

Minutes of January 21, 2014  
Mayor and Board of Aldermen

Be it remembered that four (4) 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 21<sup>st</sup> day of January, 2014, 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., Mark E. Lishen, Alan Young, City Clerk Rebecca E. Schruuff and City Attorney James C. Simpson, Jr.

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

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The first public hearing was called to order to determine whether or not a parcel of property assessed to Scott and Deanna Lively, located at 0 South Nicholson Avenue and situated in the City of Long Beach, is in such a state of uncleanliness as to constitute a menace to the public health and safety of the community.

The Mayor recognized the Clerk for her report, whereupon, Alderman Young 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 regular meeting duly held and convened December 3, 2013, she did cause to be sent via certified mail, electronic receipt requested, Notice of Hearing, to Scott and Deanna Lively, 4040 Cocker Road, Madison, Mississippi, 39110, (returned by the USPS, "Unclaimed - Unable to Forward"); and to the address of the subject property, 0 South Nicholson Avenue, (returned by the USPS, "Return to Sender - No Such Number"), as the addresses appear of record on the Harrison County Real Property Rolls 2013; said Notices of Public Hearing are as follows:

Minutes of January 21, 2014  
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. Schruoff

CITY ATTORNEY  
James C. Simpson, Jr.

December 3, 2013

Scot and Dearnna Lively  
4040 Cocker Road  
Madison, MS 39110

MAILED <sup>4</sup>  
Date: 12/4/13

91 7199 9991 7033 4873 8597

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 December 3, 2013, hold a public hearing at 5:00 p.m., Tuesday, January 21, 2014, 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 Scot and Dearnna Lively, and situated in the City of Long Beach, Mississippi, at 0 Nicholson Avenue, is in such a state of uncleanness as to be a menace to the public health and safety of the community, all in accordance with Section 21-19-11 of the Mississippi Code of 1972, as amended. Said property is more particularly described, as follows:

Address: 0 South Nicholson Avenue, Long Beach, Mississippi

Parcel Number: 0612A-03-007.001

Legal Description: COM AT INTER OF W MAR OF NICHOLSON AVE & N MAR OF HWY 90 NLY ALONG NICHOLSON AE 195.4 FT TO POB S 55 DGS W 79.8 FT TO E LINE OF GULVIEW COURT NLY ALONG SUBD 99.1 FT N 62

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

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City of Long Beach

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WILLIAM SKELLIE, JR.  
MAYOR

CITY CLERK  
TAX COLLECTOR  
Rebecca E. Schruff

CITY ATTORNEY  
James C. Simpson, Jr.

December 3, 2013

MAILED *ps*  
Date: 12/4/13

Scot and Deanna Lively  
0 Nicholson Avenue  
Long Beach, MS 39560

91 7199 9991 7033 4873 8627

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 December 3, 2013, hold a public hearing at 5:00 p.m., Tuesday, January 21, 2014, 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 Scot and Deanna Lively, and situated in the City of Long Beach, Mississippi, at 0 Nicholson Avenue Street, is in such a state of uncleanness as to be a menace to the public health and safety of the community, all in accordance with Section 21-19-11 of the Mississippi Code of 1972, as amended. Said property is more particularly described, as follows:

Address: 0 South Nicholson Avenue, Long Beach, Mississippi  
Parcel Number: 0612A-03-007.001

Legal Description: COM AT INTER OF W MAR OF NICHOLSON AVE & N MAR OF HWY 90 NLY ALONG NICHOLSON AE 195.4 FT TO POB S 55 DGS W 79.8 FT TO E LINE OF GULVIEW COURT NLY ALONG SUBD 99.1 FT N 62

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 3rd day of December, 2013.

  
Rebecca E. Schuff  
City Clerk

Minutes of January 21, 2014  
 Mayor and Board of Aldermen

**CERTIFIED MAIL**

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

91 7199 9991 7033 4873 8597

39110 CITY CLERK  
 Signature Required

Scot & Deanna Lively  
 4040 Parker Road  
 Mad. NIXIE  
 392 DE 1009

RETURN TO SENDER  
 UNCLAIMED  
 UNABLE TO FORWARD

SC: 3956092929 \*1266-02394-04-36

91128558929

US POSTAGE >> FITNEY BOWES  
 ZIP 39560 \$004.81  
 02 14 0601337306DEC 04 2013

1st NOTICE 12-6  
 2nd NOTICE 17-18  
 RETURNED 7-23 D

**CERTIFIED MAIL**

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

91 7199 9991 7033 4873 8627

39560 CITY CLERK  
 Signature Required

Scot & Deanna Lively  
 0 South Nicholson Avenue  
 Long NIXIE  
 392 DE 1009

RETURN TO SENDER  
 NO SUCH NUMBER  
 UNABLE TO FORWARD

SC: 3956092929 \*1266-02394-04-36

91128558929

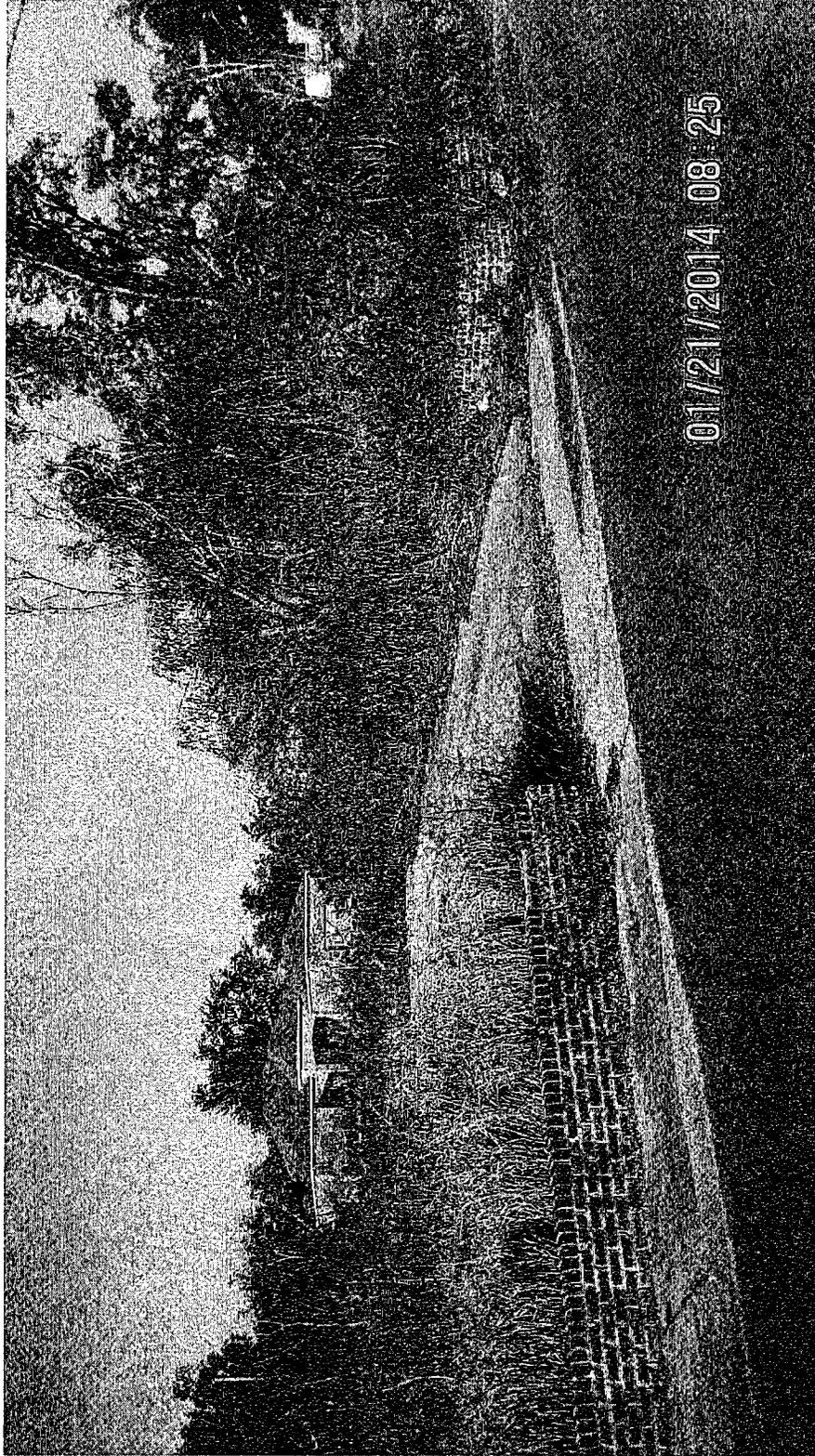
US POSTAGE >> FITNEY BOWES  
 ZIP 39560 \$004.81  
 02 14 0601337306DEC 04 2013

NSN

- The Clerk further reported that the Notice of Hearing was posted on the subject property, 0 South Nicholson Avenue, Long Beach, Mississippi; the bulletin board at City Hall, the Water Department, and the Building Permit Office, 201 Jeff Davis Avenue, Long Beach, Mississippi; the Long Beach Public Library, 209 Jeff Davis Avenue, Long Beach, Mississippi; and the City of Long Beach official website, [www.cityoflongbeachms.com](http://www.cityoflongbeachms.com).

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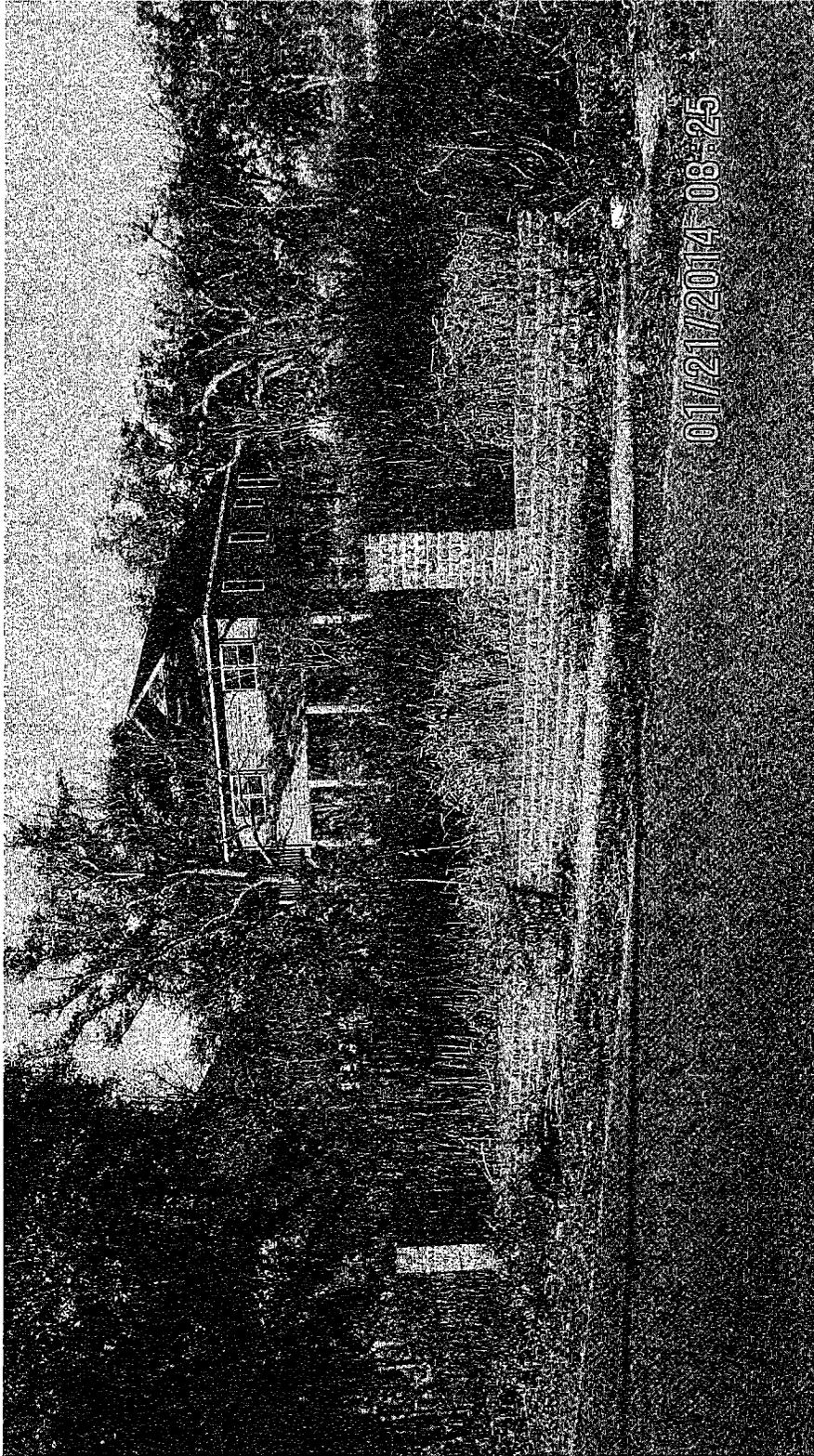
- The Clerk submitted photographs depicting the subject property, 0 South Nicholson Avenue, Long Beach, Mississippi, in its present condition, taken January 21, 2014, by Building Official Earl Levens, as follows:



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- The Clerk submitted a sworn affidavit affirming that the Notice of Hearing was posted on the subject property, 0 Nicholson Avenue, Long Beach, Mississippi; and the validity of photographs depicting the subject property in its present condition taken January 21, 2014; said affidavit is as follows:

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AFFIDAVIT

STATE OF MISSISSIPPI  
COUNTY OF HARRISON  
CITY OF LONG BEACH

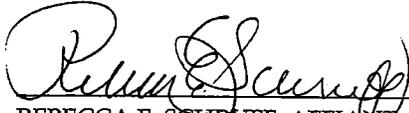
BEFORE ME, the under signed legal authority authorized to administer oaths in and for the jurisdiction aforesaid, on this day personally appeared EARL LEVENS, known to me to be the Building Official of the City of Long Beach, Mississippi, who being by me first duly sworn, deposes and says on oath as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

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

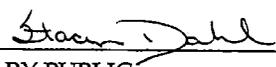
2. That in such capacity, he is responsible for the posting of notices of public hearings for the purpose of determining whether or not certain properties are in such a state of uncleanliness as to constitute a menace to the public health and safety of the community; he is responsible for the taking 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 January 6, 2014, he did cause to be posted, Notice of Hearing, a copy of which is attached hereto, on property assessed to Scott and Deanna Lively, and located at 0 Nicholson Avenue, Long Beach, Mississippi and at the City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi; and that on January 21, 2014, 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 January 21, 2014.

This the 21<sup>st</sup> day of January, 2014.

  
REBECCA E. SCHIRUFF, AFFIANT

SWORN TO AND SUBSCRIBED before me on this the 21<sup>st</sup> day of January, 2014.

  
NOTARY PUBLIC

-My Commission Expires-



AFFIDAVIT-PHOTOS;POST NOTICE

**Minutes of January 21, 2014  
Mayor and Board of Aldermen**

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

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

**Minutes of January 21, 2014  
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The Mayor and Board of Aldermen took up the matter of the public hearing on the property located at 0 South Nicholson Avenue to determine and consider the condition of said property. After conducting the hearing and considering all matters produced there at and after hearing all persons interested and appearing, the Board of Aldermen declared the hearing finally closed. After a discussion of the subject, Alderman Griffin offered and moved the adoption of the following Resolution and Order:

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

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

1. That on complaint and motion of the Governing Authorities of the City of Long Beach wherein lies the property known as 0 South Nicholson 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 December 3, 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 uncleanness as to be a menace to the public health and safety of the community in accordance with Miss Code Annotated Section 21-19-11, as amended, said hearing to be held January 21, 2014, 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, having served the owner of said property, either by registered mail as is evidenced by the return receipt included in the materials produced at said hearing, or by personal service by police officer as evidenced by the return of service of such police officer, or my posting and publication of same, such service being in accordance with said MCA Section 21-19-11, and proof of same being spread upon the minutes of the Governing Authorities taken of such hearing, hereby made a part of the record of these proceedings;

3. That the Mayor and Board of Aldermen having considered testimony

**Minutes of January 21, 2014  
Mayor and Board of Aldermen**

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

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

1. That the parcel of land lying and being situated in the City of Long Beach, First Judicial District of Harrison County, Mississippi, and having the street address of 0 Nicholson Avenue, Long Beach, Mississippi, which parcel of land is identified by Harrison County Tax Parcel Number 0612A-03-007.001 and according to said tax records is owned by Scot and Deanna Lively is at present in such a state of uncleanliness as to be a menace to the public health and safety of the community and an attractive nuisance.

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

**Removal of all discarded materials, dangerous items, and such other rubbish and/or debris as described in any notice or as appearing on said property contributing to the property constituting a nuisance and menace overall to the public health and safety, and abate or cause to be abated the conditions otherwise existing and constituting a menace to public safety and health as testified and/or described in general at the hearing, and as contained in the report letter from Building Official Earl Levens, dated October 23, 2013, attached hereto.**

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

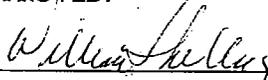
Alderman Anderson seconded the motion to adopt the foregoing resolution and order, and the question being put to a roll call vote by the Mayor, the result was as follows:

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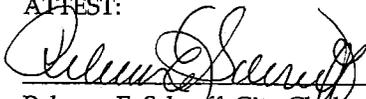
Alderman Bernie Parker	voted	Aye
Alderman Gary J. Ponthieux	voted	Aye
Alderman Kaye H. Couvillon	voted	Aye
Alderman Carolyn J. Anderson	voted	Aye
Alderman Leonard G. Carrubba, Sr.	voted	Aye
Alderman Mark E. Lishen	voted	Aye
Alderman Ronnie Hammons, Jr.	voted	Aye

The question having received the Affirmative vote of all the Aldermen present and voting, the Mayor declared the motion carried and the resolution and order adopted and approved this the 21<sup>st</sup> day of January, 2014.

APPROVED:

  
\_\_\_\_\_  
William Skellie, Jr., Mayor

ATTEST:

  
\_\_\_\_\_  
Rebecca E. Schuff, City Clerk

Minutes of January 21, 2014  
Mayor and Board of Aldermen

City of Long Beach

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WILLIAM SKELLIE, JR.  
MAYOR

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

NOTICE OF VIOLATION

October 23, 2013

Scot and Deanna Lively  
4040 Cocker Road  
Madison, MS 39110

91 7108 2133 3938 9851 9208

Reference: 0 South Nicholson Avenue; Long Beach, MS 39560  
Tax Parcel Number(s) 0612A-03-007.001

Dear Mr. and Mrs. Lively:

After inspecting the above referenced property I find that it is in violation of the 2012 International Property Maintenance Code for the City of Long Beach, MS as listed below:

2012 International Property Maintenance Code, Chapter 3, Section 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."

2012 International Property Maintenance Code, Chapter 3, Section 302.4: Weeds. "All premises and exterior property shall be maintained free from weeds or plant growth in excess. 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.

The purpose of this letter is to request that you inspect or have inspected the above referenced property and voluntarily have such land cleaned, within fourteen (14) days from date above, failure to or refusal to respond to this notice will result in a hearing before the Mayor and Board of Aldermen of the City of Long Beach, where the board can adjudicate the above property and may take action to clean-up the property, all cost in doing so will be assessed to the property or property owner.

Please notify me as soon as the referenced violation has been corrected, so that the premises can be inspected. In the event you do not own the property in question, my office would appreciate being informed of these facts.

Should you have any questions, you may contact my office at (228) 863-1554.

Sincerely,

Earl Levens  
Building/Code/Zoning Official

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www.cityoflongbeachms.com

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**Minutes of January 21, 2014  
Mayor and Board of Aldermen**

The second public hearing was called to order to determine whether or not a parcel of property assessed to Scott and Deanna Lively, located at 600 South Nicholson Avenue and situated in the City of Long Beach, is in such a state of uncleanliness as to constitute a menace to the public health and safety of the community.

The Mayor recognized the Clerk for her report, whereupon, Alderman Hammons made motion seconded by Alderman Griffin 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 regular meeting duly held and convened December 3, 2013, she did cause to be sent via certified mail, electronic receipt requested, Notice of Hearing, to Scott and Deanna Lively, 4040 Cocker Road, Madison, Mississippi, 39110, (returned by the USPS, "Unclaimed – Unable to Forward"); and to the address of the subject property, 600 South Nicholson Avenue, (returned by the USPS, "Return to Sender – No Such Number"), as the addresses appear of record on the Harrison County Real Property Rolls 2013; said Notices of Public Hearing are as follows:

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WILLIAM SKELLIE, JR.  
MAYOR

December 3, 2013

CITY CLERK  
TAX COLLECTOR  
Rebecca E. Schruoff

CITY ATTORNEY  
James C. Simpson, Jr.

MAILED  
Date: 12/4/13

Scot and Deanna Lively  
4040 Cocker Road  
Madison, MS 39110

91 7159 9991 7033 4873 8603

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 December 3, 2013, hold a public hearing at 5:00 p.m., Tuesday, January 21, 2014, 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 Scot and Deanna Lively, and situated in the City of Long Beach, Mississippi, at 600 South Nicholson Avenue, is in such a state of uncleanliness as to be a menace to the public health and safety of the community, all in accordance with Section 21-19-11 of the Mississippi Code of 1972, as amended. Said property is more particularly described, as follows:

Address: 600 South Nicholson Avenue, Long Beach, Mississippi

Parcel Number: 0612A-03-007.000

Legal Description: COM AT INTER OF W MAR OF NICHOLSON AVE & N MAR OF HWY 90 NLY ALONG NICHOLSON AE 469.8 FT TO POB S 62 DGE W 79.3 FT TO E LINE OF GULFVIEW COURT NLY ALONG SUBD 94.7 FT N 62

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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WILLIAM SKELLIE, JR.  
MAYOR

CITY CLERK  
TAX COLLECTOR  
Rebecca E. Schuff

CITY ATTORNEY  
James C. Simpson, Jr.

MAILED 7  
Date: 12/4/13

91 7199 9991 7033 4873 8610

December 3, 2013

Scot & Deanna Lively  
600 South Nicholson Avenue  
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 December 3, 2013, hold a public hearing at 5:00 p.m., Tuesday, January 21, 2014, 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 Scot and Deanna Lively, and situated in the City of Long Beach, Mississippi, at 600 South Nicholson Avenue, 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:

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Parcel Number: 0612A-03-007.000

Legal Description: COM AT INTER OF W MAR OF NICHOLSON AVE & N MAR OF HWY 90 NLY ALONG NICHOLSON AE 469.8 FT TO POB S 62 DGE W. 79.3 FT TO E LINE OF GULFVIEW COURT NLY ALONG SUBD 94.7 FT N 62

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 January 21, 2014  
Mayor and Board of Aldermen

Page 2 of 2

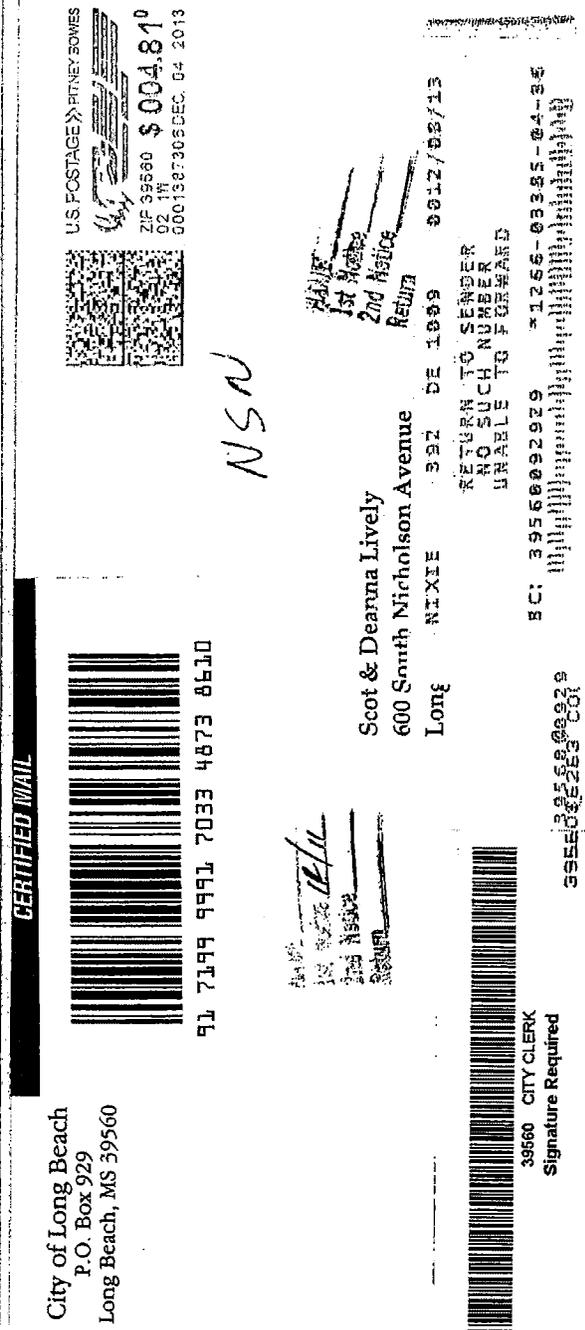
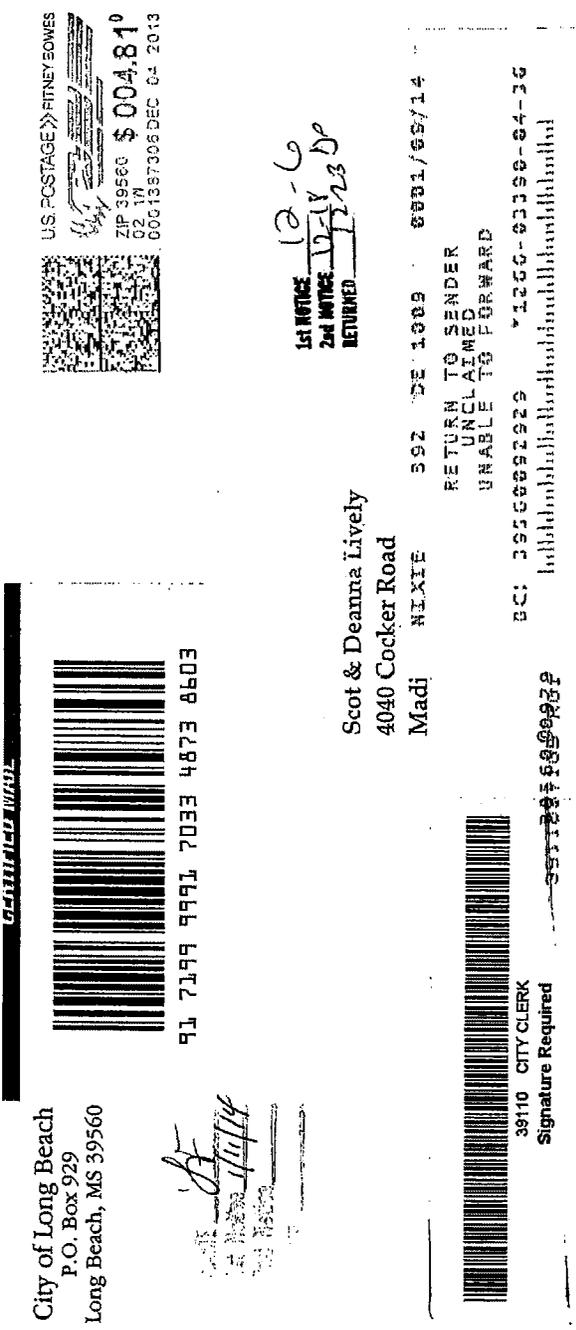
expense of cleaning of said property shall not exceed an aggregate amount of Twenty Thousand Dollars (\$20,000.00) per year, or the fair market value of the property subsequent to clearing, whichever is less. If it is determined by the governing authority that it is necessary to clean the property or 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 clearing 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 3rd day of December, 2013.

  
Rebecca E. Schruif  
City Clerk

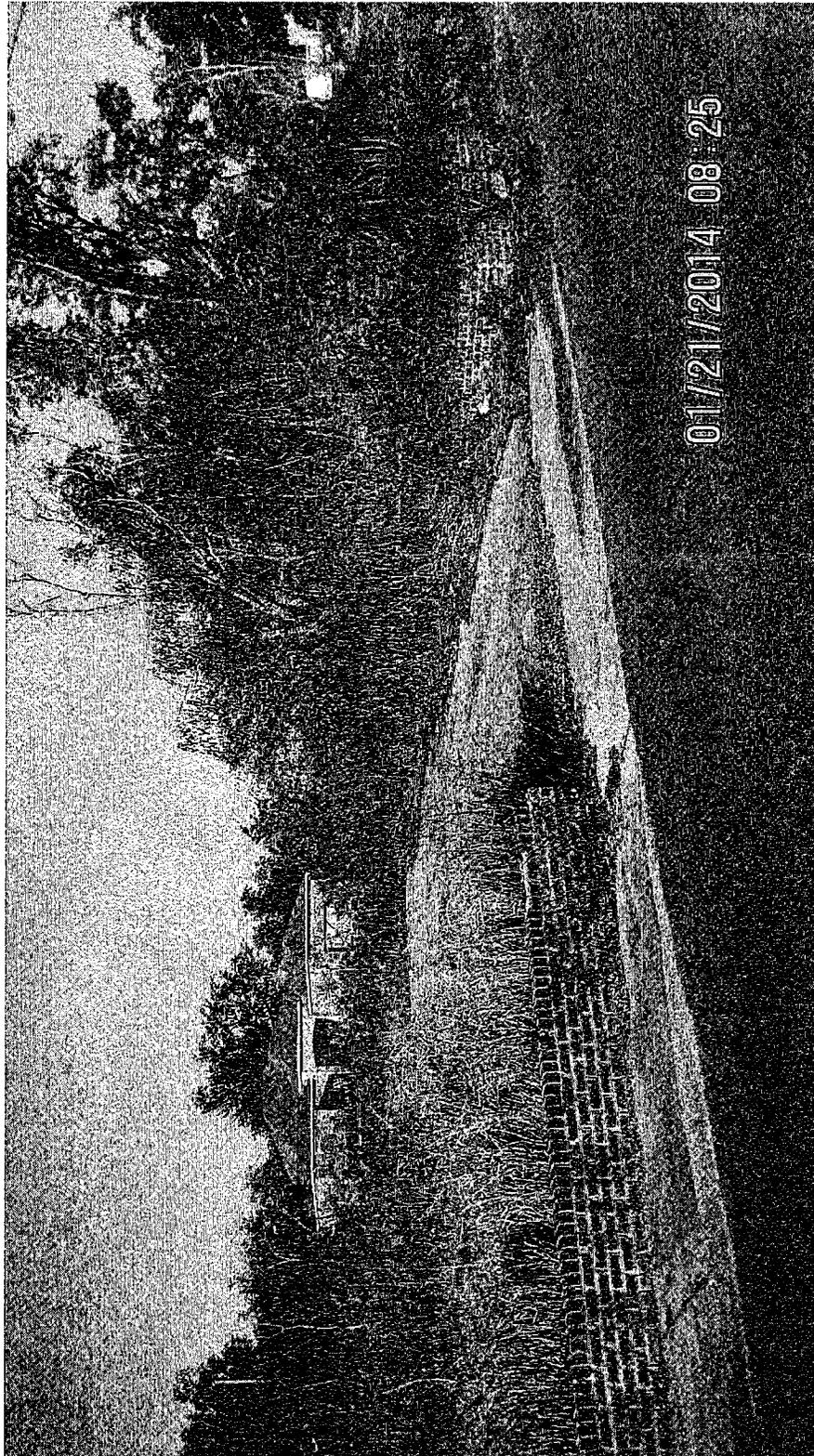
Minutes of January 21, 2014  
Mayor and Board of Aldermen

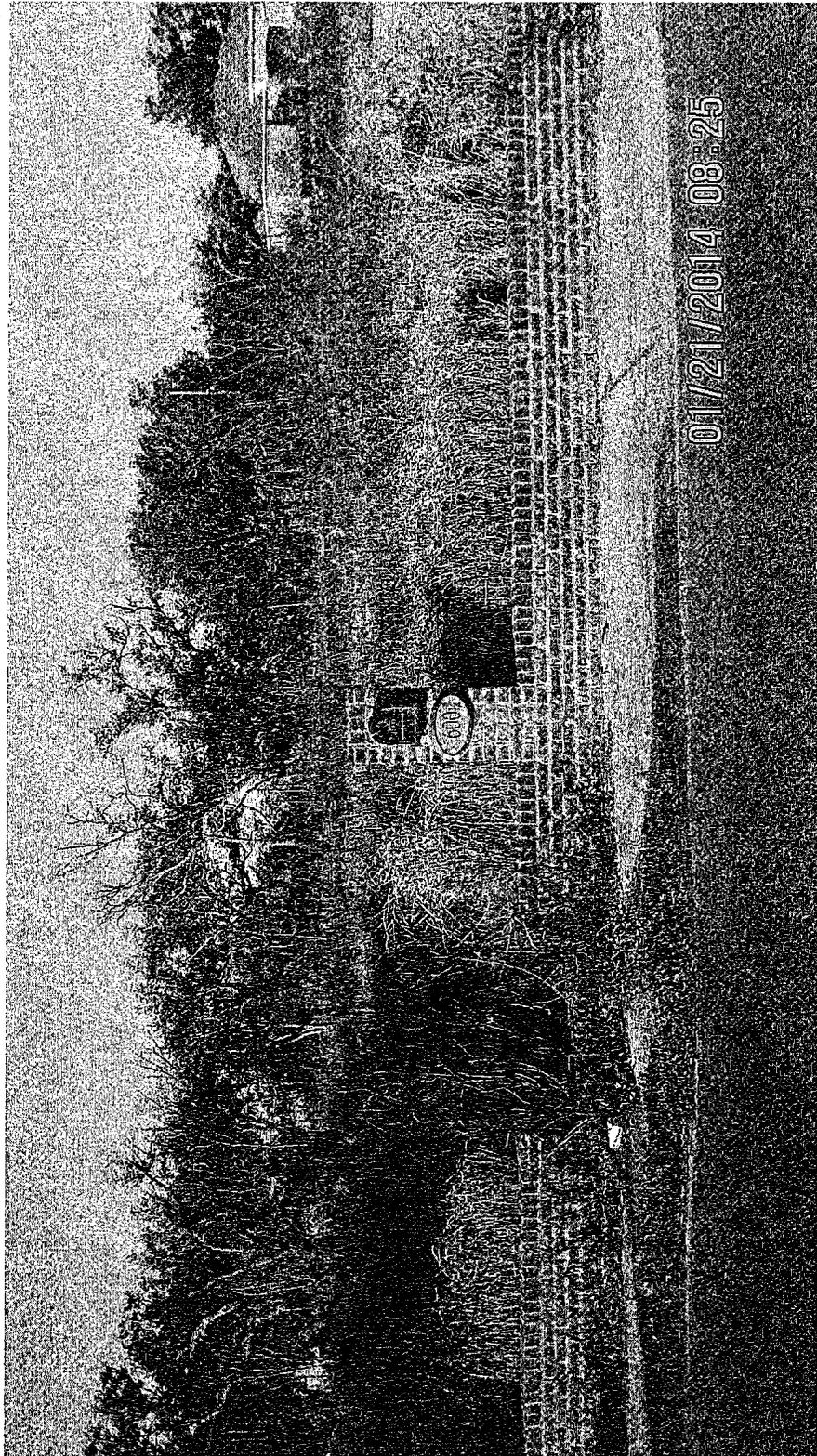


- The Clerk further reported that the Notice of Hearing was posted on the subject property, 600 South Nicholson Avenue, Long Beach, Mississippi; the bulletin board at City Hall, the Water Department, and the Building Permit Office, 201 Jeff Davis Avenue, Long Beach, Mississippi; the Long Beach Public Library, 209 Jeff Davis Avenue, Long Beach, Mississippi; and the City of Long Beach official website, [www.cityoflongbeachms.com](http://www.cityoflongbeachms.com).

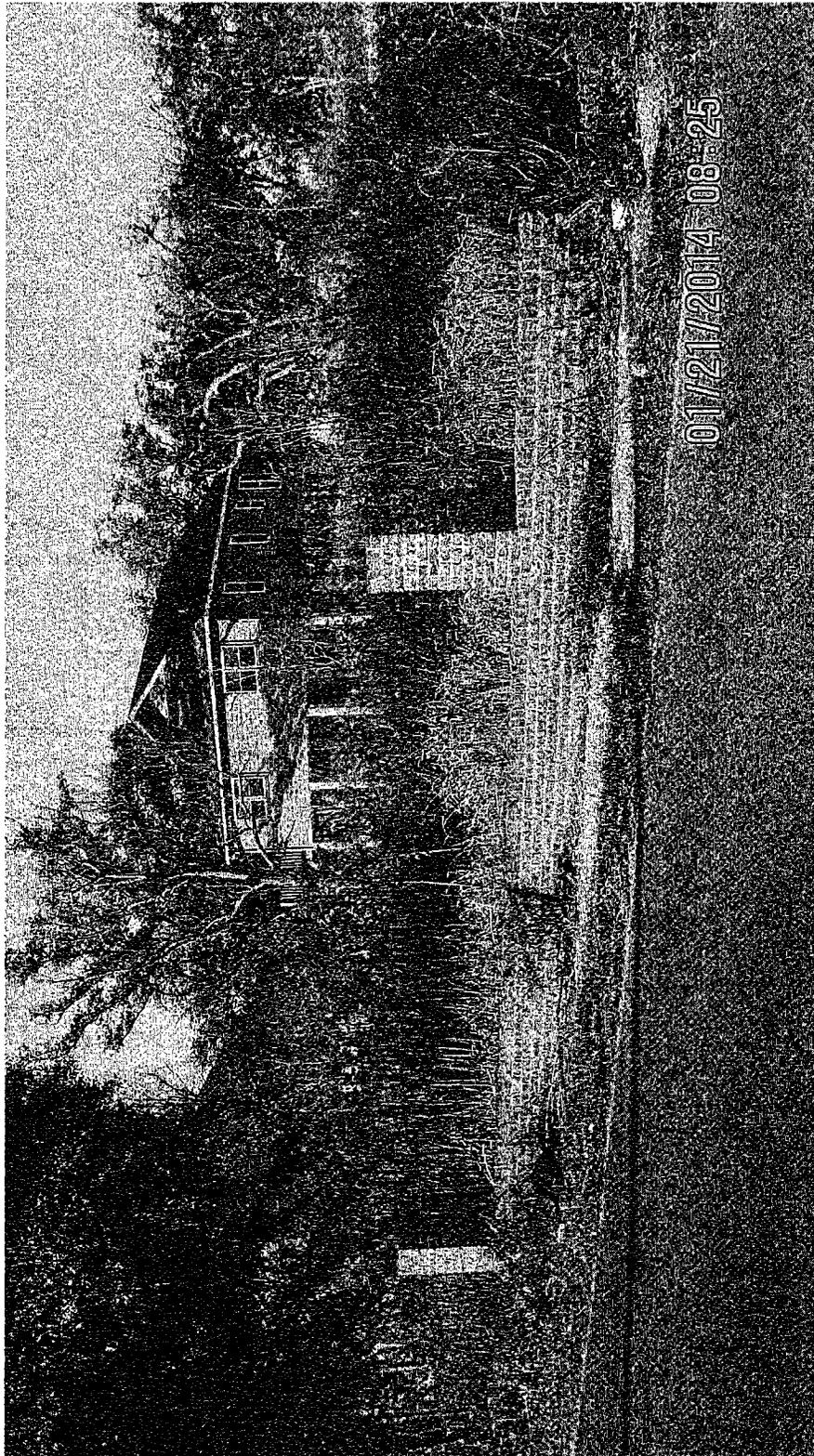
Minutes of January 21, 2014  
Mayor and Board of Aldermen

- The Clerk submitted photographs depicting the subject property, 600 South Nicholson Avenue, Long Beach, Mississippi, in its present condition, taken January 21, 2014, by Building Official Earl Levens, as follows:





Minutes of January 21, 2014  
Mayor and Board of Aldermen



- The Clerk submitted a sworn affidavit affirming that the Notice of Hearing was posted on the subject property, 600 Nicholson Avenue, Long Beach, Mississippi; and the validity of photographs depicting the subject property in its present condition taken January 21, 2014; said affidavit is as follows:

Minutes of January 21, 2014  
Mayor and Board of Aldermen

AFFIDAVIT

STATE OF MISSISSIPPI  
COUNTY OF HARRISON  
CITY OF LONG BEACH

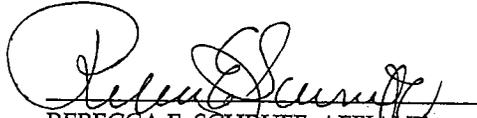
BEFORE ME, the under signed legal authority authorized to administer oaths in and for the jurisdiction aforesaid, on this day personally appeared EARL LEVENS, known to me to be the Building Official of the City of Long Beach, Mississippi, who being by me first duly sworn, deposes and says on oath as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

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

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

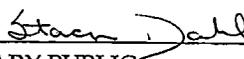
3. That on or before January 6, 2014, he did cause to be posted, Notice of Hearing, a copy of which is attached hereto, on property assessed to Scott and Deanna Lively, and located at 600 Nicholson Avenue, Long Beach, Mississippi and at the City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi; and that on January 21, 2014, 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 January 21, 2014.

This the 21<sup>st</sup> day of January, 2014.

  
REBECCA E. SCHRUFF, AFFIANT

SWORN TO AND SUBSCRIBED before me on this the 21<sup>st</sup> day of January, 2014.

-My Commission Expires-

  
NOTARY PUBLIC



AFFIDAVIT-PHOTOS;POST NOTICE

**Minutes of January 21, 2014  
Mayor and Board of Aldermen**

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

\*

\*

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

**Minutes of January 21, 2014  
Mayor and Board of Aldermen**

The Mayor and Board of Aldermen took up the matter of the public hearing on the property located at 600 South Nicholson Avenue to determine and consider the condition of said property. After conducting the hearing and considering all matters produced there at and after hearing all persons interested and appearing, the Board of Aldermen declared the hearing finally closed. After a discussion of the subject, Alderman Griffin offered and moved the adoption of the following Resolution and Order:

**RESOLUTION AND ORDER BY THE MAYOR AND BOARD OF ALDERMEN OF  
THE CITY OF LONG BEACH, MISSISSIPPI ADJUDICATING THE PROPERTY  
LOCATED AT 600 SOUTH NICHOLSON AVENUE, LONG BEACH, MISSISSIPPI,  
TO BE A MENACE TO THE PUBLIC HEALTH AND SAFETY OF THE  
COMMUNITY AND REQUIRING OWNER OF SUCH PROPERTY TO CLEAN  
SAID PROPERTY.**

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

1. That on complaint and motion of the Governing Authorities of the City of Long Beach wherein lies the property known as 600 South Nicholson 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 December 3, 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 uncleanness as to be a menace to the public health and safety of the community in accordance with Miss Code Annotated Section 21-19-11, as amended, said hearing to be held January 21, 2014, 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, having served the owner of said property, either by registered mail as is evidenced by the return receipt included in the materials produced at said hearing, or by personal service by police officer as evidenced by the return of service of such police officer, or my posting and publication of same, such service being in accordance with said MCA Section 21-19-11, and proof of same being spread upon the minutes of the Governing Authorities taken of such hearing, hereby made a part of the record of these proceedings;

3. That the Mayor and Board of Aldermen having considered testimony

**Minutes of January 21, 2014  
Mayor and Board of Aldermen**

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

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

1. That the parcel of land lying and being situated in the City of Long Beach, First Judicial District of Harrison County, Mississippi, and having the street address of 600 Nicholson Avenue Long Beach, Mississippi, which parcel of land is identified by Harrison County Tax Parcel Number 600A-03-007.000 and according to said tax records is owned by Scot and Deanna Lively is at present in such a state of uncleanliness as to be a menace to the public health and safety of the community and an attractive nuisance.

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

**Removal of all discarded materials, dangerous items, and such other rubbish and/or debris as described in any notice or as appearing on said property contributing to the property constituting a nuisance and menace overall to the public health and safety, and abate or cause to be abated the conditions otherwise existing and constituting a menace to public safety and health as testified and/or described in general at the hearing, and as contained in the report letter Building Official Earl Levens, dated October 23, 2013, and attached hereto.**

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

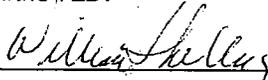
Alderman Hammons seconded the motion to adopt the foregoing resolution and order, and the question being put to a roll call vote by the Mayor, the result was as follows:

Minutes of January 21, 2014  
Mayor and Board of Aldermen

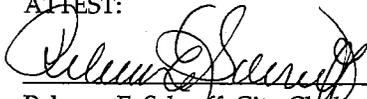
Alderman Bernie Parker	voted	Aye
Alderman Gary J. Ponthieux	voted	Aye
Alderman Kaye H. Couvillon	voted	Aye
Alderman Carolyn J. Anderson	voted	Aye
Alderman Leonard G. Carrubba, Sr.	voted	Aye
Alderman Mark E. Lishen	voted	Aye
Alderman Ronnie Hammons, Jr.	voted	Aye

The question having received the Affirmative vote of all the Aldermen present and voting, the Mayor declared the motion carried and the resolution and order adopted and approved this the 21<sup>st</sup> day of January, 2014.

APPROVED:

  
\_\_\_\_\_  
William Skellie, Jr., Mayor

ATTEST:

  
\_\_\_\_\_  
Rebecca E. Schruoff, City Clerk

Minutes of January 21, 2014  
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. Schruoff  
  
CITY ATTORNEY  
James C. Simpson, Jr.

NOTICE OF VIOLATION

October 23, 2013

Scot and Deanna Lively  
4040 Cocker Road  
Madison, MS 39110

91 7108 2133 3938 9851 9208

Reference: 600 South Nicholson Avenue; Long Beach, MS 39560  
Tax Parcel Number(s) 0612A-03-007.000

Dear Mr. and Mrs. Lively:

After inspecting the above referenced property I find that it is in violation of the 2012 International Property Maintenance Code for the City of Long Beach, MS as listed below:

2012 International Property Maintenance Code, Chapter 3, Section 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."

2012 International Property Maintenance Code, Chapter 3, Section 302.4: Weeds. "All premises and exterior property shall be maintained free from weeds or plant growth in excess. 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.

The purpose of this letter is to request that you inspect or have inspected the above referenced property and voluntarily have such land cleaned, within fourteen (14) days from date above, failure to or refusal to respond to this notice will result in a hearing before the Mayor and Board of Aldermen of the City of Long Beach, where the board can adjudicate the above property and may take action to clean-up the property, all cost in doing so will be assessed to the property or property owner.

Please notify me as soon as the referenced violation has been corrected, so that the premises can be inspected. In the event you do not own the property in question, my office would appreciate being informed of these facts.

Should you have any questions, you may contact my office at (228) 863-1554.

Sincerely,

Earl Levens  
Building/Code/Zoning Official

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www.cityoflongbeachms.com

\*\*\*\*\*

**Minutes of January 21, 2014  
Mayor and Board of Aldermen**

The third public hearing was called to order to determine whether or not a parcel of property assessed to S.W. Barnett and Wife, located at 406 Mason Avenue and situated in the City of Long Beach, 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 Clerk for her report, whereupon, Alderman Hammons 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 regular meeting duly held and convened December 3, 2013, she did cause to be sent via certified mail, electronic receipt requested, Notice of Hearing, to S.W. Barnett and Wife, 1039 Demourelle Road, Pass Christian, Mississippi, 39571, (delivered by the USPS, on December 5, 2013); and to the address of the subject property, 406 Mason Avenue, (returned by the USPS, "Return to Sender – Not Deliverable as Addressed"), as the addresses appear of record on the Harrison County Real Property Rolls 2013; said Notices of Public Hearing are as follows:

**Minutes of January 21, 2014  
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

**MAILED**

Date: 12/4/13

CITY CLERK  
TAX COLLECTOR  
Rebecca E. Schruff

CITY ATTORNEY  
James C. Simpson, Jr.

91 7199 9991 7033 4873 8641

December 3, 2013

S. W. Barnett & Wife  
1039 Demourelle Road  
Pass Christian, MS 39571

**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 December 3, 2013, hold a public hearing at 5:00 p.m., Tuesday, January 21, 2014, 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 S. W. Barnett & Wife, and situated in the City of Long Beach, Mississippi, at 406 Mason Avenue, 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: 406 Mason Avenue, Long Beach, Mississippi

Parcel Number: 0612G-02-033.000

Legal Description: LOT 100 X 146 FT S BY 5<sup>TH</sup> ST. E BY MASON AVE. N BY MARKS W BY KRANZ LOT 55 H-S-H SURVEY SEC 13-8-12 HENDERSON SHIPMAN HUGHES SUR L

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 January 21, 2014  
Mayor and Board of Aldermen

City of Long Beach

BOARD OF ALDERMEN  
Leonard G. Carrubba, Sr. - At-Large  
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WILLIAM SKELLIE, JR.  
MAYOR

CITY CLERK  
TAX COLLECTOR  
Rebecca E. Schuff

CITY ATTORNEY  
James C. Simpson, Jr.

MAILED

Date: 12/4/13

91 7199 9991 7033 4873 8634

December 3, 2013

S. W. Barnett & Wife  
406 Mason Avenue  
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 December 3, 2013, hold a public hearing at 5:00 p.m., Tuesday, January 21, 2014, 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 S. W. Barnett & Wife, and situated in the City of Long Beach, Mississippi, at 406 Mason Avenue, 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:

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Parcel Number: 0612G-02-033.000  
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Minutes of January 21, 2014  
Mayor and Board of Aldermen

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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 3rd day of December, 2013.

  
Rebecca E. Schmitt  
City Clerk

# Minutes of January 21, 2014 Mayor and Board of Aldermen

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Tracking Number: 917199991703348738641

Expected Delivery Date: December 5, 2013

### Product & Tracking Information

### Available Options

Postal Product: First-Class Mail®  
 Features: Certified Mail™  
 Return Receipt Electronic

DATE & TIME	STATUS OF ITEM	LOCATION
December 5, 2013, 12:03 pm	Delivered	PASS CHRISTIAN, MS 39571
December 5, 2013, 6:30 am	Processed at USPS Origin Sort Facility	GULFPORT, MS 39503
December 4, 2013	Depart USPS Sort Facility	GULFPORT, MS 39503
December 4, 2013	Electronic Shipping Info Received	
December 4, 2013, 8:17 pm	Processed at USPS Origin Sort Facility	GULFPORT, MS 39503
December 4, 2013, 5:02 pm	Accepted at USPS Origin Sort Facility	LONG BEACH, MS 39560

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What's your tracking (or receipt) number?

Track It

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- Terms of Use >
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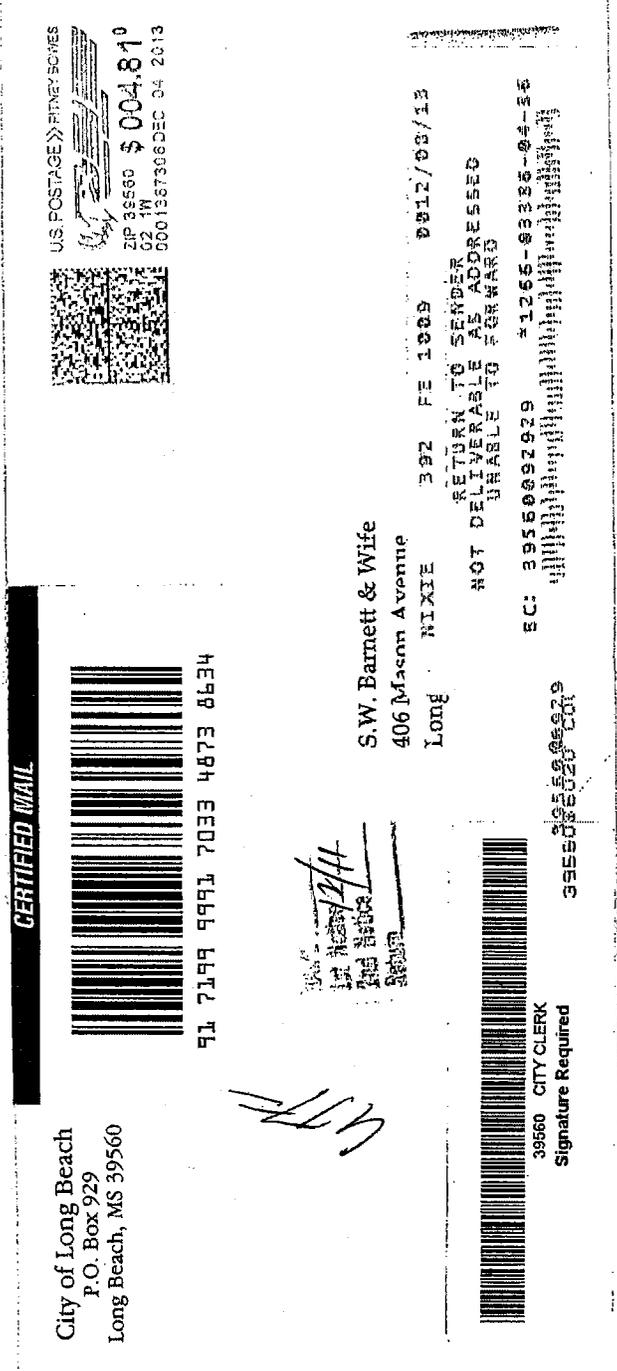
#### OTHER USPS SITES

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- Postal Inspectors >
- Inspector General >
- Postal Explorer >

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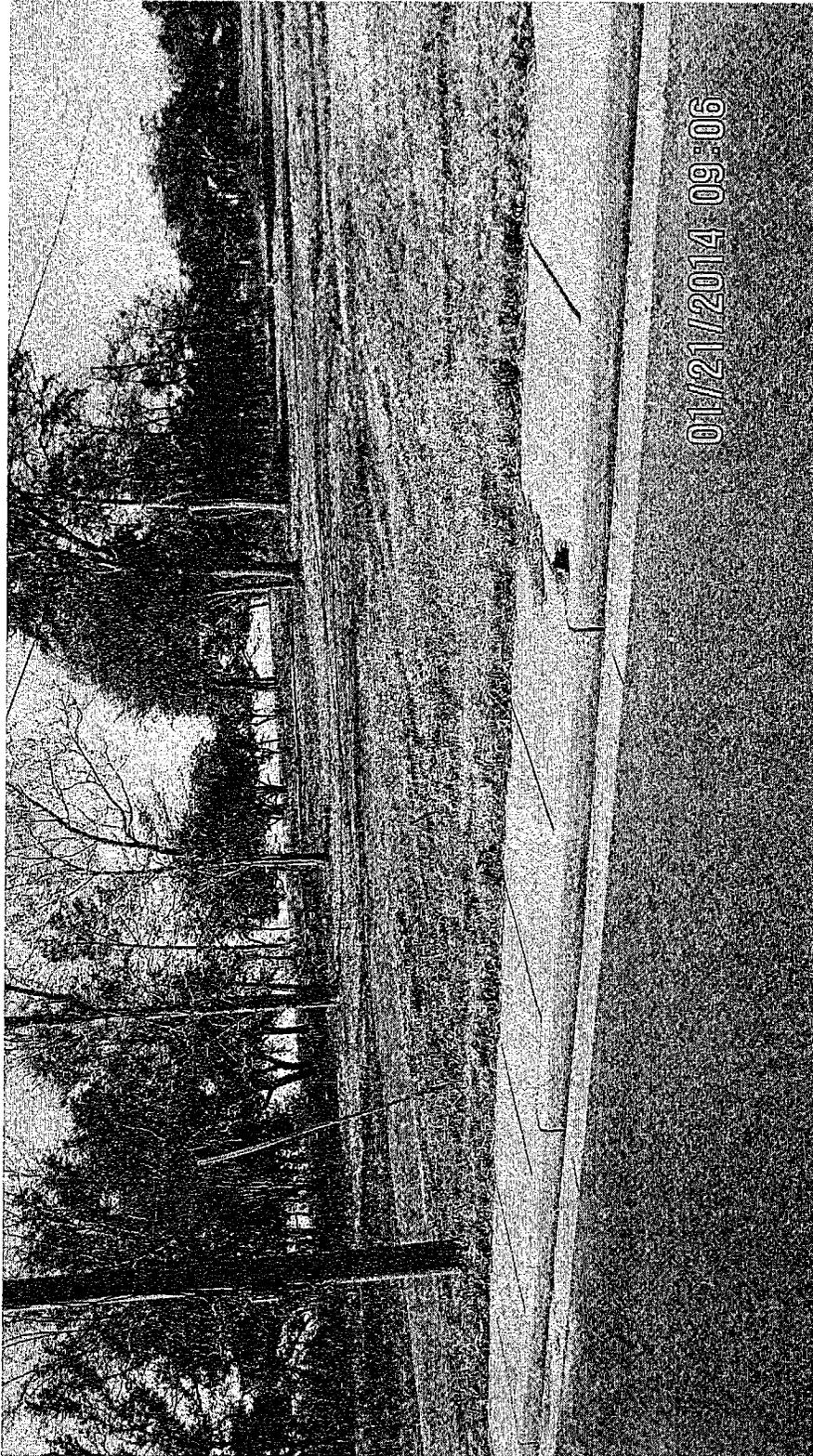
Minutes of January 21, 2014  
Mayor and Board of Aldermen



- The Clerk further reported that the Notice of Hearing was posted on the subject property, 406 Mason Avenue, Long Beach, Mississippi; the bulletin board at City Hall, the Water Department, and the Building Permit Office, 201 Jeff Davis Avenue, Long Beach, Mississippi; the Long Beach Public Library, 209 Jeff Davis Avenue, Long Beach, Mississippi; and the City of Long Beach official website, [www.cityoflongbeachms.com](http://www.cityoflongbeachms.com).

Minutes of January 21, 2014  
Mayor and Board of Aldermen

- The Clerk submitted photographs depicting the subject property, 406 Mason Avenue, Long Beach, Mississippi, in its present condition, taken January 21, 2014, by Building Official Earl Levens, as follows:



Minutes of January 21, 2014  
Mayor and Board of Aldermen



- The Clerk submitted a sworn affidavit affirming that the Notice of Hearing was posted on the subject property, 406 Mason Avenue, Long Beach, Mississippi; and the validity of photographs depicting the subject property in its present condition taken January 21, 2014; said affidavit is as follows:

Minutes of January 21, 2014  
Mayor and Board of Aldermen

AFFIDAVIT

STATE OF MISSISSIPPI  
COUNTY OF HARRISON  
CITY OF LONG BEACH

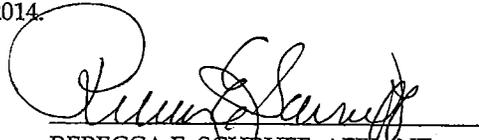
BEFORE ME, the under signed legal authority authorized to administer oaths in and for the jurisdiction aforesaid, on this day personally appeared EARL LEVENS, known to me to be the Building Official of the City of Long Beach, Mississippi, who being by me first duly sworn, deposes and says on oath as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

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

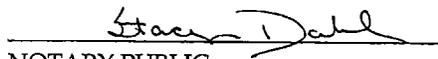
2. That in such capacity, he is responsible for the posting of notices of public hearings for the purpose of determining whether or not certain properties are in such a state of uncleanness as to constitute a menace to the public health and safety of the community; he is responsible for the taking of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

3. That on or before January 6, 2014, he did cause to be posted, Notice of Hearing, a copy of which is attached hereto, on property assessed to S.W. Barnett & Wife, and located at 406 Mason Avenue, Long Beach, Mississippi and at the City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi; and that on January 21, 2014, 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 January 21, 2014.

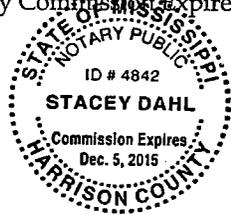
This the 21<sup>st</sup> day of January, 2014.

  
REBECCA E. SCHRUFF, AFFIANT

SWORN TO AND SUBSCRIBED before me on this the 21<sup>st</sup> day of January, 2014.

  
NOTARY PUBLIC

-My Commission Expires-



AFFIDAVIT-PHOTOS;POST NOTICE

**Minutes of January 21, 2014  
Mayor and Board of Aldermen**

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

\*

\*

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

- Alderman Carrubba made motion seconded by Alderman Hammons and unanimously carried finding that the property located at 406 Mason Avenue, Long Beach, Mississippi, assessed to S.W. Barnett and Wife, is in compliance with Mississippi Code Ann. § 21-19-11, city ordinances and property maintenance codes at this time.

\*\*\*\*\*

The fourth public hearing was called to order to determine whether or not a parcel of property assessed to Gerard J. Bourgeois, located at 121 East 5<sup>th</sup> Street and situated in the City of Long Beach, is in such a state of uncleanliness as to constitute a menace to the public health and safety of the community.

The Mayor recognized the Clerk for her report, whereupon, Alderman Carrubba made motion seconded by Alderman Young 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 regular meeting duly held and convened December 3, 2013, she did cause to be sent via certified mail, electronic receipt requested, Notice of Hearing, to Gerard J. Bourgeois, 116 Moss Lane, New Orleans, LA, 70123, (returned by the USPS, "Return to Sender – Moved Left No Address – Unable to Forward"); and to the address of the subject property, 121 East 5<sup>th</sup> Street, (returned by the USPS, "No Mail Receptacle – Unable to Forward"), as the addresses appear of record on the Harrison County Real Property Rolls 2013; and to Adams & Edens, P.A., Trustee, Attention: Bradley Jones, 2001 Creek Cove, Ste. A, Brandon, Mississippi, 39042 (delivered by the USPS December 9, 2013); said Notices of Public Hearing are as follows:

Minutes of January 21, 2014  
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

December 3, 2013

CITY CLERK  
TAX COLLECTOR  
Rebecca E. Schruff

CITY ATTORNEY  
James C. Simpson, Jr.

MAILED  
Date: 12/4/13

Gerard J. Bourgeois  
116 Moss Lane  
New Orleans, LA 70123

91 7199 9991 7033 4873 8573

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 December 3, 2013, hold a public hearing at 5:00 p.m., Tuesday, January 21, 2014, 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 Gerard J. Bourgeois, and situated in the City of Long Beach, Mississippi, at 121 East 5<sup>th</sup> Street, 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: 121 East 5<sup>th</sup> Street, Long Beach, Mississippi  
Parcel Number: 0612G-01-010.000  
Legal Description: BEG 161.6 FT W OF INTER OF S MAR OF E 5<sup>TH</sup> ST & W MAR OF BURKE AVE ON S MAR OF E 5<sup>TH</sup> ST 28 DG E 145.5 FT

If at such hearing, the governing authority shall, in its resolution, adjudicate such parcel of land in its then condition to be a menace to the public health and safety of the community, the governing authority shall, if the owner does not do so himself, proceed to clean the land, by the use of municipal employees or by contract, by cutting weeds; filling cisterns; removing rubbish, dilapidated fences, outside toilets, dilapidated buildings and other debris; filling swimming pools; and draining cesspools and standing water therefrom. Thereafter, the governing authority shall, at its next regular meeting, by resolution adjudicate the actual cost of cleaning the property and may also impose a penalty of One Thousand Five Hundred Dollars(\$1,500.00) or fifty (50%) of such actual cost, whichever is more. The cost and any penalty may become a civil debt against the property owner, or, at the option of the governing authority, an assessment against the property. The cost assessed against the property means the cost to the municipality of using its own employees to do the work or the cost to the municipality of any contract executed by the municipality to have the work done. The action herein authorized shall not be undertaken against any one (1) parcel of land more than six (6) times in any one (1) calendar year, and the

201 Jeff Davis • P.O. Box 929 • Long Beach, MS 39560 • 863-1556 • FAX 865-0822  
[www.cityoflongbeachms.com](http://www.cityoflongbeachms.com)

Minutes of January 21, 2014  
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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Ronnie Hammons, Jr. - Ward 4  
Mark E. Lishen - Ward 5  
Alan Young - Ward 6



WILLIAM SKELLIE, JR.  
MAYOR

CITY CLERK  
TAX COLLECTOR  
Rebecca E. Schruoff

CITY ATTORNEY  
James C. Simpson, Jr.

91 7199 9991 7033 4873 8580

December 3, 2013

Gerard J. Bourgeois  
121 East 5<sup>th</sup> Street  
Long Beach, MS 39560

MAILED

Date: 12/4/13

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 December 3, 2013, hold a public hearing at 5:00 p.m., Tuesday, January 21, 2014, 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 Gerard J. Bourgeois, and situated in the City of Long Beach, Mississippi, at 121 East 5<sup>th</sup> Street, 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: 121 East 5<sup>th</sup> Street, Long Beach, Mississippi  
Parcel Number: 0612G-01-010.000  
Legal Description: BEG 161.6 FT W OF INTER OF S MAR OF E 5<sup>TH</sup> ST & W MAR OF BURKE AVE ON S MAR OF E 5<sup>TH</sup> ST 28 DG E 145.5 FT

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 January 21, 2014  
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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Alan Young - Ward 6



WILLIAM SKELLIE, JR.  
MAYOR

CITY CLERK  
TAX COLLECTOR  
Rebecca E. Schuff

CITY ATTORNEY  
James C. Simpson, Jr.

December 3, 2013

MAILED <sup>4</sup>  
Date: 12/4/13

Adams & Edens, P.A.  
Attn: Bradley P. Jones  
2001 Creek Cove, Ste. A  
Brandon, MS 39042

91 7199 9991 7033 4873 8658

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, December 3, 2013, hold a public hearing at 5:00 p.m., Tuesday, January 21, 2014, 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 Gerard J. Bourgeois, and situated in the City of Long Beach, Mississippi, at 121 East 5<sup>th</sup> Street, is in such a state of uncleanliness as to be a menace to the public health and safety of the community, all in accordance with Section 21-19-11 of the Mississippi Code of 1972, as amended. Said property is more particularly described, as follows:

Address: 121 East 5<sup>th</sup> Street, Long Beach, Mississippi  
Parcel Number: 0612G-01-010.000  
Legal Description: BEG 161.6 FT W OF INTER OF S MAR OF E 5<sup>TH</sup> ST & W MAR OF BURKE AVE ON S MAR OF E 5<sup>TH</sup> ST 28 DG E 145.5 FT

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 January 21, 2014  
Mayor and Board of Aldermen

Page 2 of 2

expense of cleaning of said property shall not exceed an aggregate amount of Twenty Thousand Dollars (\$20,000.00) per year, or the fair market value of the property subsequent to clearing, 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 3rd day of December, 2013.

  
Rebecca E. Schuff  
City Clerk

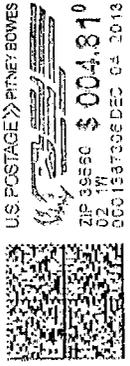
Minutes of January 21, 2014  
Mayor and Board of Aldermen

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

*ff*  
*12/12*



91 7199 9991 7033 4873 8580



*NAME*  
*LET ADDRESS*  
*POST OFFICE*

*VNR*  
Gerard J. Bourgeois  
121 East 5th Street

Long Beach, MS 39560

392 DE 1089 0012/10/13



39560 CITY CLERK  
Signature Required

RETURN TO SENDER  
NO MAIL RECEIPTABLE  
UNABLE TO FORWARD

SC: 39560092929 #1265-03387-04-36  
39560092929

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

*VN*  
*12-9*



91 7199 9991 7033 4873 8573



CERTIFIED MAIL

Gerard J. Bourgeois  
116 Moss Lane  
New Orleans, LA 70123

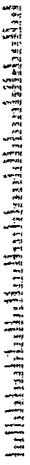


70123 CITY CLERK  
Signature Required

392 NFE 100851210012/04/13

RETURN TO SENDER  
MOVED LEFT NO ADDRESS  
UNABLE TO FORWARD  
RETURN TO SENDER

SC: 39560092929  
39560092929



Minutes of January 21, 2014  
Mayor and Board of Aldermen

English Customer Service USPS Mobile Register / Sign In

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**USPS Tracking™** Customer Service Have questions? We're here to help.

Tracking Number: 9171999991703348738573

Expected Delivery Date: December 6, 2013

**Product & Tracking Information** Available Options

Postal Product: First-Class Mail™ Features: Certified Mail™ Return Receipt Electronic

DATE & TIME	STATUS OF ITEM	LOCATION
December 9, 2013, 2:23 pm	Delivered	LONG BEACH, MS 39560
December 9, 2013, 7:57 am	Available for Pickup	LONG BEACH, MS 39560
December 9, 2013, 7:50 am	Arrival at Unit	LONG BEACH, MS 39560
December 9, 2013, 4:04 am	Processed at USPS Origin Sort Facility	GULFPORT, MS 39503
December 6, 2013	Depart USPS Sort Facility	JACKSON, MS 39201
December 6, 2013, 4:09 pm	Processed at USPS Origin Sort Facility	JACKSON, MS 39201
December 4, 2013	Depart USPS Sort Facility	GULFPORT, MS 39503
December 4, 2013	Electronic Shipping Info Received	
December 4, 2013, 6:17 pm	Processed at USPS Origin Sort Facility	GULFPORT, MS 39503
December 4, 2013, 5:02 pm	Accepted at USPS Origin Sort Facility	LONG BEACH, MS 39560

**Track Another Package**

What's your tracking (or receipt) number?

Track It

LEGAL: Privacy Policy, Terms of Use, FOIA, No FEAR Act EEO Data

ON USPS.COM: Government Services, Buy Stamps & Shop, Print a Label with Postage, Customer Service

ON ABOUT.USPS.COM: About USPS Home, Newsroom, USPS Service Alerts, Forms & Publications

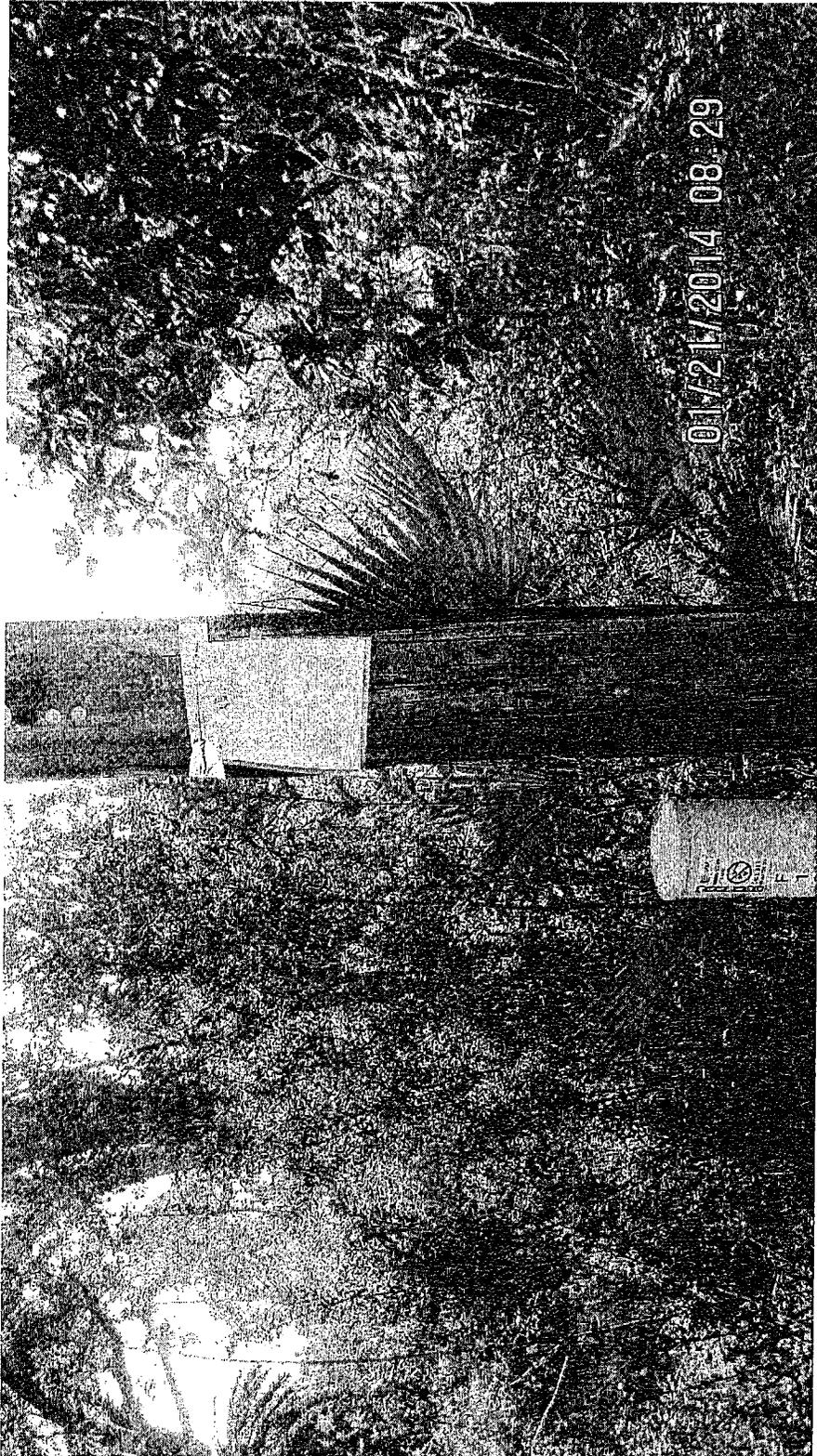
OTHER USPS SITES: Business Customer Gateway, Postal Inspectors, Inspector General, Postal Explorer

<https://tools.usps.com/go/TrackConfirmAction.action?iRef=fullpage&tLc=1&tLabels=917...> 1/16/2014

- The Clerk further reported that the Notice of Hearing was posted on the subject property, 121 East 5<sup>th</sup> Street, Long Beach, Mississippi; the bulletin board at City Hall, the Water Department, and the Building Permit Office, 201 Jeff Davis Avenue, Long Beach, Mississippi; the Long Beach Public Library, 209 Jeff Davis Avenue, Long Beach, Mississippi; and the City of Long Beach official website, [www.cityoflongbeachms.com](http://www.cityoflongbeachms.com).

Minutes of January 21, 2014  
Mayor and Board of Aldermen

- The Clerk submitted photographs depicting the subject property, 121 East 5<sup>th</sup> Street, Long Beach, Mississippi, in its present condition, taken January 21, 2014, by Building Official Earl Levens, as follows:



Minutes of January 21, 2014  
Mayor and Board of Aldermen



- The Clerk submitted a sworn affidavit affirming that the Notice of Hearing was posted on the subject property, 121 East 5<sup>th</sup> Street, Long Beach, Mississippi; and the validity of photographs depicting the subject property in its present condition taken January 21, 2014; said affidavit is as follows:

Minutes of January 21, 2014  
Mayor and Board of Aldermen

AFFIDAVIT

STATE OF MISSISSIPPI  
COUNTY OF HARRISON  
CITY OF LONG BEACH

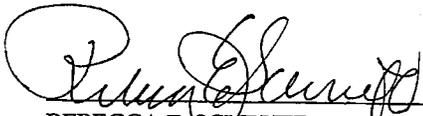
BEFORE ME, the under signed legal authority authorized to administer oaths in and for the jurisdiction aforesaid, on this day personally appeared EARL LEVENS, known to me to be the Building Official of the City of Long Beach, Mississippi, who being by me first duly sworn, deposes and says on oath as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

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

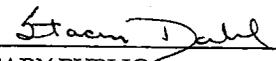
2. That in such capacity, he is responsible for the posting of notices of public hearings for the purpose of determining whether or not certain properties are in such a state of uncleanliness as to constitute a menace to the public health and safety of the community; he is responsible for the taking 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 January 6, 2014, he did cause to be posted, Notice of Hearing, a copy of which is attached hereto, on property assessed to Gerard J. Bourgeois, and located at 121 East 5<sup>th</sup> Street, Long Beach, Mississippi and at the City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi; and that on January 21, 2014, 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 January 21, 2014.

This the 21<sup>st</sup> day of January, 2014.

  
REBECCA E. SCHURUFF, AFFIANT

SWORN TO AND SUBSCRIBED before me on this the 21<sup>st</sup> day of January, 2014.

  
NOTARY PUBLIC

-My Commission Expires-



AFFIDAVIT-PHOTOS;POST NOTICE

**Minutes of January 21, 2014  
Mayor and Board of Aldermen**

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

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

**Minutes of January 21, 2014  
Mayor and Board of Aldermen**

The Mayor and Board of Aldermen took up the matter of the public hearing on the property located at 121 East 5<sup>th</sup> Street to determine and consider the condition of said property. After conducting the hearing and considering all matters produced there at and after hearing all persons interested and appearing, the Board of Aldermen declared the hearing finally closed. After a discussion of the subject, Alderman Young offered and moved the adoption of the following Resolution and Order:

**RESOLUTION AND ORDER BY THE MAYOR AND BOARD OF ALDERMEN OF  
THE CITY OF LONG BEACH, MISSISSIPPI ADJUDICATING THE PROPERTY  
LOCATED AT 121 EAST 5<sup>TH</sup> STREET LONG BEACH, MISSISSIPPI, TO BE A  
MENACE TO THE PUBLIC HEALTH AND SAFETY OF THE COMMUNITY AND  
REQUIRING OWNER OF SUCH PROPERTY TO CLEAN SAID PROPERTY.**

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

1. That on complaint and motion of the Governing Authorities of the City of Long Beach wherein lies the property known as 121 East 5<sup>th</sup> Street, Long Beach, Mississippi, (hereinafter referred to as the subject parcel), and after discussion of same, the Mayor and Board of Aldermen, at its regular meeting of December 3, 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 uncleanness as to be a menace to the public health and safety of the community in accordance with Miss Code Annotated Section 21-19-11, as amended, said hearing to be January 21, 2014, 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, having served the owner of said property, either by registered mail as is evidenced by the return receipt included in the materials produced at said hearing, or by personal service by police officer as evidenced by the return of service of such police officer, or my posting and publication of same, such service being in accordance with said MCA Section 21-19-11, and proof of same being spread upon the minutes of the Governing Authorities taken of such hearing, hereby made a part of the record of these proceedings;

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

**Minutes of January 21, 2014  
Mayor and Board of Aldermen**

in its condition on the date of hearing, and being fully advised in the premises, do find and adjudicate that the property is, in its present condition, in such a state of uncleanliness as to be a menace to the public health and safety of the community and constitutes an attractive nuisance. It is therefore,

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

1. That the parcel of land lying and being situated in the City of Long Beach, First Judicial District of Harrison County, Mississippi, and having the street address of 121 East 5<sup>th</sup> Street, Long Beach, Mississippi, which parcel of land is identified by Harrison County Tax Parcel Number 0612G-01-010.000 and according to said tax records is owned by Gerard J. Bourgeois is at present in such a state of uncleanliness as to be a menace to the public health and safety of the community and an attractive nuisance.

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

**Removal of all discarded materials, dangerous items, and such other rubbish and/or debris as described in any notice or as appearing on said property contributing to the property constituting a nuisance and menace overall to the public health and safety, and abate or cause to be abated the conditions otherwise existing and constituting a menace to public safety and health as testified and/or described in general at the hearing, and as contained in the report letter from Building Official Earl Levens dated October 22, 2013, and attached hereto.**

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

Alderman 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:

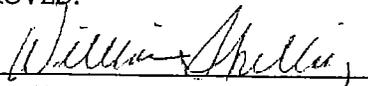
Alderman Bernie Parker	voted	Aye
Alderman Gary J. Ponthieux	voted	Aye

Minutes of January 21, 2014  
Mayor and Board of Aldermen

Alderman Kelly Griffin	voted	Aye
Alderman Alan Young	voted	Aye
Alderman Leonard G. Carrubba, Sr.	voted	Aye
Alderman Mark E. Lishen	voted	Aye
Alderman Ronnie Hammons, Jr.	voted	Aye

The question having received the Affirmative vote of all the Aldermen present and voting, the Mayor declared the motion carried and the resolution and order adopted and approved this the 21<sup>st</sup> day of January, 2014

APPROVED:

  
\_\_\_\_\_  
William Skellie, Jr., Mayor

ATTEST:

  
\_\_\_\_\_  
Rebecca E. Schruff, City Clerk

Minutes of January 21, 2014  
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.

NOTICE OF VIOLATION

October 16, 2013

Gerard Bourgeois  
116 Moss Lane  
New Orleans, LA 70123

91 7108 2133 3938 9856 4833

Reference: 121 5<sup>th</sup> Street; Long Beach, MS 39560  
Tax Parcel Number(s) 0612G-01-010.000

Dear Mr. Bourgeois:

After inspecting the above referenced property I find that you are in violation of the 2012 International Property Maintenance Code for the City of Long Beach, MS as listed below:

2012 International Property Maintenance Code, Chapter 3, Section 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."

2012 International Property Maintenance Code, Chapter 3, Section 302.4: Weeds. "All premises and exterior property shall be maintained free from weeds or plant growth in excess. 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.

The purpose of this letter is to request that you inspect or have inspected the above referenced property and voluntarily have such land cleaned, within fourteen (14) days from date above, failure to or refusal to respond to this notice will result in a hearing before the Mayor and Board of Aldermen of the City of Long Beach, where the board can adjudicate the above property and may take action to clean-up the property, all cost in doing so will be assessed to the property or property owner.

Please notify me as soon as the referenced violation has been corrected, so that the premises can be inspected. In the event you do not own the property in question, my office would appreciate being informed of these facts.

Should you have any questions, you may contact my office at (228) 863-1554.

Sincerely,  
  
Earl Levens  
Building/Code/Zoning Official

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

\*\*\*\*\*

Be it remembered that a regular meeting of the Mayor and Board of Aldermen, Long Beach, Mississippi, was begun and held at 5:00 o'clock p.m., Long Beach City Hall, 201 Jeff Davis Avenue, in said City, it being the third Tuesday in January, 2014, and the same being the time, date and place fixed by Laws of the State of Mississippi and ordinance of the City of Long Beach for holding said meeting.

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

Minutes of January 21, 2014  
Mayor and Board of Aldermen

Sr., Gary J. Ponthieux, Bernie Parker, Kelly Griffin, Ronnie Hammons, Jr., Mark E. Lishen, Alan Young, City Clerk Rebecca E. Schruoff, and City Attorney James C. Simpson, Jr.

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

\*\*\*\*\*

The meeting was called to order and there were no announcements; presentations; proclamations; or public comments.

\*\*\*\*\*

Alderman Parker made motion seconded by Alderman Young and unanimously carried to suspend the rules and amend the Municipal Docket to include the following:

- Fire Department Personnel Matter – Disciplinary Action;
- Item XII.9. NEW BUSINESS - Closed Session to Discuss a Public Health and Safety Issue.

\*

\*

There came on for consideration a Fire Department Discipline Documentation Form and attachment, as follows:

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 Mayor and Board of Aldermen

Long Beach Fire Department  
 Discipline Documentation Form

<input type="checkbox"/> Verbal Warning <input type="checkbox"/> Written Reprimand	Check One	<input type="checkbox"/> Verbal Reprimand <input checked="" type="checkbox"/> Suspension
<b>Employee Information</b>		
Name of Employee: Neal Gatian		
Job Title: Battalion Chief		
<b>Incident Information</b>		
Date/Time of Incident: Different dates and times		
Location of Incident: Fire Station # 2, 120 East 2nd Street		
Description of Incident: Conduct unbecoming of an Officer while on duty at station 2		
Was this incident in violation of department policy? Yes (X) No		
If yes, specify which policy. 15.2.1.13 - Conduct unbecoming to an employee while on or off duty		
<b>Action Taken</b>		
Action to be taken against employee. See Attached		
Has the impropriety of the employee's action be explained to him/her? (X) Yes No		
Did the employee offer any explanation for the conduct? (X) Yes No		
If Yes Explain. Poor judgement, and takes full responsibility for his actions		
Signature of person preparing report: <i>M. Brown</i>		Date: <i>1/21/13</i>
Title of person preparing report: <i>Assistant Fire Chief</i>		
Signature of employee in reference to: <i>Neal Gatian</i>		Date: <i>1/21/2014</i>

Attach all additional information to this report

Minutes of January 21, 2014  
Mayor and Board of Aldermen

**LONG BEACH FIRE DEPARTMENT**

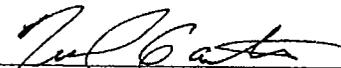
*Assistant Chief Mike Brown*

**Attachment to Discipline Documentation Form for Battalion Chief Neal Gatian**

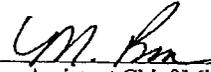
Disciplinary action for Battalion Chief Neal Gatian

- 48 duty hours suspension without pay
- Battalion Chief Gatian must complete a minimum of 6 therapy sessions with a certified and licensed therapist through insurance or at his own expense. Upon completion, a written completion form must be obtained for his Civil Service file.
- 6 month probation. (therapy sessions must be completed or probation will be extended until completion)

Battalion Chief Gatian has be explained Civil Service rule 14.2, Conduct of Hearing, concerning the appeal process.

  
 \_\_\_\_\_  
 Battalion Chief Neal Gatian

1/21/2014  
 \_\_\_\_\_  
 Date

  
 \_\_\_\_\_  
 Assistant Chief Mike Brown

1/21/14  
 \_\_\_\_\_  
 Date

Upon discussion, Alderman Carrubba made motion seconded by Alderman Young and unanimously carried to accept the recommendation for disciplinary action as set forth above.

\*\*\*\*\*

Alderman Hammons made motion seconded by Alderman Griffin and unanimously carried to approve the regular meeting minutes of the Mayor and Board of Aldermen dated January 7, 2014, as submitted.

\*\*\*\*\*

Minutes of January 21, 2014  
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Alderman Lishen made motion seconded by Alderman Hammons and unanimously carried to approve the regular meeting minutes of the Long Beach Planning Commission dated January 9, 2014, as submitted.

\*\*\*\*\*

Alderman Hammons made motion seconded by Alderman Parker and unanimously carried to approve the regular meeting minutes of the Long Beach Port Commission dated January 16, 2014, as submitted, inclusive of three (3) documents, as follows:

- Fuel Pier Replacement Contract, A. Garner Russell and Associates, Port and Harbor Minute Book #8, Page 164, authorizing the Mayor to execute same;
- Change Order #2, Twin L Construction, Hurricane Isaac Pier Repairs, Port and Harbor Minute Book #8, Page 137, authorizing the Mayor to execute same;
- Change Order #3, Twin L Construction, Hurricane Isaac Pier Repairs, Port and Harbor Minute Book #8, Page 170, authorizing the Mayor to execute same.

\*\*\*\*\*

Alderman Hammons made motion seconded by Alderman Young and unanimously carried to approve payment of invoices as listed in Docket of Claims number 012114, inclusive of invoice #1047306 to Brown and Brown of Mississippi, LLC, in the amount of \$360,929.78 for insurance renewal premiums.

\*\*\*\*\*

**Minutes of January 21, 2014  
Mayor and Board of Aldermen**

The Mayor and Board of Aldermen, Long Beach, Mississippi, took up for consideration the matter of adopting the City of Long Beach Local Hazard Mitigation Plan. After a full discussion of the subject, Alderman Carrubba offered and moved the adoption of the following resolution:

**Whereas**, the City of Long Beach Mississippi recognizes the threat that natural hazards pose to people and property within our community; and

**Whereas**, the undertaking hazard mitigation actions will reduce the potential for harm to people and property from future hazard occurrences; and

**Whereas**, the U.S. Congress passed the Disaster Mitigation Act of 2000 ("Disaster Mitigation Act") emphasizing the need for pre-disaster mitigation of potential hazards; and

**Whereas**, the Disaster Mitigation Act made available hazard mitigation grants to state and local governments; and

**Whereas**, an adopted Local Hazard Mitigation Plan is required as a condition of future funding for mitigation projects under the FEMA pre- and post-disaster mitigation grant programs; and

**Whereas**, the City of Long Beach, Mississippi, fully participated in the FEMA-prescribed mitigation planning process to prepare this local hazard mitigation plan; and

**Whereas** the Mississippi Emergency Management Agency and Federal Emergency Management Agency, Region IV officials have reviewed the City of Long Beach Local Hazard Mitigation Plan and approved it contingent upon this official adoption of the participating governing body; and

**Whereas**, the City of Long Beach, Mississippi, desires to comply with the requirements of the Disaster Mitigation Act and to augment its emergency planning efforts by formally adopting the City of Long Beach Local Hazard Mitigation Plan; and

**Whereas**, adoption by the governing body for the City of Long Beach, Mississippi, demonstrates the jurisdiction's commitment to fulfilling the mitigation goals and objectives outlined in the Local Hazard Mitigation Plan; and

**Whereas**, adoption of this legitimacies the plan and authorizes responsible agencies to carry out their responsibilities.

**Now therefore** be it resolved, that the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, adopts the City of Long Beach Local Hazard Mitigation Plan as an official plan; and

**Be it furthered** resolved, the City of Long Beach, Mississippi, will submit this adoption resolution to the Mississippi Emergency Management Agency and FEMA Region IV officials to enable the plan's final approval in accordance with the requirements of the Disaster Mitigation Act of 2000.

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Alderman Young seconded the motion, and the question being put to a roll call vote by the Mayor, the result was as follows:

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

Alderman Bernie Parker	voted	Aye
Alderman Gary Ponthieux	voted	Aye
Alderman Kelly Griffin	voted	Aye
Alderman Alan Young	voted	Aye
Alderman Leonard Carrubba, Sr.	voted	Aye
Alderman Mark Lishen	voted	Aye
Alderman Ronnie Hammons, Jr.	voted	Aye

The question having received the affirmative vote of all the Aldermen present and voting, the Mayor declared the motion carried and the resolution adopted this the 21<sup>st</sup> day of January, 2014.



APPROVED:

*William Skellie, Jr.*  
\_\_\_\_\_  
William Skellie, Jr., Mayor

ATTEST:

*Rebecca E. Schruoff*  
\_\_\_\_\_  
Rebecca E. Schruoff, City Clerk

Note: City of Long Beach Local Hazard Mitigation Plan on file in the Office of the City Clerk

\*\*\*\*\*

There came on for consideration a letter with attachments from Project Engineer David Ball as follows:

Minutes of January 21, 2014  
Mayor and Board of Aldermen



A. GARNER RUSSELL & ASSOCIATES, INC. / CONSULTING ENGINEERS

520 33<sup>RD</sup> STREET  
GULFPORT, MS 39507

TEL (228) 863-0667  
FAX (228) 863-5232

January 15, 2014

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

**RE: Pineville Road Bridge Replacement**

Ladies and Gentlemen:

We have attached Supplemental Agreement No. 2 for the referenced project for your review and approval. This project was completed on-time and well within budget. After construction was completed and after we had submitted all final documentation, MDOT performed materials testing on a sample of the geotextile fabric used on the job, which proved that the material did not meet the requirements of the specifications. Accordingly, MDOT has required that the Contractor provide a small credit (approximately \$18) to the City, proportional to the magnitude of the failed test. The fabric was installed under the rip-rap in the Canal No. 1 channel, making removal and replacement unfeasible. Although the fabric didn't pass the material testing, our visual inspection of the project indicates that it appears to be performing acceptably.

Therefore, we have worked with the Contractor and with MDOT to develop a Supplemental Agreement which provides the required credit to the City. Upon your approval and execution of this Supplemental Agreement, the Contractor will provide a check in the amount of the credit back to the City. This will "balance the books" and the project will be able to move through the final closeout process with MDOT. We therefore request your approval of this Contract change and your authorization for the Mayor to execute the document.

Sincerely,

David Ball, P.E.

DB:1701-P  
Enclosure

**Minutes of January 21, 2014  
Mayor and Board of Aldermen**

CSD-720-LPA

Sheet 1 of 2

**CITY OF LONG BEACH, MISSISSIPPI  
SUPPLEMENTAL AGREEMENT NO. 2**

WHEREAS, WE, Geopave, LLC, Contractors, and FCCI Insurance Company Surety, entered into a contract with the City of Long Beach, MS, LPA, on the 20th day of December, 2011, for the construction of Federal Aid Project No. STP-0295-00(013)LPA/105594-701000, Harrison County, and

WHEREAS, upon laboratory testing, it was determined that the geotextile fabric placed under rip-rap did not meet the requirements of Section 714.13 of the Contract; AND

WHEREAS, Section 105.03 provides for an appropriate adjustment in contract price for nonconforming work which shall remain in place; AND

WHEREAS, in accordance with Section 105.03, the appropriate material cost adjustment is a deduction of 21.5% of the material cost of Pay Item 815-E002 "Geotextile Fabric Under Rip-Rap (Type V) (EOS 70-100)"; AND

WHEREAS, based on the attached letter from the Contractor, the material cost of the referenced item is \$0.75 per square yard;

NOW THEREFORE, it is mutually agreed that the unit prices shown herein shall be full and final compensation for time, labor, materials, equipment, and incidentals used in completing the work described herein.

PAY ITEM NUMBER	UNIT	DESCRIPTION	ESTIMATED QUANTITY	UNIT PRICE	EXTENSION
815-E002-SA	SY	GEOTEXTILE FABRIC UNDER RIPRAP (TYPE V) (EOS 70-100)	109	\$2.84	\$309.56
815-E002	SY	GEOTEXTILE FABRIC UNDER RIPRAP (TYPE V) (EOS 70-100)	-109	\$3.00	-\$327.00
				TOTAL	-\$17.44

This agreement in no way modifies or changes the original contract of which it becomes a part, except as specifically stated herein;

NOW, THEREFORE, WE, Geopave, LLC, Contractors, and FCCI Insurance Company Surety, hereby agree to said Supplemental Agreement consisting of the above mentioned items and prices and agree that this supplemental agreement is hereby made a part of the original contract to be performed under specifications thereof, and that the original contract is in full force and effect, except insofar as it might be modified by this Supplemental Agreement.

Dated, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Surety

\_\_\_\_\_  
Contractor

Minutes of January 21, 2014  
Mayor and Board of Aldermen

CSD-720-LPA

Sheet 2 of 2

RECOMMENDED FOR APPROVAL:

\_\_\_\_\_  
LPA Professional

\_\_\_\_\_  
MDOT District Engineer

APPROVED:

Mississippi Department of Transportation

By: \_\_\_\_\_, 2013  
LPA Official

Book \_\_\_\_\_ Page \_\_\_\_\_



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MS Office:  
10210 Logan Cline Road  
Gulfport, MS 39503  
Office: 228-314-7283  
Fax: 228-314-7286

LA Office:  
P. O. Box 990  
64105 Hwy. 434  
Lacombe, LA 70445  
Phone: (985) 789-7279

December 18, 2013

Mayor William Skellie, Jr.  
City of Long Beach  
P.O. Box 929  
Long Beach, MS

RE: Federal Aid Project STP-0295-00(013)LPA/105594-701000  
City of Long Beach - Pineville Road Bridge Replacement at Canal No. 1

Mayor Skellie:

We understand that MDOT has requested a credit of 21.5% of the material cost for the geotextile fabric placed under rip-rap (Pay Item 815-E-002) on the referenced project. While the installed fabric appears to be performing acceptably, we are willing to provide this credit in an attempt to see this project satisfactorily closed for the City's benefit. To that end, we provide the following information detailing the cost basis utilized in determining the bid price of the pay item in question:

MATERIAL COST	\$0.75 / SY
LABOR COST	\$1.75 / SY
BOND, OVERHEAD & PROFIT	\$0.50 / SY
<b>TOTAL</b>	<b>\$3.00 / SY</b>

We trust that the above information is acceptable to you and that a change order to the contract will be prepared based on it. We further understand that a check in the amount of the credit must be forwarded to the City once the change order is approved and executed by all parties. We appreciate the opportunity to have worked in your City on this project and look forward to future projects.

Sincerely,

B.J. Sellers, P.E.  
President



Based upon the recommendation of Mr. Ball, Alderman Lishen made motion seconded by Alderman Hammons and unanimously carried to approve the Supplemental Agreement No. 2, GeoPave, Pineville Road Bridge Replacement, all as set forth above.

\*\*\*\*\*

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

\*\*\*\*\*

Minutes of January 21, 2014  
Mayor and Board of Aldermen

There came on for consideration a letter with attachments from Project Engineer David Ball, as follows:



**A. GARNER RUSSELL & ASSOCIATES, INC. / CONSULTING ENGINEERS**

520 33<sup>RD</sup> STREET  
GULFPORT, MS 39507

TEL (228) 863-0667  
FAX (228) 863-5232

December 6, 2013

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

**RE: Smallcraft Harbor - Permanent Repairs  
Hurricane Isaac**

Ladies and Gentlemen:

Please find attached four proposed amendments to the Master Contract between the City & A. Garner Russell & Assoc. for permanent repairs at the Smallcraft Harbor. These amendments are each per the Contract requirements and are adjustments to the fees for Basic Services & Construction Inspection Fees. The fees are all based on the FEMA fee curves contained in the contract and the final (or projected final) construction contract amount. We request your approval in this matter.

Sincerely,

David Ball, P.E.

DB:1967-Master  
Enclosure

Minutes of January 21, 2014  
Mayor and Board of Aldermen

AMENDMENT NUMBER 8-B TO MASTER AGREEMENT BETWEEN  
CITY OF LONG BEACH AND A. GARNER RUSSELL & ASSOCIATES, INC.

LONG BEACH SMALLCRAFT HARBOR - HURRICANE ISAAC PERMANENT REPAIRS  
(FINGER PIER REPAIRS)

It is agreed to modify the referenced Contract in accordance with the provisions contained in the Master Agreement dated November 6, 2012:

A. BASIS OF COMPENSATION

1. The project was completed with a Base Bid (FEMA eligible) and a Change Order (non-FEMA eligible).
2. Fees for Basic Services in this Contract will be in accordance with Exhibit C3 of the referenced Master Agreement, more particularly, as a percentage of the final construction cost, based on Curve B in Appendix 1 to Exhibit C3.
  - a. Based on the Summary Change Order, the construction cost of the Base Bid (FEMA eligible) is \$72,573.50; therefore, total fees for the related Basic Services shall be \$10,200.
  - b. Additionally, at Owner's request, additional finger piers were designed and constructed at various locations in the Harbor (non-FEMA eligible - to be reimbursed by Tidelands funds). Based on the Summary Change Order, the construction cost of this additional work is \$27,697; therefore, fees for the related Basic Services shall be \$3,900.
3. For services of ENGINEER's Resident Project Representative and for Post-Construction Services, an amount equal to the cumulative hours charged to the Project by each class of ENGINEER's employees times Standard Hourly Rates for each applicable billing class for all Resident Project Representative services performed on the Project, plus Reimbursable Expenses and ENGINEER's Consultant's charges, if any.
  - a. FEMA has obligated up to \$2,200 for Construction Inspection services for the Base Bid.
  - b. Fees for Construction Inspection services for the Alternate Bid shall be up to \$830.
  - c. These fees are only sufficient for part-time inspection. Additional inspection can be provided upon Owner's request.

OWNER:

ENGINEER:

CITY OF LONG BEACH, MISSISSIPPI

A. GARNER RUSSELL & ASSOCIATES, INC.

By: \_\_\_\_\_  
William Skellie, Jr.; Mayor

By: \_\_\_\_\_  
M. Scott Burge, P.E.; President  
MS PE #9550

Date Signed: \_\_\_\_\_

Date Signed: \_\_\_\_\_

Minutes of January 21, 2014  
Mayor and Board of Aldermen

AMENDMENT NUMBER 6-A TO MASTER AGREEMENT BETWEEN  
CITY OF LONG BEACH AND A. GARNER RUSSELL & ASSOCIATES, INC.

LONG BEACH SMALLCRAFT HARBOR - HURRICANE ISAAC PERMANENT REPAIRS  
(PARKING LOT REPAIRS)

It is agreed to modify the referenced Contract in accordance with the provisions contained in the Master Agreement dated November 6, 2012:

A. BASIS OF COMPENSATION

1. Fees for Basic services described in this Contract will be in accordance with Exhibit C3 of the referenced Master Agreement, more particularly, as a percentage of the final construction cost, based on Curve B in Appendix 1 to Exhibit C3.
  - a. Based on the Certified Tabulation of the Bids, the construction cost of the Base Bid is \$398,668.69; therefore, fees for the related Basic Services shall be \$49,136.
  
2. For services of ENGINEER's Resident Project Representative and for Post-Construction Services, an amount equal to the cumulative hours charged to the Project by each class of ENGINEER's employees times Standard Hourly Rates for each applicable billing class for all Resident Project Representative services performed on the Project, plus Reimbursable Expenses and ENGINEER's Consultant's charges, if any.
  - a. FEMA has obligated up to \$11,960 for Construction Inspection services for the Base Bid.
  - b. These fees are only sufficient for part-time inspection. Additional inspection can be provided upon Owner's request.

OWNER:

ENGINEER:

CITY OF LONG BEACH, MISSISSIPPI

A. GARNER RUSSELL & ASSOCIATES, INC.

By: \_\_\_\_\_  
William Skellie, Jr.; Mayor

By: \_\_\_\_\_  
M. Scott Burge, P.E.; President  
MS PE #9550

Date Signed: \_\_\_\_\_

Date Signed: \_\_\_\_\_

Minutes of January 21, 2014  
Mayor and Board of Aldermen

AMENDMENT NUMBER 5-A TO MASTER AGREEMENT BETWEEN  
CITY OF LONG BEACH AND A. GARNER RUSSELL & ASSOCIATES, INC.

LONG BEACH SMALLCRAFT HARBOR - HURRICANE ISAAC PERMANENT REPAIRS  
(DREDGING)

It is agreed to modify the referenced Contract in accordance with the provisions contained in the Master Agreement dated November 6, 2012:

A. BASIS OF COMPENSATION

1. Fees for Basic services described in this Contract will be in accordance with Exhibit C3 of the referenced Master Agreement, more particularly, as a percentage of the final construction cost, based on Curve B in Appendix 1 to Exhibit C3.
  - a. Based on the Certified Tabulation of the Bids, the construction cost of the Base Bid is \$109,080; therefore, fees for the related Basic Services shall be \$15,380.
  
2. For services of ENGINEER's Resident Project Representative and for Post-Construction Services, an amount equal to the cumulative hours charged to the Project by each class of ENGINEER's employees times Standard Hourly Rates for each applicable billing class for all Resident Project Representative services performed on the Project, plus Reimbursable Expenses and ENGINEER's Consultant's charges, if any.
  - a. FEMA has obligated up to \$3,300 for Construction Inspection services for the Base Bid.
  - b. These fees are only sufficient for part-time inspection. Additional inspection can be provided upon Owner's request.

OWNER:

ENGINEER:

CITY OF LONG BEACH, MISSISSIPPI

A. GARNER RUSSELL & ASSOCIATES, INC.

By: \_\_\_\_\_  
William Skellie, Jr.; Mayor

By: \_\_\_\_\_  
M. Scott Burge, P.E.; President  
MS PE #9550

Date Signed: \_\_\_\_\_

Date Signed: \_\_\_\_\_

Minutes of January 21, 2014  
Mayor and Board of Aldermen

AMENDMENT NUMBER 3-A TO MASTER AGREEMENT BETWEEN  
CITY OF LONG BEACH AND A. GARNER RUSSELL & ASSOCIATES, INC.

LONG BEACH SMALLCRAFT HARBOR - HURRICANE ISAAC PERMANENT REPAIRS  
(FUEL FACILITY REPAIRS)

It is agreed to modify the referenced Contract in accordance with the provisions contained in the Master Agreement dated November 6, 2012:

A. BASIS OF COMPENSATION

1. The project was bid with Bid Schedule 1 (FEMA eligible) and Bid Schedule 2 (BIG eligible), both of which were included in the awarded construction Contract.
  - a. The design for the construction of Bid Schedule 2 was already accomplished and paid for as part of the 2009 BIG Improvements project. Therefore, no fees for Basic Services will be included for that portion of the work.
2. Fees for Basic Services in this Contract will be in accordance with Exhibit C3 of the referenced Master Agreement, more particularly, as a percentage of the final construction cost, based on Curve B in Appendix 1 to Exhibit C3. Based on the Certified Tabulation of the Bids, the construction cost of the Bid Schedule 1 is \$133,687.11; therefore, total fees for the related Basic Services shall be \$18,549.
3. For services of ENGINEER's Resident Project Representative and for Post-Construction Services, an amount equal to the cumulative hours charged to the Project by each class of ENGINEER's employees times Standard Hourly Rates for each applicable billing class for all Resident Project Representative services performed on the Project, plus Reimbursable Expenses and ENGINEER's Consultant's charges, if any.
  - a. FEMA has obligated up to \$4,000 for Construction Inspection services for Bid Schedule 1.
  - b. These fees are only sufficient for part-time inspection. Additional inspection can be provided upon Owner's request.

OWNER:

ENGINEER:

CITY OF LONG BEACH, MISSISSIPPI

A. GARNER RUSSELL & ASSOCIATES, INC.

By: \_\_\_\_\_  
William Skellie, Jr.; Mayor

By: \_\_\_\_\_  
M. Scott Burge, P.E.; President  
MS PE #9550

Date Signed: \_\_\_\_\_

Date Signed: \_\_\_\_\_

Based upon the recommendation of Mr. Ball, Alderman Ponthieux made motion seconded by Alderman Young and unanimously carried to approve the four (4) amendments to the master contract, A Garner Russell and Associates, all as set forth above, authorizing the Mayor to execute same.

\*\*\*\*\*

There was no action required or taken regarding Transportation for Voter ID Cards; Senior Citizens Bus.

\*\*\*\*\*

Minutes of January 21, 2014  
Mayor and Board of Aldermen

Alderman Hammons made motion seconded by Alderman Lishen and unanimously carried acknowledging receipt of the December, 2013, Revenue/Expense Reports.

\*\*\*\*\*

There came on for consideration a memo with attachments from Comptroller Kini Gonsoulin, as follows:

**Comptroller's Office**

# Memo

**To:** Becky Schruff  
**From:** Kini Gonsoulin  
**Date:** 1/16/2014  
**Re:** Budget Amendments

---

Please submit the attached budget amendments for consideration on the January 21, 2014 board meeting. The amendment is to roll forward funds from FY 2013. Invoices that total these amounts should have posted to the FY 2013 budget, but due to a glitch in MUNIS, they posted to FY 2014.

If you have any questions regarding this request, please do not hesitate to ask. Thank You.

**Minutes of January 21, 2014  
Mayor and Board of Aldermen**

**City of Long Beach**

Budget Amendment Request

	Original Budget	Prior Amendments	This Amendment	Revised Budget
Department #	<u>111</u>		Budget Entry #	
Department Name	<u>Mayor's Office</u>			
Gas, Oil, & Grease 111-614000	1,500		78	1,578
General Fund			(78)	
Department #	<u>125</u>		Budget Entry #	
Department Name	<u>Municipal Court</u>			
Telephone 125-626001	2,400		63	2,463
General Fund			(63)	
Department #	<u>135</u>		Budget Entry #	
Department Name	<u>Legal</u>			
Legal Fees 135-621300	12,000		1,000	13,000
General Fund			(1,000)	
Department #	<u>146</u>		Budget Entry #	
Department Name	<u>Gen Admin</u>			
Contractual Fees 146-620900	54,240		3,436	57,676
Engineering Fees 146-621100	60,000		2,328	62,328
Legal Fees 146-621300	55,000		2,653	57,653
Maintenance Contracts 146-621700	4,700		102	4,802
Hardware Maintenance 146-621702	10,000		147	10,147
Prisoner Meals & Housing 146-623500	130,000		6,125	136,125
Postage 146-625700	6,000		1,047	7,047
Telephone 146-626001	15,000		799	15,799
Legal Advertising 146-626101	10,000		1,020	11,020
General Fund			(17,657)	
Department #	<u>213</u>		Budget Entry #	
Department Name	<u>Police</u>			
Office Supplies 213-610400	10,000		1,161	11,161
Operating Supplies 213-610700	25,000		3,409	28,409
Building Maintenance 213-611000	12,000		2,264	14,264
Motor Vehicle Repairs 213-611300	95,000		7,982	102,982
612200	31,000		753	31,753

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Gas, Oil, & Grease 213-614000	160,000		5,684	165,684
K-9 Supplies 213-615000	4,000		815	4,815
Contractual Fees 213-620900	17,760		961	18,721
Pistol Range Maintenance 213-623100	4,000		2,146	6,146
Police Reserves 213-623300	3,000		920	3,920
Tire Program 213-625300	12,000		185	12,185
Telephone 213-626001	31,500		853	32,353
Electric Utilities 213-626004	40,000		6	40,006
Travel 213-626900	15,000		205	15,205
Misc 213-627900	5,000	600	1,405	7,005
Vehicles 213-630500	-		50,086	50,086
General Fund			(78,834)	

Department # 290 Budget Entry # \_\_\_\_\_  
Department Name Fire

Medical Exams 290-603400	1,000		37	1,037
Office Supplies 290-610400	4,835		920	5,755
Operating Supplies 290-610700	6,000		770	6,770
Building Maintenance 290-611000	8,000		789	8,789
Machinery/Equip 290-611800	13,000		3,294	16,294
Gas, Oil, & Grease 290-614000	20,000		636	20,636
Maintenance Contract 290-621700	3,500		75	3,575
Training 290-622300	10,000		899	10,899
Telephone 290-626001	18,000		210	18,210
General Fund			(7,629)	

Department # 311 Budget Entry # \_\_\_\_\_  
Department Name Streets & Drainage

Operating Supplies 311-610700	53,000		1,847	54,847
Motor Vehicle Repairs 311-611300	23,000		434	23,434
612200	55,000		4,255	59,255
Asphalt 311-613800	16,000		513	16,513
Limestone 311-614400	9,000		1,213	10,213
Maintenance Contracts 311-621700	1,200		20	1,220
Telephone 311-626001	-		222	222
Street Lights 311-626005	245,000		18,306	263,306
Rental 311-626700	2,500		47	2,547
General Fund			(26,857)	

Department # 335 Budget Entry # \_\_\_\_\_  
Department Name Vehicle Maintenance

Operating Supplies 335-610700	1,600		304	1,904
Small Tools 335-612900	1,000		111	1,111
Capital Outlay 335-630100	781		781	1,562

**Minutes of January 21, 2014  
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General Fund			(1,196)	
Department #	340		Budget Entry #	
Department Name	Parks & Cemeteries			
612200	483		163	646
General Fund			(163)	
Department #	409		Budget Entry #	
Department Name	Library			
Library Books 409-613000	30,000		8,014	38,014
Maintenance Contract 409-621700	1,500		20	1,520
Hardware Maintenance 409-621702	3,000		1,303	4,303
Telephone 409-626001	1,200		49	1,249
Misc 409-627900	200		150	350
General Fund			(9,537)	
Department #	425		Budget Entry #	
Department Name	Seniors			
Operating Supplies 425-610700	18,000		1,720	19,720
Motor Vehicle Repair 425-611300	1,500		129	1,629
Ceramics Supplies 425-611700	1,500		182	1,682
Gas, Oil, & Grease 425-614000	2,500		135	2,635
Telephone 425-626001	1,786		47	1,833
General Fund			(2,212)	
Department #	435		Budget Entry #	
Department Name	Recreation			
Operating Supplies 435-610700	4,000		4	4,004
Gas, Oil, & Grease 435-614000	4,750		159	4,909
Contractual Services 435-620900	2,000		155	2,155
Telephone 435-626001	2,050		58	2,108
General Fund			(376)	
Department #	611		Budget Entry #	
Department Name	Planning & Zoning			
Gas, Oil, & Grease 611-614000	3,500		335	3,835
Consultant Fees 611-620700	13,000		72	13,072
Postage 611-625700	4,000		59	4,059
General Fund			(467)	
Department #	167		Budget Entry #	
Department Name	Hurricane Katrina			

Minutes of January 21, 2014  
 Mayor and Board of Aldermen

Library Books 167-613000	-		526	526
BEARB	-		7,386	7,386
FEMA reimbursement			(7,912)	
Department #	169		Budget Entry #	
Department Name	Hurricane Isaac			
Contractual Fees 169-620900	-		55,528	55,528
FEMA reimbursement			(55,528)	
Department #	345		Budget Entry #	
Department Name	Capital Projects			
Capital Projects 345-640100-10006	34,877		12,334	47,211
Capital Projects Fund			(12,334)	
Department #	811		Budget Entry #	
Department Name	Utility Billing			
Maintenance Contracts 811-621700	2,600		615	3,215
Telephone 811-626001	1,000		54	1,054
Water/Sewer Fund			(670)	
Department #	815		Budget Entry #	
Department Name	Water Operations			
Operating Supplies 815-610700	6,000		110	6,110
Water System Maint 815-611100	62,243		5,446	67,689
Motor Vehicle Repairs 815-611300	9,301		244	9,545
612200	7,433		962	8,395
Water Well Supplies 815-616400	4,776		1,080	5,856
Waterline Supplies 815-616700	10,000		20	10,020
Engineering Fees 815-621100	35,000		6,909	41,909
Fire Hydrants 815-631100	5,000		7,419	12,419
Water/Sewer Fund			(22,190)	
Department #	850		Budget Entry #	
Department Name	Contingency			
Contractual Fees 850-620900	75,000		5,663	80,663
Engineering Fees 850-621100	-		929	929
Water/Sewer Fund			(6,593)	
Department #	825		Budget Entry #	
Department Name	Sewer Operations			

Minutes of January 21, 2014  
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Solid Waste Disposal 825-627100	750,000		56,085	806,085
Water/Sewer Fund			(56,085)	
Department #	445		Budget Entry #	
Department Name	Operations			
Maintenance Contracts 445-621700	2,400		26	2,426
Utilities 445-626000	1,000		369	1,369
Harbor Fund			(396)	

Amendment to roll funds from prior year for invoices posted in the wrong year.

Based upon the recommendation of Ms. Gonsoulin, Alderman Carrubba made motion seconded by Alderman Hammons and unanimously carried to approve the aforementioned budget amendments, as set forth above.

\*\*\*\*\*

Alderman Carrubba made motion seconded by Alderman Hammons and unanimously carried to approve Municipal Court surplus property for disposal, as follows:

Minutes of January 21, 2014  
Mayor and Board of Aldermen

**Municipal Court**

# Memo

**To:** Rebecca Schuff  
**From:** Municipal Court  
**Date:** January 17, 2014  
**Re:** Surplus Items

---

Please declare the following items as surplus from the Municipal Court:

- 2 - Dell monitors
- 1 - Hewlet Packard tower
- 2 - Dell keyboards
- 1 - Acer keyboard
- 1 - Hewlet packer keyboard
- 1 - C-net power switch
- 1 - Ultra Power strip
- 2 - Linksys routers
- 3 - Dell mouses
- 1 - Compucessory mouse
- 2 - Telephones
- 1 - Hewlet Packer Scan Jet Scanner

\*\*\*\*\*

There was no action required or taken regarding derelict properties at this time.

\*\*\*\*\*

Discussion was held regarding the Ronald Jefferson property on Beatline Road; the matter was taken under advisement for further consideration at the next regular meeting, February 4, 2014.

\*\*\*\*\*

**Minutes of January 21, 2014  
Mayor and Board of Aldermen**

Alderman Parker made motion seconded by Alderman Ponthieux and unanimously carried to approve the application for special event, St. Patrick's Day Parade, waiving associated fees to promote the City of Long Beach and advertise the resources and opportunities available; said application is as follows:

**cityclerk@cityoflongbeachms.com**

---

**From:** Shane Walker <shanewalker76@gmail.com>  
**Sent:** Thursday, January 09, 2014 2:10 PM  
**To:** cityclerk@cityoflongbeachms.com  
**Subject:** St.Patrick's Day Parade

Southern Star Lodge of Long Beach would like to ask the mayor and board of alderman permission to host a St. Patrick's Day parade and festival on March 8, 2014, with vendors setting up on town green at 10 am and the parade rolling at 4pm. All festivities to be completed by 7pm.

Southern Star Lodge of Long Beach would also like to request that the fees for the use of the town green be waived on March the 8, 2014 for the St. Patrick's day festivities.

Last year the Parade was a great community event, we did take a loss however this year we feel that we will have more cooperation from local business and that our return will be greater so that we may contribute monies to local charities.

Thank you in advance for your consideration.

Shane A. Walker

Minutes of January 21, 2014  
Mayor and Board of Aldermen

CITY OF LONG BEACH  
SPECIAL EVENT APPLICATION

City Clerk's Office \* 201 Jeff Davis Avenue \* P.O. Box 929 \* Long Beach, MS 39560

Date Received By Clerk's Office: 1/21/14 Time: \_\_\_\_\_ By: CS

Please complete this application in accordance with the City of LONG BEACH Special Events Policy, and return it to the Office of the City Clerk at least 90 calendar days before the first day of the event.

Sponsoring Organization's Legal Name: Southern Star Lodge #500 F&AM P.O. Box 500

Organization Address: 546 Klondyke Road Long Beach MS 39560

Organization Agent: Shanea Walker Title: \_\_\_\_\_

Phone: (228) 697-3868 Work Home: (228) 575-2000 During event: (228) 697-3868

Agent's Address: 109 York Dr. Long Beach MS 39560

Agent's E-Mail Address: Shanewalker76@gmail.com

Event Name: Long Beach St. Patrick's Day Parade/Festival

Please give a brief description of the proposed special event: Concert's

Parade and Vendors

Event Day(s) & Date(s): March 8, 2014 Event Time(s): March 8, 2014

Set-Up Date & Time: 3/8/14 8:00am Tear-Down Date & Time: 3/8/14 8:00pm

Event Location: Town Green

ANNUAL EVENT: Is this event expected to occur next year?  YES  NO

How many years has this event occurred? 1 year

ADOPTED: 11.15.11-BOARD ACTION

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**MAP:** (a) If your event will use streets or sidewalks (for a parade, run, etc.) or will use multiple locations, please attach a complete map showing the assembly and dispersal locations and the route plan. (b) Show any streets or parking lots that you are requesting to be blocked off, and location of vendors, if any. A final map, if different, must be provided seven (7) days before the event. (c) Please show an emergency vehicle access lane.

**STREET CLOSURES:** Start Date/ Time <sup>4:50pm</sup> March 8, 2014 through Date/ Time <sup>4:45pm</sup> March 8, 2014

**RESERVED PARKING:** Are you requesting reserved parking? YES  NO

If yes, list the number of street spaces, City lots or locations where parking is requested:  
 \_\_\_\_\_  
 \_\_\_\_\_

**VENDORS:** Food Concessions? YES  NO      Other Vendors? YES  NO

**DO YOU PLAN TO HAVE ALCOHOL SOLD/SERVED AT THIS EVENT?** YES  NO   
 If yes, are liquor license and liquor liability insurance attached? YES  NO   
 If yes, what time? \_\_\_\_\_ Until \_\_\_\_\_

**ENTERTAINMENT:** Are there any entertainment features related to this event? YES  NO   
 If yes, provide an attachment listing all bands/performers, type of entertainment, and performance schedule.

**ATTENDANCE:** What is the expected (estimated) attendance for this event? 500

**AMUSEMENT:** Do you plan to have any amusement or carnival rides? YES  NO

If yes, you are required to obtain a permit through the City Clerk's Office.

**REST ROOMS:** Are you planning to provide portable rest rooms at the event? YES  NO   
 If yes, how many? \_\_\_\_\_

As an event organizer, you must consider the availability of rest room facilities during this event. Consideration should be made regarding the type of event, the length of time it will be held, the number of people, etc. You must determine the rest room facilities in the immediate area of the event venue and then identify the potential need for portable facilities. Remember to identify accessible facilities for ADA requirements as well.

**OTHER REQUESTS:** (i.e., Police Department assistance, Fire Dept., street closures, electrical, etc.)  
7 Police Officers & Firefighter Rescue unit street  
closures, ~~East~~ <sup>East</sup> street, Jeff Davis Ave, ~~West~~ <sup>East</sup> 4<sup>th</sup> Street, and  
S Burke Ave (EXIT) to Hwy 90

ADOPTED: 11.15.11-BOARD ACTION

# Minutes of January 21, 2014 Mayor and Board of Aldermen

Long Beach, MS Map | MapQuest

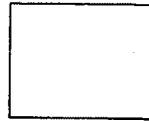
Page 1 of 1



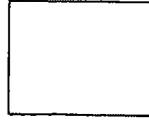
Map of:  
**Long Beach, MS**

**Notes**

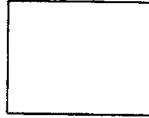
Staging Area E 1st street LBHS Parking lot  
start of parade at E 1st and Cleveland Ave E 1st  
street to Jeff Davis Ave South on Jeff Davis Ave to E  
4th Street Left on E 4th street to S Burke Ave  
North on S Burke Ave to E 3rd street Floats and  
Vehicles must exit to the right to LBHS Parking lot  
walking groups left to town green



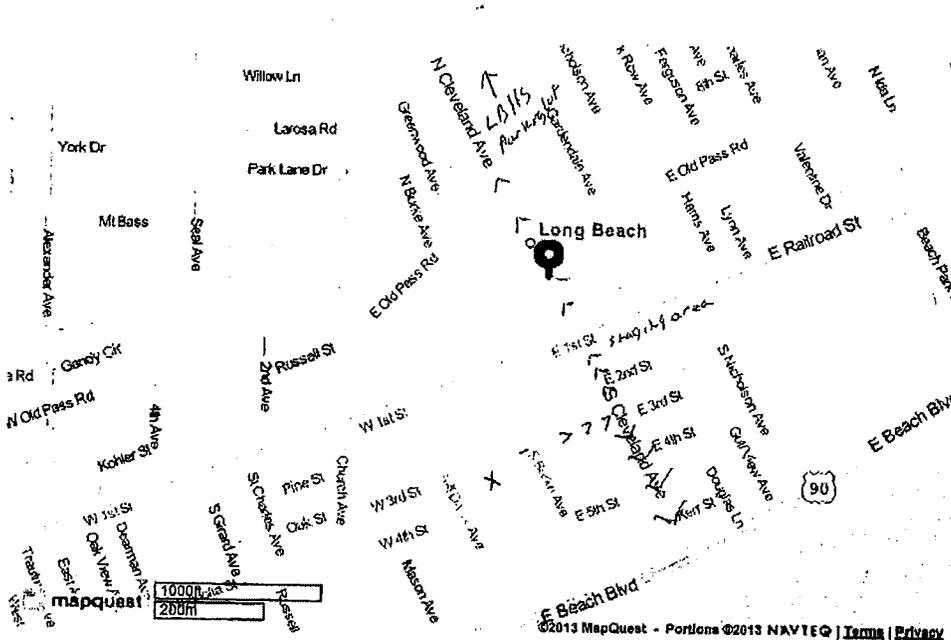
**The Scientific Approach to  
Permanently Stop Hair Loss**  
Provided by Intermundo Media LLC



**How to Consolidate or Settle  
Your Credit Card Debt**  
Provided by Envoy Media Group, Inc.



**What is the best non-  
prescription eyelash  
enhancer?**  
Provided by DermStore.com



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02/22/2013

**Minutes of January 21, 2014  
Mayor and Board of Aldermen**

**INSURANCE:** All sponsors of special events must carry liability insurance with coverage of at least \$500,000. An event sponsor must provide a valid certificate of insurance naming the City of Long Beach as an additional named insured party on the policy. A sponsor of a Low Hazard event may request that Board of Aldermen waive the insurance requirement and execute a Hold Harmless and Indemnification Agreement. This event qualifies consideration for Low Hazard because:

---

**CERTIFICATION AND SIGNATURE:** I understand and agree on behalf of the sponsoring organization that: A Certificate of Insurance must be provided which names the City of Long Beach as an additional named insured party on the policy or I am requesting that Board of Aldermen waive the insurance requirement for this Low Hazard Event as identified in paragraph above related to insurance, and I have executed the Hold Harmless and Indemnification Agreement on behalf of the event sponsor.

All food vendors must be approved by the Harrison County Health Department, and each food or other vendor must provide the City of Long Beach with a Certificate of Insurance which names the City of Long Beach as an additional named insured party on the policy.

The approval of this special event may include additional requirements or limitations, based on the City's review of this application. Applicants who fail to clean up and repair damages to the Event Area may be billed for City services and such failure will be considered for future applications.

As the duly authorized agent of the sponsoring organization, I am applying for approval of this Special Event, affirm the above understandings, and agree that my sponsoring organization will comply with the terms of the written confirmation of approval, and all other City requirements, ordinances and other laws, which apply to this Special Event. By signing this Special Event Application, I declare I am 21 years of age or older.

1/8/13  
Date

*Shane A. Costa*  
Signature of Sponsoring Organization's Agent

**RETURN THIS APPLICATION at least ninety (90) days before the first day of the event to:  
CITY CLERK'S OFFICE - 201 JEFF DAVIS AVENUE - P.O. BOX 929 - LONG BEACH, MS  
39560**

ADOPTED: 11.15.11-BOARD ACTION

Minutes of January 21, 2014  
Mayor and Board of Aldermen

Event Title: St. Patrick's Day Parade

DEPARTMENTAL USE ONLY: Please contact applicant directly with any questions or concerns. Sign and return to the City Clerk's Office, as soon as possible.

Approvals noted below, by departments, indicate they have been made aware of the request and the reasonability of their department has been met.

Police Dept.: [Signature] Recommend Approval: YES NO Est. Economic Impact: \$ [Signature]

Fire Dept.: GLB OK Recommend Approval: YES NO Est. Economic Impact: \$ [Signature]

Public Works: \_\_\_\_\_ Recommend Approval: YES NO Est. Economic Impact: \$ \_\_\_\_\_

Traffic Eng.: \_\_\_\_\_ Recommend Approval: YES NO Est. Economic Impact: \$ \_\_\_\_\_

Parks/REC: Ref Recommend Approval: YES NO Est. Economic Impact: \$ 0

Have businesses been notified for street closures?: YES NO

Reason for disapproval \_\_\_\_\_

Any special requirements/conditions \_\_\_\_\_

Insurance / Indemnification Received: INS. will be provided prior to event.

Insurance Approved: \_\_\_\_\_

Board of Aldermen Approved: 1/21/14 Denied: \_\_\_\_\_

Approval/ Denial Mailed: \_\_\_\_\_

ADOPTED: 11.15.11-BOARD ACTION

**Minutes of January 21, 2014**  
**Mayor and Board of Aldermen**

The City of Long Beach appreciates your efforts in contributing to the heart and vitality of the City through your proposed Special Event. We recognize that the City of Long Beach is fortunate to have many varied and beautiful parks and friendly streets and neighborhoods, all of which provide wonderful venues at which to hold Special Events.

*A special event is defined as one or more of the following situations occur: (1) Outdoor entertainment is being offered; (2) An admission fee is charged; (3) Vendors sell food products/wares; (4) Carnival games/amusement rides are offered; (5) Attendance is double the estimated population in the area where the event is to be held; (6) Purpose of event is a fundraiser; (7) It interferes with parking, safe movement of pedestrians and/or vehicular traffic in the area; (8) Alcoholic beverages are sold; (9) a sports tournament is involved.*

To preserve the City's natural resources, while still offering enjoyment, the City may permit the temporary use of public properties or roadways for special activities. The City coordinates the review of these events with various City departments to ensure that the events are conducted safely.

The City Clerk's Office will distribute copies of your application to all City departments or agencies affected by your event. These department or agencies will contact you individually only if they have specific questions or concerns about your event.

**PURPOSE:** The purpose of the Special Events Policy is to promote uniform procedures to regulate and permit special event activity at locations under the jurisdiction of the City of Long Beach. The Special Event Application is a starting point for any group or individual who wishes to hold an event, parade, assembly, festival, or similar affair, within the municipal limits of the City of Long Beach.

**SPECIAL EVENT APPLICATION REQUIRED:** This Policy Statement on Special Events covers all special events. Any organization wishing to sponsor or hold a Special Event in the City of Long Beach that takes place on public lands or lands that are controlled by the City of Long Beach will be required to complete the City of Long Beach Special Event Application.

A Special Event within the City of Long Beach that will be conducted on the streets, parks or other public area is required to be approved by the Board of Aldermen. Applications to conduct a Special Event must be made in writing to the Office of the City Clerk. **The Mayor and Board of Aldermen meet on the first and third Tuesday of each month; applications must be received no later than noon on Friday prior to Tuesday's meeting.** Applications are available from the City Clerk's Office and via the City's website at [www.cityoflongbeachms.com](http://www.cityoflongbeachms.com).

The City will provide a complete review of any special event application, including consultation with the applicant as may be reasonably necessary to resolve problems and/or concerns.

ADOPTED: 11.15.11-BOARD ACTION

## Minutes of January 21, 2014 Mayor and Board of Aldermen

Sponsors of Special Events should be aware that noise generated by the event could have an impact on the neighborhoods near the event site. Sponsors must be considerate of the neighborhood and be aware of the City Noise Ordinance.

As an event organizer, you must consider the availability of rest room facilities during this event. Consideration should be made regarding the type of event, the length of time it will be held, the number of people, etc. You must determine the rest room facilities in the immediate area of the event venue and then identify the potential need for portable facilities. Remember to identify accessible facilities for ADA requirements as well.

### **IMPLEMENTATION**

**Eligibility Requirements:** The application or representative of any business, group or organization that seeks approval to conduct a special event, must be 21 years of age or older and officially designated as the agent of the sponsoring business, group, or organization.

**Application Procedure:** A Special Event Application must be received in the City Clerk's Office no later than ninety (90) days before the first day of the event. An incomplete application may result in denial of your request. We ask that applicants begin the process as early as possible in order that proper approvals and deadlines are met.

Please submit the following information:

- Signed application
- Map (sketch) of event site, detailing street closures, parking requirements, etc.
- Schedule of Event
- Proof of insurance/indemnification (naming City of Long Beach as an "additional insured")

### Mapped Routes

A detailed map or diagram indicating the specific locations and layout of the event must be submitted. This should also include any proposed street closures, proposed route and direction of route including all turns and the number of traffic lanes to be used, if applicable.

Routes for special events must be submitted with the license application, regardless of historical precedent. Proposed routes may be altered at the discretion of the Police Department and the Department of Public Works. In the event that the organizer or sponsor of any special event deviates from the route submitted without the approval of the city, the organizer or sponsor of such special event may be denied a permit for any special event for the following calendar year.

**EMERGENCY MEDICAL SERVICES:** Due to the vast number of different types of events, along with the anticipated crowd sizes, at a minimum, all event holders should have knowledge of 911 access and someone who is certified in First Aid/CPR. Also, basic First Aid Stations and/or kits should be on site.

ADOPTED: 11.15.11-BOARD ACTION

**Minutes of January 21, 2014  
Mayor and Board of Aldermen**

**LIABILITY INSURANCE REQUIREMENTS:** To comply with the City's insurance liability carrier, the City must require that all sponsors of a special event carry liability insurance with coverage of at least \$500,000. An event sponsor must provide a valid certificate of insurance naming the City of Long Beach as an additional named insured party on the policy.

An event sponsor may request that the Board of Aldermen waive the insurance coverage for an event classified as Low Hazard. A Low Hazard event is a small gathering or ceremony involving not more than 50 people, who are passively participating in the activity, without any physical activity by participants or severe exposure to spectators, and no City services are required. An event sponsor of a Low Hazard event must sign a Hold Harmless and Indemnification Agreement as part of its application process.

**City Services:** All costs are the responsibility of the permit holder. The Long Beach Police Department reviews and determines which police services the event requires, and if necessary, the amount of security services for the event. Each City Department will list their cost on the Departmental Use form of the application packet.

**CLEAN UP:** Applicants are responsible for clean up and repairs. Applicants who fail to clean up and repair damages to the Event Area may be billed for City services and such failure will be considered for future applications.

**WRITTEN CONFIRMATION OF CITY APPROVAL:** It is expected that the event coordinator or a representative be present at the Board of Aldermen meeting to answer any possible questions that the aldermen may have regarding your proposed event. **Please note, if questions arise at the Board of Aldermen meeting, and a representative is not present, your request may be denied.**

Upon approval of the Special Event Application, a written confirmation as to the action of the Board of Aldermen will be forwarded to the individual or organization requesting the event by the City Clerk's Office. This confirmation will outline any special conditions that must be met if the event is to be held.

**PLEASE CONTACT THE CITY CLERKS OFFICE, WITH QUESTIONS REGARDING THIS POLICY AT (228) 863-1556.**

ADOPTED: 11.15.11-BOARD ACTION

Minutes of January 21, 2014  
Mayor and Board of Aldermen

March 8, 2014  
Saturday  
St. Patrick Day  
Concert + Parade  
8:00 - 10:00  
Town Green

CITY OF LONG BEACH  
PARKS AND RECREATION DEPARTMENT  
APPLICATION FOR PERMIT

TOWN GREEN

Group / Individual Name (Permit tee):

Southern Star Lodge #500 F&AM (Shane Walker)

Telephone Number: 228-697-3868 228-575-2000 228-697-3868

Street Address: 546 Klondyke Road

City Long Beach State MS Zip 39560

Type of Event: Parade / Festival

Start Time: 8:00am setup 10:00am start

Closing Time: 8:00am closing 8:00am end

It is agreed between the City of Long Beach and the permit fee that the named facility is reserved on  
March 8, 2014 Saturday.  
(Date)

The person(s) requesting this permit

1. Agrees to personally accept responsibility for any damage done to the facility, grounds or equipment by persons in his/her group during the reserved period of time, and will hold the City of Long Beach harmless of any damage done to permit tee or permit tee's equipment.
2. Agrees to maintain order and control over persons in the group.
3. Agrees to abide by all policies and procedures of the City of Long Beach, the Long Beach Parks and Recreation Department as directed by the contents of the Town Green policy statement.
4. Understands that failure to comply with all the terms of the aforementioned policy as well as any violation of federal, state, or municipal law in conjunction with the use of this facility will result in the cancellation of the privilege of using this facility and will jeopardize any future permit grants for this or any other facility. I hereby agree that I have read and understand the regulations and policies governing the use of the Long Beach Town Green, including the deck area and shoo-fly.

Signature Shane Walker Date: 1/8/14

Rental Fee \$ 400.00 Receipt # \_\_\_\_\_ Date \_\_\_\_\_

Deposit Fee \$ \_\_\_\_\_ Receipt # \_\_\_\_\_ Date \_\_\_\_\_

Clean-up Fee \$ 300.00 Receipt # \_\_\_\_\_ Date \_\_\_\_\_

PLEASE REVIEW THE POLICY AND RETAIN FOR YOUR RECORDS

Minutes of January 21, 2014  
Mayor and Board of Aldermen

STATE OF MISSISSIPPI  
COUNTY OF HARRISON  
SECOND JUDICIAL DISTRICT

RELEASE AND IDNEMNITY

WHEREFORE, for and in consideration of the use of the ground of the City of Long Beach, Town Green and structures erected upon it owned by the City of Long Beach, Mississippi, and located at 115 East 3<sup>rd</sup> Street, I, Southern Star Lodge #500 F&AM Shane do hereby release, acquit and forever discharge the City of Long Beach, Mississippi, and all of its respective agents, servants, employees, elected and non-elected officials, successors, predecessors, insurers, attorneys, and any and all other legal entities and persons, of and from any and all claims, demands, actions, damages, liability, or legal recourse of any type, and expenses (including attorneys' fees) in connection with or arising from or out of my use of the Town Green.

WHEREFORE, PREMISES CONSIDERED:

The undersigned further agrees that he/she shall indemnify and hold harmless the City against and from all claims, demands, actions, rights of action, liabilities, losses, judgments, costs, expenses, and attorney fees which shall or may rise by virtue of anything done or omitted to be done by us, including through or by its agents, employees, or other representatives, arising out of, claimed on account of, or in any manner predicated upon the use of the above mentioned property. The undersigned further agrees to protect and save and keep the City harmless and indemnify the City against and from any and all claims, demands, actions, liabilities, judgments, losses, costs, damages or expenses (including attorneys' fees) arising out of, claimed on account of, or in any manner predicated upon any accident or other occurrence arising from the use of the above mentioned property causing injury to person(s) (including death) or property to whomsoever or whatever in law and equity.

Furthermore, as part of the consideration for using the abovementioned property, the undersigned agree to assume full responsibility and liability for any and all risk of loss by theft, vandalism, destruction, or otherwise, of any and all items of personal property belonging to the organization, group or members thereof while in and about said facility, regardless of whether or not said loss relates to, or arises out of, the use of said facility and, in addition, said organization or group agrees to indemnify and hold the City of Long Beach, its agents and servants, and employees harmless from and against all claims and expenses for same, including attorneys fees.

This, the 21 day of January, 20 14.

Authorized Signature Shane Walker Southern Star Lodge #500 F&AM

Witness [Signature]

**Minutes of January 21, 2014  
Mayor and Board of Aldermen**

**LONG BEACH TOWN GREEN RULES AND REGULATIONS**

The Town Green is owned and operated by the City of Long Beach and administered by the Department of Parks and Recreation. All groups wishing to book the facility are considered on first come, first serve basis. The City of Long Beach reserves the right to provide activities on those dates deemed appropriate in carrying out its program(s). *SAW*

Permission to use the Town Green does not include the closing of the Town Green to the general public. When renting the shoo-fly area the permit tee agrees not to restrict the public from entering the grounds or the parking lot connected to the Town Green. *SAW*

Tables and chairs are NOT provided at this facility. Arrangements for the rental of these items are the responsibility of the permit tee. However, the City does rent their stage and bleacher area. You can get the rental fees for those areas by contacting the Parks and Recreation Department. *SAW*

Gambling will not be permitted on the Town Green or in any of the buildings at this location and failure to comply with this policy shall be grounds for cancellation of the permit. *SAW*

The selling or consumption of alcoholic beverages on the Town Green is NOT ALLOWED without written consent for the City of Long Beach Parks and Recreation Department. Requests must be presented in writing and will be considered on an individual basis. *SAW*

NO GLASS BOTTLES OR OTHER GLASS CONTAINERS are allowed on the Town Green area without the approval of the Parks and Recreation Department. *SAW*

The permit tee is responsible for the cleaning of the grounds following his/her activity. Failure to clean the area may result in forfeiture of the deposit, and/or the denial of any future use of this facility by their person(s) or group. *SAW*

All functions must be concluded and the premises emptied no later than midnight. Any deviation from this policy will have to be approved by the Parks and Recreation Department. *SAW*

There will be no nailing, screwing or tying of any type to the Gazebo's and Shoo-fly structures; this includes the trees on the grounds. Some exceptions can be made but only with prior consent from The City of Long Beach. *SAW*

Any special requests must be submitted in writing and approved by the City of Long Beach Parks and Recreation Department. *SAW*

No vehicles are allowed on the grounds without approval from Director or Assistant Director of Parks and Recreation. *SAW*

Minutes of January 21, 2014  
Mayor and Board of Aldermen

**FEES:**

**Deposit Fee** – A deposit of \$100.00 must be paid when your contract is signed, this will also secure your event date. **Deposit for festivals is \$300.00**

**Rental Fees** - \$150.00 per day for the stage and bleacher areas, \$50.00 per day for each gazebo, & \$50.00 per day for the shoo-fly area. **Festival rental is \$400.00 this fee must be paid 1 month prior to the event date.**

**Clean-up Fee** - \$200.00 for events - **\$300.00 for festivals**, this fee is refundable. You are responsible for cleaning up after your event/festivals, if you fail to do so your cleanup fee will not be refunded to you. The property will be inspected at the end of your event/festival.

**Non-Profit Group Fee-** To be considered for the reduced rate you must provide The City of Long Beach with a copy of the organizations 501 C-3 tax status form that is filed with the Secretary of State in Jackson, MS. If you do qualify for the discounted rate it will reduce it by half.

**Security Personnel** - \$25.00 per hour with a 4 hours minimum. The requirement for security personnel will be handled on a case by case basis. This will be handled by a City of Long Beach Police Department representative and will be dependent on the type of event and estimated attendance. You will need to contact the City of Long Beach Police Department to make those arrangements.

**Refunds** – All refund will be processed the day after your event and inspection. As long as there is no damage your refund will be mailed out to you and could take 3-5 weeks for you to receive.

**Cancellation Policies:** should the permit tee cancel his/her event with the Parks and Recreation Department prior to 60 days of their scheduled event, 100% of the deposit will be refunded. Any cancellation within 60 days their deposit will be forfeited. If a warning or watch for a hurricane is present, then the renter would be refunded full rent and deposit. Any other exception (weather conditions) will be on a case by case basis.

\*\*\*\*\*

Alderman Carrubba made motion seconded by Alderman Hammons and unanimously carried to approve the application for Special Event, Christmas on the Avenue, 2014, waiving associated fees to promote the City of Long Beach and advertise the resources and opportunities available; said application is as follows:

Minutes of January 21, 2014  
Mayor and Board of Aldermen



P.O. Box 518 • Long Beach, MS 39560-0518

January 10, 2013

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

Dear Mayor Skelli and Board of Aldermen:

Attached is the Long Beach High School Concert Choir Association's application to use the Harper McCaughan Town Green, Saturday, December 13, 2014 for its annual Christmas on the Avenue fund-raiser. This event provides a majority of funds for the Concert Choir to represent the city and school at state contests, honor choir events and provide assistance to students for choir expenses.

Since this event is a fund-raiser, we would like to request that the fees associated with using the Harper McCaughan Town Green be waived.

Your consideration is appreciated.

Sincerely,

Lena Beth Chancey  
LBCCA President  
228-239-5095

**Minutes of January 21, 2014  
Mayor and Board of Aldermen**

**CITY OF LONG BEACH  
SPECIAL EVENT APPLICATION**  
City Clerk's Office \* 201 Jeff Davis Avenue \* P.O. Box 929 \* Long Beach, MS 39560.

Date Received By Clerk's Office: 1/16/14 Time: 9:45 By: CS

Please complete this application in accordance with the City of LONG BEACH Special Events Policy, and return it to the Office of the City Clerk at least 90 calendar days before the first day of the event.

Sponsoring Organization's Legal Name: Long Beach High School Concert Choir Assoc.

Organization Address: P.O. Box 518, Long Beach, MS 39560

Organization Agent: Lena Beth Chaney Title: President

Phone: 239-8095 <sup>cell</sup> 868-3831 Work Home 868-3831 During event 239-8095

Agent's Address: \_\_\_\_\_

Agent's E-Mail Address: \_\_\_\_\_

Event Name: Christmas on the Avenue

Please give a brief description of the proposed special event: arts & craft  
festival fundraiser for the Concert Choir of  
Long Beach High School

Event Day(s) & Date(s): Sat, Dec 13, 2014 Event Time(s): 3 - 5 PM

Set-Up Date & Time: 12/12 PM Tear-Down Date & Time: 12/13 5:00 PM

Event Location: LB Harper McCumhan Town Green

ANNUAL EVENT: Is this event expected to occur next year?  YES  NO

How many years has this event occurred? 12 years

ADOPTED: 11.15.11-BOARD ACTION

Minutes of January 21, 2014  
Mayor and Board of Aldermen

MAP: (a) If your event will use streets or sidewalks (for a parade, run, etc.) or will use multiple locations, please attach a complete map showing the assembly and dispersal locations and the route plan. (b) Show any streets or parking lots that you are requesting to be blocked off, and location of vendors, if any. A final map, if different, must be provided seven (7) days before the event. (c) Please show an emergency vehicle access lane.

STREET CLOSURES: Start Date/ Time: \_\_\_\_\_ through Date/ Time \_\_\_\_\_

RESERVED PARKING: Are you requesting reserved parking? YES NO

If yes, list the number of street spaces, City lots or locations where parking is requested:

\_\_\_\_\_  
\_\_\_\_\_

VENDORS: Food Concessions? YES NO Other Vendors? YES NO

DO YOU PLAN TO HAVE ALCOHOL SOLD/SERVED AT THIS EVENT? YES NO

If yes, are liquor license and liquor liability insurance attached? YES NO  
If yes, what time? \_\_\_\_\_ Until \_\_\_\_\_

ENTERTAINMENT: Are there any entertainment features related to this event? YES NO

If yes, provide an attachment listing all bands/performers, type of entertainment, and performance schedule.

ATTENDANCE: What is the expected (estimated) attendance for this event? 500 750

AMUSEMENT: Do you plan to have any amusement or carnival rides? YES NO Maybe a jump house

If yes, you are required to obtain a permit through the City Clerk's Office.

REST ROOMS: Are you planning to provide portable rest rooms at the event? YES NO  
If yes, how many? \_\_\_\_\_

As an event organizer, you must consider the availability of rest room facilities during this event. Consideration should be made regarding the type of event, the length of time it will be held, the number of people, etc. You must determine the rest room facilities in the immediate area of the event venue and then identify the potential need for portable facilities. Remember to identify accessible facilities for ADA requirements as well.

OTHER REQUESTS: (i.e., Police Department assistance, Fire Dept., street closures, electrical, etc.)

\_\_\_\_\_  
\_\_\_\_\_

ADOPTED: 11.15.11-BOARD ACTION

**Minutes of January 21, 2014  
Mayor and Board of Aldermen**

**INSURANCE:** All sponsors of special events must carry liability insurance with coverage of at least \$500,000. An event sponsor must provide a valid certificate of insurance naming the City of Long Beach as an additional insured party on the policy. A sponsor of a Low Hazard event may request that Board of Aldermen waive the insurance requirement and execute a Hold Harmless and Indemnification Agreement. This event qualifies consideration for Low Hazard because:

**CERTIFICATION AND SIGNATURE:** I understand and agree on behalf of the sponsoring organization that: A Certificate of Insurance must be provided which names the City of Long Beach as an additional named insured party on the policy or I am requesting that Board of Aldermen waive the insurance requirement for this Low Hazard Event as identified in paragraph above related to insurance, and I have executed the Hold Harmless and Indemnification Agreement on behalf of the event sponsor.

All food vendors must be approved by the Harrison County Health Department, and each food or other vendor must provide the City of Long Beach with a Certificate of Insurance which names the City of Long Beach as an additional named insured party on the policy.

The approval of this special event may include additional requirements or limitations, based on the City's review of this application. Applicants who fail to clean up and repair damages to the Event Area may be billed for City services and such failure will be considered for future applications.

As the duly authorized agent of the sponsoring organization, I am applying for approval of this Special Event, affirm the above understandings, and agree that my sponsoring organization will comply with the terms of the written confirmation of approval, and all other City requirements, ordinances and other laws, which apply to this Special Event. By signing this Special Event Application, I declare I am 21 years of age or older.

1/10/14  
Date

*Len B. Chaney*  
Signature of Sponsoring Organization's Agent

**RETURN THIS APPLICATION at least ninety (90) days before the first day of the event to:  
CITY CLERK'S OFFICE - 201 JEFF DAVIS AVENUE - P.O. BOX 929 - LONG BEACH, MS  
39560**

ADOPTED: 11.15.11-BOARD ACTION

Minutes of January 21, 2014  
Mayor and Board of Aldermen

Event Title: Christmas on the Avenue 2014

DEPARTMENTAL USE ONLY: Please contact applicant directly with any questions or concerns. Sign and return to the City Clerk's Office, as soon as possible.

Approvals noted below, by departments, indicate they have been made aware of the request and the reasonability of their department has been met.

Police Dept.: WMA Recommend Approval: YES NO Est. Economic Impact: \$ \_\_\_\_\_

Fire Dept.: GLB Recommend Approval: YES NO Est. Economic Impact: \$ 0

Public Works: \_\_\_\_\_ Recommend Approval: YES NO Est. Economic Impact: \$ \_\_\_\_\_

Traffic Eng.: \_\_\_\_\_ Recommend Approval: YES NO Est. Economic Impact: \$ \_\_\_\_\_

Parks/REC: Rp. Ok Recommend Approval: YES NO Est. Economic Impact: \$ 0

Have businesses been notified for street closures?: YES NO

Reason for disapproval \_\_\_\_\_

Any special requirements/conditions \_\_\_\_\_

Insurance / Indemnification Received: INS. will be provided prior to event.

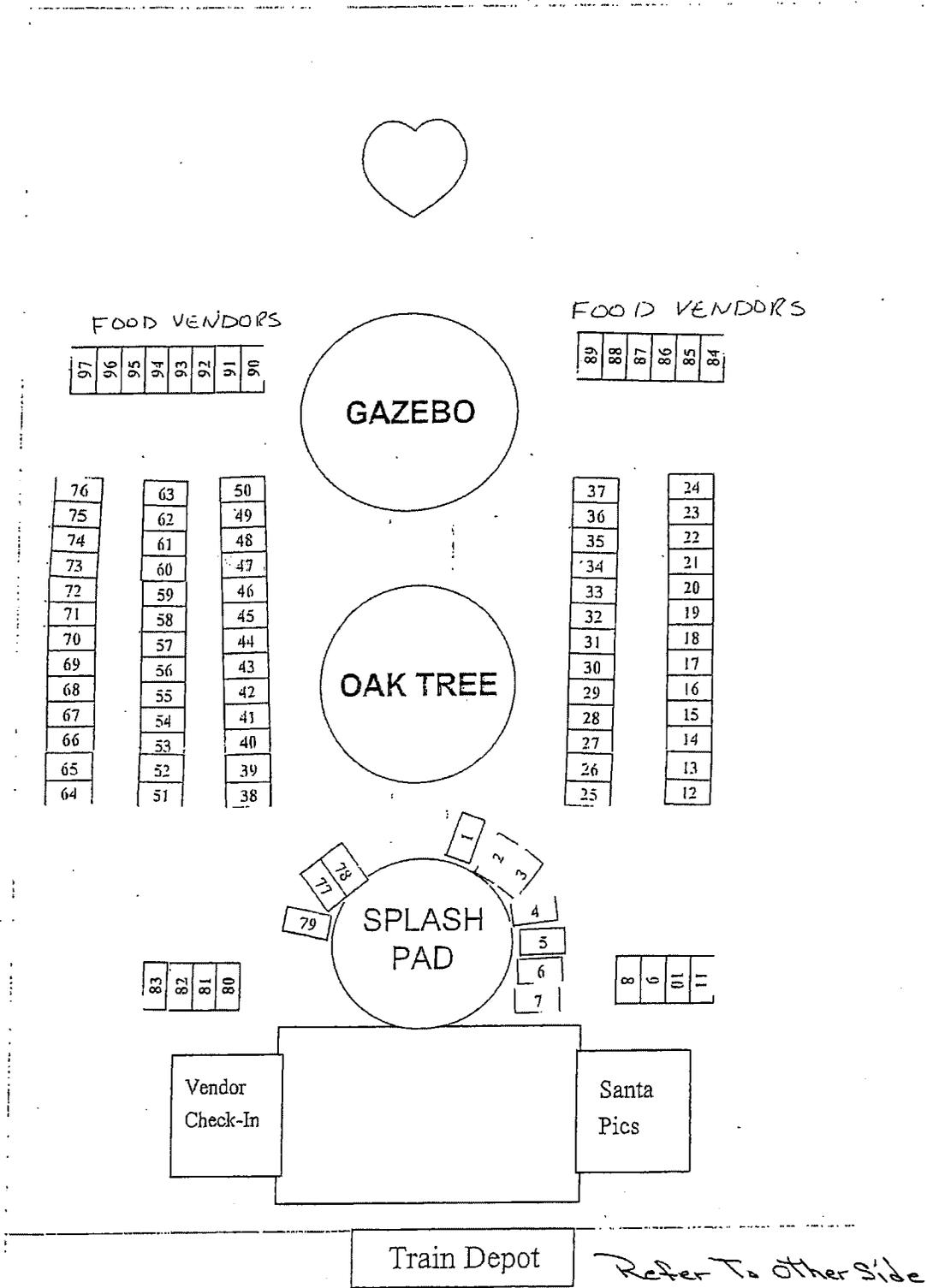
Insurance Approved: \_\_\_\_\_

Board of Aldermen Approved: 1/21/14 Denied: \_\_\_\_\_

Approval/Dental Mailed: \_\_\_\_\_

ADOPTED: 11.15.11-BOARD ACTION

Minutes of January 21, 2014  
Mayor and Board of Aldermen



**Minutes of January 21, 2014  
Mayor and Board of Aldermen**

Long Beach High School Concert Choir  
2013 Christmas on the Avenue  
Vendor list

- |   |                             |                                      |
|---|-----------------------------|--------------------------------------|
| 1. Long Beach High School Concert Choir | 30. Vanessa Alfonso         | 64. Lexys Bows                       |
| 2. Coast Life                           | 31. Designs by Terie        | 65. Ruth'n Crafts                    |
| 3. Southern Belle Accessories           | 32. Youth Villages          | 66. Avon                             |
| 4. Feaux Tattoo                         | 33. Loblolly Writers        | 67. Light Grafix                     |
| 5. Dragon Fly Designs                   | 34. Roxanne Cox             | 68. Lanterns                         |
| 6. Golden Girl Gourds                   | 35. Lisa Kilpatrick         | 69. Sun Herald                       |
| 7. Long Beach Historical Society        | 36. Cat Island Creations    | 70. Andrea Yeager                    |
| 8. Jada-Bugs Gifts                      | 37.                         | 71. Serenity Delights                |
| 9. Rikashay Designs                     | 38. Hollis Havers           | 72.                                  |
| 10. Tupperware                          | 39. Home Décor              | 73.                                  |
| 11. Pink Zebra                          | 40. Dress It Up             | 74.                                  |
| 12. Nature's Treasurers                 | 41. Teen Challenge          | 75.                                  |
| 13. Ruth'n Crafts                       | 42. Pampered Chef           | 76.                                  |
| 14. Coots Crafts                        | 43. Shelia White            | 77. Gulf Coast Down Syndrome Society |
| 15. Lifesource Cryobank                 | 44. Nautical But Nice       | 78. The Well                         |
| 16. The Pink Alligator Boutique         | 45. Janie Koch              | 79. LBMS Band Boosters               |
| 17. Radical Recordz                     | 46. Dilly's Day Dreams      | 84. D&M Concessions                  |
| 18. Marcia's Fine Gifts / Asian Shop    | 47. Bows & Toes             | 85. D&M Concessions                  |
| 19. Pam Pitner                          | 48. Peggy & Elo             | 86. Courthouse Coffees               |
| 20. Red House Art                       | 49. Rhoda Price             | 87. BBQ World                        |
| 21. Direct Buy/ HMG                     | 50.                         | 88. BBQ World                        |
| 22. Christine's Woodwork                | 51. Linda Randolph          | 89. Boy Scout Troop 205              |
| 23. Harrison Central School             | 52. Salla Art Studio        | 90. D'Moes Good Eats                 |
| 24.                                     | 53. K. Starling Arts        | 91. D&L Butt Rubbin Bar-B-Que        |
| 25. Custom Jewelry                      | 54. Uniquely Yourz          |                                      |
| 26. Rodan & Fields skin care            | 55. Jeramy Seymour          |                                      |
| 27. Sass-ee Bows                        | 56. Art Works               |                                      |
| 28. Origami Owl                         | 57. Pens by Chris           | 92. Joe Da Greek Gyros               |
| 29. Stitchin Pretty Custom              | 58. Long Beach Diamond Club | 93. Lesa Mallett                     |
|   | 59. Celebrate Home          |                                      |
|   | 60. Celebrate Home          | Splash Pad – Pat Sullivan            |
|   | 61. House of Crafts         | Bounce House                         |
|   | 62. The Peanut Hut          |                                      |
|   | 63.                         | Trampoline Bungie Bounce             |

**Minutes of January 21, 2014  
Mayor and Board of Aldermen**

The City of Long Beach appreciates your efforts in contributing to the heart and vitality of the City through your proposed Special Event. We recognize that the City of Long Beach is fortunate to have many varied and beautiful parks and friendly streets and neighborhoods, all of which provide wonderful venues at which to hold Special Events.

*A special event is defined as one or more of the following situations occur: (1) Outdoor entertainment is being offered; (2) An admission fee is charged; (3) Vendors sell food products/wares; (4) Carnival games/amusement rides are offered; (5) Attendance is double the estimated population in the area where the event is to be held; (6) Purpose of event is a fundraiser; (7) It interferes with parking, safe movement of pedestrians and/or vehicular traffic in the area; (8) Alcoholic beverages are sold; (9) a sports tournament is involved.*

To preserve the City's natural resources, while still offering enjoyment, the City may permit the temporary use of public properties or roadways for special activities. The City coordinates the review of these events with various City departments to ensure that the events are conducted safely.

The City Clerk's Office will distribute copies of your application to all City departments or agencies affected by your event. These department or agencies will contact you individually only if they have specific questions or concerns about your event.

**PURPOSE:** The purpose of the Special Events Policy is to promote uniform procedures to regulate and permit special event activity at locations under the jurisdiction of the City of Long Beach. The Special Event Application is a starting point for any group or individual who wishes to hold an event, parade, assembly, festival, or similar affair, within the municipal limits of the City of Long Beach.

**SPECIAL EVENT APPLICATION REQUIRED:** This Policy Statement on Special Events covers all special events. Any organization wishing to sponsor or hold a Special Event in the City of Long Beach that takes place on public lands or lands that are controlled by the City of Long Beach will be required to complete the City of Long Beach Special Event Application.

A Special Event within the City of Long Beach that will be conducted on the streets, parks or other public area is required to be approved by the Board of Aldermen. Applications to conduct a Special Event must be made in writing to the Office of the City Clerk. **The Mayor and Board of Aldermen meet on the first and third Tuesday of each month; applications must be received no later than noon on Friday prior to Tuesday's meeting.** Applications are available from the City Clerk's Office and via the City's website at [www.cityoflongbeachms.com](http://www.cityoflongbeachms.com).

The City will provide a complete review of any special event application, including consultation with the applicant as may be reasonably necessary to resolve problems and/or concerns.

ADOPTED: 11.15.11-BOARD ACTION

**Minutes of January 21, 2014  
Mayor and Board of Aldermen**

Sponsors of Special Events should be aware that noise generated by the event could have an impact on the neighborhoods near the event site. Sponsors must be considerate of the neighborhood and be aware of the City Noise Ordinance.

As an event organizer, you must consider the availability of rest room facilities during this event. Consideration should be made regarding the type of event, the length of time it will be held, the number of people, etc. You must determine the rest room facilities in the immediate area of the event venue and then identify the potential need for portable facilities. Remember to identify accessible facilities for ADA requirements as well.

**IMPLEMENTATION**

**Eligibility Requirements:** The application or representative of any business, group or organization that seeks approval to conduct a special event, must be 21 years of age or older and officially designated as the agent of the sponsoring business, group, or organization.

**Application Procedure:** A Special Event Application must be received in the City Clerk's Office no later than ninety (90) days before the first day of the event. An incomplete application may result in denial of your request. We ask that applicants begin the process as early as possible in order that proper approvals and deadlines are met.

Please submit the following information:

- Signed application
- Map (sketch) of event site, detailing street closures, parking requirements, etc.
- Schedule of Event
- Proof of insurance/indemnification (naming City of Long Beach as an "additional insured")

Mapped Routes

A detailed map or diagram indicating the specific locations and layout of the event must be submitted. This should also include any proposed street closures, proposed route and direction of route including all turns and the number of traffic lanes to be used, if applicable.

Routes for special events must be submitted with the license application, regardless of historical precedent. Proposed routes may be altered at the discretion of the Police Department and the Department of Public Works. In the event that the organizer or sponsor of any special event deviates from the route submitted without the approval of the city, the organizer or sponsor of such special event may be denied a permit for any special event for the following calendar year.

**EMERGENCY MEDICAL SERVICES:** Due to the vast number of different types of events; along with the anticipated crowd sizes, at a minimum, all event holders should have knowledge of 911 access and someone who is certified in First Aid/CPR. Also, basic First Aid Stations and/or kits should be on site.

ADOPTED: 11.15.11-BOARD ACTION

Minutes of January 21, 2014  
Mayor and Board of Aldermen

**LIABILITY INSURANCE REQUIREMENTS:** To comply with the City's insurance liability carrier, the City must require that all sponsors of a special event carry liability insurance with coverage of at least \$500,000. An event sponsor must provide a valid certificate of insurance naming the City of Long Beach as an additional named insured party on the policy.

An event sponsor may request that the Board of Aldermen waive the insurance coverage for an event classified as Low Hazard. A Low Hazard event is a small gathering or ceremony involving not more than 50 people, who are passively participating in the activity, without any physical activity by participants or severe exposure to spectators, and no City services are required. An event sponsor of a Low Hazard event must sign a Hold Harmless and Indemnification Agreement as part of its application process.

**City Services:** All costs are the responsibility of the permit holder. The Long Beach Police Department reviews and determines which police services the event requires, and if necessary, the amount of security services for the event. Each City Department will list their cost on the Departmental Use form of the application packet.

**CLEAN UP:** Applicants are responsible for clean up and repairs. Applicants who fail to clean up and repair damages to the Event Area may be billed for City services and such failure will be considered for future applications.

**WRITTEN CONFIRMATION OF CITY APPROVAL:** It is expected that the event coordinator or a representative be present at the Board of Aldermen meeting to answer any possible questions that the aldermen may have regarding your proposed event. Please note, if questions arise at the Board of Aldermen meeting, and a representative is not present, your request may be denied.

Upon approval of the Special Event Application, a written confirmation as to the action of the Board of Aldermen will be forwarded to the individual or organization requesting the event by the City Clerk's Office. This confirmation will outline any special conditions that must be met if the event is to be held.

**PLEASE CONTACT THE CITY CLERKS OFFICE, WITH QUESTIONS REGARDING THIS POLICY AT (228) 863-1556.**

ADOPTED: 11.15.11-BOARD ACTION

Minutes of January 21, 2014  
Mayor and Board of Aldermen

December 13, 2014  
Christmas on Ave.  
Saturday  
8:00 - 5:00 pm.  
Town Green

CITY OF LONG BEACH  
PARKS AND RECREATION DEPARTMENT  
APPLICATION FOR PERMIT

TOWN GREEN

Group / Individual Name (Permit tee):

Long Beach High School Concert Choir Association

Telephone Number: 368 3531

239-8095

Lena Beth Chaney, President

Street Address: Home P.O. Box 518 Work Cell

City Long Beach State MS Zip 39560

Type of Event: arts & craft show

Start Time: 8:00 AM

Closing Time: 5:00 PM

It is agreed between the City of Long Beach and the permit fee that the named facility is reserved on  
Saturday, December 13, 2014  
(Date)

The person(s) requesting this permit

1. Agrees to personally accept responsibility for any damage done to the facility, grounds or equipment by persons in his/her group during the reserved period of time, and will hold the City of Long Beach harmless of any damage done to permit tee or permit tee's equipment.
2. Agrees to maintain order and control over persons in the group.
3. Agrees to abide by all policies and procedures of the City of Long Beach, the Long Beach Parks and Recreation Department as directed by the contents of the Town Green policy statement.
4. Understands that failure to comply with all the terms of the aforementioned policy as well as any violation of federal, state, or municipal law in conjunction with the use of this facility will result in the cancellation of the privilege of using this facility and will jeopardize any future permit grants for this or any other facility. I hereby agree that I have read and understand the regulations and policies governing the use of the Long Beach Town Green, including the deck area and shoo-fly.

Signature Lena B. Chaney  
on behalf of LBCCA

Date: 1/16/14

Rental Fee \$ \_\_\_\_\_ Receipt # \_\_\_\_\_ Date \_\_\_\_\_

Deposit Fee \$ \_\_\_\_\_ Receipt # \_\_\_\_\_ Date \_\_\_\_\_

Clean-up Fee \$ \_\_\_\_\_ Receipt # \_\_\_\_\_ Date \_\_\_\_\_

PLEASE REVIEW THE POLICY AND RETAIN FOR YOUR RECORDS

Minutes of January 21, 2014  
Mayor and Board of Aldermen

STATE OF MISSISSIPPI  
COUNTY OF HARRISON  
SECOND JUDICIAL DISTRICT

**RELEASE AND IDNEMNITY**

WHEREFORE, for and in consideration of the use of the ground of the City of Long Beach, Town Green and structures erected upon it owned by the City of Long Beach, Mississippi, and located at 115 East 3<sup>rd</sup> Street, I Lena B Chanery on behalf of LBCCA, do hereby release, acquit and forever discharge the City of Long Beach, Mississippi, and all of its respective agents, servants, employees, elected and non-elected officials, successors, predecessors, insurers, attorneys, and any and all other legal entities and persons, of and from any and all claims, demands, actions, damages, liability, or legal recourse of any type, and expenses (including attorneys' fees) in connection with or arising from or out of my use of the Town Green.

**WHEREFORE, PREMISES CONSIDERED:**

The undersigned further agrees that he/she shall indemnify and hold harmless the City against and from all claims, demands, actions, rights of action, liabilities, losses, judgments, costs, expenses, and attorney fees which shall or may rise by virtue of anything done or omitted to be done by us, including through or by its agents, employees, or other representatives, arising out of, claimed on account of, or in any manner predicated upon the use of the above mentioned property. The undersigned further agrees to protect and save and keep the City harmless and indemnify the City against and from any and all claims, demands, actions, liabilities, judgments, losses, costs, damages or expenses (including attorneys' fees) arising out of, claimed on account of, or in any manner predicated upon any accident or other occurrence arising from the use of the above mentioned property causing injury to person(s) (including death) or property to whomsoever or whatever in law and equity.

Furthermore, as part of the consideration for using the abovementioned property, the undersigned agree to assume full responsibility and liability for any and all risk of loss by theft, vandalism, destruction, or otherwise, of any and all items of personal property belonging to the organization, group or members thereof while in and about said facility, regardless of whether or not said loss relates to, or arises out of, the use of said facility and, in addition, said organization or group agrees to indemnify and hold the City of Long Beach, its agents and servants, and employees harmless from and against all claims and expenses for same, including attorneys fees.

This, the 15<sup>th</sup> day of January, 2014.

Authorized Signature *Lena B Chanery*

Witness *[Signature]*

**Minutes of January 21, 2014  
Mayor and Board of Aldermen**

**LONG BEACH TOWN GREEN RULES AND REGULATIONS**

The Town Green is owned and operated by the City of Long Beach and administered by the Department of Parks and Recreation. All groups wishing to book the facility are considered on first come, first serve basis. The City of Long Beach reserves the right to provide activities on those dates deemed appropriate in carrying out its program(s).

Permission to use the Town Green does not include the closing of the Town Green to the general public. When renting the shoo-fly area the permit tee agrees not to restrict the public from entering the grounds or the parking lot connected to the Town Green.

Tables and chairs are NOT provided at this facility. Arrangements for the rental of these items are the responsibility of the permit tee. However, the City does rent their stage and bleacher area. You can get the rental fees for those areas by contacting the Parks and Recreation Department.

Gambling will not be permitted on the Town Green or in any of the buildings at this location and failure to comply with this policy shall be grounds for cancellation of the permit.

The selling or consumption of alcoholic beverages on the Town Green is NOT ALLOWED without written consent for the City of Long Beach Parks and Recreation Department. Requests must be presented in writing and will be considered on an individual basis.

NO GLASS BOTTLES OR OTHER GLASS CONTAINERS are allowed on the Town Green area without the approval of the Parks and Recreation Department.

The permit tee is responsible for the cleaning of the grounds following his/her activity. Failure to clean the area may result in forfeiture of the deposit, and/or the denial of any future use of this facility by their person(s) or group.

All functions must be concluded and the premises emptied no later than midnight. Any deviation from this policy will have to be approved by the Parks and Recreation Department.

There will be no nailing, screwing or tying of any type to the Gazebo's and Shoo-fly structures; this includes the trees on the grounds. Some exceptions can be made but only with prior consent from The City of Long Beach.

~~Any special requests must be submitted in writing and approved by the City of Long Beach Parks and Recreations Department.~~

No vehicles are allowed on the grounds without approval from Director or Assistant Director of Parks and Recreation.

Minutes of January 21, 2014  
Mayor and Board of Aldermen

**FEES:**

**Deposit Fee** – A deposit of \$100.00 must be paid when your contract is signed, this will also secure your event date. **Deposit for festivals is \$300.00**

**Rental Fees** - \$150.00 per day for the stage and bleacher areas, \$50.00 per day for each gazebo, & \$50.00 per day for the shoo-fly area. **Festival rental is \$400.00 this fee must be paid 1 month prior to the event date.**

**Clean-up Fee** - \$200.00 for events - **\$300.00 for festivals**, this fee is refundable. You are responsible for cleaning up after your event/festivals, if you fail to do so your cleanup fee will not be refunded to you. The property will be inspected at the end of your event/festival.

**Non-Profit Group Fee-** To be considered for the reduced rate you must provide The City of Long Beach with a copy of the organizations 501 C-3 tax status form that is filed with the Secretary of State in Jackson, MS. If you do qualify for the discounted rate it will reduce it by half.

**Security Personnel** - \$25.00 per hour with a 4 hours minimum. The requirement for security personnel will be handled on a case by case basis. This will be handled by a City of Long Beach Police Department representative and will be dependent on the type of event and estimated attendance. You will need to contact the City of Long Beach Police Department to make those arrangements.

**Refunds** – All refund will be processed the day after your event and inspection. As long as there is no damage your refund will be mailed out to you and could take 3-5 weeks for you to receive.

**Cancellation Policies:** should the permit tee cancel his/her event with the Parks and Recreation Department prior to 60 days of their scheduled event, 100% of the deposit will be refunded. Any cancellation within 60 days their deposit will be forfeited. If a warning or watch for a hurricane is present, then the renter would be refunded full rent and deposit. Any other exception (weather conditions) will be on a case by case basis.

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There came on for discussion the Harrison County Motor Vehicle for Hire Commission and the Mayor recognized Commissioner Joe Fleming.

Commissioner Fleming reported on the responsibilities of the Commission and requested that the City fund the Commission in the amount of \$500.00.

Upon further discussion, Alderman Hammons made motion seconded by Alderman Young and unanimously carried to take the matter under advisement for further consideration at the next regular meeting, February 4, 2014.

Minutes of January 21, 2014  
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Alderman Young made motion seconded by Alderman Ponthieux and unanimously carried authorizing Recreation Director Bob Paul to purchase seasonal colored covers for lights at the Town Green.

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There came on for consideration a request from Anna M. Darden to pave York Drive.

Upon discussion, it was noted for the record that paving funds were unavailable at this time and Derrel Wilson, Project Manager, Utility Partners, LLC, was directed to patch and repair problem areas on the street.

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The following agenda items were taken under advisement for further review and consideration at the next regular meeting, February 4, 2014:

- Resolution-Request Audits from Entities Receiving City Funds; Alderman Ponthieux;
- Harbor Plan for Competition Among New Harbors; Alderman Lishen;
- Recreation Department Badging Policy; Alderman Lishen;
- Closed Session-Public Health and Safety Issue; Alderman Lishen.

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There was no report from the City Attorney.

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

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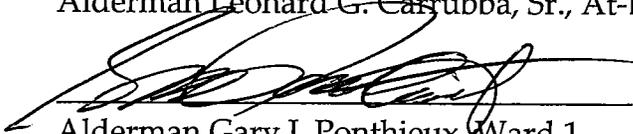
There being no further business to come before the Mayor and Board of Aldermen at this time, Alderman Hammons made motion seconded by Alderman Young and unanimously carried to adjourn until the next regular meeting in due course.

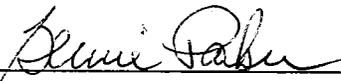
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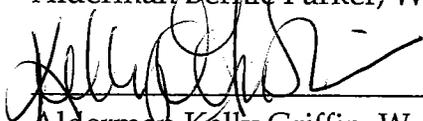
Minutes of January 21, 2014  
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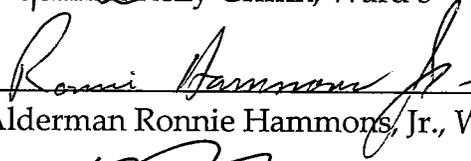
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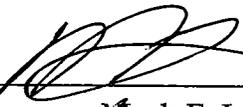
  
Alderman Leonard G. Casrubba, Sr., At-Large

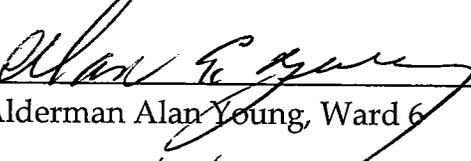
  
Alderman Gary J. Ponthieux, Ward 1

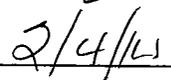
  
Alderman Bernie Parker, Ward 2

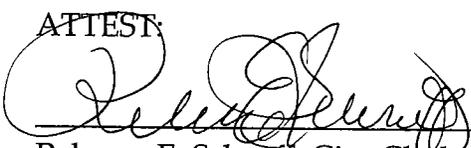
  
Alderman Kelly Griffin, Ward 3

  
Alderman Ronnie Hammons, Jr., Ward 4

  
Alderman Mark E. Lishen, Ward 5

  
Alderman Alan Young, Ward 6

  
Date

ATTEST:  
  
Rebecca E. Schruff, City Clerk