS, known to me to be the Building Official of the City of Long Beach, Mississippi, who being by me first duly sworn, deposes and says on oath as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

1. That he is the duly appointed and acting Building Official of the City of Long Beach, Mississippi;
2. That in such capacity, he is responsible for the posting of notices of public hearings for the purpose of determining whether or not certain properties are in such a state of uncleanliness as to constitute a menace to the public health and safety of the community; he is responsible for the taking of photographs of those certain properties to determine the state of the property in its then condition on the date of such public hearings; and other matters pertaining to such public hearings and the business of the zoning/code enforcement in and for the City of Long Beach;
3. That on or before November 4, 2013, he did cause to be posted, Notice of Hearing, a copy of which is attached hereto, on property assessed to David Penney, and located at 39 Linda Lane, Long Beach, Mississippi and at the City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi; and that on November 19, 2013, he did take and cause to be processed photographs depicting said property in its then condition, to be submitted as exhibits at the public hearing scheduled for November 19, 2013.

This the 19th day of November, 2013.


REBECCA E. SCHRUFFE, AFFIANT

SWORN TO AND SUBSCRIBED before me on this the 19th day of November, 2013.

-My Commission Expires- 
NOTARY PUBLIC



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 discussion, Alderman Carrubba made motion seconded by Alderman Young and unanimously carried to close the public hearing and take official action, as follows:

Based upon discussion held and information obtained during the course of this public hearing, Alderman Parker made motion seconded by Alderman Griffin and

**Minutes of November 19, 2013
Mayor and Board of Aldermen**

unanimously carried finding that the subject property, 39 Linda Lane, Long Beach, Mississippi, is in compliance with Mississippi Code Ann. § 21-19-11, city ordinances and property maintenance codes at this time.

The third and final public hearing was called to order to determine whether or not a parcel of property situated in the City of Long Beach, located at 5 Michael Court, and assessed to Byron C. and Kathryn Koby, 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 Parker 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 October 15, 2013, she did cause to be sent via certified mail, electronic receipt requested, Notice of Hearing, to Byron C. and Kathryn Koby, 5 Michael Court, Long Beach, Mississippi, 39560, as the same appears of record on the Harrison County 2013 Official Real Property Tax Rolls. Said notice was returned "Not Deliverable as Addressed-Unable to Forward". Notice of Hearing was sent and delivered to the mortgage company, Regions Bank, 1900 Charles Bryan, Cordova, TN, 38016. Said notices are as follows:

Minutes of November 19, 2013
Mayor and Board of Aldermen

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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
Kelly Griffin - Ward 3
Ronnie Hammons, Jr. - Ward 4
Mark E. Lishen - Ward 5
Alan Young - Ward 6



WILLIAM SKELLIE, JR.
MAYOR

CITY CLERK
TAX COLLECTOR
Rebecca E. Schruff

CITY ATTORNEY
James C. Simpson, Jr.

October 15, 2013

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

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 September 17, 2013, hold a public hearing at 5:00 p.m., Tuesday, November 19, 2013, 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 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: 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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Minutes of November 19, 2013
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
Kelly Griffin - Ward 3
Ronnie Hammons, Jr. - Ward 4
Mark E. Lishen - Ward 5
Alan Young - Ward 6



WILLIAM SKELLIE, JR.
MAYOR

CITY CLERK
TAX COLLECTOR
Rebecca E. Schruff

CITY ATTORNEY
James C. Simpson, Jr.

October 15, 2013

Regions Bank DBA: Regions Mortgage
1900 Charles Bryan
Cordova, TN 38016

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 September 17, 2013, hold a public hearing at 5:00 p.m., Tuesday, November 19, 2013, 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 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: 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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expense of cleaning of said property shall not exceed an aggregate amount of Twenty Thousand Dollars (\$20,000.00) per year, or the fair market value of the property subsequent to cleaning, whichever is less. If it is determined by the governing authority that it is necessary to clean the property or land more than once within a calendar year, then the municipality may clean it provided notice to the property owner is given by United States mail to the last known address at least ten (10) days before cleaning the property. The governing authority may assess the same penalty for each time the property or land is cleaned as otherwise provided in this section. The penalty provided herein shall not be assessed against the State of Mississippi upon request for reimbursement under Section 29-1-145, nor shall a municipality clean a parcel owned by the State of Mississippi without first giving notice. In the event the governing authority declares, by resolution, that the cost and any penalty shall be collected as a civil debt, the governing authority may authorize the institution of a suit on open account against the owner of the property in court of competent jurisdiction in the manner provided by law for the cost and any penalty, plus court costs, reasonable attorney's fees and interest from the date that the property was cleaned. In the event that the governing authority does not declare that the cost and any penalty shall be collected as a civil debt, then the assessment above provided for shall be a lien against the property and may be enrolled in the office of the circuit clerk of the county as other judgments are enrolled, and the tax collector of the municipality shall, upon order of the board of governing authorities, proceed to sell the land to satisfy the lien as now provided by law for the sale of lands for delinquent municipal taxes as provided by *Section 21-19-11 Mississippi Code, Annotated.*

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

Done by order of the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, this the 15th day of October, 2013.


Rebecca E. Schuff
City Clerk

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Product & Tracking Information

Postal Product: First-Class Mail® Features: Certified Mail™

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Return Receipt Electronic

Email Updates

DATE & TIME	STATUS / EVENT	LOCATION
October 28, 2013, 2:49 pm	Delivered	CORDOVA, TN 38018
October 26, 2013, 10:24 am	Notice Left (Business Closed)	CORDOVA, TN 38016
October 25, 2013	Depart USPS Sort Facility	MEMPHIS, TN 38101
October 25, 2013, 9:06 pm	Processed through USPS Sort Facility	MEMPHIS, TN 38101
October 25, 2013	Depart USPS Sort Facility	MEMPHIS, TN 38101
October 24, 2013	Electronic Shipping Info Received	
October 24, 2013	Depart USPS Sort Facility	GULFPORT, MS 39503
October 24, 2013, 6:20 pm	Processed at USPS Origin Sort Facility	GULFPORT, MS 39503
October 24, 2013, 2:04 pm	Acceptance	LONG BEACH, MS 39580

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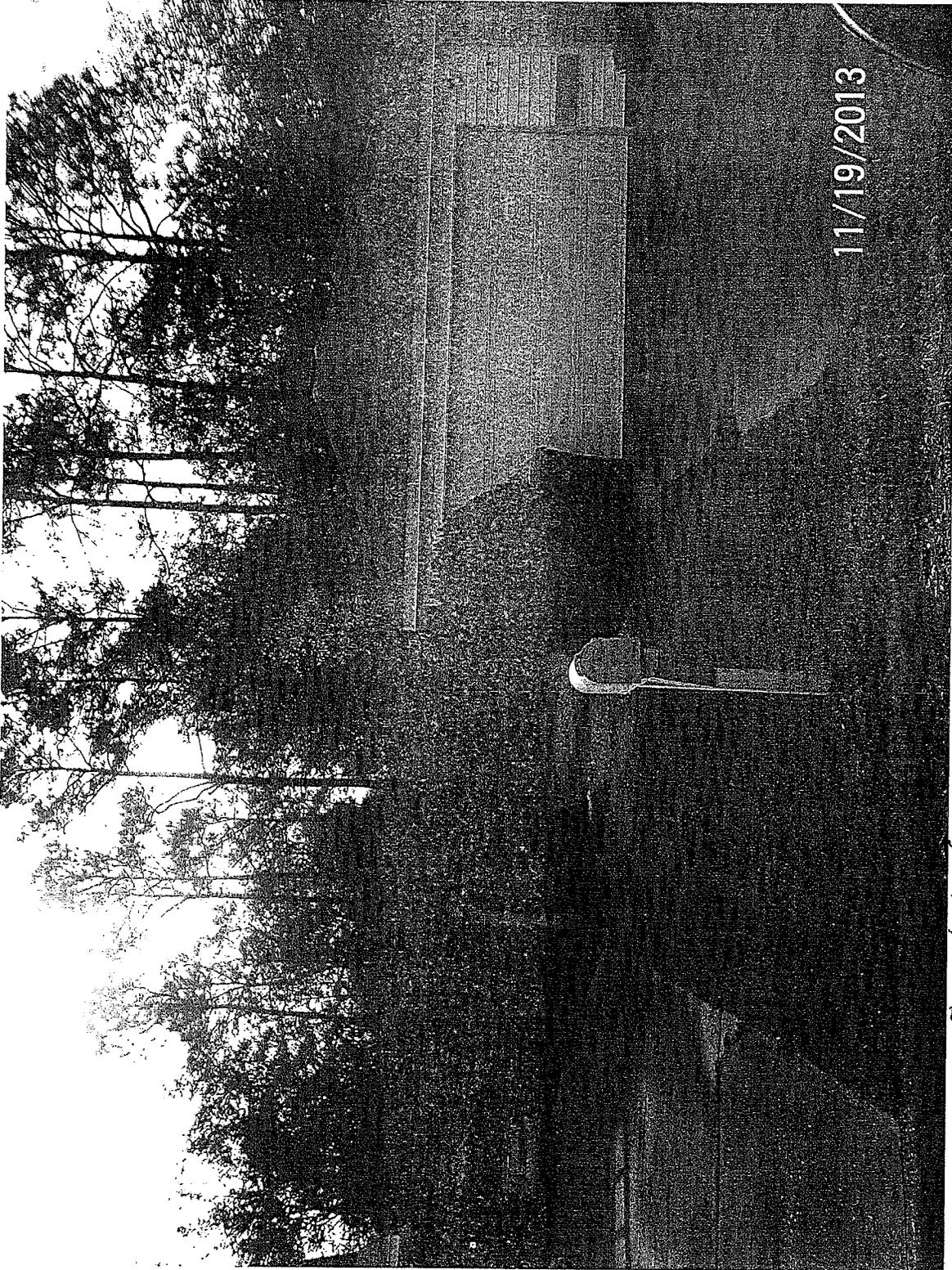
https://tools.usps.com/go/TrackConfirmAction.action?tRef=fullpage&Lc=1&t... 11/19/2013

* *

➤ The Clerk further reported that Notice of Hearing was posted on the subject property 5 Michael Court, Long Beach, Mississippi; the bulletin board at City Hall, the Water Department, and the Building Office, 201 Jeff Davis Avenue, Long Beach, Mississippi; the Long Beach Public Library, 209 Jeff Davis Avenue, Long Beach, Mississippi; and the city's official website, www.cityoflongbeachms.com.

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- The Clerk submitted photographs depicting the subject property, 5 Michael Court, Long Beach, Mississippi, in its present condition, taken November 19, 2013, by Building Official Earl Levens, as follows:



*

*

- The Clerk submitted a sworn affidavit affirming that the Notice of Hearing was posted on the subject property, 5 Michael Court, Long Beach, Mississippi; and

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the validity of the photographs depicting the subject property in its present condition taken November 19, 2013; said affidavit is as follows:

AFFIDAVIT

STATE OF MISSISSIPPI
COUNTY OF HARRISON
CITY OF LONG BEACH

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

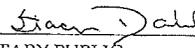
1. That he is the duly appointed and acting Building Official of the City of Long Beach, Mississippi;
2. That in such capacity, he is responsible for the posting of notices of public hearings for the purpose of determining whether or not certain properties are in such a state of uncleanness as to constitute a menace to the public health and safety of the community; he is responsible for the taking of photographs of those certain properties to determine the state of the property in its then condition on the date of such public hearings; and other matters pertaining to such public hearings and the business of the zoning/code enforcement in and for the City of Long Beach;
3. That on or before November 4, 2013, he did cause to be posted, Notice of Hearing, a copy of which is attached hereto, on property assessed to Byron C. and Kathryn Koby, and located at 5 Michael Court, Long Beach, Mississippi and at the City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi; and that on November 19, 2013, he did take and cause to be processed photographs depicting said property in its then condition, to be submitted as exhibits at the public hearing scheduled for November 19, 2013.

This the 19th day of November, 2013.


REBECCA E. SCHRUFF, AFFIANT

SWORN TO AND SUBSCRIBED before me on this the 19th day of November, 2013.

-My Commission Expires-


NOTARY PUBLIC



AFFIDAVIT-PHOTOS;POST NOTICE

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

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

Based upon discussion held and information obtained during the course of this public hearing, Alderman Parker made motion seconded by Alderman Ponthieux and unanimously carried finding that the subject property, 5 Michael Court, Long Beach, Mississippi, is in compliance with Mississippi Code Ann. § 21-19-11, city ordinances and property maintenance codes at this time.

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, 2013, 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, Sr., Gary J. Ponthieux, Bernie Parker, Kelly Griffin, Ronnie Hammons, Jr., Alan Young, City Clerk Rebecca E. Schruoff, and Attorney Russell Nobile.

Alderman Mark E. Lishen and City Attorney James C. Simpson, Jr. were absent the meeting.

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

There was no official action required or taken regarding bids.

It was noted for the record that the City of Long Beach placed fourth in the State of Mississippi for best town to raise a family.

* * *

The Mayor and Board of Aldermen proclaimed November 17-23, 2013, Geography Awareness Week.

There were no amendments or public comments to the agenda.

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Alderman Hammons made motion seconded by Alderman Ponthieux and unanimously carried to approve the regular meeting and executive session minutes of the Mayor and Board of Aldermen dated November 5, 2013, as submitted.

Alderman Parker made motion seconded by Alderman Carrubba and unanimously carried to approve the regular meeting minutes of the Long Beach Planning Commission dated November 14, 2013, as submitted.

Alderman Parker made motion seconded by Alderman Ponthieux and unanimously carried to approve payment of invoices as listed in Docket of Claims number 111913.

Alderman Carrubba made motion seconded by Alderman Parker and unanimously carried to accept with regret the resignation of Tony VanCourt from the Long Beach Planning Commission commending him for his years of dedicated service.

* * *

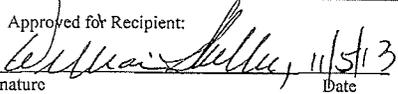
Based upon the recommendation of Mayor Skellie, Alderman Hammons made motion seconded by Alderman Carrubba and unanimously carried to appoint Donald Frazier to the Long Beach Planning Commission as one of the Mayor's at-large positions, to fill the unexpired term of Tony VanCourt, present-July, 2017.

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

Alderman Hammons made motion seconded by Alderman Griffin and unanimously carried to approve CDBG Budget Modification #15, Town Green Project, as follows:

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 Mayor and Board of Aldermen

Town Green

MISSISSIPPI DEVELOPMENT AUTHORITY MODIFICATION SIGNATURE SHEET		
DISASTER RECOVERY DIVISION POST OFFICE BOX 849 JACKSON, MISSISSIPPI 39205-0849		
1. Recipient's Name, Address, and Telephone No. City of Long Beach Post Office Box 929 Long Beach, MS 39560-0929 228-863-1556	2. Effective Date:	
	3. Contract Number: R-109-235-03-KCR	Grant Number: R-109-235-03-KCR
	4. Modification Number: 15	
	5. Grant Identifier: (Funding Source & Year) CFDA Number: 14.219 & 14.228	
	6. Beginning and Ending Date January 2, 2008 – March 31, 2014	
	7. Page 1 of <u>3</u>	
	8. As a result of this modification, funds obligated are changed as follows:	
KCDBG FROM: \$1,687,729.00 TO: \$1,658,380.72 INCREASE: DECREASE: \$29,348.28	OTHER FEDERAL FROM: N/A TO: INCREASE: DECREASE:	OTHER (LOCAL-PRIVATE) FROM: N/A TO: INCREASE: DECREASE
9. The above recipient is hereby modified as follows: The purpose of this modification is to decrease the project budget by \$29,348.28 and transfer these funds to the City Hall project (R-109-235-02-KCR) and to extend the contract ending date to March 31, 2014.		
10. Except as hereby modified, all terms and conditions of the subcontract remain unchanged.		
12. Approved for Agency: _____ Signature Date Name: Title:	13. Approved for Recipient:  _____ Signature Date Name: William Skellie, Jr. Title: Mayor	

Minutes of November 19, 2013
 Mayor and Board of Aldermen

Katrina Supplemental CDBG Program
 Budget Summary

Applicant: Long Beach – Town Green

Funding Year: _____

Grant Year: _____

Contract: # _____

Description	MDA	IDIS	Katrina CDBG	Other Funding Sources			Total
Administration							
General Administration			\$72,100.00				\$72,100.00
Application Prep.			\$10,000.00				\$10,000.00
Audit							\$ 0.00
Subtotal (A)			\$82,100.00	\$0.00	\$0.00	\$0.00	\$82,100.00
Description	MDA	IDIS	Katrina CDBG	Other Funding Sources			Total
Public Facilities							
Acquisition							\$ 0.00
Architectural/Engineering			\$132,388.82				\$132,388.82
Bridges							\$ 0.00
Construction of Public Building							\$ 0.00
Contingency			\$0.00				\$0.00
Demolition							\$ 0.00
Drainage & Flood Protection							\$ 0.00
Fire protection							\$ 0.00
Legal			\$0.00				\$0.00
Public Service							\$ 0.00
Rail							\$ 0.00
Renovation of Public Building							\$ 0.00
Sewage Pumping Station							\$ 0.00
Sewage Treatment							\$ 0.00
Sewer Line(s)							\$ 0.00
Street & Road Improvements							\$ 0.00
Water Booster Station							\$ 0.00
Water Line(s)							\$ 0.00
Water Tank							\$ 0.00
Water Treatment							\$ 0.00
Water Well							\$ 0.00
Other-Surveying/Geotech			\$14,700.00				\$14,700.00
Town Green Construction			\$1,391,623.72				\$1,391,623.72
Special Consultants			\$37,568.18				\$37,568.18
Subtotal (B)			\$1,576,280.72	\$0.00	\$0.00	\$0.00	\$1,576,280.72
Grand Total (A + B)			\$1,658,380.72	\$0.00	\$0.00	\$0.00	\$1,658,380.72

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 Mayor and Board of Aldermen

BUDGET MODIFICATION WORKSHEET

Recipient: City of Long Beach Contract Number: R-109-235-03-KCR

Activity	Current Budget	Proposed Budget	Change (+ -)
Architectural/Engineering	\$ 132,388.82	\$ 132,388.82	\$ 0.00
Town Green Construction	\$ 1,420,972.00	\$ 1,391,623.72	-\$ 29,348.28
Administration	\$72,100.00	\$72,100.00	\$0.00
App Prep.	\$10,000.00	\$10,000.00	\$0.00
Survey/Geotech	\$14,700.00	\$14,700.00	\$0.00
Special Consultants	\$37,568.18	\$37,568.18	\$0.00
	TOTAL	TOTAL	TOTAL
	\$ 1,687,729.00	\$ 1,658,380.72	-\$ 29,348.28

Comments:

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Alderman Parker made motion seconded by Alderman Young and unanimously carried to approve CDBG Budget Modification #14, Fire Station Project, as follows:

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file station

MISSISSIPPI DEVELOPMENT AUTHORITY MODIFICATION SIGNATURE SHEET		
DISASTER RECOVERY DIVISION POST OFFICE BOX 849 JACKSON, MISSISSIPPI 39205-0849		
1. Recipient's Name, Address, and Telephone No. City of Long Beach Post Office Box 929 Long Beach, MS 39560-0929 228-863-1556	2. Effective Date:	
	3. Contract Number: R-109-235-04-KCR	Grant Number: R-109-235-04-KCR
	4. Modification Number: 14	
	5. Grant Identifier: (Funding Source & Year) CFDA Number: 14.219 & 14.228	
	6. Beginning and Ending Date January 2, 2008 – March 31, 2014	
	7. Page 1 of <u>3</u>	
	8. As a result of this modification, funds obligated are changed as follows:	
KCDBG FROM: \$1,726,819.00 TO: \$1,699,213.65 INCREASE: DECREASE: \$27,605.35	OTHER FEDERAL FROM: No change TO: INCREASE: DECREASE:	OTHER (LOCAL-PRIVATE) FROM: No change TO: INCREASE: DECREASE:
9. The above recipient is hereby modified as follows: The purpose of this modification is to: Decrease the project budget by \$27,605.35 and transfer these funds to the City Hall project #R-109-235-02-KCR; transfer remaining funds among existing line items; and extend the contract ending date to March 31, 2014.		
10. Except as hereby modified, all terms and conditions of the subcontract remain unchanged.		
12. Approved for Agency: _____ Signature Date Name: Title:	13. Approved for Recipient: <i>William Skellie, Jr.</i> _____ Signature Date Name: William Skellie, Jr. Title: Mayor	

Minutes of November 19, 2013 Mayor and Board of Aldermen

Katrina Supplemental CDBG Program Budget Summary

Applicant: Long Beach -- Construct Fire Station

Funding Year: _____

Grant Year: _____

Contract: #R-109-235-04-KCR

Description	MDA	IDIS	Other Funding Sources			Total	
Administration			Katrina CDBG				
General Administration			\$65,000.00			\$65,000.00	
Application Prep.			\$10,000.00			\$10,000.00	
Audit						\$ 0.00	
Subtotal (A)			\$75,000.00	\$0.00	\$0.00	\$75,000.00	
Description	MDA	IDIS	Katrina CDBG	HMGP	FEMA	Insurance	Total
Public Facilities							
Acquisition							\$ 0.00
Architectural/Engineering			\$135,971.56	\$100,587.00	\$31,520.00		\$268,078.56
Bridges							\$ 0.00
Construction of Public Building							\$ 0.00
Contingency			\$5,000.00				\$5,000.00
Demolition							\$ 0.00
Drainage & Flood Protection							\$ 0.00
Fire protection			\$1,483,242.09	\$1,622,376.00	\$311,548.00	\$130,383.00	\$3,547,549.09
Legal							\$ 0.00
Public Service							\$ 0.00
Rail							\$ 0.00
Renovation of Public Building							\$ 0.00
Sewage Pumping Station							\$ 0.00
Sewage Treatment							\$ 0.00
Sewer Line(s)							\$ 0.00
Street & Road Improvements							\$ 0.00
Water Booster Station							\$ 0.00
Water Line(s)							\$ 0.00
Water Tank							\$ 0.00
Water Treatment							\$ 0.00
Water Well							\$ 0.00
Other							\$ 0.00
Generator					\$13,438.00		\$13,438.00
Program Mgt. Fees				\$36,437.00	\$30,935.00		\$67,372.00
Subtotal (B)			\$1,624,213.65	\$1,759,400.00	\$387,441.00	\$130,383.00	\$3,901,437.65
Grand Total (A + B)			\$1,699,213.65	\$1,759,400.00	\$387,441.00	\$130,383.00	\$3,976,437.65

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 Mayor and Board of Aldermen

BUDGET MODIFICATION WORKSHEET

Recipient: City of Long Beach Contract Number: R-109-235-04-KCR

Activity	Current Budget	Proposed Budget	Change (+ -)
General Admin	\$ 65,000.00	\$ 65,000.00	\$ 0.00
App. Prep.	\$ 10,000.00	\$10,000.00	\$ 0.00
Arch/Eng.	\$ 136,600.00	\$ 135,971.56	-\$ 628.44
Fire Protection	\$ 1,515,219.00	\$ 1,483,242.09	-\$ 31,976.91
Contingencies	\$ 0.00	\$5,000.00	+\$5,000.00
	TOTAL	TOTAL	TOTAL
	\$1,726,819.00	\$ 1,699,213.65	-\$ 27,605.35

Comments:

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*

Alderman Parker made motion seconded by Alderman Young and unanimously carried to approve Budget Modification #18, City Hall Project, as follows:

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City Hall

MISSISSIPPI DEVELOPMENT AUTHORITY MODIFICATION SIGNATURE SHEET		
DISASTER RECOVERY DIVISION POST OFFICE BOX 849 JACKSON, MISSISSIPPI 39205-0849		
1. Recipient's Name, Address, and Telephone No. City of Long Beach Post Office Box 929 Long Beach, MS 39560-0929 228-863-1556	2. Effective Date:	
	3. Contract Number: R-109-235-02-KCR	Grant Number: R-109-235-02-KCR
	4. Modification Number: 18	
	5. Grant Identifier: (Funding Source & Year) CFDA Number: 14.219 & 14.228	
	6. Beginning and Ending Date January 2, 2008 – March 31, 2014	
	7. Page 1 of 3	
	8. As a result of this modification, funds obligated are changed as follows:	
<u>KCDBG</u> FROM: \$5,043,343.86 TO: \$5,100,297.49 INCREASE: \$56,953.63 DECREASE:	<u>OTHER FEDERAL</u> FROM: No change TO: INCREASE: DECREASE:	<u>OTHER (LOCAL-PRIVATE)</u> FROM: No change TO: INCREASE: DECREASE:
9. The above recipient is hereby modified as follows: The purpose of this modification is to increase the project budget by \$56,953.63 by transferring \$29,348.28 from the Town Green project (R-109-235-03-KCR) and \$27,605.35 from the Fire Station project (R-109-235-04-KCR) and distributing these funds among existing line items. The project ending date will be extended to March 31, 2014.		
10. Except as hereby modified, all terms and conditions of the subcontract remain unchanged.		
12. Approved for Agency: Signature _____ Date _____ Name: Title:	13. Approved for Recipient: Signature <u>William Skellie</u> Date <u>11/19/13</u> Name: William Skellie, Jr. Title: Mayor	

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 Mayor and Board of Aldermen

Katrina Supplemental CDBG Program
 Budget Summary

Applicant: Long Beach – Construct new Municipal Complex

Funding Year: _____

Grant Year: _____

Contract: #R-109-235-02-KCR

Description	MDA	IDIS	Other Funding Sources				Total
Administration			Katrina CDBG				
General Administration			\$144,268.00				\$144,268.00
Application Prep.			\$10,000.00				\$10,000.00
Audit							\$ 0.00
Subtotal (A)			\$154,268.00	\$0.00	\$0.00	\$0.00	\$154,268.00
Description	MDA	IDIS	Other Funding Sources				Total
Public Facilities			Katrina CDBG	FEMA	Insurance		
Acquisition							\$ 0.00
Architectural/Engineering			\$328,038.00	\$33,071.00			\$361,109.00
Bridges							\$ 0.00
Construction of Public Building			\$4,607,991.49	\$320,936.55	\$ 49,206.45		\$4,978,134.49
Contingency			\$10,000.00.00				\$10,000.00
Demoition							\$ 0.00
Drainage & Flood Protection							\$ 0.00
Fire protection							\$ 0.00
Legal							\$ 0.00
Public Service							\$ 0.00
Rail							\$ 0.00
Renovation of Public Building							\$ 0.00
Sewage Pumping Station							\$ 0.00
Sewage Treatment							\$ 0.00
Sewer Line(s)							\$ 0.00
Street & Road Improvements							\$ 0.00
Water Booster Station							\$ 0.00
Water Line(s)							\$ 0.00
Water Tank							\$ 0.00
Water Treatment							\$ 0.00
Water Well							\$ 0.00
Other							\$ 0.00
Program Mgt. Fees				\$25,909.00			\$25,909.00
Subtotal (B)			\$4,946,029.49	\$379,916.55	\$ 49,206.45	\$0.00	\$5,375,152.49
Grand Total (A + B)			\$5,100,297.49	\$379,916.55	\$ 49,206.45	\$0.00	\$5,529,420.49

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 Mayor and Board of Aldermen

BUDGET MODIFICATION WORKSHEET

Recipient: City of Long Beach Contract Number: R-109-235-02-KCR

Activity	Current Budget	Proposed Budget	Change (+ -)
General Administration	\$144,268.00	\$144,268.00	\$0.00
Application Prep.	\$10,000.00	\$10,000.00	\$0.00
Construction of Public Building	\$ 4,561,037.86	\$ 4,607,991.49	+\$ 46,953.63
Architectural/Engineering	\$ 328,038.00	\$ 328,038.00	\$ 0.00
Contingencies	\$0.00	\$10,000.00	+\$10,000.00
	TOTAL	TOTAL	TOTAL
	\$ 5,043,343.86	\$5,100,297.49	+\$ 56,953.63

Comments:

Alderman Ponthieux made motion seconded by Alderman Parker and unanimously carried to approve personnel matters, as follows:

FIRE DEPARTMENT:

- Step Increase, Firefighter 1st Class Tim Harrison, FS-9-III, effective December 16, 2013.

POLICE DEPARTMENT:

- Resignation, Detective Sergeant Stephanie Stewart, effective November 8, 2013.

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RECREATION DEPARTMENT:

- Laborer Robbie Collins, CSH-1-IV, effective November 1, 2013.

There came on for consideration a letter from the Department of the Navy, D. H. McAlister, Commander, CEC, U.S. Navy, as follows:



DEPARTMENT OF THE NAVY
U.S. NAVAL MOBILE CONSTRUCTION BATTALION SEVENTY-FOUR
UNIT 60253
FPO AA 34099-5021

5050
Ser 00/
November 16, 2013

Senior Citizen Recreation Center
20257 Daugherty Rd.
Long Beach, MS 39560

SUBJECT: Command Holiday Party and Pre-Deployment Fair for U.S. Naval Mobile Construction Battalion SEVENTY-FOUR

On behalf of U.S. Naval Mobile Construction Battalion SEVENTY-FOUR, I would like to request the use and waiver of the usage fee for the Senior Citizen Recreation Center, located at 20257 Daugherty Rd, Long Beach, MS between the hours of 0900-1600 on Friday, December 13th for the Battalion's Command Holiday Party and Pre-Deployment Fair. This party will carry a special significance for NMCB SEVENTY-FOUR because it is the final in-port command event before the Battalion's final deployment and its scheduled decommissioning in September 2014. Having used your facilities before for other command functions, we are appreciative of both the quality of your facility and the professionalism of your staff in hosting us. We look forward to your response and hope to continue the relationship your team has had with helping our Battalion meet its facility needs.

Sincerely,

D. H. MCALISTER
Commander, CEC, U.S. Navy

Alderman Carrubba made motion seconded by Alderman Young and unanimously carried to approve the request as set forth above, waiving fees in accordance with city policy for non-profit government affiliates.

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Alderman Young made motion seconded by Alderman Hammons and unanimously carried acknowledging receipt of the October, 2013, Revenue/Expense Report.

There came on for consideration derelict property located at 105 Oak View Avenue, residence of Billy Pell.

It was noted for the record that the house and yard have been kept in deplorable condition and the premises were condemned by the Building Official; Mr. Pell continues to reside on the carport at the condemned property without water, sewer, or power, using the yard for a bathroom causing stench and unsanitary conditions in the neighborhood; the matter will be heard in Municipal Court on December 20, 2013, to address the harboring of rodents and high weeds.

After considerable discussion, Alderman Carrubba made motion seconded by Alderman Young and unanimously carried directing the Building Official to cite Mr. Pell for being in violation of the Condemnation Notice by residing on the condemned property; to pursue any and all other violations of city ordinances and/or property maintenance codes; and to implement this process on November 20, 2013.

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The Mayor and Board of Aldermen took up the matter of assessing the costs of cleaning property located at 413 South Burke Avenue. 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 ASSESSING THE COSTS OF CLEANING CERTAIN PROPERTY LOCATED AT 413 SOUTH BURKE AVENUE, LONG BEACH, MISSISSIPPI, PREVIOUSLY ADJUDICATED BY THE CITY TO BE A MENACE TO THE PUBLIC HEALTH AND SAFETY OF THE COMMUNITY, AND ORDERING SAME TO BE ENROLLED AS A LIEN AGAINST THE PROPERTY, AND THE PROPERTY TO BE SOLD FOR COLLECTION OF SAME BY THE COLLECTOR OF MUNICIPAL TAXES AND THE NEXT SALE CONDUCTED BY SUCH TAX COLLECTOR FOR SUCH PURPOSES, AND RELATED PURPOSES.

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 413 South Burke 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 September 17, 2013, 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 October 15, 2013 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;

2. That such hearing was conducted on October 15, 2013, having previously 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 by 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;

3. That the Mayor and Board of Aldermen having considered testimony evidence adduced at hearing regarding the condition of the subject property and the

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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, did find and adjudicate on the hearing date that the property was in such a state of uncleanness as to be a menace to the public health and safety of the community;

4. That having adjudicated such property to be in such a state of uncleanness as to be a menace to the public health and safety of the community, notice of such adjudication was provided to the owner of same in accordance with the Resolution and as required by law, proof of which is attached hereto as Exhibit A, without action by the owner to resolve and remedy the condition of said property in the time allowed in accordance with Miss. Code Annotated Section 21-19-11, the City thereupon proceeded to cause same to be cleaned as allowed by law.

5. That it is now the intention of the City of Long Beach, in accordance with Miss. Code Annotated Section 21-19-11 to assess the costs of such cleanup against the property, to impose a lien against the said property as allowed by law, to cause such assessment to be a lien against the property and enrolled in the office of the circuit clerk of the county as other judgments are enrolled.

6. That further, the City desires that tax collector of the municipality proceed to sell the land to satisfy the lien now imposed at its next tax sale date as provided by law for the sale of lands for delinquent municipal taxes.

NOW, THEREFORE, BE IT 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 413 South Burke Avenue, Long Beach, Mississippi, which parcel of land is identified by Harrison County Tax Parcel Number 0612B-02-072.000 and according to said tax records is owned by Victor Michael Planetta, Jr., having heretofore been adjudicated to be a menace to the public health and safety of the community in accordance with Miss. Code Annotated Section 21-19-11, and the owner of same failing to have same cleaned as required within the time allowed by law; and same being thereupon cleaned by the City, the City does hereby assess the costs of such cleanup against the property, does

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hereby impose same as a lien against the property as allowed by law, and does hereby order and direct such lien against the property to be enrolled in the office of the circuit clerk of the county as other judgments are enrolled.

2. That further, the City hereby orders and directs the tax collector of the municipality proceed to sell the land to satisfy the lien now imposed at its next tax sale date as provided by law for the sale of lands for delinquent municipal taxes.

3. The lien assessed and imposed hereby is in the total amount of \$2,435.45; \$1,623.63 being the cost of such clean up in accordance with the attached Exhibit A, in addition to a penalty of \$811.82 not more than either One Thousand Five Hundred Dollars (\$1,500.00) or fifty percent (50%) of the actual cost of clean up, as indicated on the attached Exhibit B, whichever is greater, as allowed by law, all to be assessed against the said parcel of land.

Alderman Parker 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:

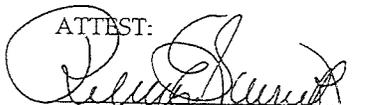
Alderman Bernie Parker	voted	Aye
Alderman Gary J. Ponthieux	voted	Aye
Alderman Kelly Griffin	voted	Aye
Alderman Alan Young	voted	Aye
Alderman Leonard G. Carrubba, Sr.	voted	Aye
Alderman Mark E. Lishen	voted	Absent, Not Voting
Alderman Ronnie Hammons, Jr.	voted	Aye

The question having received the Affirmative vote of all the Aldermen present and voting, the Mayor declared the motion carried and the resolution and order adopted and approved this 19th day of November, 2013.

APPROVED:


William Skellie, Jr., Mayor

ATTEST:


Rebecca E. Schtruff, City Clerk



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UTILITY PARTNERS, LLC

Memo

To: MAYOR & BOARD OF ALDERMEN
From: DERREL WILSON *DW*
CC: REBECCA SCHRUFF, CITY CLERK
Date: 11/12/2013
Re: **PROPERTY CLEAN-UP - 413 S. BURKE AVENUE**

Attached is a cost summary for cleaning a lot located at 413 S. Burke Avenue, Long Beach, Mississippi, as directed by the Mayor and Board of Aldermen. In addition, the work order outlining equipment, employees, and materials used in performing the task is included.

JOB SITE: 413 S. BURKE AVENUE, LONG BEACH, MS

SERVICED PERFORMED: Cleaning and removing debris from lot

DATE OF SERVICE: November 1, 2013

EQUIPMENT COST:

Bush Hog – 8 hrs @ \$15.00/hr	\$ 120.00
Tractor w/Rake – 8 hrs @ \$15.00/hr.	120.00
Mini-Hoe – 3 hrs. @ \$21.00/hr.	63.00
Knuckleboom – 4 hrs. @ \$135.00/hr.	540.00
Dump Truck – 3 hrs. @ \$43.00/hr.	129.00
TOTAL EQUIPMENT COST	\$ 972.00

TOTAL LABOR COST: \$ 574.31

TOTAL LABOR & TOTAL EQUIPMENT COST \$1,546.31
FUEL COST – 5% 77.32

TOTAL JOB COST \$ 1,623.63

To: City of Long Beach (equipment cost) \$ 972.00

To: Utility Partners, LLC \$ 651.63

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UTILITY PARTNERS, LLC

WORK ORDER # 3853450

Ward _____
Date Received 11/1/13
Project Name Mayor & Board Phone # _____
Location 413 S. Burke
Explanation of Problem Property cleanup as ordered by Mayor & Board (10/15/13)

Daily Planner
Date: _____
Assigned: _____
From: _____
Priority Level: _____

Projected Equipment
Excavator - 8 hrs. 1.
Tractor w/blade - 8 hrs.
Mini Hoer - 3 hrs. 3.
Hydraulic Boom - 4 hrs.
Dump Truck - 3 hrs.

Estimated Materials

Utilities Located
Date: _____
Locate # _____

Actual Equipment
1. _____
2. _____
3. _____
4. _____

Actual Materials
1. _____
2. _____
3. _____
4. _____

Crew Responsible
A. Taylor - 8 hrs.
G. Salcino - 8 hrs.
J. Madleton - 8 hrs.
D. Borth - 3 hrs.
D. Broward - 3 hrs.

Comments About Work

- Need Asphalt
- Need Concrete

Asignee Signature _____ Completion Date _____

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There came on for consideration a letter from Building Official Earl Levens, as follows:

City of Long Beach



November 13, 2013

Mayor and Board of Aldermen
City of Long Beach, Mississippi

It is my recommendation the 2012 International Property Maintenance Code (adopted June 5, 2013, ordinance 601) Section 302.4, be amended as follows:

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of **[12 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 cost of such removal shall be paid by the owner or agent responsible for the property.

Thank you.

A handwritten signature in cursive script, appearing to read "Earl Levens".

Earl Levens
Building/Code Official

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

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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 viola-

tion, 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 pest elimination, 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 a minimum of 54 inches (1372 mm) above the bottom of the gate,

Upon discussion and based upon the recommendation of Mr. Levens, official action was taken as follows:

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ORDINANCE NO. 605

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AMENDING ORDINANCE NO. 478, ENTITLED, "AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, ADOPTING VARIOUS BUILDING AND RELATED CODES AND STANDARDS, AND APPENDIXES REGULATING AND CONTROLLING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF BUILDINGS AND STRUCTURES, PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTIONS OF FEES THEREFORE WHEN USED WITH MONEY; PROVIDING FOR AND RELATING TO INSPECTION ACTIVITIES AND ENFORCEMENT OF BUILDING PROVISIONS AS PROVIDED IN VARIOUS CODES; AND FOR RELATED PURPOSES," AS HERETOFORE AMENDED TO ADOPT A REVISION TO SECTION 302.4 OF THE 2012 REVISIONS TO THE STANDARDS, REVISIONS AND APPENDIXES PREVIOUSLY ADOPTED BY THE CITY, AND FOR RELATED PURPOSES.

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

1. That the 2012 revisions to the international building and related codes and standards have heretofore been adopted by the City of Long Beach by Ordinance Number 601.
2. That the Governing Authorities have found it is necessary to adopt certain revisions to the standards, revisions and appendixes and related codes heretofore adopted in the 2012 International Building and Related Codes and Standards.

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

SECTION 1. Adoption

Section 302.4 of The 2012 International Property Maintenance Code as previously adopted, and from time to time amended by the City of Long Beach, is hereby further amended to read as follows:

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of [12 inches). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses,

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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 cost of such removal shall be paid by the owner or agent responsible for the property.

SECTION 2. Effective Date

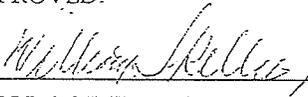
This ordinance shall take effect and be enforced thirty (30) days after its adoption, publication and enrollment thereof as provided by law.

The above and foregoing Ordinance No. 605 was introduced in writing by Alderman Parker who moved its adoption. Alderman Ponthieux seconded the motion to adopt the Ordinance, and after discussion, no member of the Board of Aldermen having requested the Ordinance to be read by the City Clerk, and the question being put to a roll call vote the result was as follows:

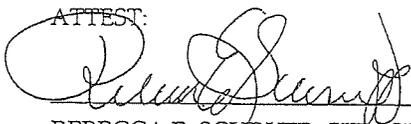
Alderman Bernie Parker	voted	Aye
Alderman Gary J. Ponthieux	voted	Aye
Alderman Kelly Griffin	voted	Aye
Alderman Alan Young	voted	Aye
Alderman Leonard G. Carrubba, Sr.	voted	Aye
Alderman Mark E. Lishen	voted	Absent, Not Voting
Alderman Ronnie Hammons, Jr.	voted	Aye

The question having received the affirmative vote of all the Aldermen present and voting, the Mayor declared the motion carried and the said Ordinance Number 605 adopted and approved this the 19th day of November, 2013.

APPROVED:


WILLIAM "BILLY" SKELLIE, JR., MAYOR

ATTEST:


REBECCA E. SCHRUFF, CITY CLERK

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Alderman Parker made motion seconded by Alderman Ponthieux and unanimously carried to approve Amendment One, Contract for Public Works Services, Utility Partners, LLC, d/b/a UP Group, LLC, authorizing the Mayor and City Clerk to execute same, as follows:

**AMENDMENT ONE
To Contract For
Public Works Services
for
City of Long Beach, Mississippi**

In consideration of the promises set forth in the contract dated December 1, 2009, between the **City of Long Beach, Mississippi** (hereinafter referred to as the Owner), and **Utility Partners, LLC dba UP Group, LLC** (hereinafter "Operator"), whose address is 1238 East Railroad, Gulfport, MS 39501, regarding the above captioned project, the parties agree the contract is amended as follows:

City and Operator agree to the following:

A. ARTICLE 2, SCOPE OF SERVICES: OPERATOR, shall be amended as follows:

Add the following paragraph:

Item 2.23 The Scope of Services shall include dead animal pick up and removal.

B. ARTICLE 4, COST OF WORK, shall be amended as follows:

Item 4.2 The Cost of Services is amended as follows:

Operator agrees to hold firm its current compensation for 2012-13 for the coming budget year of 2013-14, unless adjusted pursuant to Section 4.4. In addition, Operator shall be limited to an annual increase for cost of living adjustment of 1.85% per year starting in 2014-15 and in ensuing years of this Agreement as outlined below, again subject only to increases in scope and staffing as outlined in Section 4.4. The compensation schedule is shown below:

2013-14	\$ 1,818,592
2014-15	\$ 1,852,236
2015-16	\$ 1,886,502
2016-17	\$ 1,921,403

C. ARTICLE 9, TERM AND TERMINATION, shall be amended as follows:

Item 9.1 The Term of this Agreement shall be for four years and commence on December 1, 2013 and extend until November 30, 2017.

All other paragraphs remain as originally written.

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IN WITNESS WHEREOF, the parties hereto have indicated their approval of this Amendment by their signatures below:

City of Long Beach, Mississippi
(Owner)
by William Skellie
Mayor William Skellie

Utility Partners, LLC, (UP)
(Operator)
by Robert W. Monette
Robert W. Monette, P.E., President

Date: 11/19/13

Date: 11/12/13

by [Signature]
Title: [Signature]



Alderman Ponthieux made motion seconded by Alderman Young and unanimously carried to accept with regret the resignation of Kevin Riley from the Long Beach Civil Service Commission, commending him for his years of dedicated service and to appoint David Drye to the Long Beach Civil Service Commission to fill the unexpired term, present-July/2018.

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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 18th day of November 2013, 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 PAVING GARDENDALE AVENUE BETWEEN MARLIN LADNER FIELD AND EAST OLD PASS ROAD IN THE CITY OF LONG BEACH, AND FOR OTHER PURPOSES.

WHEREAS, The City of Long beach and the Board of Supervisors of Harrison County , Mississippi have hereto for entered into an Interlocal Agreement to allow and provide for the exchange of services and the provision of assistance between them on behalf of the citizens of Long Beach and Harrison County; and

WHEREAS, from time to time and on occasion the City seeks the assistance of Harrison County in providing paving on certain roads located responded and complied when possible; and

WHEREAS, Gardendale Avenue between Marlin Ladner Field and East Old Pass Road in Long Beach has suffered extreme deterioration due to use, wet weather conditions, construction activity, and other causes which may possibly have caused Gardendale Avenue to have deteriorated to the point of being in a hazardous condition and threat to public safety; and

WHEREAS, being without sufficient resources to pay the cost of paving such street, the City of Long Beach hereby seeks the assistance of the Harrison County Board of Supervisors to pave such street for the protection, health and safety of all citizens of Harrison County using said roadway.

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 such assistance as may be available to the City of Long Beach and

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the citizens of Harrison County utilizing Gardendale Avenue between Marlin Ladner Field and East Old Pass Road in the City of Long Beach in the form of asphalt paving for such distance and in all such are as is in need, or for which resources are available.

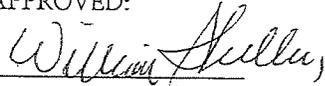
BE IT FURTHER RESOLVED, by the Mayor and Board of Aldermen of the City of Long Beach that we express our appreciation to Supervisor Marlin Ladner and the entire Harrison County Board of Supervisors for any assistance it is able to provide in this request.

The above and foregoing Resolution having been introduced in writing, was first read and considered section by section and then as a whole. Alderman Carrubba moved the adoption of the above and foregoing resolution, seconded by Alderman Parker and 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 Kelly Griffin	voted	Aye
Alderman Alan Young	voted	Aye
Alderman Leonard G. Carrubba, Sr.	voted	Aye
Alderman Mark E. Lishen	voted	Absent, Not Voting
Alderman Ronnie Hammons, Jr.	voted	Aye

The question having received the Affirmative vote of all the Aldermen present and voting, the Mayor declared the motion carried and the resolution and order adopted and approved this 19th day of November, 2013.

APPROVED:


William Skellie, Jr., Mayor

ATTEST:


Rebecca E. Schriff, City Clerk



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Attorney Russell Nobile updated the Mayor and Board of Aldermen regarding the Ronald Jefferson litigation; no official action was required or taken.

The Mayor opened the floor for public comments regarding general matters not appearing on the agenda, as follows:

PUBLIC COMMENTS PERTAINING TO MATTERS <u>NOT</u> APPEARING ON THE AGENDA		
<p>NOTE: All comments <u>shall</u> be directed to the Chairman (Mayor) at the end of the meeting. 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 <u>will not</u> 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.</p>		
PLEASE PRINT:		
	NAME / ADDRESS / TELEPHONE	SUBJECT MATTER
1	Robert Kennedy	Dak View
2	Kendra Case	"
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-NOT ON AGENDA

There being no further business to come before the Mayor and Board of Aldermen at this time, Alderman Parker made motion seconded by Alderman

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Hammons and unanimously carried to adjourn until the next regular meeting in due course.

APPROVED:

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

Alderman Gary J. Ponthieux, Ward 1

Alderman Bernie Parker, Ward 2

Alderman Kelly Griffin, Ward 3

Alderman Ronnie Hammons, Jr., Ward 4

Alderman Mark E. Lishen, Ward 5

Alderman Alan Young, Ward 6

Date

ATTEST:

Rebecca E. Schruff, City Clerk