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MUNICIPAL DOCKET  
REGULAR MEETING OF JULY 7, 2015  
THE MAYOR AND BOARD OF ALDERMEN  
THE CITY OF LONG BEACH, MISSISSIPPI  
5:00 O'CLOCK P.M. LONG BEACH CITY HALL, 201 JEFF DAVIS AVE.

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- I. CALL TO ORDER
- II. INVOCATION AND PLEDGE OF ALLEGIANCE
- III. ROLL CALL AND ESTABLISH QUORUM
- IV. PUBLIC HEARINGS
  - 1. ZONE CHANGE - Castine Pointe, LLC; South of 28<sup>th</sup> Street/North of Commission Road Running Parallel with Klondyke Road
  - 2. DERELICT PROPERTIES
    - a. 542 W. Beach Blvd. (Oak Gardens Condos) William Arey (2) Parcels
    - b. 542 W. Beach Blvd. (Oak Gardens Condos) Michael and Margaret Koshenina
    - c. 542 W. Beach Blvd. (Oak Gardens Condos) Deutsche Bank National Trust Company
    - d. 542 W. Beach Blvd. (Oak Gardens Condos) Christine Ann Beattie
    - e. 542 W. Beach Blvd. (Oak Gardens Condos) Virginia Head
- V. ANNOUNCEMENTS; PRESENTATIONS; PROCLAMATIONS
- VI. AMENDMENTS TO THE MUNICIPAL DOCKET
- VII. \* PUBLIC COMMENTS-AGENDA ITEMS ONLY
- VIII. APPROVE MINUTES:
  - 1. MAYOR AND BOARD OF ALDERMEN
    - a. June 16, 2015-Regular
    - b. June 30, 2015-Work Session
    - c. July 1, 2015-Special and Closed/Executive Session
  - 2. PLANNING COMMISSION
    - a. June 25, 2015
  - 3. PORT COMMISSION
    - a. June 18, 2015
- IX. APPROVE DOCKET OF CLAIMS NUMBER(S):
  - 1. 070715
- X. DEPARTMENTAL BUSINESS
  - 1. MAYOR'S OFFICE
  - 2. POLICE DEPARTMENT
    - a. Contract-Mississippi Bureau of Narcotics, Non-Compensated Agent
  - 3. PERSONNEL
    - a. Police Department-(1) Resignation; (2) New Hires; (1) Promotion
    - b. Recreation-(1) Step Increase
  - 4. CITY CLERK
    - a. Declare Surplus Property-Fire Department and Library
    - b. Request for City to Purchase Cemetery Property
    - c. FY 2014-2015 Budget Amendment-General Fund, Police Department
    - d. Two (2) Senior Service America/SMPDD Host Agency Contracts
  - 5. DERELICT PROPERTIES-DISCUSSION/SCHEDULE PUBLIC HEARINGS
    - a. Columbian Club of Long Beach 500 and 0 East 2<sup>nd</sup> Street
    - b. Mary Margaret Bahrs, 106 Park Lane
    - c. Gerald Trabosh, 310 South Seashore
    - d. Robert & Melissa Phillips, 0 Beach View Circle
    - e. Niann Cooper, 117 & 119 Beach View Circle
    - f. Bryan & Kendra Case, 116 Beach View Circle
    - g. Edward Smith, 108 Beach View Circle
    - h. William Durant & Kecia Chason Gay, 106 Beach View Circle
    - i. Patrick Huey, 111 & 0 Larosa Road
    - j. Henri Occhi, 590 West Beach Boulevard
    - k. S. W. Mauffray, 0 Mitchell Road
    - l. Gerald Allen, 328 Seal Avenue
- XI. UNFINISHED BUSINESS
  - 1. Planning Commission Appointments-Wards 3, 5, and 6
- XII. NEW BUSINESS
  - 1. Ordinance-Zone Change; Castine Pointe
  - 2. Special Event Application-Bearcat Big Catch Fishing Tournament
- XIII. REPORT FROM CITY ATTORNEY
  - 1. Resolution-High Water Mark
  - 2. Amendment to Flood Ordinance
- XIV. \* PUBLIC COMMENTS-MATTERS NOT APPEARING ON THE AGENDA
- XVI. ADJOURN (OR) RECESS

\* ALL PUBLIC COMMENTS ARE LIMITED TO A MAXIMUM OF TWO (2) MINUTES PER PERSON, NOT TO EXCEED A TOTAL OF TEN (10) MINUTES EACH FOR PUBLIC COMMENTS.

**Minutes of July 7, 2015**  
**Mayor and Board of Aldermen**

Be it remembered that six (6) 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 7<sup>th</sup> day of July, 2015, in the Long Beach City Hall Meeting Room, 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. Schruff and Attorney T. Russell Nobile.

City Attorney James C. Simpson, Jr., was absent the public hearing.

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 consider a ZONING MAP CHANGE application submitted by Castine Pointe, LLC, 17940 Painters Row, Covington, Louisiana, 70435, for property generally described as being south of 28<sup>th</sup> Street, north of Commission Road, running parallel with Klondyke Road, Tax Map Parcel Number 0611C-01-001.000 and 0611C-01-002.000. The applicant is requesting a Zoning Map Change to multiple zoning district classifications.

Said application was approved by the Long Beach Planning Commission at a public hearing duly held and convened on June 28, 2015.

The Clerk reported that, pursuant to that certain order of the Mayor and Board of Aldermen at a regular meeting duly held and convened on June 2, 2015, she did cause to be published in The Sun Herald, a newspaper with a general circulation in the City of Long Beach and published in Harrison County, Mississippi, Legal Notice, Public Hearing, as evidenced by the Publisher's Proof of Publication.

Alderman Lishen made motion seconded by Alderman Carrubba and unanimously carried to spread said Proof of Publication upon the record of this public hearing in words and figures, as follows:

Minutes of July 7, 2015  
Mayor and Board of Aldermen

3. R-4 Residential Fam, legal description as follows: From the Southeast corner of the East 1/2 of the Northeast 1/4 of Section 2, Township 8 South, Range 12 West, go North 89 degrees 23 minutes 42 seconds West, a distance of 2825.95 feet to a point on the Easterly right of way line of Harvest Lane; thence go along said right of way North 00 degrees 11 minutes 48 seconds West, a distance of 171.16 feet to the Point of Beginning; From the Point of Beginning continue along said right of way North 00 degrees 11 minutes 48 seconds West, a distance of 3311.51 feet; thence leave said right of way and go North 89 degrees 38 minutes 27 seconds East, a distance of 344.00 feet; thence go North 00 degrees 49 minutes 40 seconds East, a distance of 300.00 feet; thence go South 88 degrees 22 minutes 32 seconds East, a distance of 615.24 feet; thence go South 00 degrees 17 minutes 18 seconds West, a distance of 1036.53 feet; thence go South 89 degrees 46 minutes 47 seconds West, a distance of 379.85 feet; thence go South 77 degrees 18 minutes 20 seconds West, a distance of 740.51 feet to the Point of Beginning. Said parcel contains 31.88 acres of ground more or less.

2. C-2 General Commercial, legal description as follows: From the Southeast corner of the East 1/2 of the Northeast 1/4 of Section 2, Township 8 South, Range 12 West, go North 89 degrees 23 minutes 42 seconds West, a distance of 1486.20 feet to the Point of Beginning; From the Point of Beginning go North 89 degrees 23 minutes 32 seconds West, a distance of 451.64 feet; thence go North 00 degrees 45 minutes 51 seconds East, a distance of 379.43 feet; thence go North 89 degrees 45 minutes 47 seconds East, a distance of 205.67 feet; thence go North 00 degrees 17 minutes 18 seconds East, a distance of 1786.53 feet; thence go North 00 degrees 42 minutes 42 seconds West, a distance of 125.00 feet; thence go North 00 degrees 17 minutes 18 seconds East, a distance of 270.00 feet to a point on the Southerly right of way line of 28th Street; thence go along said right of way South 89 degrees 42 minutes 42 seconds East, a distance of 1486.00 feet to a point on the intersection of the above said right of way and the Westerly right of way line of Klondike Road; thence go along Klondike Road right of way South 00 degrees 14 minutes 46 seconds East, a distance of 2442.02 feet; thence leave said right of way and go North 89 degrees 23 minutes 42 seconds West, a distance of 328.00 feet; thence go North 00 degrees 09 minutes 47 seconds West, a distance of 717.26 feet; thence go North 89 degrees 57 minutes 40 seconds West, a distance of 464.04 feet; thence go South 66 degrees 53 minutes 24 seconds West, a distance of 103.09 feet; thence go South 08 minutes 29 seconds 47 minutes East, a distance of 275.20 feet; thence go along a curve to the radius of 75.00 feet and an arc length of 255.45 feet; thence go South 73 degrees 58 minutes 29 seconds West, a distance of 1495.22 feet; thence prolong a curve to the left having a radius of 270.00 feet and an arc length of 369.20 feet; thence go South 00 degrees 34 minutes 10 seconds West, a distance of 118.30 feet back to the Point of Beginning. Said parcel contains 70.61 acres of ground more or less.

3. R-4 Residential Fam, legal description as follows: From the Southeast corner of the East 1/2 of the Northeast 1/4 of Section 2, Township 8 South, Range 12 West, go North 89 degrees 23 minutes 42 seconds West, a distance of 2825.95 feet to a point on the Easterly right of way line of Harvest Lane; thence go along said right of way North 00 degrees 11 minutes 48 seconds West, a distance of 171.16 feet to the Point of Beginning; From the Point of Beginning continue along said right of way North 00 degrees 11 minutes 48 seconds West, a distance of 3311.51 feet; thence leave said right of way and go North 89 degrees 38 minutes 27 seconds East, a distance of 344.00 feet; thence go North 00 degrees 49 minutes 40 seconds East, a distance of 300.00 feet; thence go South 88 degrees 22 minutes 32 seconds East, a distance of 615.24 feet; thence go South 00 degrees 17 minutes 18 seconds West, a distance of 1036.53 feet; thence go South 89 degrees 46 minutes 47 seconds West, a distance of 379.85 feet; thence go South 77 degrees 18 minutes 20 seconds West, a distance of 740.51 feet to the Point of Beginning. Said parcel contains 31.88 acres of ground more or less.

4. R-3 High Density Multi-Family Residential, legal description as follows: Commence from the Southeast corner of the East 1/2 of the Northeast 1/4 of Section 2, Township 8 South, Range 12 West, and go North 89 degrees 23 minutes 32 seconds West, a distance of 2,825.95 feet to a point on the Easterly right of way line of Harvest Lane; thence go along said right of way North 00 degrees 11 minutes 48 seconds West, a distance of 1,311.51 feet; thence leave said right of way and go North 89 degrees 38 minutes 27 seconds East, a distance of 344.00 feet; thence go North 00 degrees 49 minutes 40 seconds East, a distance of 300.00 feet; thence go South 88 degrees 22 minutes 32 seconds East, a distance of 615.24 feet back to the Point of Beginning. Said parcel contains 13.495 acres of land more or less.

The purpose of this proposed change is to promote uniform development and improve public safety thereby enhancing the quality of life for all Long Beach residents. The above zoning change was approved by the Long Beach Planning Commission at a public hearing duly held and convened on May 29, 2015.

The City encourages all residents, groups and organizations to contact the City if they have any questions concerning the petition.

ORDERED by the 2nd day of June, 2015, Mayor and Board of Aldermen, Long Beach, Mississippi, for the purpose of changing the zoning map of the City of Long Beach, Louisiana, to read as follows:

Rebecca E. Schmitt  
City Clerk  
ADW:1MON

# Proof of Publication

STATE OF MISSISSIPPI  
COUNTY OF HARRISON

Before me, the undersigned Notary of Harrison County, Mississippi personally appeared Crista Brackett who, being by me first duly sworn, did depose and say that she is a clerk of The Sun Herald, a newspaper published in the city of Gulfport, in Harrison County, Mississippi, and the publication of the notice, a copy of which is hereto attached, has been made in said paper 1 times in the following numbers and on the following dates of such paper, viz:

- Vol. 131 No., 248 dated 8 day of June, 2015
- Vol. \_\_\_\_\_ No., \_\_\_\_\_ dated \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_
- Vol. \_\_\_\_\_ No., \_\_\_\_\_ dated \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_
- Vol. \_\_\_\_\_ No., \_\_\_\_\_ dated \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_
- Vol. \_\_\_\_\_ No., \_\_\_\_\_ dated \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_
- Vol. \_\_\_\_\_ No., \_\_\_\_\_ dated \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_
- Vol. \_\_\_\_\_ No., \_\_\_\_\_ dated \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_
- Vol. \_\_\_\_\_ No., \_\_\_\_\_ dated \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

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

JUN 10 2015

Crista Brackett  
Clerk

Sworn to and subscribed before me this 8 day of

June A.D., 2015

Handberg  
Notary Public

\*The Sun Herald has been deemed eligible for publishing legal notices in Jackson County to meet the requirements of Miss. Code 1972 Section 13-3-31 and 13-3-32

LONG BEACH, MISSISSIPPI  
LEGAL NOTICE  
PUBLIC HEARING  
NOTICE IS HEREBY GIVEN  
that the City of Long Beach, Louisiana, is holding a public hearing on the proposed Ordinance (59) of the City of Long Beach, Louisiana, to amend the zoning map of the City of Long Beach, Louisiana, to change the zoning of the property located at the intersection of Harvest Lane and Klondike Road, from R-4 Residential Family to R-3 High Density Multi-Family Residential, for the purpose of changing the zoning map of the City of Long Beach, Louisiana, to read as follows:  
The City encourages all residents, groups and organizations to contact the City if they have any questions concerning the petition.  
ORDERED by the 2nd day of June, 2015, Mayor and Board of Aldermen, Long Beach, Mississippi, for the purpose of changing the zoning map of the City of Long Beach, Louisiana, to read as follows:  
Rebecca E. Schmitt  
City Clerk  
ADW:1MON

In addition, fifty one (51) Legal Notices of Public Hearing were sent via certified mail, electronic receipt requested, to property owners within two hundred feet (200') of the subject property, (46) were delivered and (5) "Returned to Sender"; said Legal Notice is as follows:

Minutes of July 7, 2015  
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.

LONG BEACH, MISSISSIPPI  
LEGAL NOTICE  
PUBLIC HEARING

**NOTICE IS HERE BY GIVEN** that, in accordance with Article XIX of the Comprehensive Long Beach Unified Land Ordinance (598) of the City of Long Beach, Mississippi (2013) as amended, the Mayor and Board of Aldermen will conduct a public hearing, Tuesday, July 7, 2015, at 5:00 o'clock p.m., in the City Hall Meeting Room, Long Beach, Mississippi, for the purpose of considering a zoning map change.

Castine Pointe, LLC, 17940 Painters Row, Covington, LA 70435 has filed an application for a Zone Map change in accordance with the Comprehensive Long Beach Unified Land Ordinance. Applicant is requesting to change the zoning classification to multiple zoning district classifications. The tax parcel number is 0611C-01-001.000 and 0611C-01-002.000. The property is generally described as being South of Twenty-Eight Street (28<sup>th</sup>), North of Commission Road and running parallel with Klondyke Road. The legal descriptions as follows:

1. **R-3 High Density Multi-Family Residential, legal description as follows:**

From the Point of Beginning go North 89 degree 23 minutes 32 seconds West, a distance of 1258.54 feet; thence go North 00 degrees 24 minutes 10 seconds East, a distance of 118.30 feet; thence go along a curve to the right having a radius of 270.00 feet and an arc length of 369.20 feet; thence go North 73 degrees 58 minutes 29 seconds East, a distance of 435.22 feet; thence go along a curve to the left having a radius of 75.00 feet and an arc length of 265.35 feet; thence go North 09 degrees 29 minutes 47 seconds West, a distance of 275.20 feet; thence go North 66 degrees 53 minutes 24 seconds East, a distance of 103.09 feet; thence go South 89 degrees 37 minutes 40 seconds East, a distance of 464.04 feet; thence go North 00 degrees 08 minutes 39 seconds West, a distance of 925.28 feet back to the Point of Beginning. Said parcel contains 18.03 acres of ground more or less.

2. **C-2 General Commercial, legal description as follows:**

From the Southeast corner of the East ½ of the Northeast ¼ of Section 2, Township 8 South – Range 12 West go North 89 degree 23 minutes 32 seconds West, a distance of 1466.30 feet to the Point of Beginning.  
From the Point of Beginning go North 89 degrees 23 minutes 32 seconds West, a distance of 451.64 feet; thence go North 00 degrees 45 minutes 51 seconds East, a distance of 379.43 feet; thence go North 69 degrees 45 minutes 47 seconds East, a distance of 579.55 feet; thence go North 00 degrees 17 minutes 18 seconds East, a distance of 1786.53 feet; thence go North 89 degrees 42 minutes 42 seconds West, a distance of 125.00 feet; thence go North 00 degrees 17 minutes 18 seconds East a distance of 270.00 feet to a point on the Southerly right of way line of 28<sup>th</sup> Street; thence go along said right of way South 89 degrees 42 minutes 42 seconds East a distance of 1480.00 feet to a point on the intersection of the above said right of way and the Westerly right of way line of Klondyke Road; thence go along Klondyke Road right of way South 00 degrees 04 minutes 45 seconds East, a distance of 2442.02 feet; thence leave said right of way and go North 89 degrees 21 minutes 40 seconds West, a distance of 208.00 feet; thence go North 00 degrees 08

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 July 7, 2015  
Mayor and Board of Aldermen**

minutes 39 seconds West, a distance of 717.28 feet; then go North 89 degrees 37 minutes 40 seconds West, a distance of 464.04 feet; then go South 66 degrees 53 minutes 24 seconds West, a distance of 103.09 feet; then go South 09 minutes 29 seconds 47 minutes East, a distance of 275.20 feet; then go along a curve to the radius of 75.00 feet and an arc length of 265.35 feet; then go South 73 degrees 58 minutes 29 seconds West, a distance of 435.22 feet; then go along a curve to the left having a radius of 270.00 feet and an arc length of 369.20 feet; then go South 00 degrees 24 minutes 10 seconds West, a distance of 118.30 feet back to the Point of Beginning. Said parcel contains 70.61 acres of ground more or less.

**3. R-4 Residential Farm, legal description as follows:**

From the Southeast corner of the East ½ of the Northeast ¼ of Section 2, Township 8 South – Range 12 West go North 89 degrees 23 minutes 32 seconds West, a distance of 2625.95 feet to a point on the Easterly right of way line of Harvest Lane; then go along said right of way North 00 degrees 11 minutes 48 seconds West, a distance of 171.16 feet to the Point of Beginning.

From the Point of Beginning continue along said right of way North 00 degrees 11 minutes 48 seconds West, a distance of 1311.51 feet; then leave said right of way and go North 89 degrees 38 minutes 27 seconds East, a distance of 647.00 feet; then go North 00 degrees 49 minutes 40 seconds East, a distance of 300.00 feet; then go South 89 degrees 22 minutes 52 seconds East, a distance of 615.24 feet; then go South 00 degrees 17 minutes 18 seconds West, a distance of 1036.53 feet; then go South 69 degrees 45 minutes 47 seconds West, a distance of 579.55 feet; then go South 74 degrees 16 minutes 20 seconds West, a distance of 740.51 feet back to the Point of Beginning. Said parcel contains 31.88 acres of ground more or less.

**4. R-3 High Density Multi-Family Residential, legal description as follows:**

Commence from the Southeast corner of the East ½ of the Northeast ¼ of Section 2, Township 8 South Range 12 West and go North 89 degrees 23 minutes 32 seconds West, a distance of 2,625.95 feet to a point on the Easterly right of way line of Harvest Lane; then go along said right of way North 00 degrees 11 minutes 48 seconds West, a distance of 1,311.51 feet; then leave said right of way and go North 89 degrees 38 minutes 27 seconds East, a distance of 647.00 feet; then go North 00 degrees 49 minutes 40 seconds East, a distance of 300.00 feet to the Point of Beginning. From the Point of Beginning go North 00 degrees 49 minutes 40 seconds East, a distance of 1,016.49 feet to a point on the Southerly right of way line of 28<sup>th</sup> Street; then go along said right of way South 89 degrees 42 minutes 42 seconds East, a distance of 480.66 feet; then leave said right of way and go South 00 degrees 17 minutes 18 seconds West, a distance of 270.00 feet; then go South 89 degrees 42 minutes 42 seconds East, a distance of 125.00 feet; then go South degrees 17 minutes 18 seconds West, a distance of 750.00 feet; then go North 89 degrees 22 minutes 52 seconds West, a distance of 615.24 feet back to the Point of Beginning. Said parcel contains 13.495 acres of land more or less.

The purpose of this proposed change is to promote uniformed development and improve public safety, thereby enhancing the quality of life for all Long Beach residents. The above zoning map change was approved by the Long Beach Planning Commission at a public hearing duly held and convened on May 28, 2015.

The City encourages all residents, groups and organizations to contact the City if they have any questions concerning the petition.

**ORDERED** this the 2<sup>nd</sup> day of June, 2015, Mayor and Board of Aldermen, Long Beach, Mississippi.

  
Rebecca E. Schuff  
City Clerk

Alderman Parker made motion seconded by Alderman Griffin and unanimously carried to make the aforementioned return receipts a part of the record of this public hearing, on file in the Office of the City Clerk.

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The Clerk further reported that the Legal Notice, Public Hearing, was posted at City Hall, the Water Department, and the Building Office, 201 Jeff Davis Avenue, Long Beach, Mississippi; the Long Beach Public Library, 209 Jeff Davis Avenue, Long Beach, Mississippi; and the city's official website, [www.cityoflongbeachms.com](http://www.cityoflongbeachms.com).

**Minutes of July 7, 2015  
Mayor and Board of Aldermen**

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

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Alderman Parker made motion seconded by Alderman Young and unanimously carried to make the May 28, 2015, minutes of the Long Beach Planning Commission a part of the record of this public hearing, on file in the Office of the City Clerk.

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The Mayor recognized the applicant, Jared Reicke, 17940 Painters Row, Covington, Louisiana, 70435. Mr. Reicke answered questions and provided additional information regarding the development and the need for a multi-use zoning district. He stated for the record that the property was rezoned to a multi-use zoning district in 2009 and was inadvertently changed during the comprehensive rezoning in 2013. The engineers for the development are working closely with the city's project engineer and will comply with all requirements and changes.

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

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

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The Mayor recognized the applicant, Jared Reicke, and considerable discussion followed regarding ingress and egress, water and sewer in the development, and fire codes. Mr. Reicke reiterated his commitment to comply with all requirements and changes.

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There being no further public comments, Alderman Ponthieux made motion seconded by Alderman Young and unanimously carried to close the public hearing.

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Upon discussion, Alderman Hammons made motion seconded by Alderman Young and unanimously carried to approve the Application for Zoning Map Change, Castine Pointe, LLC, and to take the matter under advisement for official action during the course of the regular meeting, immediately following the public hearings.

**Minutes of July 7, 2015  
Mayor and Board of Aldermen**

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The second public hearing was called to order to determine whether or not two (2) parcels of property situated in the City of Long Beach, located at 542 West Beach Boulevard (Oak Gardens Condominiums) and assessed to William Arey are in such a state of uncleanness as to constitute a menace to the public health and safety of the community.

The Mayor recognized the City Clerk for her report, whereupon, Alderman Carrubba 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 a regular meeting duly held and convened on June 2, 2015, she did cause to be sent via certified mail, electronic receipt requested, Notice of Hearing, to William Arey, 6956 Weathersfield Road, Columbia, Georgia, 31904, as the same appears of record on the Harrison County 2014 Official Real Property Roll. The status of said notice by the USPS is listed as "Return to Sender, Unclaimed, Unable to Forward" on June 29, 2015; said notice is as follows:

**Minutes of July 7, 2015  
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91 7199 9991 7035 1110 9322

**MAILED**   
Date: 6/3/15

June 2, 2015

William Arey  
6956 Weathersfield Road  
Columbia, GA 31904

**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 June 2, 2015, hold a public hearing at 5:00 p.m., Tuesday, July 7, 2015, at the Long Beach City Hall Meeting Room, 201 Jeff Davis Avenue, Long Beach, Mississippi, to determine whether or not a parcel of land owned by and/or assessed to William Arey, and situated in the City of Long Beach, Mississippi, at 542 West Beach Boulevard, 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: 542 West Beach Boulevard, Long Beach, Mississippi  
Parcel Number: 0612E-03-036.001 and 0612E-03-036.002  
Legal Description: UNIT A-1 OAK GARDENS CONDO AND UNIT A-2 OAK GARDENS CONDO

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 clearing 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 2<sup>nd</sup> day of June, 2015.

Rebecca E. Schruff  
City Clerk

Minutes of July 7, 2015  
Mayor and Board of Aldermen

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



91 7149 9991 7035 1110 9322

NAME

1st Notice 6-29

2nd Notice \_\_\_\_\_

Return \_\_\_\_\_



61904 CITYCLERK  
Signature Required

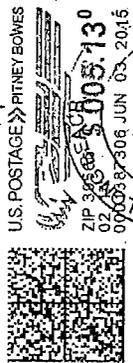
William Arey  
6956 Weathersfield Road  
Colum

NIXIE 322 DEL 0006/23/15

RETURN TO SENDER  
UNCLAIMED  
UNABLE TO FORWARD

BC: 3956662929 \*1286-85542-83-38

39568 80929



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*Hearing Notice 542 W Beach Blvd - Oak Gardens*

Minutes of July 7, 2015  
Mayor and Board of Aldermen

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Product & Tracking Information

Postal Product:  
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Return Receipt Electronic

DATE & TIME	STATUS OF ITEM	LOCATION
June 29, 2015, 3:27 pm	Delivered	LONG BEACH, MS 39560
Your item was delivered at 3:27 pm on June 29, 2015 in LONG BEACH, MS 39560.		
June 29, 2015, 9:01 am	Available for Pickup	LONG BEACH, MS 39560
June 29, 2015, 8:44 am	Available for Pickup	LONG BEACH, MS 39560
June 28, 2015, 2:58 pm	Unclaimed	GULFPORT, MS 39503
June 28, 2015, 2:55 pm	Arrived at USPS Origin Facility	GULFPORT, MS 39503
June 23, 2015, 8:48 am	Departed USPS Facility	JACKSONVILLE, FL 32203
June 23, 2015, 8:43 am	Arrived at USPS Facility	JACKSONVILLE, FL 32203
June 19, 2015, 1:41 pm	Unclaimed	COLUMBUS, GA 31914
June 5, 2015, 3:27 pm	Notice Left (No Authorized Recipient Available)	COLUMBUS, GA 31804
June 3, 2015, 11:35 pm	Departed USPS Origin Facility	GULFPORT, MS 39503
June 3, 2015, 7:10 pm	Arrived at USPS Origin Facility	GULFPORT, MS 39503
June 3, 2015, 5:55 pm	Accepted at USPS Origin Sort Facility	LONG BEACH, MS 39560

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- The Clerk further reported that the Notice of Hearing was posted on the subject property, William Arey, 542 West Beach Boulevard (Oak Gardens Condominiums), Long Beach, Mississippi; the bulletin boards at City Hall, the Water Department and the Building Official's Office, 201 Jeff Davis Avenue, Long Beach, Mississippi; the Long Beach Public Library, 209 Jeff Davis Avenue, Long Beach, Mississippi; and the city's official website [www.cityoflongbeachms.com](http://www.cityoflongbeachms.com).

Minutes of July 7, 2015  
Mayor and Board of Aldermen

- The Clerk submitted photographs taken by Building Official Josh Hayes on July 7, 2015, depicting the subject property, William Arey, 542 West Beach Boulevard (Oak Gardens Condominiums), Long Beach, Mississippi, in its present condition, as follows:

[cityclerk@cityoflongbeachms.com](mailto:cityclerk@cityoflongbeachms.com)

---

**From:** Josh Hayes <jhayes@cityoflongbeachms.com>  
**Sent:** Tuesday, July 07, 2015 10:02 AM  
**To:** <cityclerk@cityoflongbeachms.com>  
**Subject:** Re: public hearings for tuesday



Sent from my iPhone

- The Clerk submitted a sworn affidavit from Building Official Josh Hayes affirming that photographs were taken of the subject property on July 7, 2015, and the Notice of Hearing was posted on the subject property, William Arey, 542 West Beach

Minutes of July 7, 2015  
Mayor and Board of Aldermen

Boulevard (Oak Gardens Condominiums), Long Beach, Mississippi, on or before  
June 22, 2015; said affidavit is as follows:

AFFIDAVIT

STATE OF MISSISSIPPI  
COUNTY OF HARRISON  
CITY OF LONG BEACH

BEFORE ME, the under signed legal authority authorized to administer oaths in  
and for the jurisdiction aforesaid, on this day personally appeared JOSH HAYES,  
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 properties in their 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;

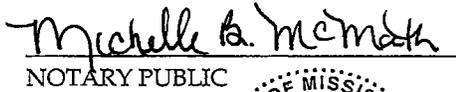
3. That on or before June 22, 2015, he did cause to be posted, Notice of  
Hearing, a copy of which is attached hereto, on property assessed to William Arey, 542  
West Beach Boulevard (Oak Gardens Condominiums) Long Beach, Mississippi and at  
the City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi; and that on July 7, 2015,  
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 July 7, 2015.

This the 7<sup>th</sup> day of July, 2015.

  
REBECCA E. SCHURRUFF, AFFIANT

SWORN TO AND SUBSCRIBED before me on this the 7<sup>th</sup> day of July, 2015.

-My Commission Expires-  
May 20, 2019

  
NOTARY PUBLIC



AFFIDAVIT-PHOTOS,POST NOTICE

**Minutes of July 7, 2015  
Mayor and Board of Aldermen**

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

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

**Minutes of July 7, 2015  
Mayor and Board of Aldermen**

The Mayor and Board of Aldermen took up the matter of the public hearing on two (2) parcels of property located at 542 West Beach Boulevard (Oak Gardens Condominiums), Long Beach, Mississippi, to determine and consider the condition of said property. After conducting the hearing and considering all matters produced there at and after hearing all persons interested and appearing, the Board of Aldermen declared the hearing finally closed. After a discussion of the subject, Alderman Carrubba offered and moved the adoption of the following Resolution and Order:

**RESOLUTION AND ORDER BY THE MAYOR AND BOARD OF ALDERMEN OF  
THE CITY OF LONG BEACH, MISSISSIPPI ADJUDICATING TWO (2) PARCELS  
OF PROPERTY LOCATED AT 542 WEST BEACH BOULEVARD (OAK GARDENS  
CONDOMINIUMS), 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 542 West Beach Boulevard (Oak Gardens Condominiums), Long Beach, Mississippi, (hereinafter referred to as the subject parcels), and after discussion of same, the Mayor and Board of Aldermen, at its regular meeting of June 2, 2015, on its own motion did set a hearing to determine whether or not the subject parcels, in their 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 July 7, 2015, 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

Minutes of July 7, 2015  
Mayor and Board of Aldermen

these proceedings;

3. That the Mayor and Board of Aldermen having considered testimony evidence adduced at hearing regarding the condition of the subject property and the observations of individual Aldermen concerning the condition of the subject property in its condition on the date of hearing, and being fully advised in the premises, do find and adjudicate that the property is, in its present condition, in such a state of uncleanliness as to be a menace to the public health and safety of the community and/or 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 parcels 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 542 West Beach Boulevard (Oak Gardens Condominiums) Long Beach, Mississippi, which parcels of land are identified by Harrison County Tax Parcel Number 0612E-03-036.001 and 0612E-03-036.002 and according to said tax records is owned by William Arey are at present in such a state of uncleanliness as to be a menace to the public health and safety of the community and/or an attractive nuisance.

2. That the aforesaid owner is hereby order to clean said parcels 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 Josh Hayes dated May 1, 2015, 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.

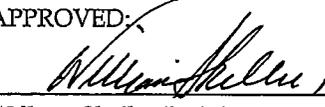
# Minutes of July 7, 2015 Mayor and Board of Aldermen

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

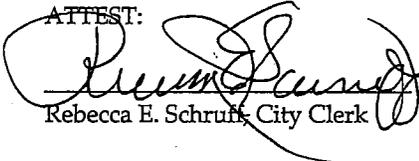
Alderman Bernie Parker	voted	Aye
Alderman Gary J. Ponthieux	voted	Aye
Alderman Kelly Griffin	voted	Aye
Alderman Alan Young	voted	Aye
Alderman Leonard G. Carrubba, Sr.	voted	Aye
Alderman Mark E. Lishen	voted	Aye
Alderman Ronnie Hammons, Jr.	voted	Aye

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 7<sup>th</sup> day of July, 2015.

APPROVED:

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

ATTEST:

  
Rebecca E. Schruft, City Clerk



Minutes of July 7, 2015  
Mayor and Board of Aldermen

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The third public hearing was called to order to determine whether or not a parcel of property situated in the City of Long Beach, Mississippi, located at 542 West Beach Boulevard (Oak Gardens Condominiums) and assessed to Michael and Margaret Koshenina, is in such a state of uncleanliness as to constitute a menace to the public health and safety of the community.

The Mayor recognized the City Clerk for her report, whereupon, Alderman Carrubba made motion seconded by Alderman 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 a regular meeting duly held and convened on June 2, 2015, she did cause to be sent via certified mail, electronic receipt requested, Notice of Hearing, to Michael and Margaret Koshenina, 6500 Woodlake Drive, Richfield, MN, 55423, as the same appears of record on the Harrison County 2014 Official Real Property Roll. The status of said notice by the USPS is listed as "Delivered" on June 8, 2015; said notice is as follows:

**Minutes of July 7, 2015  
Mayor and Board of Aldermen**

91 7199 9991 7035 1110 9339

**MAILED**  
Date: 6/3/15

June 2, 2015

Michael and Margaret Koshenina  
6500 Woodlake Drive Unit207  
Richfield, MN 55423

**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 June 2, 2015, hold a public hearing at 5:00 p.m., Tuesday, July 7, 2015, at the Long Beach City Hall Meeting Room, 201 Jeff Davis Avenue, Long Beach, Mississippi, to determine whether or not a parcel of land owned by and/or assessed to Michael and Margaret Koshenina, and situated in the City of Long Beach, Mississippi, at 542 West Beach Boulevard, is in such a state of uncleanness as to be a menace to the public health and safety of the community, all in accordance with Section 21-19-11 of the Mississippi Code of 1972, as amended. Said property is more particularly described, as follows:

Address: 542 West Beach Boulevard, Long Beach, Mississippi  
Parcel Number: 0612E-03-036.003  
Legal Description: UNIT A-3 OAK GARDENS CONDO

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

Minutes of July 7, 2015  
Mayor and Board of Aldermen

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

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

Done by order of the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, this the 2<sup>nd</sup> day of June, 2015.

Rebecca E. Schruoff  
City Clerk

# Minutes of July 7, 2015 Mayor and Board of Aldermen

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<https://tools.usps.com/go/TrackConfirmAction.action?Ref=fullpage&tLc=1&text28777=...> 6/30/2015

- The Clerk further reported that the Notice of Hearing was posted on the subject property, Michael and Margaret Koshenina, 542 West Beach Boulevard (Oak Gardens Condominiums), Long Beach, Mississippi; the bulletin boards at City Hall, the Water Department and the Building Official's Office, 201 Jeff Davis Avenue, Long Beach, Mississippi; the Long Beach Public Library, 209 Jeff Davis Avenue, Long Beach, Mississippi; and the city's official website [www.cityoflongbeachms.com](http://www.cityoflongbeachms.com).

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- The Clerk submitted photographs taken by Building Official Josh Hayes on July 7, 2015, depicting the subject property, Michael and Margaret Koshenina, 542 West Beach Boulevard (Oak Gardens Condominiums), Long Beach, Mississippi, in its present condition, as follows:

[cityclerk@cityoflongbeachms.com](mailto:cityclerk@cityoflongbeachms.com)

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**From:** Josh Hayes <jhayes@cityoflongbeachms.com>  
**Sent:** Tuesday, July 07, 2015 10:02 AM  
**To:** <cityclerk@cityoflongbeachms.com>  
**Subject:** Re: public hearings for tuesday



Sent from my iPhone

- The Clerk submitted a sworn affidavit from Building Official Josh Hayes affirming that photographs were taken of the subject property on July 7, 2015, and the Notice of Hearing was posted on the subject property, Michael and Margaret Koshenina,

Minutes of July 7, 2015  
Mayor and Board of Aldermen

542 West Beach Boulevard (Oak Gardens Condominiums), Long Beach, Mississippi, on or before June 22, 2015; said affidavit is as follows:

AFFIDAVIT

STATE OF MISSISSIPPI  
COUNTY OF HARRISON  
CITY OF LONG BEACH

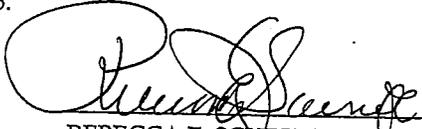
BEFORE ME, the under signed legal authority authorized to administer oaths in and for the jurisdiction aforesaid, on this day personally appeared JOSH HAYES, known to me to be the Building Official of the City of Long Beach, Mississippi, who being by me first duly sworn, deposes and says on oath as follows, 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 properties in their 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 June 22, 2015, he did cause to be posted, Notice of Hearing, a copy of which is attached hereto, on property assessed to Michael and Margaret Koshenina, 542 West Beach Boulevard (Oak Gardens Condominiums) Long Beach, Mississippi and at the City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi; and that on July 7, 2015, 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 July 7, 2015.

This the 7<sup>th</sup> day of July, 2015.

  
REBECCA E. SCHRUOFF, AFFIANT

SWORN TO AND SUBSCRIBED before me on this the 7<sup>th</sup> day of July, 2015.

-My Commission Expires-  
May 20, 2019

  
NOTARY PUBLIC



AFFIDAVIT-PHOTOS;POST NOTICE

Minutes of July 7, 2015  
Mayor and Board of Aldermen

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

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

**Minutes of July 7, 2015  
Mayor and Board of Aldermen**

The Mayor and Board of Aldermen took up the matter of the public hearing on the property located at 542 West Beach Boulevard (Oak Gardens Condominiums), Long Beach, Mississippi, to determine and consider the condition of said property. After conducting the hearing and considering all matters produced there at and after hearing all persons interested and appearing, the Board of Aldermen declared the hearing finally closed. After a discussion of the subject, Alderman Ponthieux offered and moved the adoption of the following Resolution and Order:

**RESOLUTION AND ORDER BY THE MAYOR AND BOARD OF ALDERMEN OF  
THE CITY OF LONG BEACH, MISSISSIPPI ADJUDICATING THE PROPERTY  
LOCATED AT 542 WEST BEACH BOULEVARD (OAK GARDENS  
CONDOMINIUMS), 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 542 West Beach Boulevard (Oak Gardens Condominiums) 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 June 2, 2015, 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 July 7, 2015, 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

Minutes of July 7, 2015  
Mayor and Board of Aldermen

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these proceedings;

3. That the Mayor and Board of Aldermen having considered testimony evidence adduced at hearing regarding the condition of the subject property and the observations of individual Aldermen concerning the condition of the subject property in its condition on the date of hearing, and being fully advised in the premises, do find and adjudicate that the property is, in its present condition, in such a state of uncleanness as to be a menace to the public health and safety of the community and/or 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 542 West Beach Boulevard (Oak Gardens Condominiums), Long Beach, Mississippi, which parcel of land is identified by Harrison County Tax Parcel Number 0612E-03-036.003 and according to said tax records is owned by Michael and Margaret Koshenina is at present in such a state of uncleanness as to be a menace to the public health and safety of the community and/or 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 Josh Hayes dated May 1, 2015, 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.

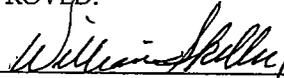
Minutes of July 7, 2015  
Mayor and Board of Aldermen

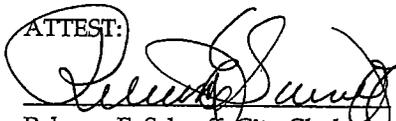
Alderman Young seconded the motion to adopt the foregoing resolution and order, and the question being put to a roll call vote by the Mayor, the result was as follows:

Alderman Bernie Parker	voted	Aye
Alderman Gary J. Ponthieux	voted	Aye
Alderman Kelly Griffin	voted	Aye
Alderman Alan Young	voted	Aye
Alderman Leonard G. Carrubba, Sr.	voted	Aye
Alderman Mark E. Lishen	voted	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 7<sup>th</sup> day of July, 2015.

APPROVED:

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

ATTEST:  
  
Rebecca E. Schruoff, City Clerk



\*\*\*\*\*

**Minutes of July 7, 2015**  
**Mayor and Board of Aldermen**

The fourth public hearing was called to order to determine whether or not a parcel of property situated in the City of Long Beach, Mississippi, located at 542 West Beach Boulevard (Oak Gardens Condominiums) and assessed to Deutsche Bank National Trust Company, is in such a state of uncleanliness as to constitute a menace to the public health and safety of the community.

The Mayor recognized the City Clerk for her report, whereupon, Alderman Parker made motion seconded by Alderman 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 a regular meeting duly held and convened on June 2, 2015, she did cause to be sent via certified mail, electronic receipt requested, Notice of Hearing, to Deutsche Bank National Trust Company, 4600 Regent Boulevard, Suite 200, Irving, TX, 75063, as the same appears of record on the Harrison County 2014 Official Real Property Roll. The status of said notice by the USPS is listed as "Delivered" on June 8, 2015; said notice is as follows:

**Minutes of July 7, 2015  
Mayor and Board of Aldermen**

91 7199 9991 7035 1110 9346

**MAILED**

Date: 6/3/15

June 2, 2015

Deutsche Bank National Trust Company  
4600 Regent Boulevard, Suite 200  
Irving, TX 75063

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 June 2, 2015, hold a public hearing at 5:00 p.m., Tuesday, July 7, 2015, at the Long Beach City Hall Meeting Room, 201 Jeff Davis Avenue, Long Beach, Mississippi, to determine whether or not a parcel of land owned by and/or assessed to Deutsche Bank National Trust Company, and situated in the City of Long Beach, Mississippi, at 542 West Beach Boulevard, is in such a state of uncleanness as to be a menace to the public health and safety of the community, all in accordance with Section 21-19-11 of the Mississippi Code of 1972, as amended. Said property is more particularly described, as follows:

Address: 542 West Beach Boulevard, Long Beach, Mississippi  
Parcel Number: 0612E-03-036.004  
Legal Description: UNIT A-4 OAK GARDENS CONDO

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

Minutes of July 7, 2015  
Mayor and Board of Aldermen

Page 2 of 2

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

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

Done by order of the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, this the 2<sup>nd</sup> day of June, 2015.

Rebecca E. Schruff  
City Clerk

# Minutes of July 7, 2015

## Mayor and Board of Aldermen

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Tracking Number: 9171999991703511109346

**Product & Tracking Information**

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

DATE & TIME	STATUS OF ITEM	LOCATION
June 8, 2015, 11:37 am	Delivered	IRVING, TX 75083
Your item was delivered at 11:37 am on June 8, 2015 in IRVING, TX 75083.		
June 5, 2015, 11:27 pm	Departed USPS Facility	COPPELL, TX 75089
June 5, 2015, 7:28 am	Arrived at USPS Facility	COPPELL, TX 75089
June 3, 2015, 11:16 pm	Departed USPS Origin Facility	GULFPORT, MS 39503
June 3, 2015, 7:10 pm	Arrived at USPS Origin Facility	GULFPORT, MS 39503
June 3, 2015, 5:55 pm	Accepted at USPS Origin Sort Facility	LONG BEACH, MS 39580

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Tracking (or receipt) number  Track It

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Inspector General  
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Terms of Use  
FOIA  
No FEAR Act EEO Data

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<https://tools.usps.com/go/TrackConfirmAction.action?ref=fullpage&tlc=1&text28777=...> 6/30/2015

- The Clerk further reported that the Notice of Hearing was posted on the subject property, Deutsche Bank National Trust Company, 542 West Beach Boulevard (Oak Gardens Condominiums), Long Beach, Mississippi; the bulletin boards at City Hall, the Water Department and the Building Official's Office, 201 Jeff Davis Avenue, Long Beach, Mississippi; the Long Beach Public Library, 209 Jeff Davis Avenue, Long Beach, Mississippi; and the city's official website [www.cityoflongbeachms.com](http://www.cityoflongbeachms.com).

**Minutes of July 7, 2015  
Mayor and Board of Aldermen**

- The Clerk submitted photographs taken by Building Official Josh Hayes on July 7, 2015, depicting the subject property, Deutsche Bank National Trust Company, 542 West Beach Boulevard (Oak Gardens Condominiums), Long Beach, Mississippi, in its present condition, as follows:

[cityclerk@cityoflongbeachms.com](mailto:cityclerk@cityoflongbeachms.com)

---

**From:** Josh Hayes <jhayes@cityoflongbeachms.com>  
**Sent:** Tuesday, July 07, 2015 10:02 AM  
**To:** <cityclerk@cityoflongbeachms.com>  
**Subject:** Re: public hearings for tuesday



Sent from my iPhone

- The Clerk submitted a sworn affidavit from Building Official Josh Hayes affirming that photographs were taken of the subject property on July 7, 2015, and the Notice of Hearing was posted on the subject property, Deutsche Bank National Trust Company, 542 West Beach Boulevard (Oak Gardens Condominiums), Long Beach, Mississippi, on or before June 22, 2015; said affidavit is as follows:

Minutes of July 7, 2015  
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 JOSH HAYES, 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 properties in their 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 June 22, 2015, he did cause to be posted, Notice of Hearing, a copy of which is attached hereto, on property assessed to Deutsche Bank National Trust Company, 542 West Beach Boulevard (Oak Gardens Condominiums) Long Beach, Mississippi and at the City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi; and that on July 7, 2015, 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 July 7, 2015.

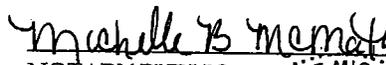
This the 7<sup>th</sup> day of July, 2015.

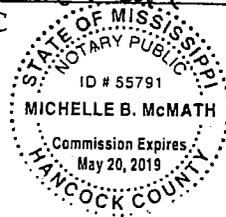
  
REBECCA E. SCHRUFF, AFFIANT

SWORN TO AND SUBSCRIBED before me on this the 7<sup>th</sup> day of July, 2015.

-My Commission Expires-

May 20, 2019

  
NOTARY PUBLIC



AFFIDAVIT-PHOTOS,POST NOTICE

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**Minutes of July 7, 2015  
Mayor and Board of Aldermen**

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

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

**Minutes of July 7, 2015  
Mayor and Board of Aldermen**

The Mayor and Board of Aldermen took up the matter of the public hearing on the property located at 542 West Beach Boulevard (Oak Gardens Condominiums), Long Beach, Mississippi, to determine and consider the condition of said property. After conducting the hearing and considering all matters produced there at and after hearing all persons interested and appearing, the Board of Aldermen declared the hearing finally closed. After a discussion of the subject, Alderman Ponthieux offered and moved the adoption of the following Resolution and Order:

**RESOLUTION AND ORDER BY THE MAYOR AND BOARD OF ALDERMEN OF  
THE CITY OF LONG BEACH, MISSISSIPPI ADJUDICATING THE PROPERTY  
LOCATED AT 542 WEST BEACH BOULEVARD (OAK GARDENS  
CONDOMINIUMS), 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 542 West Beach Boulevard (Oak Gardens Condominiums) 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 June 2, 2015, 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 July 7, 2015, 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

**Minutes of July 7, 2015  
Mayor and Board of Aldermen**

these proceedings;

3. That the Mayor and Board of Aldermen having considered testimony evidence adduced at hearing regarding the condition of the subject property and the observations of individual Aldermen concerning the condition of the subject property in its condition on the date of hearing, and being fully advised in the premises, do find and adjudicate that the property is, in its present condition, in such a state of uncleanness as to be a menace to the public health and safety of the community and/or 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 542 West Beach Boulevard (Oak Gardens Condominiums), Long Beach, Mississippi, which parcel of land is identified by Harrison County Tax Parcel Number 0612E-03-036.004 and according to said tax records is owned by Deutsche Bank National Trust Company is at present in such a state of uncleanness as to be a menace to the public health and safety of the community and/or an attractive nuisance.

2. That the aforesaid owner is hereby order to clear 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 Josh Hayes dated May 1, 2015, 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 clear 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.

Minutes of July 7, 2015  
Mayor and Board of Aldermen

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

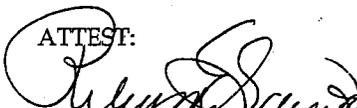
Alderman Bernie Parker	voted	Aye
Alderman Gary J. Ponthieux	voted	Aye
Alderman Kelly Griffin	voted	Aye
Alderman Alan Young	voted	Aye
Alderman Leonard G. Carrubba, Sr.	voted	Aye
Alderman Mark E. Lishen	voted	Aye
Alderman Ronnie Hammons, Jr.	voted	Aye

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 7<sup>th</sup> day of July, 2015.

APPROVED:

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

ATTEST:

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



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**Minutes of July 7, 2015**  
**Mayor and Board of Aldermen**

The fifth public hearing was called to order to determine whether or not a parcel of property situated in the City of Long Beach, Mississippi, located at 542 West Beach Boulevard (Oak Gardens Condominiums) and assessed to Christine Ann Beattie, is in such a state of uncleanness as to constitute a menace to the public health and safety of the community.

The Mayor recognized the City Clerk for her report, whereupon, Alderman Griffin 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 a regular meeting duly held and convened on June 2, 2015, she did cause to be sent via certified mail, electronic receipt requested, Notice of Hearing, to Christine Ann Beattie, 109 Bid-A-Wee Lane, Panama City, FL, 32413, as the same appears of record on the Harrison County 2014 Official Real Property Roll. The status of said notice by the USPS is listed as "Return to Sender, Attempted - Not Known, Unable to Forward"; said notice is as follows:

**Minutes of July 7, 2015  
Mayor and Board of Aldermen**

91 7199 9991 7035 1110 9353

**MAILED**

Date: 6/3/15

June 2, 2015

Christine Ann Beattie  
109 Bid-A-Wee Lane  
Panama City, FL 32413

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 June 2, 2015, hold a public hearing at 5:00 p.m., Tuesday, July 7, 2015, at the Long Beach City Hall Meeting Room, 201 Jeff Davis Avenue, Long Beach, Mississippi, to determine whether or not a parcel of land owned by and/or assessed to Christine Ann Beattie, and situated in the City of Long Beach, Mississippi, at 542 West Beach Boulevard, 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: 542 West Beach Boulevard, Long Beach, Mississippi  
Parcel Number: 0612E-03-036.005  
Legal Description: UNIT B-1 OAK GARDENS CONDO

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

Minutes of July 7, 2015  
Mayor and Board of Aldermen

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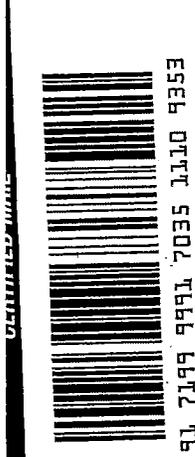
expense of cleaning of said property shall not exceed an aggregate amount of Twenty Thousand Dollars (\$20,000.00) per year, or the fair market value of the property subsequent to cleaning, whichever is less. If it is determined by the governing authority that it is necessary to clean the property or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

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

Done by order of the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, this the 2<sup>nd</sup> day of June, 2015.

Rebecca E. Schruoff  
City Clerk

Minutes of July 7, 2015  
Mayor and Board of Aldermen



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



6/15

ANK

Christine Ann Beattie

109 Bid-A-Wee Lane DE 1009 0005/11/15  
Panama



32413 CITYCLERK  
Signature Required

BC: 39560097929 \*1266-05545-03-38  
3241332782012

RETURN TO SENDER  
ATTEMPTED - NOT KNOWN  
UNABLE TO FORWARD

PLEASE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

*Richard Young - Director of Property 5420 W. Broadway Dr. #5 - Pitt. Mo. 1*

Minutes of July 7, 2015  
 Mayor and Board of Aldermen

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Tracking Number: 9171999991703511109353

Updated Delivery Day: Monday, June 15, 2015

Product & Tracking Information

DATE & TIME	STATUS OF ITEM	LOCATION
June 16, 2015, 1:37 pm	Delivered	LONG BEACH, MS 39560
Your item was delivered at 1:37 pm on June 15, 2015 in LONG BEACH, MS 39560.		
June 15, 2015, 8:20 am	Available for Pickup	LONG BEACH, MS 39560
June 15, 2015, 8:18 am	Arrived at Unit	LONG BEACH, MS 39560
June 15, 2015, 1:58 am	Arrived at USPS Origin Facility	GULFPORT, MS 39503
June 14, 2015, 4:18 am	Departed USPS Facility	MOBILE, AL 36618
June 13, 2015, 8:47 am	Arrived at USPS Facility	MOBILE, AL 36619
June 11, 2015, 10:28 am	Departed USPS Facility	JACKSONVILLE, FL 32203
June 11, 2015, 7:47 am	Arrived at USPS Facility	JACKSONVILLE, FL 32203
June 8, 2015, 5:48 pm	Addressee Unknown	PANAMA CITY BEACH, FL 32407
June 5, 2015, 11:50 am	Undeliverable as Addressed	PANAMA CITY BEACH, FL 32413
June 5, 2015, 8:04 am	Arrived at Unit	PANAMA CITY, FL 32412
June 4, 2015, 11:09 pm	Departed USPS Facility	PENSACOLA, FL 32522
June 4, 2015, 9:41 am	Arrived at USPS Facility	PENSACOLA, FL 32522
June 3, 2015, 9:47 pm	Departed USPS Facility	GULFPORT, MS 39503
June 3, 2015, 7:10 pm	Arrived at USPS Origin Facility	GULFPORT, MS 39503
June 3, 2015, 5:55 pm	Accepted at USPS Origin Sort Facility	LONG BEACH, MS 39560

Available Actions

Text Updates

Email Updates

Track Another Package

Manage Incoming Packages

<https://tools.usps.com/go/TrackConfirmAction.action?iRef=fullpage&tLc=1&text28777=...> 6/30/2015

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- The Clerk further reported that the Notice of Hearing was posted on the subject property, Christine Ann Beattie, 542 West Beach Boulevard (Oak Gardens Condominiums), Long Beach, Mississippi; the bulletin boards at City Hall, the Water Department and the Building Official's Office, 201 Jeff Davis Avenue, Long Beach, Mississippi; the Long Beach Public Library, 209 Jeff Davis Avenue, Long Beach, Mississippi; and the city's official website [www.cityoflongbeachms.com](http://www.cityoflongbeachms.com).
- The Clerk submitted photographs taken by Building Official Josh Hayes on July 7, 2015, depicting the subject property, Christine Ann Beattie, 542 West Beach

Minutes of July 7, 2015  
Mayor and Board of Aldermen

Boulevard (Oak Gardens Condominiums), Long Beach, Mississippi, in its present condition, as follows:

[cityclerk@cityoflongbeachms.com](mailto:cityclerk@cityoflongbeachms.com)

---

**From:** Josh Hayes <jhayes@cityoflongbeachms.com>  
**Sent:** Tuesday, July 07, 2015 10:02 AM  
**To:** <cityclerk@cityoflongbeachms.com>  
**Subject:** Re: public hearings for tuesday



Sent from my iPhone

- The Clerk submitted a sworn affidavit from Building Official Josh Hayes affirming that photographs were taken of the subject property on July 7, 2015, and the Notice of Hearing was posted on the subject property, Christine Ann Beattie, 542 West Beach Boulevard (Oak Gardens Condominiums), Long Beach, Mississippi, on or before June 22, 2015; said affidavit is as follows:

# Minutes of July 7, 2015 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 JOSH HAYES, 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;

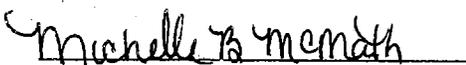
2. That in such capacity, he is responsible for the posting of notices of public hearings for the purpose of determining whether or not certain properties are in such a state of uncleanliness as to constitute a menace to the public health and safety of the community; he is responsible for the taking of photographs of those certain properties to determine the state of the properties in their 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 June 22, 2015, he did cause to be posted, Notice of Hearing, a copy of which is attached hereto, on property assessed to Christine Ann Beattie, 542 West Beach Boulevard (Oak Gardens Condominiums) Long Beach, Mississippi and at the City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi; and that on July 7, 2015, 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 July 7, 2015.

This the 7<sup>th</sup> day of July, 2015.

  
REBECCA E. SCHROKE, AFFIANT

SWORN TO AND SUBSCRIBED before me on this the 7<sup>th</sup> day of July, 2015.

  
NOTARY PUBLIC

-My Commission Expires-  
May 20, 2019



AFFIDAVIT-PHOTOS;POST NOTICE

\*

\*

Minutes of July 7, 2015  
Mayor and Board of Aldermen

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

\*

\*

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

**Minutes of July 7, 2015  
Mayor and Board of Aldermen**

The Mayor and Board of Aldermen took up the matter of the public hearing on the property located at 542 West Beach Boulevard (Oak Gardens Condominiums), Long Beach, Mississippi, to determine and consider the condition of said property. After conducting the hearing and considering all matters produced there at and after hearing all persons interested and appearing, the Board of Aldermen declared the hearing finally closed. After a discussion of the subject, Alderman Carrubba offered and moved the adoption of the following Resolution and Order:

**RESOLUTION AND ORDER BY THE MAYOR AND BOARD OF ALDERMEN OF  
THE CITY OF LONG BEACH, MISSISSIPPI ADJUDICATING THE PROPERTY  
LOCATED AT 542 WEST BEACH BOULEVARD (OAK GARDENS  
CONDOMINIUMS), 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 542 West Beach Boulevard (Oak Gardens Condominiums) 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 June 2, 2015, 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 July 7, 2015, 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

**Minutes of July 7, 2015  
Mayor and Board of Aldermen**

these proceedings;

3. That the Mayor and Board of Aldermen having considered testimony evidence adduced at hearing regarding the condition of the subject property and the observations of individual Aldermen concerning the condition of the subject property in its condition on the date of hearing, and being fully advised in the premises, do find and adjudicate that the property is, in its present condition, in such a state of uncleanness as to be a menace to the public health and safety of the community and/or 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 542 West Beach Boulevard (Oak Gardens Condominiums), Long Beach, Mississippi, which parcel of land is identified by Harrison County Tax Parcel Number 0612E-03-036.005 and according to said tax records is owned by Christine Ann Beattie is at present in such a state of uncleanness as to be a menace to the public health and safety of the community and/or 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 Josh Hayes dated May 1, 2015, 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.

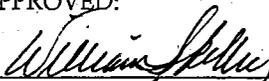
# Minutes of July 7, 2015 Mayor and Board of Aldermen

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

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

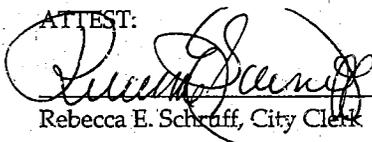
The question having received the Affirmative vote of all the Aldermen present and voting, the Mayor declared the motion carried and the resolution and order adopted and approved this the 7<sup>th</sup> day of July, 2015.

APPROVED:



William Skellie, Jr., Mayor

ATTEST:

  
Rebecca E. Schreff, City Clerk

\*\*\*\*\*

**Minutes of July 7, 2015**  
**Mayor and Board of Aldermen**

The sixth and final public hearing was called to order to determine whether or not a parcel of property situated in the City of Long Beach, Mississippi, located at 542 West Beach Boulevard (Oak Gardens Condominiums) and assessed to Virginia Head, is in such a state of uncleanliness as to constitute a menace to the public health and safety of the community.

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

- The Clerk reported that pursuant to that certain order of the Mayor and Board of Aldermen at a regular meeting duly held and convened on June 2, 2015, she did cause to be sent via certified mail, electronic receipt requested, Notice of Hearing, to Virginia Head, 542 West Beach Boulevard, Unit 2, Long Beach, Mississippi, 39560, as the same appears of record on the Harrison County 2014 Official Real Property Roll. The status of said notice by the USPS is listed as "Return to Sender – Not Deliverable as Addressed, Unable to Forward" on June 16, 2015; said notice is as follows:

**Minutes of July 7, 2015  
Mayor and Board of Aldermen**

91 7199 9991 7035 1110 9360

**MAILED**  
Date: 6/3/15

June 2, 2015

Virginia Head  
542 West Beach Boulevard Unit B-2  
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, recorded and adopted at its regular meeting June 2, 2015, hold a public hearing at 5:00 p.m., Tuesday, July 7, 2015, at the Long Beach City Hall Meeting Room, 201 Jeff Davis Avenue, Long Beach, Mississippi, to determine whether or not a parcel of land owned by and/or assessed to Virginia Head, and situated in the City of Long Beach, Mississippi, at 542 West Beach Boulevard, 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: 542 West Beach Boulevard, Long Beach, Mississippi  
Parcel Number: 0612E-03-036.006  
Legal Description: UNIT B-2 OAK GARDENS CONDO

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

**Minutes of July 7, 2015  
Mayor and Board of Aldermen**

Page 2 of 2

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

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

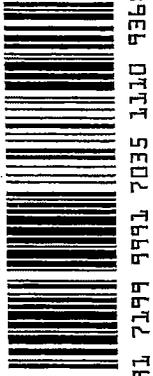
Done by order of the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, this the 2<sup>nd</sup> day of June, 2015.

Rebecca E. Schruff  
City Clerk

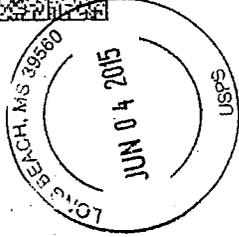
Minutes of July 7, 2015  
Mayor and Board of Aldermen

CERTIFIED MAIL

City of Long Beach  
PO Box 929  
Long Beach, MS 39560



U.S. POSTAGE PITNEY BOWES  
ZIP 39560 \$ 005.13  
02 1W  
00045 BEACH, MS 39560



JUN 16 2015

JUN 16 2015

NAME

*6/6*

Virginia Head

542 W. ... Boulevard Unit B-2

Long

NIXIE 392 FE 1009 0006/11/15

RETURN TO SENDER  
NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD



39560 CITYCLERK  
Signature Required

39560092929 \*1255-05544-03-38

BC: 39560092929 \*1255-05544-03-38

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS FOLD HERE TO PREVENT DAMAGE TO CONTENTS

*Notice of Hearing 542 W. ... Blvd. Pal Gardens Condom*

# Minutes of July 7, 2015 Mayor and Board of Aldermen

USPS.com® - USPS Tracking™

Page 1 of 2

English
Customer Service
USPS Mobile
Register / Sign In



## USPS Tracking™

Tracking Number: 9171999991703511109360

Updated Delivery Day: Tuesday, June 16, 2015

### Product & Tracking Information

DATE & TIME	STATUS OF ITEM	LOCATION
June 16, 2015, 12:37 pm	Delivered	LONG BEACH, MS 39560
Your item was delivered at 12:37 pm on June 16, 2015 in LONG BEACH, MS 39560.		
June 16, 2015, 7:21 am	Available for Pickup	LONG BEACH, MS 39560
June 16, 2015, 7:15 am	Arrived at Unit	LONG BEACH, MS 39560
June 16, 2015, 1:12 am	Arrived at USPS Origin Facility	GULFPORT, MS 39503
June 14, 2015, 3:41 pm	Departed USPS Origin Facility	JACKSON, MS 39201
June 11, 2015, 5:08 pm	Arrived at USPS Origin Facility	JACKSON, MS 39201
June 4, 2015, 8:37 am	Moved, Left no Address	LONG BEACH, MS 39560
June 4, 2015, 8:26 am	Arrived at Unit	LONG BEACH, MS 39560
June 3, 2015, 9:47 pm	Departed USPS Facility	GULFPORT, MS 39503
June 3, 2015, 7:10 pm	Arrived at USPS Origin Facility	GULFPORT, MS 39503
June 3, 2015, 5:55 pm	Accepted at USPS Origin Sort Facility	LONG BEACH, MS 39560

### Available Actions

Text Updates

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Email Updates



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



Get Easy Tracking Updates >  
Sign up for My USPS.

### Track Another Package

Tracking (or receipt) number

[Track It](#)

### Manage Incoming Packages

Track all your packages from a dashboard.  
No tracking numbers necessary.

[Sign up for My USPS >](#)



<https://tools.usps.com/go/TrackConfirmAction.action?iRef=fullpage&tLc=1&text28777=...> 6/30/2015

- The Clerk further reported that the Notice of Hearing was posted on the subject property, Virginia Head, 542 West Beach Boulevard (Oak Gardens Condominiums), Long Beach, Mississippi; the bulletin boards at City Hall, the Water Department and the Building Official's Office, 201 Jeff Davis Avenue, Long Beach, Mississippi; the Long Beach Public Library, 209 Jeff Davis Avenue, Long Beach, Mississippi; and the city's official website [www.cityoflongbeachms.com](http://www.cityoflongbeachms.com).
- The Clerk submitted photographs taken by Building Official Josh Hayes on July 7, 2015, depicting the subject property, Virginia Head, 542 West Beach Boulevard

**Minutes of July 7, 2015**  
**Mayor and Board of Aldermen**

(Oak Gardens Condominiums), Long Beach, Mississippi, in its present condition,  
as follows:

**cityclerk@cityoflongbeachms.com**

---

**From:** Josh Hayes <jhayes@cityoflongbeachms.com>  
**Sent:** Tuesday, July 07, 2015 10:02 AM  
**To:** <cityclerk@cityoflongbeachms.com>  
**Subject:** Re: public hearings for tuesday



Sent from my iPhone

- The Clerk submitted a sworn affidavit from Building Official Josh Hayes affirming that photographs were taken of the subject property on July 7, 2015, and the Notice of Hearing was posted on the subject property, Virginia Head, 542 West Beach Boulevard (Oak Gardens Condominiums), Long Beach, Mississippi, on or before June 22, 2015; said affidavit is as follows:

Minutes of July 7, 2015  
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 JOSH HAYES, 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;

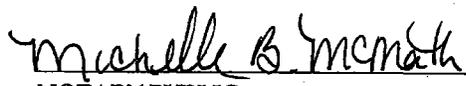
2. That in such capacity, he is responsible for the posting of notices of public hearings for the purpose of determining whether or not certain properties are in such a state of uncleanliness as to constitute a menace to the public health and safety of the community; he is responsible for the taking of photographs of those certain properties to determine the state of the properties in their 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 June 22, 2015, he did cause to be posted, Notice of Hearing, a copy of which is attached hereto, on property assessed to Virginia Head, 542 West Beach Boulevard (Oak Gardens Condominiums) Long Beach, Mississippi and at the City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi; and that on July 7, 2015, 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 July 7, 2015.

This the 7<sup>th</sup> day of July, 2015.

  
REBECCA E. SCHRUPP, AFFIANT

SWORN TO AND SUBSCRIBED before me on this the 7<sup>th</sup> day of July, 2015.

  
NOTARY PUBLIC

-My Commission Expires-  
May 20, 2019



AFFIDAVIT-PHOTOS;POST NOTICE

**Minutes of July 7, 2015**  
**Mayor and Board of Aldermen**

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\*

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

\*

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

**Minutes of July 7, 2015  
Mayor and Board of Aldermen**

The Mayor and Board of Aldermen took up the matter of the public hearing on the property located at 542 West Beach Boulevard (Oak Gardens Condominiums), Long Beach, Mississippi, to determine and consider the condition of said property. After conducting the hearing and considering all matters produced there at and after hearing all persons interested and appearing, the Board of Aldermen declared the hearing finally closed. After a discussion of the subject, Alderman Carrubba offered and moved the adoption of the following Resolution and Order:

**RESOLUTION AND ORDER BY THE MAYOR AND BOARD OF ALDERMEN OF  
THE CITY OF LONG BEACH, MISSISSIPPI ADJUDICATING THE PROPERTY  
LOCATED AT 542 WEST BEACH BOULEVARD (OAK GARDENS  
CONDOMINIUMS), 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 542 West Beach Boulevard (Oak Gardens Condominiums) 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 June 2, 2015, 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 July 7, 2015, 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

**Minutes of July 7, 2015  
Mayor and Board of Aldermen**

these proceedings;

3. That the Mayor and Board of Aldermen having considered testimony evidence adduced at hearing regarding the condition of the subject property and the observations of individual Aldermen concerning the condition of the subject property in its condition on the date of hearing, and being fully advised in the premises, do find and adjudicate that the property is, in its present condition, in such a state of uncleanness as to be a menace to the public health and safety of the community and/or 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 542 West Beach Boulevard (Oak Gardens Condominiums), Long Beach, Mississippi, which parcel of land is identified by Harrison County Tax Parcel Number 0612E-03-036.006 and according to said tax records is owned by Virginia Head is at present in such a state of uncleanness as to be a menace to the public health and safety of the community and/or 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 Josh Hayes dated May 1, 2015, 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.

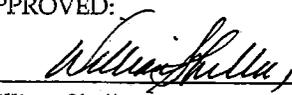
Minutes of July 7, 2015  
Mayor and Board of Aldermen

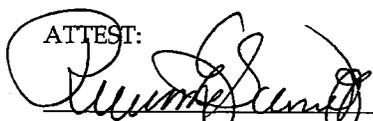
Alderman Griffin seconded the motion to adopt the foregoing resolution and order, and the question being put to a roll call vote by the Mayor, the result was as follows:

Alderman Bernie Parker	voted	Aye
Alderman Gary J. Ponthieux	voted	Aye
Alderman Kelly Griffin	voted	Aye
Alderman Alan Young	voted	Aye
Alderman Leonard G. Carrubba, Sr.	voted	Aye
Alderman Mark E. Lishen	voted	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 7<sup>th</sup> day of July, 2015.

APPROVED:

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

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



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Minutes of July 7, 2015  
Mayor and Board of Aldermen

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 Meeting Room, 201 Jeff Davis Avenue, in said City, it being the first Tuesday in July, 2015, and the same being the time, date and place fixed by Laws of the State of Mississippi and ordinance of the City of Long Beach for holding said meeting.

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

City Attorney James C. Simpson, Jr., was absent the meeting.

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 the Mayor announced that Lauren Carrubba, representing Long Beach, was first runner up for Fishing Rodeo Queen and Alderman Leonard Carrubba placed first in the mullet net throwing contest.

There were no presentations, proclamations, amendments, or public comments regarding agenda items.

\*\*\*\*\*

Alderman Young made motion seconded by Alderman Griffin and unanimously carried to approve minutes of the Mayor and Board of Aldermen, as follows:

- Regular minutes dated June 16, 2015, as submitted;
- Work Session minutes dated June 30, 2015, as submitted;
- Special Meeting minutes dated July 1, 2015, as submitted.

\*\*\*\*\*

There came on for consideration the regular meeting minutes of the Long Beach Planning Commission dated June 25, 2015.

Jared Reicke came forward to provide additional information regarding the preliminary plat for Castine Pointe.

After considerable discussion, Alderman Lishen made motion seconded by Alderman Carrubba and unanimously carried to approve the regular meeting minutes of the Long Beach Planning Commission dated June 25, 2015, as submitted.

\*

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Minutes of July 7, 2015  
Mayor and Board of Aldermen

Upon further discussion, considerable deliberation and debate followed regarding the sidewalk ordinance.

After considerable discussion, Alderman Ponthieux made motion seconded by Alderman Hammons to place a six (6) month moratorium on enforcement of the sidewalk ordinance and directing the Planning Commission to clarify said ordinance and address amendments to resolve any inconsistencies.

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	Nay
Alderman Alan Young	voted	Aye
Alderman Leonard Carrubba, Sr.	voted	Nay
Alderman Mark Lishen	voted	Nay
Alderman Ronnie Hammons, Jr.	voted	Aye

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

\*\*\*\*\*

Alderman Ponthieux made motion seconded by Alderman Parker and unanimously carried to approve the regular meeting minutes of the Long Beach Port Commission dated June 18, 2015.

\*\*\*\*\*

Alderman Griffin made motion seconded by Alderman Young and unanimously carried to approve payment of invoices as listed in Docket of Claims number 070715.

\*\*\*\*\*

There was no report from the Mayor's Office.

\*\*\*\*\*

Alderman Carrubba made motion seconded by Alderman Parker and unanimously carried to approve the Mississippi Bureau of Narcotics Agreement, Non-Compensated Special Contract Agent, as follows:

**Minutes of July 7, 2015  
Mayor and Board of Aldermen**

**STATE OF MISSISSIPPI  
COUNTY OF HINDS**

**NONCOMPENSATED SPECIAL CONTRACT AGENT**

**CONTRACT**

**THIS AGREEMENT**, made between the Director of the Mississippi Bureau of Narcotics, P.O. Box 720519, Byram, MS 39272, hereinafter referred to as "Director", and **PHILLIP ERIC CARDEN** to be called a **NONCOMPENSATED SPECIAL CONTRACT AGENT**, hereinafter referred to as "SCA".

**WITNESSETH:**

**WHEREAS**, the Director desires the benefit of the services of SCA for those purposes and duties hereinafter enumerated, under the terms and conditions hereinafter set forth; and,

**WHEREAS**, the SCA is willing to provide such services on a noncompensated basis under the terms and conditions hereinafter set forth; and,

**WHEREAS**, the Director and SCA recognize and understand that the specific legal authority authorizing this contract is Section 41-29-112 of the Mississippi Code of 1972, as amended, all the terms and provisions of which are incorporated herein and made a part hereof by reference;

**NOW, THEREFORE**, for and in consideration of the mutual promises and covenants of the SCA and the Director, to perform in accordance with the terms and conditions of this contract, the Director, Mississippi Bureau of Narcotics, hereby designates SCA to be a Noncompensated Special Contract Agent of the Mississippi Bureau of Narcotics with the authority, subject to the conditions of this agreement, to exercise all powers necessary and

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incidental to the fulfillment of these contractual obligations. SCA will be known and identify himself as a special contract agent for **MISSISSIPPI BUREAU OF NARCOTICS**. Both the Director and SCA agree as follows:

**I. DUTIES**

SCA agrees and promises to perform services and duties as assigned by the Director of the Mississippi Bureau of Narcotics, or his designee, in accordance with Sections II through X below. Such services and duties to be assigned SCA shall be consistent with the accomplishment of the intent, purpose and objective of the Mississippi Uniform Controlled Substances Law, Section 41-29-101, et seq. of the Mississippi Code of 1972, as amended, and shall be necessary for the lawful detection and apprehension of violators of the law and for the lawful preservation and presentation of evidence of such violations to the appropriate Grand Jury, the proper prosecuting authority, and to the court. SCA will be assigned duties and have authority to act in cases related to drug investigations with the **MISSISSIPPI BUREAU OF NARCOTICS** only.

**II. STATUS OF SPECIAL CONTRACT AGENT**

SCA is a regular full-time employee of **LONG BEACH POLICE DEPARTMENT** (as well as being an SCA) and while functioning as a regular full-time employee of said **POLICE DEPARTMENT** should be entitled to all rights, benefits, privileges, and responsibilities which accompany such employment. SCA shall not be considered as an employee of the Mississippi Bureau of Narcotics for any purpose. While functioning as an SCA under this contract, he shall not be subject to the employment rules and regulations of the Fair Labor Standards Act, the State Personnel Board, the Mississippi Department of Public Safety, the State of Mississippi, (including but not limited to the Mississippi Public Employees Retirement System), and any Mississippi Law or Constitutional provision specifically relating to public employment, as the

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above provisions apply to the Bureau. The relationship now being formed does in no way guarantee full employment either in the present or future for the SCA now entering this agreement. **SCA SHALL BE AN INDEPENDENT CONTRACTOR**, and not receive compensation from the Bureau. While functioning as an SCA, he shall not be entitled to participate in any group health or life insurance plan offered by the Mississippi Bureau of Narcotics or the State of Mississippi through the Bureau nor shall he be entitled by this contract to coverage by Mississippi Workers' Compensation as applicable to the Mississippi Bureau of Narcotics. Further, badges, weapons, and other personal equipment will be furnished by the Special Contract Agent's permanent employer. However, appropriate credentials will be furnished by the Bureau for the SCA.

The SCA shall retain the legal right to assert defenses available generally to law enforcement officers for any claim made against him. However, legal representation will not be afforded SCA by the Bureau for claims or criminal charges arising from the performance of duties under this agreement. Said representation must come from the permanent employer of the SCA.

**III. SERVICES OF SCA**

SCA agrees to faithfully perform the duties assigned to him by the Bureau to the best of his ability. Further, SCA agrees to keep inviolate the confidences, secrets, and non-public information of the Mississippi Bureau of Narcotics, whether written or oral, and will not communicate same in any way unless authorized to do so. Moreover, SCA warrants that the performance of the duties assigned to him under this contract shall be conducted without conflict with his employment by any other federal, state, or local government agency. Duties performed and time devoted in the furtherance of this contract shall not interfere with, nor substitute for, the

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regular employment or the duties of SCA if otherwise employed or officially appointed. SCA agrees to follow Bureau methods and procedures to include: field testing, chain of custody, evidence handling, case reporting and handling of public funds. The Bureau agrees to train SCA in such Bureau methods and procedures.

The SCA agrees that he will not participate in drug enforcement activities outside the jurisdiction of his regular employment except under the direct supervision, direction and control of the Director of the Mississippi Bureau of Narcotics or his designee.

**IV. DURATION OF CONTRACT AND TERMINATION REQUIREMENTS**

Notwithstanding the fact that this agreement may or may not be executed by the parties on the same date, it is specifically understood and agreed that this contract shall commence on **JULY 1, 2015** and shall terminate on **JUNE 30, 2016**, unless terminated otherwise as stated below. However, in no case shall the duration of this contract exceed one year, to be renewed at the option of both parties.

Either party hereto may sooner terminate this agreement, without cause and for any reason satisfactory to the party desiring such, upon forty-eight (48) hours written notice, computed from the date of the postmark. Such notice shall be sent by certified mail/return receipt to the Mississippi Bureau of Narcotics, ATTENTION: Director, at P.O. Box 720519, Byram, MS 39272, or to SCA at **14303 TORI DAWN DRIVE, GULFPORT, MS 39503**. Notice to the permanent employer of SCA will also be given by the Bureau. Notice given pursuant to the provisions of this paragraph shall be deemed sufficient for all purposes.

This contract shall automatically terminate at such time as SCA is no longer employed by the agency who sponsored SCA for appointment as a Noncompensated Special Contract Agent. SCA agrees to immediately notify the Director and the appropriate MBN District Commander in

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all instances of either job reassignment, suspension or termination by his sponsoring employer. Notice will not be required to terminate the authority to act as a SCA under these circumstances.

This contract shall automatically terminate upon the death of SCA and no notice of such termination shall be required.

This contract shall automatically terminate at such time as SCA shall be adjudicated insane or shall otherwise suffer physical or mental disabilities which render him incapable of fully performing the duties required of him by this contract. The Mississippi Bureau of Narcotics shall have sole discretion to determine whether SCA is suffering from such physical or mental disabilities which render him incapable of fully performing the duties required of him by this contract. Should this contract be terminated under this paragraph as a result of SCA's physical or mental disabilities, SCA shall be given immediate notice of said termination.

Engaging in any activity which is, or could result in, a violation of the laws of the State of Mississippi, or of any state, the United States, or any local law or ordinance of any county or city in this State or of any state, shall be grounds for automatic termination of this contract without prior notice to SCA. SCA shall, as a condition to appointment as a SCA, meet the same requirements imposed on a Bureau agent regarding background investigation, work history, polygraph examination, urinalysis and similar requirements, but shall be exempt from age requirements and limitations provided, however, that SCA is not less than twenty-one (21) years of age. SCA understands that he may be subject to random urinalysis testing and/or polygraph testing at the option of the Director or his designee and that failure to comply will result in the termination of this Agreement.

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**V. ASSIGNABILITY**

SCA shall not assign any of his rights or duties arising under this contract, without the express written consent of the Director. Such unauthorized assignment shall automatically terminate this contract and no notice of such termination shall be required.

**VI. ELIGIBILITY OF SCA**

SCA covenants as an express condition of his eligibility to become a Special Contract Agent that he is qualified to be a Mississippi Law Enforcement Officer under provisions of Section 45-6-11 of the Mississippi Code of 1972 and holds a valid professional certificate issued by the Board on Law Enforcement Officer Standards and Training. SCA must have completed the initial firearms training required by his permanent employer and show proof of meeting requalification requirements, such requalification to be conducted at least semi-annually, and such requalification to be the responsibility and at the cost of SCA and his employer.

**VII. WAIVER OF CLAIM FOR DAMAGE**

SCA agrees and promises to make no claim against the Director, nor against any Agent, employee or other SCA of the Mississippi Bureau of Narcotics for any physical or mental injury, loss, damage or death that may be incurred as a result of the performance of SCA's duties. SCA assumes the risk of any and all conditions, situations and hazards while performing his duties and specifically waives any and all notice of the existence of such conditions.

**VIII. BONDED/INSURANCE**

SCA promises that he is an authorized **POLICE OFFICER** and that prior to entering upon the discharge of duties as an SCA, he entered into a good and sufficient surety bond with a surety company authorized and doing business within the State of Mississippi and is individually named on the bond and such bond conditioned upon the faithful performance of the duties of his

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office and said bond covers SCA when working outside the jurisdiction of his employer as an SCA. Any and all liability to third persons not parties to this agreement shall be the total responsibility of SCA, his surety, or the law enforcement unit, department, office or agency wherein SCA is regularly employed. The SCA's employer does hereby sign below acknowledging that the SCA is bonded and is individually named on the bond. Further, SCA certifies that his permanent employer has liability insurance that covers his performance of duty as an SCA and said insurance is effective outside the jurisdiction of the permanent employer.

**IX. MISCELLANEOUS**

Any requirement that the SCA adhere to the policies and procedures of the Mississippi Bureau of Narcotics manual does not cause the incorporation, by reference or otherwise, of the manual as part of this contract. No contractual obligations arise therefrom or accrue against the Mississippi Bureau of Narcotics.

This contract represents the sole and exclusive agreement between the parties hereto and any changes, modifications or amendments must be made in writing and signed by all parties.

This contract and all rights and duties arising thereunder shall be governed, interpreted, and construed solely under the Constitution and Laws of the State of Mississippi.

The Mississippi Bureau of Narcotics, an agency of the State of Mississippi, in no way waives its sovereign immunity and such shall be controlling over any conflicting provision contained herein.

By affixing the signatures below, Director and SCA hereby cause this contract to take effect and both agree to be bound by the terms and conditions set forth above.

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X. SPECIAL PROVISIONS

The Director reserves the right and in no way waives this right to conduct the customary and usual background investigation, including but not limited to the use of polygraph, urinalysis or other scientific tests.

As a condition before entering into this Agreement, SCA agrees to provide the Bureau on demand with information required to conduct a background investigation, satisfactory results of polygraph and urinalysis testing from sources acceptable to the Bureau, certification of Surety Bond/Liability Insurance Coverage, and certification of weapons qualification.

IN WITNESS WHEREOF, the parties have knowingly and willfully covenanted agreement on this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

MISSISSIPPI BUREAU OF NARCOTICS

BY: \_\_\_\_\_  
DIRECTOR

\_\_\_\_\_  
WITNESS BY \_\_\_\_\_  
SPECIAL CONTRACT AGENT

I hereby request that the Director, Mississippi Bureau of Narcotics, appoint **PHILLIP ERIC CARDEN** to be a Noncompensated Special Contract Agent under Section 41-29-112 of the Mississippi Code of 1972 and specifically agree to his serving as an SCA under the conditions set forth in this contract. I specifically understand that the Bureau will not provide legal representation for this SCA for any claims arising from the performance of duties or alleged performance of duty as an SCA and agree that all legal liabilities and costs are the responsibility of **LONG BEACH POLICE DEPARTMENT**.

I certify that:  
(1) He is bonded as a condition of his employment and is individually named on the bond. Further, that such bond is effective anywhere in the state of Mississippi, that such bond will continue during the life of this contract, and that this officer is covered outside the jurisdiction of **LONG BEACH POLICE DEPARTMENT** while working as an SCA.

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(2) He has been certified under Section 45-6-11, Mississippi Code of 1972 by the Board on Law Enforcement Officer Standards and Training and that such certification is current.

(3) He has met the firearms training requirements of my law enforcement agency and that required requalifications are current and will remain current during the life of this contract. Further, he has not been convicted of a misdemeanor crime of domestic violence and may possess a firearm and ammunition without violation of 18 U.S.C. 922 (g)(9).

(4) That this request to appoint **PHILLIP ERIC CARDEN** as an SCA and the accompanying obligation to provide legal representation and costs has been recorded in the minutes of the **LONG BEACH POLICE DEPARTMENT**.

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
**POLICE CHIEF,  
LONG BEACH, MISSISSIPPI**  
(Signature)  
  
\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
**MAYOR,  
LONG BEACH, MISSISSIPPI**  
(Signature)  
  
\_\_\_\_\_  
(Printed Name)

\*\*\*\*\*

Based upon the recommendation of Department Heads and certification by the Civil Service Commission, Alderman Parker made motion seconded by Alderman Griffin and unanimously carried to approve personnel matters, as follows:

**POLICE DEPARTMENT:**

- Resignation, Dispatcher Sharon Bradley, effective June 23, 2015;
- Hire Recruit Police Officer Timothy Fisackerly, PS-5-Basic, effective July 16, 2015;
- Hire Dispatcher Jolee Knight (state certified), PS-3-Basic, effective July 16, 2015;

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- Promote Patrol Officer 1<sup>st</sup> Class Carl Taylor to Sergeant, PS-11-II, effective July 16, 2015.

RECREATION:

- Step Increase, Director Bob Paul, CSU-10-VIII, effective June 16, 2015.

\*\*\*\*\*

Alderman Griffin made motion seconded by Alderman Carrubba and unanimously carried to declare surplus property, Fire Department and Library, as follows:

***LONG BEACH FIRE DEPARTMENT***  
*Chief Mike Brown*

*645 Klondyke Road  
Long Beach MS 39560*

*Phone(228) 863-7292  
Fax (228) 868-0070*

06/25/2015

Becky Schruff, City Clerk  
City of Long Beach

Reference: Equipment Surplus

Becky,

I am requesting the attached list of breathing equipment and computer equipment be put on the agenda to be declared surplus. If you have any questions concerning this matter please call me.

Thank You,



Chief Mike Brown

CC: File

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## LONG BEACH FIRE DEPARTMENT

*Division Chief/ Training Officer Joseph Stapleton*

645 Klondyke Road  
Long Beach MS 39560

Phone (228) 863-7292  
Fax (228) 868-0070

To: Chief Mike Brown  
Fr: Joseph Stapleton, Training Division Chief  
Re: SCBA Inventory  
Dt: June 22, 2015

Chief,

Per our last inventory, we have: (38) Scott AV3000 masks,  
(28) Scott NXG-2 SCBA backpacks  
(61) 30 minute 4500 p.s.i. Carbon Fiber Scott Air bottles

Serial Number	Item	Serial Number	Item	Serial Number	Item	Serial Number	Item
RED0407005193DA	Scott NxG2 Airpack	OK98099	SCBA Bottle	OK104138	SCBA Bottle	OK105549	SCBA Bottle
RED0407005259DA	Scott NxG2 Airpack	OK105606	SCBA Bottle	OK317613	SCBA Bottle	OK105698	SCBA Bottle
RED0407005207DA	Scott NxG2 Airpack	OK98090	SCBA Bottle	OK104121	SCBA Bottle	OK14107	SCBA Bottle
RED0407005261DA	Scott NxG2 Airpack	OK105630	SCBA Bottle	OK105613	SCBA Bottle	IL171656	SCBA Bottle
RED0403000822DA	Scott NxG2 Airpack	OK105825	SCBA Bottle	OK105431	SCBA Bottle	OK105707	SCBA Bottle
RED0407005253DA	Scott NxG2 Airpack	OK97930	SCBA Bottle	OK98195	SCBA Bottle		
RED0407005258DA	Scott NxG2 Airpack	OK97382	SCBA Bottle	OK105496	SCBA Bottle		
RED0407005268DA	Scott NxG2 Airpack	OK105623	SCBA Bottle	OK104115	SCBA Bottle		
RED0407005246DA	Scott NxG2 Airpack	OK105610	SCBA Bottle	OK98091	SCBA Bottle		
RED0407005245DA	Scott NxG2 Airpack	OK105702	SCBA Bottle	OK98104	SCBA Bottle		
RED0407005272DA	Scott NxG2 Airpack	OK97479	SCBA Bottle	OK105849	SCBA Bottle		
NG0328010NX455	Scott NxG2 Airpack	OK105626	SCBA Bottle	OK104139	SCBA Bottle		
RED0407005241DA	Scott NxG2 Airpack	OK317223	SCBA Bottle	OK98098	SCBA Bottle		
NG0317011NX455	Scott NxG2 Airpack	OK317089	SCBA Bottle	OK105436	SCBA Bottle		
RED0407005181DA	Scott NxG2 Airpack	OK97979	SCBA Bottle	OK317230	SCBA Bottle		
RED0407005213DA	Scott NxG2 Airpack	OK98096	SCBA Bottle	OK317235	SCBA Bottle		
RED0407005234DA	Scott NxG2 Airpack	OK98128	SCBA Bottle	OK317533	SCBA Bottle		
RED0407005188DA	Scott NxG2 Airpack	OK98119	SCBA Bottle	OK98111	SCBA Bottle		
RED0407005210DA	Scott NxG2 Airpack	OK97965	SCBA Bottle	OK104111	SCBA Bottle		
RED0407005262DA	Scott NxG2 Airpack	OK104142	SCBA Bottle	OP142072	SCBA Bottle		
RED0407005164DA	Scott NxG2 Airpack	OK105704	SCBA Bottle	OP141845	SCBA Bottle		
RED0407005236DA	Scott NxG2 Airpack	OK97513	SCBA Bottle	OP142038	SCBA Bottle		
RED0407005267DA	Scott NxG2 Airpack	OK105472	SCBA Bottle	OP142025	SCBA Bottle		
RED0407005204DA	Scott NxG2 Airpack	OK97972	SCBA Bottle	OP141870	SCBA Bottle		
RED0407004807DA	Scott NxG2 Airpack	OK98092	SCBA Bottle	OP142043	SCBA Bottle		
RED0407005190DA	Scott NxG2 Airpack	OK97924	SCBA Bottle	OK105326	SCBA Bottle		
RED0407005269DA	Scott NxG2 Airpack	OK317536	SCBA Bottle	OK98127	SCBA Bottle		
RED0407005188DA	Scott NxG2 Airpack	OK317524	SCBA Bottle	OK105474	SCBA Bottle		

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Surplus Inventory- Computers

<b>QTY</b>	<b>DESCRIPTION</b>	<b>NAME</b>	<b>ID NUMBER</b>
8	Keyboards	Keyboards	Keyboards
6	Mouse	Mouse	Mouse
1	Printer	HP Deskjet 6540	MY4631R102
1	Printer	HP Deskjet 6940	MY840CS2CP
1	Printer	HP Deskjet 960C	MY14A110VJ
1	Computer	Optiplex 320	73LXHD1
1	Computer	Optiplex 320	23LXHD1
1	Computer	Optiplex 330	97Y81G1
1	Computer	Optiplex 330	28Y81G1
1	Computer	Optiplex 330	3YD8QG1
1	Computer	Optiplex 330	13QP1F1
1	Computer	Optiplex 320	J1LXHD1
1	Computer	GX280	BYYM361
1	Computer	MPC CLIENTPRO	3466470-0001
1	Computer	Optiplex 330	J7Y81G1
1	Monitor		CN-ORY979-4663-77Q-7JPU
1	Monitor		CN-ORY979-4663-77Q-7J2U
1	SCANNER	DOCUMATE 510	

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ORIGINAL

**Long Beach Public Library**  
209 Jeff Davis Avenue  
Long Beach, Mississippi 39560  
228-863-0711  
Fax 228-863-8511

June 17, 2015

Mayor Billy Skellie  
Board of Aldermen  
Long Beach City Hall  
201 Jeff Davis Ave.  
Long Beach, MS 39560

Dear Mayor and Aldermen,

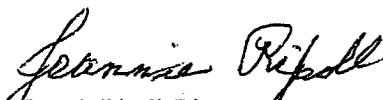
The library has 1,473 audio cassettes, and only 50 were checked out in the past year. Cassette players are almost obsolete, and you aren't able to purchase new tapes because companies aren't even making them anymore.

I am respectfully requesting that you declare them surplus property.

I have checked with libraries throughout the state and most of them have donated their audio cassettes to nursing homes and VA hospitals since a lot of their patients still have cassette players and are familiar with the way they work. If our nursing homes and VA hospital are willing to take them, I will be glad to deliver them on my day off.

Thank you for your consideration in this matter and all that you do to support the library.

Sincerely,

  
Jeannie Ripoll, Director

\*\*\*\*\*

There came on for consideration a letter from Barbara and Frank Downey, as follows:

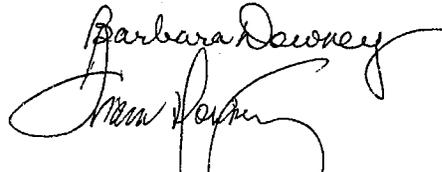
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6-19-15

To: Rebecca Schruoff  
City Clerk  
Tax Collector

Since my husband and I now plan to be cremated and scattered we no longer need our 2 burial plots in Long Beach City Cemetery. We would like for the City of Long Beach to buy those plots back from us with your approval. Thank you for your consideration in this matter.

Sincerely,  
Barbara and Frank Downey



228-864-3238  
517 Evergreen Dr.  
Long Beach, MS 39560

NOTE: NE 1/4 Lot 239

Upon discussion, Alderman Parker made motion seconded by Alderman Ponthieux and unanimously carried to purchase the aforementioned cemetery plots in the amount of \$400.00 each for a total expenditure of \$800.00.

\*\*\*\*\*

Alderman Ponthieux made motion seconded by Alderman Carrubba and unanimously carried to approve FY 2014-2015 Budget Amendments, General Fund - Police Department, as follows:

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Date: June 12, 2015

To: Kini Gonsoulin

From: Wayne McDowell

Re: Budget Amendment from Auction

Kini,

The Police Department has received funds from the auction in April 2015 of vehicles and other equipment in the amount of \$8,950.00. I am requesting that these funds be placed in the Police Department's budget under New Equipment (213-63100) so that we may purchase needed items.

Thank you,

Wayne McDowell  
Chief of Police

The image shows a handwritten signature in black ink that reads "Wayne McDowell". Below the signature, the name "Wayne McDowell" and the title "Chief of Police" are printed in a standard font.

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City of Long Beach  
 Budget Amendment Request

Fund Name \_\_\_\_\_ Date \_\_\_\_\_  
 Department # 213 Budget Entry # \_\_\_\_\_  
 Department Name Police Department

	Original Budget	Prior Amendments	This Amendment	Revised Budget
New Equipment 213-631000	50,000.00	-	8,950.00	58,950
Auction Proceeds 010-580700	-	-	(8,950.00)	(8,950)

Amendment to budget auction funds recieved from sale of Police cars and equipment.

Amendment #8

\*\*\*\*\*

Alderman Carrubba made motion seconded by Alderman Griffin and unanimously carried to approve the SSAI SCSEP Host Agency Agreement and the SCSEP Host Agency Agreement (State of Mississippi), as follows:

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**SSAI SCSEP Host Agency Agreement**

To comply with the requirements of the Senior Service America, Inc. (SSAI), Senior Community Service Employment Program (SCSEP), operated under Title V of the Older Americans Act, this Agreement is voluntarily entered into by CITY OF LONG BEACH, MS, hereinafter referred to as the Host Agency, and SOUTHERN MS PLANNING AND DEVELOPMENT DISTRICT, hereinafter referred to as the Sponsor Agency.

The Host Agency agrees to provide a safe and healthful work site for each participant, to provide the orientation and training necessary to perform assigned duties in accordance with a written community service assignment description, to provide additional training as opportunities occur, and, to the extent possible, treat each participant as a regular member of the Host Agency staff.

The Host Agency agrees to consider each participant for regular employment, either full-time or part-time, when vacancies occur in the Host Agency staff or when new positions are created. The Host Agency will also recommend suitable training for unsubsidized placement of the participant. A detailed training plan will be documented in the participant's Individual Employment Plan (IEP) and Community Service Assignment Description, which includes skills to be attained and timelines for achieving the goal. The Community Service Assignment Description must specify the nature of the assignment, the hours each participant will train, specific duties and tasks to be performed.

The Host Agency understands that the length of time that a participant may remain in the same assignment will be determined in their IEP. The Host Agency understands that the Sponsor Agency may reassign any participant when that reassignment will increase the participant's opportunities for training or unsubsidized employment, or will otherwise serve the best interests of the participant.

While this agreement is in effect, the Host Agency agrees not to provide community service assignments for participants serving through other national Title V project sponsor.

The Host Agency agrees to abide by the hours and work schedules mutually agreed to for each participant and to provide: properly prepared time sheets (the supervisor will confirm that the participants worked the hours claimed on their time sheet, and will assure that both they and the participant signs the time sheet); periodic performance evaluations; and other required documents. The Host Agency agrees and understands that each participant will be required to attend periodic SCSEP meetings during regular working hours.

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The Host Agency agrees that the community service assignments for any participant are to be similar to "in demand" or "growth industries" private sector jobs, such as health care; child day care; education; or green jobs. However, these assignments will not result in the displacement of currently employed workers; or in a reduction in non-overtime hours of work, wages, or benefits; will not impair any existing contract for service or result in the substitution of the wages of the participant for other funds in connection with work which otherwise would be performed; will not be a substitution for any existing federally assisted job; and will not be a position which is the same as or substantially the same as that occupied by any other person who is on lay-off or absent due to labor disputes. Further, the Host Agency agrees that it will not discriminate against a participant on the grounds of race, color, age, religion, sex, national origin, age, or disability.

The Host Agency agrees to send a representative to a host agency supervisor's meeting. Host Agency supervisor's meetings will be held annually to acquaint all concerned with the SCSEP goals and objectives. The Host Agency agrees to participate in the DOL Customer Satisfaction Survey if solicited.

The Host Agency agrees to provide documentation of in-kind contributions. Further, it is understood by the Host Agency and the Sponsor Agency that any contribution, whether cash or in-kind, by the Host Agency is purely voluntary and is not a condition for the assignment of any participant.

The Host Agency certifies by this Agreement that it is a governmental agency or is a non-profit agency which is currently certified as a Section 501(c) (3) organization under the Internal Revenue Code. In addition, the Host Agency will provide its Federal Employer Identification Number (FEIN). Further, if the Host Agency is certified as a Section 501(c) (3) agency, a copy of that certification is attached or is on file with the Sponsor Agency and is still in effect. The Host Agency agrees to inform the Sponsor Agency immediately if the Section 501(c) (3) certification is revoked.

The Sponsor Agency agrees to recruit, enroll, and assign a participant to the Host Agency for the purpose of engaging in productive community service employment.

The Sponsor Agency agrees to be responsible for all administrative and fiscal controls of the SCSEP and for paying wages and providing fringe benefits to each participant. The Host Agency does not provide Workers' Compensation insurance for participants.

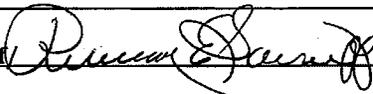
This Agreement may not be amended except upon written agreement between the parties.

## Minutes of July 7, 2015 Mayor and Board of Aldermen

**This Agreement is in effect from July 1, 2015 - June 30, 2016.**

**Signed — Host Agency**

Host Agency: City of Long Beach, MS

Representative Name/Signature: Rebecca Schuff 

Host Agency Title: City Clerk (signs for Mayor William Skellie, Jr.)

Host Agency Supervisor: \_\_\_\_\_

Address: P. O. Box 929, Long Beach, MS 39560

Phone: (228) 863-1556 Fax: (228) 865-0822

Email: cityclerk@cityoflongbeachms.com Date: 7/7/15  
July 1, 2015

**Signed — SCSEP Sponsor**

SCSEP Sponsor: Southern Mississippi Planning and Development District ("The District")

Representative Name/Signature: Janice Hale  
Janice Hale

Title: Program Manager

Address: 9229 Hwy. 49, Gulfport, MS 39503

Phone: (228) 868-2311 Fax: (228) 868-2550

Email: jhale@smpdd.com Date: July 1, 2015  
July 1, 2015

**Definition of Host Agency Status**

(Check one)

- This host agency is a government agency. FEIN 64-6000637 (Required by USDOL).
- This host agency is a certified non-profit agency under Section 501(c) (3) of the United States Internal Revenue Code. FEIN \_\_\_\_\_ (Required by USDOL).
- \_\_\_\_\_ 501(c) (3) documentation is attached.
- \_\_\_\_\_ 501(c) (3) documentation is already on file with the sponsor.

510

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Host Agency Responsibilities

It is the Host Agency's responsibility to:

Provide training so that enrollees can improve existing skills and acquire new ones.

Provide job-related orientation to the enrollees.

Designate an individual to supervise the enrollee.

Provide the materials and equipment necessary for enrollees to perform job duties.  
**However, Enrollees are never to be given the keys to a Host Agency office for the purpose of opening or closing said office to the Public. Enrollees may not operate Host Agency vehicles. Enrollees are not allowed to handle cash transactions without direct Agency supervision.**

Include enrollees in staff development opportunities.

Give first consideration to employing enrollees when openings occur for which they are qualified or assist in facilitating entry into the competitive labor market.

Keep the Project Director informed of the enrollees' progress and any work-related problems, and complete evaluations as required.

Verify and sign timesheets and assure that they are completed correctly and forwarded to the Project Director.

Assure that enrollees do not work more than the twenty hours per week authorized by the Senior AIDES Program.

Permit enrollees to attend training sessions and job interviews during work hours when needed.

Assure that enrollees do not displace or replace paid employees.

Provide a safe and hazard free working environment for the enrollee and report all accidents immediately to the Project Director.

# Minutes of July 7, 2015 Mayor and Board of Aldermen



STATE OF MISSISSIPPI  
DEWEY PHILIP BRYANT, GOVERNOR  
DEPARTMENT OF EMPLOYMENT SECURITY  
MARK HENRY  
EXECUTIVE DIRECTOR

## SCSEP Host Agency Agreement

As part of the Senior Community Service Employment Program, operated under Title V of the Older Americans Act, this Agreement is voluntarily entered into by

### CITY OF LONG BEACH, MS

a governmental agency or a non-profit agency designated under Section 501(c)(3) of the Internal Revenue Code, (hereinafter referred to as the Host Agency), and

### SOUTHERN MISSISSIPPI PLANNING AND DEVELOPMENT DISTRICT

Sponsor Agency

The intent of this agreement is to furnish useful community service assignments for low-income mature workers who are 55 years of age or older, in order to increase their skills and assist transition to permanent employment.

The Host Agency agrees:

- To provide a safe and healthful environment, adequate orientation and training, additional training as needed to meet employment goals, and to treat each participant as a valued worker in the Host Agency.
- To assist the Sponsor agency in placing one or more participants per year in a job off of the program; and to consider participants for regular employment on its staff when vacancies occur or when new positions are created.
- To abide by mutually agreed to schedules, documented by properly prepared time sheets and periodic performance evaluations. Participants may be required to attend periodic meetings during regular working hours, and the Host Agency recognizes that they will be unavailable at the Host Agency during these times.
- To ensure that each participant's assignment does not displace currently employed or laid-off workers, replace others working in assisted programs, or reduce regular house work, wages or benefits.
- Not to discriminate against any participant because of race, color, religion, sex, national origin, or disability.
- To send a representative to a group meeting of host agency supervisors. Group meetings of host agency supervisor or designated representatives will be held annually to acquaint all concerned with the SCSEP goals and objectives.

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- That no other national Title V SCSEP project sponsor will use this Host Agency site while this Agreement is in effect; and
- To inform the Sponsor Agency immediately if its Section 501(c)(3) certification is changed.

The Sponsor Agency Agrees:

- To recruit, enroll, assess and assign a SCSEP participant to the Host Agency for the purpose of engaging in a productive community service assignment with duties and tasks as specified in a written community service assignment description.
- To be responsible for all administrative and fiscal controls for the assignment and for paying wages and providing required fringe benefits to each participant.

The Sponsor Agency reserves the right to reassign any participant whenever reassignment will increase opportunities for training or unsubsidized employment, will serve the best interest of the participant, or will better support the goals and objectives of the SCSEP program.

This agreement may be amended by mutual agreement.

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**This Agreement is in effect from July 1, 2015 to June 30, 2016.**

SIGNED - HOST AGENCY

Name of Agency: City of Long Beach, MS (Mayor William Skellie, Jr.)

Address: 20257 Daugherty Rd., Long Beach, MS (Long Beach Senior Center) 39560  
(Please submit physical address to include street, city/town & ZIP)

Mailing Address if different from above: P. O. Box 929, Long Beach, MS 39560  
(Include street and/or P.O. Box, city/town & ZIP)

Telephone Number: (228) 863-1556 FAX Number: (228) 865-0822  
(Including area code)

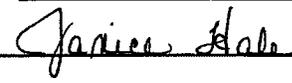
Executive Director/Supervisor's Name: Ms. Rebecca Schruoff Title: City Clerk

Signature:  Date: 7/7/15  
July 1, 2015

Supervisor's Email address (if applicable): cityclerk@cityoflongbeach.ms.gov  
SIGNED - SCSEP PROJECT SPONSOR

Project Sponsor: South Mississippi Planning and Development District, Inc.

Name & Title: Janice Hale, Program Manager Phone: (228) 868-2311 Fax: (228) 868-2550

Signature:  Date: July 1, 2015  
July 1, 2015

Program Manager's Email Address: jhale@smpdd.com

DEFINITION OF HOST AGENCY STATUS

This host agency is a government agency. FEIN: 64-6000637 (Required by USDOL)

or

This host agency is a certified non-profit agency under Section 501(c) (3) of the United States Internal Revenue Code. FEIN: \_\_\_\_\_ (Required by USDOL).

501(c) (3) documentation is attached.

501(c) (3) documentation is already on file with the sponsor.

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Host Agency Responsibilities

It is the Host Agency's responsibility to:

Provide training so that enrollees can improve existing skills and acquire new ones.

Provide job-related orientation to the enrollees.

Designate an individual to supervise the enrollee.

Provide the materials and equipment necessary for enrollees to perform job duties.  
**However, Enrollees are never to be given the keys to a Host Agency office for the purpose of opening or closing said office to the Public. Enrollees may not operate Host Agency vehicles. Enrollees are not allowed to handle cash transactions without direct Agency supervision.**

Include enrollees in staff development opportunities.

Give first consideration to employing enrollees when openings occur for which they are qualified or assist in facilitating entry into the competitive labor market.

Keep the Project Director informed of the enrollees' progress and any work-related problems, and complete evaluations as required.

Verify and sign timesheets and assure that they are completed correctly and forwarded to the Project Director.

Assure that enrollees do not work more than the twenty hours per week authorized by the Senior AIDES Program.

Permit enrollees to attend training sessions and job interviews during work hours when needed.

Assure that enrollees do not displace or replace paid employees.

Provide a safe and hazard free working environment for the enrollee and report all accidents immediately to the Project Director.

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Alderman Carrubba made motion seconded by Alderman Griffin and unanimously carried to schedule a public hearing, Tuesday, August 4, 2015, at 5:00 o'clock p.m., City Hall Meeting Room, 201 Jeff Davis Avenue, Long Beach, Mississippi, to determine whether or not certain properties situated in the City of Long Beach are in such a state of uncleanliness as to constitute a menace to the public health and safety of the community; said properties are as follows:

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- Mary Margaret Bahrs, 106 Park Lane
- Gerald Trabosh, 310 South Seashore
- Robert & Melissa Phillips, 0 Beach View Circle
- Niann Cooper, 117 & 119 Beach View Circle
- Bryan & Kendra Case, 116 Beach View Circle
- Edward Smith, 108 Beach View Circle
- William Durant & Kecia Chason Gay, 106 Beach View Circle
- Henri Occhi, 590 West Beach Boulevard
- Gerald Allen, 328 Seal Avenue

It was noted for the record that the following properties were brought into compliance:

- Columbian Club of Long Beach 500 and 0 East 2<sup>nd</sup> Street
- Patrick Huey, 111 & 0 Larosa Road
- S. W. Mauffray, 0 Mitchell Road

\*\*\*\*\*

There came on for consideration appointments to the Long Beach Planning Commission taken under advisement from the regular meeting of June 16, 2015.

Alderman Young made motion seconded by Alderman Griffin and unanimously carried to approve appointments for the term July, 2015 – July, 2017, as follows:

- Alderman Griffin reappointed Jeff Hansen, Ward 3;
- Alderman Young appointed Patricia Bennett, Ward 6;
- Alderman Lishen reappointed Ron Robertson, Ward 5.

\*\*\*\*\*

There came on for consideration the Zoning Map Change, Castine Pointe, LLC, and official action was taken as follows:

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**ORDINANCE NO. 609**

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI AMENDING ORDINANCE NO. 599, BEING THE ZONING MAP OF THE CITY OF LONG BEACH TO CORRECT AN ERROR IN THE CLASSIFICATION OF CERTAIN PROPERTY KNOWN AS THE INTERSECTION OF KLONDYKE ROAD AND 28<sup>TH</sup> STREET LOCATED IN THE CITY OF LONG BEACH, MISSISSIPPI, AND BEARING TAX PARCEL NUMBERS 0611C-01-002.000 AND 0611C-01-002.000 TO RECLASSIFY SAME TO R-S HIGH DENSITY MULI FAMILY RESIDENTIAL, R-4 RESIDENTIAL AND C-2 GENERAL COMMERCIAL, AND FOR RELATED PURPOSES.

WHEREAS, on November 4, 2009 the City of Long Beach did, by Ordinance Number 571, grant a R-S High Density Muli Family Residential, R-4 Residential And C-2 General Commercial zoning classification to certain real property located within the City of Long Beach, First Judicial District of Harrison County, Mississippi, consisting of that certain property bearing Tax Parcel Numbers 0611C-01-001.000 and 0611C-01-002.000. The property is generally described as being South of Twenty-Eight Street (28th), North of Commission Road and running parallel with Klondyke Road. The legal description more particularly described as follows:

All that certain parcel of ground situated in Section 2, Township 8 South, Range 12 West, Harrison County, Mississippi and being more fully described as follows:

From the Southeast corner of the East ½ of the Northeast ¼ of Section 2, Township 8 South, Range 12 West go North 89 degrees 23 minutes 32 seconds West, a distance of 207.76 feet to the Point of Beginning.

From the Point of Beginning go North 89 degrees 23 minutes 32 seconds West, a distance of 1118.50 feet; thence go North 89 degrees 23 minutes 40 seconds West, a distance of 592.51 feet; thence go North 00 degrees 45 minutes 51 seconds East, a distance of 379.43 feet; thence go South 74 degrees 16 minutes 20 seconds West, a distance of 740.51 feet to a point on the Easterly right of way line of Harvest Lane; thence go along said right of way North 00 degrees 11 minutes 48 seconds West, a distance of 1140.37 feet; thence leave said right of way and go North 89 degrees 38 minutes 27 seconds East, a distance of 647.00 feet; thence go North 00 degrees 49 minutes 40 seconds East, a distance of 1316.49 feet to a point on the Southerly right of way line of 28<sup>th</sup> Street; thence go along said right of way South 89 degrees 42 minutes 42 seconds East, a distance of 1960.66 feet to a point on the Westerly right of way line of Klondyke Road; thence go along said right of way South 00 degrees 04 minutes 45 seconds East, a distance of 2442.02 feet; thence leave said right of way and go North 89 degrees 21 minutes 40 seconds West, a distance of 208.00 feet; thence go South 00 degrees 08 minutes 39 seconds East, a distance of 208.00 feet back to the Point of Beginning.

Said parcel contains 134.02 acres of ground more or less.

Said parcel is hereinafter referred to as the Subject Property; and

WHEREAS, subsequently, effective on April 12, 2013 The City of Long Beach did adopt Ordinance Number 598, entitled the Comprehensive Long Beach Unified Land Ordinance updating the entire previous municipal zoning ordinance and also Ordinance Number 599, adopting a revised Comprehensive and updated Zoning Map, to incorporate the various changes in map and text that had previously been adopted by the City; and

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WHEREAS, at such time, it appears to the Mayor and Board of Aldermen that the zoning classification indicated in the map adopted in Ordinance Number 599 on the subject property was changed in error and mistake, that it was not the intention of the Governing Authorities to rescind or change the zoning classification previously granted to the property by of Ordinance Number 571; and

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

a. That pursuant to legal notice published and given for the time and in the manner provided by law, the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, did meet at 5:00 p.m. on Tuesday, July 7, 2015, at the Long Beach City Hall in the City Hall Meeting Room, Long Beach, Mississippi, the time, place and date fixed in said legal notice, and did on said date conduct a public hearing at which hearing all parties interested in or opposed to the proposed zoning map classification amendment changing the zoning classification of the aforesaid Subject Property were given an opportunity to be heard and allowed to make oral and/or written comment to such proposed change, which proposed change was then and there on file and had been on file during the period of said notice in the office of the City Clerk at the City Hall in said City, available for public inspection and examination by any and all parties interested in or opposed to the proposed change, all as more particularly hereinafter set forth in this ordinance.

b. That, as a result of the aforesaid public hearing and consideration by the Mayor and Board of Aldermen of the testimony and evidence presented during same and made a part of the record of such proceeding, and further upon consideration of their own knowledge and familiarity with the City, the municipal zoning map, the character of the surrounding neighborhood, the development plans submitted by the Applicant, and all of the other materials, arguments, comments, evidence and testimony presented at hearing, that the Mayor and Board of Aldermen did then and do now find, determine adjudicate and declare that the clear and convincing evidence establishes:

- (1) Applicant has shown factually that there has previously been a zoning classification on the subject property that established specific uses to which the various parcels within the subject property would be put, based upon the information and changes presented by the applicant at the time of such request, and as otherwise and also contained in the record of the proceedings of that matter, adopted as Ordinance Number 571 of the City of Long Beach.
- (2) That, subsequently, pursuant to the terms of City Ordinance number 599 the zoning

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map classification of the subject property was changed by mistake, it being clear to the Governing Authorities that no request for change of zoning of the subject property was had; no notice to the property owners was given that a change in the zoning classification for this specific property was under consideration or had been proposed; and that no intention was expressed by the Governing Authorities to make any such change, it thus appearing that the prior zoning classifications of the subject property, established after application and hearing before the City Planning Commission and Board of Aldermen would best promote the uniformed development of the City and improve public safety, thereby enhancing the quality of life for all Long Beach residents.

(3) That the owners of the subject property have requested a rezoning of the subject property to return it to its former classification as previously approved in Ordinance Number 571, based on the mistake and error which was apparent in the adoption of the more recent updated city wide zoning map which changed the classification thereof.

(4) That after due notice and publication, the Long Beach Planning Commission held a public hearing duly held and convened on May 28, 2015, and has approved and recommended the requested zoning map change.

(5) That the rezoning classifications requested in the application to be placed upon the Subject Property would, in effect, continue and maintain the identical zoning uses and classifications on the property as were previously approved and existing in Ordinance Number 571, and by granting the application the zoning classifications established on the property would allow identical uses of the property as previously allowed and contemplated by the zoning ordinance on the subject property prior to the adoption of Ordinance Number 599, which by mistake changed the zoning classification of the subject property.

(6) The applicant has conformed to the requirements of the Long Beach Zoning Ordinance which outlines the requirements for a zoning change by demonstrating by clear and convincing evidence a mistake in prior zoning classification.

(7) That in sum, the clear and convincing evidence establishes the public need for the said amendment adopting the requested zoning classification of the subject property from its present zoning map classification adopted in error and mistake to the requested zoning map classifications which would, in effect, place zoning classifications upon the Subject Property which continue and maintain the identical zoning uses and classifications on the property as

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were previously approved in Ordinance Number 571.

d. That the Zoning Map contained in Ordinance 599 of the City of Long Beach should be amended to change and correct the zoning classification of the subject property from its current classification to R-3, High Density Multi Family; C-2 General Commercial; and R-4 Residential as described below.

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

**SECTION 1.** That Ordinance NO. 599, as amended, of The City of Long Beach, Mississippi, being the zoning map of the City be and is hereby amended to change the zoning classification on the ASubject Parcel@ described above to the following:

**PARCEL 1: R-3 HIGH DENSITY MULTI FAMILY ZONING CLASSIFICATION**

All that certain parcel of ground situated in Section 2, Township 8 South – Range 12 West, Harrison County, Mississippi and being more fully described as follows:

From the Southeast corner of the East ½ of the Northeast ¼ of Section 2, Township 8 South – Range 12 West go North 89 degrees 23 minutes 32 seconds West, a distance of 207.76 feet to the **Point of Beginning**.

From the **Point of Beginning** go North 89 degrees 23 minutes 32 seconds West, a distance of 1258.54 feet; thence go North 00 degrees 24 minutes 10 seconds East, a distance of 118.30 feet; thence go along a curve to the right having a radius of 270.00 feet and an arc length of 369.20 feet; thence go North 73 degrees 58 minutes 29 seconds East, a distance of 435.22 feet; thence go along a curve to the left having a radius of 75.00 feet and an arc length of 265.35 feet; thence go North 09 degrees 29 minutes 47 seconds West, a distance of 275.20 feet; thence go North 66 degrees 53 minutes 24 seconds East, a distance of 103.09 feet; thence go South 89 degrees 37 minutes 40 seconds East, a distance of 464.04 feet; thence go North 00 degrees 08 minutes 39 seconds West, a distance of 925.28 feet back to the **Point of Beginning**.

Said parcel contains 18.03 acres of ground more or less.

**PARCEL 2: C-2 GENERAL COMMERCIAL ZONING CLASSIFICATION**

All that certain parcel of ground situated in Section 2, Township 8 South – Range 12 West, Harrison County, Mississippi and being more fully described as follows:

From the Southeast corner of the East ½ of the Northeast ¼ of Section 2, Township 8 South – Range 12 West go North 89 degrees 23 minutes 32 seconds West, a distance of 1466.30 feet to the **Point of Beginning**.

From the **Point of Beginning** go North 89 degrees 23 minutes 32 seconds West, a distance of 451.64 feet; thence go North 00 degrees 45 minutes 51 seconds East, a distance of 379.43 feet; thence go North 69 degrees 45 minutes 47 seconds East, a distance of 579.55 feet; thence go North 00 degrees 17 minutes 18 seconds East, a distance of 1786.53 feet; thence go North 89 degrees 42 minutes 42 seconds West, a distance of 125.00 feet; thence go North 00 degrees 17 minutes 18 seconds East, a distance of 270.00 feet to a point on the Southerly right of way line of 28<sup>th</sup> Street; thence go along said right of way South 89 degrees 42 minutes 42 seconds East a distance of 1480.00 feet to a point on the intersection of the above said right of way and the Westerly right of way line of Klondyke Road; thence go along Klondyke Road right of way South 00 degrees 04 minutes 45 seconds East, a

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distance of 2442.02 feet; thence leave said right of way and go North 89 degrees 21 minutes 40 seconds West, a distance of 208.00 feet; thence go North 00 degrees 08 minutes 39 seconds West, a distance of 717.28 feet; thence go North 89 degrees 37 minutes 40 seconds West, a distance of 464.04 feet; thence go South 66 degrees 53 minutes 24 seconds West, a distance of 103.09 feet; thence go South 09 minutes 29 seconds 47 minutes East, a distance of 275.20 feet; thence go along a curve to the right having a radius of 75.00 feet and an arc length of 265.35 feet; thence go South 73 degrees 58 minutes 29 seconds West, a distance of 435.22 feet; thence go along a curve to the left having a radius of 270.00 feet and an arc length of 369.20 feet; thence go South 00 degrees 24 minutes 10 seconds West, a distance of 118.30 feet back to the **Point of Beginning**.

Said parcel contains 70.61 acres of ground more or less.

**PARCEL 3: R-4 RESIDENTIAL FARM ZONING CLASSIFICATION**

All that certain parcel of ground situated in Section 2, Township 8 South – Range 12 West, Harrison County, Mississippi and being more fully described as follows:

From the Southeast corner of the East ½ of the Northeast ¼ of Section 2, Township 8 South – Range 12 West go North 89 degrees 23 minutes 32 seconds West, a distance of 2625.95 feet to a point on the Easterly right of way line of Harvest Lane; thence go along said right of way North 00 degrees 11 minutes 48 seconds West, a distance of 171.16 feet to the **Point of Beginning**.

From the **Point of Beginning** continue along said right of way North 00 degrees 11 minutes 48 seconds West, a distance of 1311.51 feet; thence leave said right of way and go North 89 degrees 38 minutes 27 seconds East, a distance of 647.00 feet; thence go North 00 degrees 49 minutes 40 seconds East, a distance of 300.00 feet; thence go South 89 degrees 22 minutes 52 seconds East, a distance of 615.24 feet; thence go South 00 degrees 17 minutes 18 seconds West, a distance of 1036.53 feet; thence go South 69 degrees 45 minutes 47 seconds West, a distance of 579.55 feet; thence go South 74 degrees 16 minutes 20 seconds West, a distance of 740.51 feet back to the **Point of Beginning**.

Said parcel contains 31.88 acres of ground more or less.

**PARCEL 4: R-3 HIGH DENSITY MULTI FAMILY ZONING CLASSIFICATION**  
R-3 High Density Multi-Family Residential, legal description as follows:

Commence from the Southeast corner of the East ½ of the Northeast ¼ of Section 2, Township 8 South Range 12 West and go North 89 degrees 23 minutes 32 seconds West, a distance of 2,625.95 feet to a point on the Easterly right of way line of Harvest Lane; thence go along said right of way North 00 degrees 11 minutes 48 seconds West, a distance of 1,311.51 feet; thence leave said right of way and go North 89 degrees 38 minutes 27 seconds East, a distance of 647.00 feet; thence go North 00 degrees 49 minutes 40 seconds East, a distance of 300.00 feet to the Point of Beginning. From the Point of Beginning go North 00 degrees 49 minutes 40 seconds East, a distance of 1,016.49 feet to a point on the Southerly right of way line of 28th Street; thence go along said right of way South 89 degrees 42 minutes 42 seconds East, a distance of 480.66 feet; thence leave said right of way and go South 00 degrees 17 minutes 18 seconds West, a distance of 270.00 feet; thence go South 89 degrees 42 minutes 42 seconds East, a distance of 125.00 feet; thence go South degrees 17 minutes 18 seconds West, a distance of 750.00 feet; thence go North 89 degrees 22 minutes 52 seconds West, a distance of 615.24 feet back to the Point of Beginning. Said parcel contains 13.495 acres of land more or less.

**SECTION 2.** Ordinance No. 599 is hereby amended as set forth above only, to otherwise remain in full force and effect.

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### SECTION 3. Severability

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

### SECTION 4. Effective Date

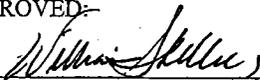
This ordinance shall take effect and be and force thirty (30) days after its adoption, Publication and enrollment thereof as provided by law.

The above and foregoing Ordinance No. 609 was introduced in writing by Alderman Hammons who moved its adoption. Alderman Ponthieux seconded the motion to adopt the Ordinance, and after discussion, no member of the Board of Aldermen having requested the Ordinance to be read by the City Clerk, and the question being put to a roll call vote, the result was as follows:

Alderman Bernie Parker	voted	Aye
Alderman Gary Ponthieux	voted	Aye
Alderman Kelly Griffith	voted	Aye
Alderman Alan Young	voted	Aye
Alderman Leonard 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 said Ordinance 609 adopted and approved this the 7th day of July 2015.

APPROVED:

  
\_\_\_\_\_  
WILLIAM SKELLIE, JR., MAYOR

ATTEST:

  
\_\_\_\_\_  
REBECCA E. SCHRUFF, CITY CLERK

\*\*\*\*\*

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Alderman Parker made motion seconded by Alderman Hammons and unanimously carried to approve the Special Event Application, 2<sup>nd</sup> Annual Bearcat Big Catch Fishing Tournament, as follows:

Jun 11 15 01:51p

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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: 6/11/15 Time: \_\_\_\_\_ By: \_\_\_\_\_

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: LBHS Football Booster Club  
Organization Address: 19148 Commission Rd. Long Beach, MS, 39501  
Organization Agent: Shanna Baine Title: Event Coordinator  
Phone: 228-234-3934 Work Home: 228-2105-5995 During event: \_\_\_\_\_  
Agent's Address: 116 Richards Ave. Long Beach, MS, 39508  
Agent's E-Mail Address: shannabaine@gmail.com  
Event Name: 2nd Annual Bearcat Big Catch Fishing Tournament

Please give a brief description of the proposed special event: \_\_\_\_\_  
Fishing Tournament

Event Day(s) & Date(s): Sat. Aug. 1st 2015 Event Time(s): 8AM- 5pm

Set-Up Date & Time: Friday 7/3/15 Tear-Down Date & Time: 5pm

Event Location: Long Beach Harbor + Pavillion

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

How many years has this event occurred? 1

ADOPTED: 11.15.11-BOARD ACTION

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Jun 11 15:01:51p

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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: N/A 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:

N/A

**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? 250

**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.)  
\_\_\_\_\_  
\_\_\_\_\_

ADOPTED: 11.15.11-BOARD ACTION

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Jun 11 15 01:52p

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**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.

6/11/15  
Date

Shanna Baine  
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

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Mayor and Board of Aldermen

Jun 11 15 01:52p

p.7

Event Title: 2nd Annual Bearcat Big Catch Fishing Tournament

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: \$ 0

Fire Dept.: [Signature] Recommend Approval: YES NO Est. Economic Impact: \$ 0

Public Works: [Signature] Recommend Approval: YES NO Est. Economic Impact: \$ 0

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

Parks/REC: [Signature] Recommend Approval: YES NO Est. Economic Impact: \$ 0

Have businesses been notified for street closures?: YES NO

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

Any special requirements/conditions N/A

Insurance / Indemnification Received: \_\_\_\_\_

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

Board of Aldermen Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

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

ADOPTED: 11.15.11-BOARD ACTION

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**Minutes of July 7, 2015  
Mayor and Board of Aldermen**

The Mayor and Board of Aldermen took up the matter of a Resolution by the Mayor and Board of Alderman for the City of Long Beach, Mississippi to Approve Memorandum of Understanding Between the Federal Emergency Management Agency (FEMA) Region IV and the City of Long Beach Relative to the 2015 High Water Mark Project, to Authorize the Mayor to Execute the Same on Behalf of the City of Long Beach, and for Related Purposes. After a discussion of the subject, Alderman Ponthieux offered and moved the adoption of the following Resolution and Order:

**A RESOLUTION BY THE MAYOR AND BOARD OF ALDERMAN FOR THE CITY OF LONG BEACH, MISSISSIPPI TO APPROVE MEMORANDUM OF UNDERSTANDING BETWEEN THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) REGION IV AND THE CITY RELATIVE TO THE 2015 HIGH WATER MARK PROJECT, TO AUTHORIZE THE MAYOR TO EXECUTE THE SAME ON BEHALF OF THE CITY, AND FOR RELATED PURPOSES**

**WHEREAS**, the City of Long Beach is a Participating Coastal Community, along with other cities along the Mississippi Gulf Coast and Harrison County, in the 2015 High Water Mark Project; and

**WHEREAS**, the 2015 High Water Mark Project is a part of the Federal Emergency Management Agency's (FEMA) High Water Mark Initiative and is designed to raise awareness of the flood risks to the Gulf Coast Communities by placing high water mark signs around the three Coastal counties and incorporated jurisdictions; and

**WHEREAS**, High Water Mark signs will be provided to the City of Long Beach as a part of the project, which must be installed by the municipality; and

**WHEREAS**, attached hereto as a part of Exhibit "A" is the proposed Memorandum of Understanding between FEMA, Region IV, and the City of Long Beach for review and approval.

**NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE BOARD OF ALDERMAN OF LONG BEACH, MISSISSIPPI, AS FOLLOWS:**

**SECTION 1.** That the matters, facts, and things recited in the Preamble hereto are hereby adopted as the official findings of the Governing Authority.

**SECTION 2.** That the Agreement between FEMA, Region IV, and the City of Long Beach be and the same is hereby approved, as being in the best interest of the City, in the form as is found in Exhibit "A" to this resolution, and the Mayor, or his designee, is, hereby, authorized to execute the same on behalf of the City.

**Minutes of July 7, 2015  
Mayor and Board of Aldermen**

**SECTION 3.** That this Resolution shall be in effect immediately upon its passage and enactment according to law, and shall be spread upon the minutes of the Long Beach Board of Alderman.

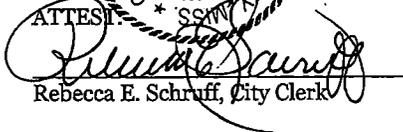
**SO RESOLVED** on this the 7<sup>th</sup> day 2015.

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

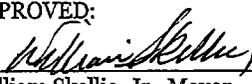
Alderman Bernie Parker	voted	Aye
Alderman Gary J. Ponthieux	voted	Aye
Alderman Kelly Griffin	voted	Aye
Alderman Alan Young	voted	Aye
Alderman Leonard G. Carrubba, Sr.	voted	Aye
Alderman Mark E. Lishen	voted	Aye
Alderman Ronnie Hammons, Jr.	voted	Aye

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 7<sup>th</sup> day of June, 2015.



ATTEST:  
  
Rebecca E. Schruff, City Clerk

APPROVED:

  
William Skellie, Jr., Mayor

Minutes of July 7, 2015  
Mayor and Board of Aldermen

**HIGH WATER MARK PROJECT**  
**MEMORANDUM OF UNDERSTANDING**



*High Water Mark Project*  
*Memorandum of Understanding*  
Between the Federal Emergency Management Agency (FEMA) Region IV  
And the  
Community of LONG BEACH, MS

The parties to this Memorandum of Understanding (MOU) or Agreement, LONG BEACH, MS (*Community name*) and FEMA Region IV, agree to implement a High Water Mark (HWM) Project as part of FEMA's High Water Mark Initiative (HWMI). As part of participating in a HWM Project, LONG BEACH, MS (*Community name*), under the leadership of the FEMA Region, will host a high-profile HWM Launch event, followed by the execution of specific short-term and long-term actions the Community will take to reduce flood risk for Community residents.

The objective of FEMA's HWMI is to increase awareness in local communities of the risk of flooding in their community and encourage local action to reduce the risk. The HWM Project helps communities meet this objective by strategically planning actions the community will take and using a HWM Launch event to raise awareness and communicate about those future actions.

This memorandum of understanding (MOU) reflects the mutual desire of both parties to collaborate and develop the strategy behind the Launch event and the post-event mitigation actions. The Community is responsible for following the HWM Project strategy for achieving post-event mitigation actions, while the FEMA Region is committed to providing time and resources (non-financial), as needed, to help the Community achieve its goals.

This MOU is authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act), as amended, 42 U.S.C. § 5121 *et seq.*, and the National Flood Insurance Act (NFIA), as amended, 42 U.S.C. § 4001 *et seq.* The Stafford Act provides federal assistance to state and local governments to alleviate the suffering and damage resulting from disasters. NFIA's goals include providing federal assistance to state and local governments to reduce or eliminate the risk of flood damage to residential properties insured under the National Flood Insurance Program and to reduce the loss of life and property resulting from severe, repetitive flooding.

The responsibilities of each party—the FEMA Region and the Community—are summarized below.

**FEMA Region Responsibilities**

- Appoint a HWM Regional Project Coordinator.
- Facilitate HWM Project development, which includes conducting an Initial Planning Meeting to address HWM Project logistics with the Community as well as determine measurable goals and metrics.
- Facilitate a kick-off meeting with local, State, and Federal participants to garner widespread support and collaboration for the HWM Project.
- Provide tools, templates, best practices, and guidance to help the Community plan the Launch event.
- Lead strategic development of the HWM Project Plan including the identification of key milestones the Community should meet.

**Community Responsibilities**

- Appoint a representative as HWM Project Coordinator and notify the FEMA Region designee if the representative changes.
- Determine the date, time, and location of the HWM Launch event, manage local logistics, and leverage media engagement and outreach and local partnerships.
- Determine and agree to the specific action or actions that will drive the theme and messaging of the HWM Launch event as well as sign design and placement.
- Attend all planning meetings with the FEMA Region and collaborate with them on a short- and long-term mitigation strategy.

# Minutes of July 7, 2015

## Mayor and Board of Aldermen



- Engage Federal agency representatives on behalf of the Community to provide additional assistance to the HWM Project when necessary.
- Fund HWM sign\* development (through FEMA HQ).
- Schedule post-Launch event meetings with the Community and provide a report on completed milestones and metrics to FEMA HQ.
- Post HWM signs in high profile locations throughout the Community.
- Hold a high-profile HWM Launch event, including the presence of community officials, to announce the HWM Project to the public, inviting the local media and public to attend.
- Conduct ongoing outreach to share details on how individuals can protect themselves and their property from flood risk.
- Following the HWM Launch event, provide status updates to the FEMA Region designee on the status of the HWM Project actions the Community is completing.

### Other HWM Project Elements

#### Messaging, Communications and Outreach

- As a result of participation in the planning and execution of a HWM Launch event and follow-up actions, the Community agrees to manage local outreach; including the use of social media, to increase awareness of flood risk and engagement in flood protection actions from the Community.
- The FEMA Region agrees to help develop messaging and talking points in preparation for the HWM Launch event as well as key messages for use in continued communications outreach as executed by the Community.

#### High Water Mark Signs

- The Community will determine the height and location of the HWM signs, as well as manage installation.

### Project Completion

- The Community will conduct outreach to the public to build awareness about flood risk.
- The Community will conduct actions to increase resiliency in response to flooding and will report actions and completed milestones to the FEMA Region.
- The FEMA Region will provide subject matter expertise and resources (non-financial) to the Community as agreed upon by both parties.
- The FEMA Region will coordinate quarterly or biannual meetings to obtain progress reports from the Community.
- FEMA will post information and case studies about the Community on the [www.fema.gov/knowyourline](http://www.fema.gov/knowyourline) website and other venues and take actions to increase the public's knowledge of the Community's involvement with HWM project. This may include publishing articles or case studies to partner organization Websites or publications.

# Minutes of July 7, 2015 Mayor and Board of Aldermen



## General Terms

- As a general principle of the HWM Project, each party to this Agreement agrees to act in good faith and to notify the other party if any problems implementing the HWM Project arise. Either party can terminate this agreement at any time, upon notice to the other party in writing, without cause or penalty. Upon termination, the Community will no longer participate in the HWMI and the parties' publicizing the Community's participation in the HWMI will cease.
- The Community agrees that the activities it undertakes connected with this Agreement are not intended to provide services to the Federal Government and that the Community will not submit a claim related to these activities for compensation to any Federal agency/department.
- The Community agrees that it will not claim or imply that its participation in the HWMI constitutes FEMA's endorsement of anything other than the Community's commitment to the HWMI.
- This Agreement is not a fiscal or funds obligation document. Any specific work or activity that involves the transfer of funds, services, or property among the parties will require execution of a separate agreement, and will be contingent upon the availability of appropriated funds under the appropriate statutory or other authority. This Agreement does not provide such authority.
- This Agreement is not intended to conflict with current law or regulation or the directive of DHS/FEMA or Community. If a term of this agreement is inconsistent with such authority, then that term shall be invalid, but the remaining terms of the Agreement shall remain in effect.

## Period of Performance

- This agreement remains in effect\* for up to two years after the HWM Launch event has occurred or at a pre-determined interval based on an agreement between the Community and the FEMA Region.

\*The duration of post-Launch event follow up will be determined in the HWM Project planning phase based on the timeframe the Community estimated executing tactics or actions to improve Community resiliency.

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Mayor and Board of Aldermen



The undersigned officials execute this memorandum of understanding (MOU) on behalf of their parties.

FEMA Region IV

Designated HWM Project Coordinator (Name/Title): \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Email address: \_\_\_\_\_ Phone: \_\_\_\_\_

Community

Community name: LONG BEACH, MS

Authorized Representative (Name/Title): CHIEF MIKE BROWN - FIRE CHIEF / CIVIL DEFENSE DIRECTOR

Signature: Mike Brown Date: 7/7/15

Address: P.O. Box 929 Suite/Floor Number: \_\_\_\_\_  
201 JEFF DAVIS AVE, LONG BEACH

City: LONG BEACH, State: MS Zip: 39560  
MS 39560

Phone: (228) 863-7292 Fax Number: (228) 865-0822

E-mail Address: chiefmike@cityoflongbeachms.com

Community Web Site (if applicable): www.cityoflongbeachms.com

Please return this signed MOU to:  
Vincent Brown  
FEMA  
1800 S. Bell St.  
Arlington, VA 20598  
Or electronically to Vincent.Brown@FEMA.DHS.GOV

Minutes of July 7, 2015  
Mayor and Board of Aldermen

 City of Long Beach  
Mississippi High Water Mark  
720 S Cleveland Avenue

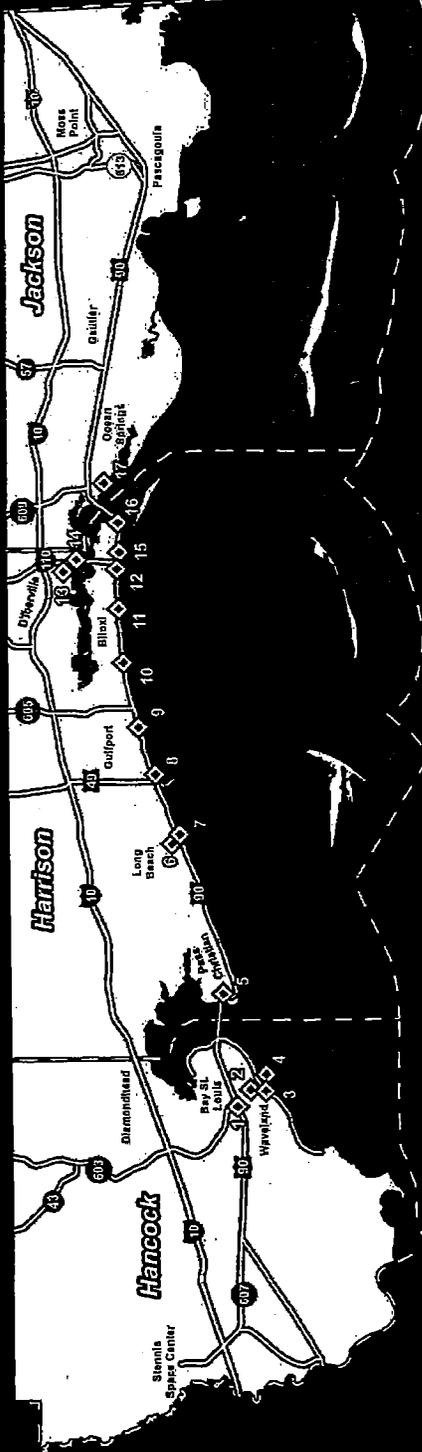
This plaque is dedicated to bring awareness of the surge and high water mark levels from Hurricanes Katrina and Camille. Both Storms brought about great devastation and loss of life to the Mississippi Gulf Coast. Hurricane Katrina made landfall on the Gulf Coast August 29, 2005 at 10:00 am. The storm surge level and High Water Mark at this point was 25 feet, with waves reaching 33 feet. There was approximately 125 billion dollars of damage to the coast, leaving 236 people dead and 67 missing. Hurricane Camille made landfall on August 17, 1969 at about 11:30 pm. The storm surge at this location was 21.6 feet. There was approximately 1.5 billion dollars of damage to the coast leaving 131 known dead and 41 missing.

High Water Marks: Katrina Red Marker, Camille Blue Marker  
and the Base Flood Elevation Black Marker (BFE 24ft)

30" x 18" x 5/16" thick aluminum plaque  
Raised brushed aluminum letters, artwork, and single line flat border .5" width  
recessed background  
sand texture background  
black color fill background  
satin finish clearcoat  
Layout by [www.WausauAwards.com](http://www.WausauAwards.com)

Minutes of July 7, 2015  
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High Water Mark Community Marker Locations



- 1 427 Highway 90  
Waveland, MS 39576
- 2 335 Coleman Ave  
Waveland, MS 39576
- 3 301 Coleman Ave  
Waveland, MS 39576
- 4 125 North Beach Blvd  
Waveland, MS 39576
- 5 87 Ponce de Leon Boulevard  
Pass Christian, MS 39571
- 6 701 S Cleveland Avenue  
Long Beach, MS 39560
- 7 720 S Cleveland Avenue  
Long Beach, MS 39560
- 8 1177 20th Avenue  
Gulfport, MS 39501
- 9 96 Courthouse Road  
Gulfport, MS 39507
- 10 2375 Beach Boulevard  
Biloxi, MS 39531
- 11 1669 Beach Boulevard  
Biloxi, MS 39531
- 12 1050 Beach Boulevard  
Biloxi, MS 39530
- 13 10383 Automall Parkway  
D'Iberville, MS 39540
- 14 3366 Bayshore Drive  
D'Iberville, MS 39540
- 15 710 Beach Boulevard  
Biloxi, MS 39530
- 16 115 1st Street  
Biloxi, Ms 39530
- 17 1705 Harbor Drive  
Ocean Springs, MS 39564



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**Minutes of July 7, 2015  
Mayor and Board of Aldermen**

There came on for consideration amendments to Flood Ordinance #565 and official action was taken as follows:

**Minutes of July 7, 2015  
Mayor and Board of Aldermen**

**ORDINANCE 610**

**AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AMENDING ORDINANCE NUMBER 565, ADOPTED TO PROMOTE THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE AND TO MINIMIZE PUBLIC AND PRIVATE LOSSES DUE TO FLOOD CONDITIONS IN SPECIFIC AREAS BY ADOPTION OF FLOODPLAIN MANAGEMENT REGULATIONS, AND OTHER PURPOSES**

WHEREAS, the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, after having made due investigation, do now find, determine that

(1) The flood hazard areas of the City of Long Beach are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions both inside and outside the identified Special Flood Hazard Areas causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

WHEREAS, it is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights velocities;

(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

(4) Control filling, grading, dredging and other development which may increase erosion or flood damage, and;

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI THAT ORDINANCE NUMBER 565 is hereby amended and restated in full as follows:

**Minutes of July 7, 2015  
Mayor and Board of Aldermen**

**ORDINANCE NO. 610**

**FLOOD DAMAGE PREVENTION ORDINANCE**

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**FLOOD DAMAGE PREVENTION ORDINANCE**

**ARTICLE 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.**

**SECTION A. STATUTORY AUTHORIZATION.**

The Legislature of the State of Mississippi has in Title 17, Chapter 1, Mississippi Code 1972 Annotated delegated the responsibility to local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Mayor and Board of Alderman of the City of Long Beach does hereby adopt the following floodplain management regulations.

**SECTION B. FINDINGS OF FACT.**

- (1) The flood hazard areas of the City of Long Beach are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions both inside and outside the identified Special Flood Hazard Areas causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

**SECTION C. STATEMENT OF PURPOSE.**

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) Control filling, grading, dredging and other development which may increase erosion or flood damage, and;
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

**SECTION D. OBJECTIVES.**

The objectives of this ordinance are:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, street and bridges located in floodplains;
- (6) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas, and;
- (7) To ensure that potential homebuyers are notified that property is in a flood area.

**SECTION E. METHODS OF REDUCING FLOOD LOSSES.**

In order to accomplish its purposes, this ordinance includes methods and provisions for:

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- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- (5) Preventing or regulating the construction of flood barriers that will unnaturally divert floodwaters or may increase flood hazards in other areas.

### **ARTICLE 2. DEFINITIONS.**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

**A Zone** is the Area of Special Flood Hazard without water surface elevations determined.

**AE Zone** is the Area of Special Flood Hazard with base flood elevations determined.

**Accessory structure** (Appurtenant structure) means a structure, which is located on the same parcel of property as the principle structure and the use of which is incidental to the use of the principle structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

**Addition** (to an existing building) means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

**AH zone** is an area of 100-year shallow flooding where depths are between one to three feet (usually shallow ponding), with base flood elevations shown.

**AO Zone** is an area of one percent chance of shallow flooding where depths are between one to three feet (usually sheet flow on sloping terrain), with depth numbers shown.

**Appeal** means a request for a review of the floodplain administrator's interpretation of any provision of this ordinance or a request for a variance.

**AR/A1 – A30, AR/AE, AR/AH, AR/AO, and AR/A zones** are SFHAs that result from the decertification of a previously accredited flood protection system that is in the process of being restored to provide a 100-year or greater level of flood protection. After restoration is complete, these areas will still experience residual flooding from other flooding sources.

**A99 Zone** is that part of the SFHA inundated by the one percent chance flood to be protected from the one percent chance flood by a Federal flood protection system or levee under construction, no base flood elevations are determined.

**Area of shallow flooding** means a designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Area of special flood hazard** is the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year.

**Base flood** means the flood having a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood").

**Base Flood Elevation (BFE)** is the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent or greater chance of being equaled or exceeded in any given year.

**Basement** means that portion of a building having its floor sub-grade (below ground level) on all sides.

**Breakaway wall** means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system. This is associated with V Zone construction.

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**Building** see Structure.

**C and X (unshaded) zones** are areas determined to be outside the 500-year floodplain.

**Coastal AE Zone** means the portion of the Special Flood Hazard Area (SFHA) landward of a Velocity (V) Zone or landward of an open coast or back-bay area without mapped V-Zones, in which the principle sources of flooding are astronomical tides, storm surges, seiches or tsunamis; not riverine sources. Coastal AE Zones may be subject to wave effects, velocity flows, erosion, scour or combinations of these forces and are treated as V Zones. All community-identified portions of the Special Flood Hazard Area (SFHA) between the landward limit of the 1.5-foot breaking wave and the V Zone boundary shall be treated in a regulatory sense as V Zones. Where no V Zone is mapped in back-bay areas, the Coastal AE Zone is the portion between shore and the landward limit of the 1.5-foot breaking wave.

**Coastal high hazard area** is an area of special flood hazard, extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as Zone V1 – V30, VE or V.

**Community** is a political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

**Community Floodplain Management Map** means any map produced by the community utilizing best available base flood elevation and floodway data that is from a federal, state, or other accepted technical source.

**Community Rating System (CRS)** is a program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

**Critical facility** (also called critical action) means facilities for which the effects of even a slight chance of flooding would be too great. The minimum floodplain of concern for critical facilities is the 0.2 percent chance flood level. Critical facilities include, but are not limited to facilities critical to the health and safety of the public such as: emergency operations centers, designated public shelters, schools, nursing homes, hospitals, police, fire and emergency response installations, vital data storage centers, power generation and water and other utilities (including related infrastructure such as principal points of utility systems) and installations which produce, use or store hazardous materials or hazardous waste (as defined under the Clean Water Act and other Federal statutes and regulations).

**D zone** is an area in which the flood hazard is undetermined.

**Dam** is any artificial barrier, including appurtenant works, constructed to impound or divert water, waste water, liquid-borne materials, or solids that may flow if saturated. All structures necessary to maintain the water level in an impoundment or to divert a stream from its course will be considered a dam.

**Development** means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of materials or equipment.

**Dry Floodproofing** means any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damages to real estate or improved real estate property, water, and sanitary facilities, structures, and their contents. Structures shall be floodproofed with a minimum of 12 inches of freeboard (more is recommended) in relation to the base flood elevation. Dry floodproofing of a pre-FIRM residential structure that has not been substantially damaged or improved is allowed. Dry floodproofing of a post-FIRM residential building is not allowed. Non-residential structures may be dry floodproofed in all flood zones with the exception of the Coastal High Hazard Area or the Coastal AE Zone.

**Elevated building** means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

**Elevation Certificate** is a certified statement that verifies a building's elevation information.

**Emergency Program** means the first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of insurance at subsidized rates on all insurable buildings in that community before the effective date of the initial FIRM.

**Enclosure Below the Lowest Floor** see "Lowest Floor."

**Encroachment** means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

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**Executive Order 11988 (Floodplain Management)** was issued by President Carter in 1977. This order requires that no federally assisted activities be conducted in or have the potential to affect identified Special Flood Hazard Areas, unless there is no practicable alternative.

**Executive Order 11990 (Wetlands Protection)** this order requires the avoidance of adverse impacts associated with the destruction or modification of wetlands.

**Existing Construction** includes any structure for which the "start of construction" commenced before *JANUARY 1 1974*.

**Existing manufactured home park or subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by *City of Long Beach* before *May 2, 1988*.

**Expansion to an existing manufactured home park or subdivision** includes the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**Fill** means a deposit of earth material placed by artificial means.

**Five-Hundred Year Flood** means the flood that has a 0.2 percent chance of being equaled or exceeded in any year. Areas subject to the 500-year flood have a moderate to low risk of flooding.

**Flood or flooding** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a.) The overflow of inland or tidal waters.
- b.) The unusual and rapid accumulation or runoff of surface waters from any source.
- c.) Mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- d.) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

**Flood (insurance definition)** means a general and temporary condition of partial or complete inundation of two or more acres of normally dry land areas or of two or more properties (e.g. a building and a public street) from (1) overflow of inland or tidal waters (2) unusual and rapid accumulation or runoff of surface waters (3) mudflows caused by flooding.

**Flood Insurance Rate Map (FIRM)** means an official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**Flood Insurance Study (FIS)** is the official hydraulic & hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FHBM (where applicable) and the water surface elevation of the base flood.

**Floodplain** means any land area susceptible to being inundated by flood waters from any source.

**Floodplain management** means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

**Floodplain Administrator** is the individual appointed to administer and enforce the floodplain management regulations.

**Floodplain management regulations** means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

**Floodproofing Certificate** is a form used to certify compliance for non-residential structures as an alternative to elevating buildings to or above the BFE.

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### **Floodway** *See Regulatory Floodway*

**Floodway fringe** means that area of the floodplain on either side of the regulatory floodway where encroachment may be permitted without additional hydraulic and/or hydrologic analysis.

**Flood Protection Elevation** is the base flood elevation plus 1 foot of freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the floodplain administrator.

**Freeboard** means a factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

**Functionally dependent use** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long term storage or related manufacturing facilities.

**Hardship** (as related to variances of this ordinance) means the exceptional hardship that would result from a failure to grant the requested variance. The Mayor and Board of Alderman requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

**Hazard potential** means the possible adverse incremental consequences that result from the release of water or stored contents due to failure of a dam or mis-operation of a dam or appurtenances. The hazard potential classification of a dam does not reflect in any way on the current condition of a dam and its appurtenant structures (e.g., safety, structural integrity, flood routing capacity).

**High hazard dam** means a class of dam in which failure may cause loss of life, serious damage to residential, industrial, or commercial buildings; or damage to, or disruption of, important public utilities or transportation facilities such as major highways or railroads. Dams which meet the statutory thresholds for regulation that are proposed for construction in established or proposed residential, commercial, or industrial areas will be assigned this classification, unless the applicant provides convincing evidence to the contrary. A development permit is required for a structure and any associated fill downstream from a dam at any location where flooding can be reasonably anticipated from principal or emergency spillway discharges, or from overtopping and failure of the dam.

**Highest adjacent grade** means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a building.

**Historic Structure** means any structure that is:

- a.) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register:
- b.) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic or a district preliminarily determined by the Secretary to qualify as a registered historic district:
- c.) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d.) Individually listed on a local inventory historic places in communities with historic preservation programs that have been certified either:
  1. By an approved state program as determined by the Secretary of the Interior, or
  2. Directly by the Secretary of the Interior in states without approved programs.

**Hydrologic and hydraulic engineering analysis** means an analysis performed by a professional engineer, registered in the State of Mississippi, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and / or floodway boundaries.

**Increased Cost of Compliance (ICC)** means the cost to repair a substantially flood damaged building that exceeds the minimal repair cost and that is required to bring a substantially damaged building into compliance with the local flood damage prevention ordinance. Acceptable mitigation measures are elevation, relocation, demolition, or any

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combination thereof. All renewal and new business policies with effective dates on or after June 1, 1997, will include ICC coverage.

**Letter of Map Change (LOMC)** is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMC's are broken down into the following categories:

**Letter of Map Amendment (LOMA)**

A revision based on technical data showing that a property was incorrectly included in a designated SFHA. A LOMA amends the current effective FIRM and establishes that a specific property is not located in a SFHA.

**Letter of Map Revision (LOMR)**

A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LORM, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the BFE and is, therefore, excluded from the SFHA.

**Conditional Letter of Map Revision (CLOMR)**

A formal review and comment by FEMA as to whether a proposed project complies with the minimum NFIP floodplain management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

**Levee** means a man-made structure; usually an earthen embankment designed and constructed in accordance with sound engineering practices to contain, control, or diverts the flow of water so as to provide protection from temporary flooding.

**Levee system** means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices. For a levee system to be recognized, the following criteria must be met. All closure devices or mechanical systems for internal drainage, whether manual or automatic, must be operated in accordance with an officially adopted operation manual (a copy of which must be provided to FEMA by the operator when levee or drainage system recognition is being sought or revised). All operations must be under the jurisdiction of a Federal or State agency, an agency created by Federal or State law, or an agency of a community participating in the NFIP.

**Limit of Moderate Wave Action (LiMWA)** is the limit of the AE Zone category area exposed to wave attack from waves greater than 1.5 feet during the base (one percent chance) flood on open coastal and inland areas exposed to erosion and wave propagation. Base flood conditions between the VE Zone and the LiMWA will be similar to, but less severe than those in the VE Zone.

**Low hazard dam** means a class of dam in which failure would at the most result in damage to agricultural land, farm buildings (excluding residences), or minor roads.

**Lowest adjacent grade** means the elevation of the sidewalk, patio, deck support, or basement entryway immediately next to the structure and after the completion of construction. It does not include earth that is emplaced for aesthetic or landscape reasons around a foundation wall. It does include natural ground or properly compacted fill that comprises a component of a building's foundation system.

**Lowest floor** means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, *provided* that such enclosure is not built so as to render the structure in violation of the non-elevation provisions of this code.

**Manufactured home** means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when attached to the required utilities. The term manufactured home does not include a "recreational vehicle."

**Manufactured housing** (24 CFR 3280.3 and 3285.5 definitions / HUD) means "...a structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet in length or which when erected on-site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities."

**Manufactured home park or subdivision** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Map Panel Number** is the four-digit number followed by a letter suffix assigned by FEMA on a flood map. The first four digits represent the map panel, and the letter suffix represents the number of times the map panel has been revised.

**Map Amendment** means a change to an effective NFIP map that results in the exclusion from the SFHA or an individual structure or a legally described parcel of land that has been inadvertently included in the SFHA (i.e., no

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alterations of topography have occurred since the date of the first NFIP map that showed the structure or parcel to be within the SFHA.

**Market value** means the building value, excluding the land (as agreed between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal; replacement cost depreciated by age of building (Actual Cash Value) or adjusted assessed values.

**Mean Sea Level** means, for the purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

**National Flood Insurance Program (NFIP)** is the federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.

**National Geodetic Vertical Datum (NGVD)** as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

**New Construction** means a structure for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structure and any construction beginning on a new foundation system or construction beginning with existing foundation system and the raising of new walls.

**New manufactured home park or subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain regulations adopted by a community.

**Non-Residential** means, but is not limited to; small business concerns, churches, schools, farm buildings (including grain bins and silos), pool houses, clubhouses, recreational buildings, mercantile structures, agricultural and industrial structures, warehouses, and hotels or motels with normal room rentals for less than 6 months duration.

**North American Vertical Datum of 1988** means a vertical control, corrected in 1988, used as a reference for establishing varying elevations within the floodplain.

**Obstruction** means, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channel construction, bridge, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

**One Percent Flood (aka 100-Year Flood)** is the flood that has a one percent chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A or V is subject to inundation by the one percent chance flood. Over the life of a 30-year loan, there is a 26-percent chance of experiencing such a flood within the SFHA.

**Participating Community** is any community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

**Post-FIRM Construction** means construction or substantial improvement that started on or after the effective date of the initial FIRM of the community or after December 31, 1974, whichever is later.

**Pre-FIRM Construction** means construction or substantial improvement, which started on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

**Probation** is a means of formally notifying participating communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations.

**Public safety and nuisance**, anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

**Recreational vehicle** means a vehicle that is:

- a.) Licensed and titled as an RV or park model (not a permanent residence);
- b.) Built on a single chassis;
- c.) 400 square feet or less when measured at the largest horizontal projection;
- d.) Has no attached deck, porch, or shed;

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- e.) Has quick-disconnect sewage, water, and electrical connectors;
- f.) Designed to be self-propelled or permanently towable by a light duty truck, and;
- g.) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Regular Program** means the phase of the community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

**Regulatory floodway** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**Repair** means the reconstruction or renewal of any part of an existing building for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and all such regulations effective at the time of permitting must be met.

**Repetitive Loss** means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, equals or exceeds twenty-five percent of the market value of the structure before the damage occurred.

**Repetitive Loss Property** is any insurable building for which two or more claims of more than \$1,000 were paid by the National Flood Insurance Program (NFIP) within any rolling 10-year period, since 1978. At least two of the claims must be more than ten days apart but, within ten years of each other. A RL property may or may not be currently insured by the NFIP.

**Section 1316** is that section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that are intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

**Severe Repetitive Loss Structure** means any insured property that has met at least one of the following paid flood loss criteria since 1978, regardless of ownership:

1. Four or more separate claim payments of more than \$5,000 each (including building and contents payments); or
2. Two or more separate claim payments (building payments only) where the total of the payments exceeds the current market value of the property.

In either case, two of the claim payments must have occurred within ten years of each other. Multiple losses at the same location within ten days of each other are counted as one loss, with the payment amounts added together.

**Significant hazard dam** means a dam assigned the significant hazard potential classification where failure may cause damage to main roads, minor railroads, or cause interruption of use, or service of relatively important public utilities.

**Special flood hazard area (SFHA)** means that portion of the floodplain subject to inundation by the base flood and/or flood-related erosion hazards as shown on a FHBM or FIRM as Zone A, AE, A1 - A30, AH, AO, AR, V, VE, or V1-V30.

**Start of construction** (for other than new construction or substantial improvements under the Coastal Barrier Resources Act P. L. 97-348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Structure**, for floodplain management purposes, means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

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**Structure**, for insurance purposes, means a building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site; a manufactured home built on a permanent chassis, transported to it site in one or more sections, and affixed to a permanent foundation; or a travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws.

**Subrogation** means an action brought by FEMA when flood damages have occurred, flood insurance has been paid, and all or part of the damage can be attributed to acts or omissions by a community or other third party.

**Substantial Damage** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

**Substantial Improvement** means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure taking place during a 10-year period, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "repetitive loss" or "substantial damage," regardless of the actual repair work performed.

For the purposes of this definition, an improvement occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building.

The term does not apply to:

- a.) any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions, or
- b.) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

**Substantially improved existing manufactured home parks or subdivisions** is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

**Suspension** means the removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.

**VE zone** see *Coastal High Hazard Area*

**Variance** is a grant of relief from the requirements of this ordinance.

**Violation** means the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

**Watercourse** means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

**Water surface elevation** means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

**X zone** means the area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2-percent annual probability of being equaled or exceeded (the 500-year flood). Unshaded X zones (C zones on older FIRMs) designate areas where the annual exceedance probability of flooding is less than 0.2 percent.

**Zone** means a geographical area shown on a Flood Hazard Boundary Map or a Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

### **ARTICLE 3. GENERAL PROVISIONS.**

#### **SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES.**

This ordinance shall apply to all areas of special flood hazard (SFHA) areas within the jurisdiction of the City of Long Beach

#### **SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.**

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The areas of special flood hazard identified by the Federal Emergency Management Agency in the Harrison County Flood Insurance Study, dated June 16, 2009, with the accompanying Flood Insurance Rate Map(s) (FIRM) panel(s) number(s) 0243, 0244, 0352, 0356, 0358, 0359, and 0376 and other supporting data are adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study and maps are on file with the Floodplain Manager for the City of Long Beach.

### SECTION C. USE OF PRELIMINARY FLOOD HAZARD DATA.

When Flood Insurance Studies and Preliminary Flood Insurance Rate Maps have been provided by FEMA:

- (1) Prior to the issuance of a Letter of Final Determination (LFD) by FEMA, the use of the preliminary flood hazard data shall only be required where no base flood elevations and/or floodway areas exist or where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in the effective flood hazard data provided by FEMA. Such preliminary data may be subject to revision through valid appeals.
- (2) Upon the issuance of a Letter of Final Determination (LFD) by FEMA, the revised flood hazard data shall be used and replace all previously effective flood hazard data provided by FEMA for the purposes of administering these regulations.

Where adopted regulatory standards conflict, the more stringent base flood elevation shall prevail. Preliminary FIS data may be subject to change by a valid appeal.

### SECTION D. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.

A development permit shall be required in conformance with the provision of this ordinance prior to the commencement of any development activities in identified areas of special flood hazard and community flood hazard areas within the community.

### SECTION E. COMPLIANCE.

No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

### SECTION F. ABROGATION AND GREATER RESTRICTIONS.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

### SECTION G. INTERPRETATION.

In the interpretation and application of this ordinance all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body, and;
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

### SECTION H. STANDARDS FOR X ZONES (SHADED/UNSHADED).

Any area outside the FEMA studied areas lying along blue line streams shown on the United States Department of the Interior Geological Survey quadrants of which the City of Long Beach is contained and/or areas with flood prone soils which are contiguous to blue line streams as shown on the City of Long Beach's Flood Prone Soils Map shall also be considered community flood hazard areas. These areas contiguous to blue line streams are defined by a buffer of five times the width of the stream at the top of the bank or twenty feet each side from the top of the bank, whichever is greater.

The X Zones (shaded/unshaded) are considered to be low to moderate risk flood zones and are located outside the community's delineated special flood hazard area and include the following:

- (1) Areas outside the one percent chance flood zone, but within the 0.2 percent chance flood zone, as determined by a detailed study;
- (2) Areas outside the 0.2 percent chance flood zone as determined by a detailed study, and;
- (3) Areas that have not yet been studied.

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The community reserves the right to require further studies for any development within its jurisdiction, if there is evidence that a potential flood hazard exists. Studies can be used to designate community flood hazard areas. Such evidence may include but shall not be limited to:

- (1) Eyewitness reports of historic flooding or other reports of historic flooding deemed credible by the community;
- (2) Geologic features observed that resemble floodplains (such as flat areas along streams);
- (3) Proximity to manmade or natural constrictions such as road crossings that can cause backwater effects, and;
- (4) Drainage basin characteristics such as drainage area, slope, percent impervious cover, land use, etc.

### SECTION L. REPETITIVE LOSS STRUCTURES.

The community may declare any existing structure as a repetitive loss structure as required to qualify the structure for increased cost of compliance (ICC) benefits allowed by a National Flood Insurance Program flood policy claim. To be declared a repetitive loss structure, the following conditions must be met:

- (1) The structure must have a flood insurance policy that includes the increased cost of compliance coverage and;
- (2) The structure must have been flooded twice during a ten-year period with each flood event causing damage for which the repair cost equaled or exceeded 25% of the market value of the structure.

### SECTION J. WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Mayor and Board of Alderman of the City of Long Beach or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

### SECTION K. PENALTIES VIOLATION.

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50.00 or imprisoned for not more than 30 days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Floodplain Administrator from taking such other lawful actions as is necessary to prevent or remedy any violation.

## ARTICLE 4. ADMINISTRATION.

### SECTION A. DESIGNATION OF FLOOD DAMAGE PREVENTION ORDINANCE ADMINISTRATOR.

The Mayor and Board of Alderman of the City of Long Beach hereby appoints the Long Beach Building Official to administer and implement the provisions of this ordinance and is herein referred to as the Floodplain Administrator and/or the administrator.

### SECTION B. PERMIT PROCEDURES.

Application for a Development Permit shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- (1) Application Stage.
  - a.) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings, which will be submitted on a FEMA Form 81-31 (Elevation Certificate) by a state of Mississippi registered engineer or surveyor;

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- b.) Elevation in relation to mean sea level to which any non-residential building in an A Zone will be floodproofed;
  - c.) Certificate from a state of Mississippi registered professional engineer or architect that the non-residential flood-proofed building will meet the floodproofing criteria in Article 4, Section B (2), Article 5, Section B (2) and Section D (2);
  - d.) No floodplain development permit can be issued to any mobile, modular, or permanently constructed residence, building or facility unless the owner, lessee, or developer obtains a Notice of Intent from the Mississippi State Health Department, pursuant to the MS Individual On-Site Wastewater Disposal System Law (2009), for a recommendation of a sewage system or Proof of Compliance from the proper Sewer and Water District;
  - e.) Description of the extent to which any watercourse will be altered or relocated as result of proposed development.
- (2) Construction Stage:

Upon placement of the lowest floor, or flood-proofing by whatever construction means, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the NGVD elevation of the lowest floor or floodproofed elevation, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized for a particular building said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder' risk. (The Floodplain Administrator shall review the lowest floor & floodproofing elevation survey data submitted.) The permit holder immediately and prior to further progressive work being permitted to proceed shall correct deficiencies detected by such review. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

### SECTION C. POWERS, DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

The Floodplain Administrator and his or her designated staff is hereby authorized and directed to enforce the provisions of this ordinance. The Administrator is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose.

#### (1) Right of Entry

- a.) Whenever necessary to make an inspection to enforce any of the provisions of this ordinance, or whenever the Administrator has reasonable cause to believe that there exists in any building or upon any premises any condition or ordinance violation which makes such building, structure or premises unsafe, dangerous or hazardous, the Administrator may enter such building, structure or premises at all reasonable times to inspect the same or perform any duty imposed upon the Administrator by this ordinance.
- b.) If such building or premises are occupied, the Administrator shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such building or premises.
- c.) If entry is refused, the Administrator shall have recourse to every remedy provided by law to secure entry.
- d.) When the Administrator shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Administrator for the purpose of inspection and examination pursuant to this ordinance.

#### (2) Stop Work Orders

- a.) Upon notice from the Administrator, work on any building, structure or premises that is being performed contrary to the provisions of this ordinance shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his or her agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

#### (3) Revocation of Permits

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- a.) The Administrator may revoke a permit or approval, issued under the provisions of this ordinance, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
- b.) The Administrator may revoke a permit upon determination that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this ordinance.

Duties of the administrator shall include, but not be limited to:

- (1) Review all development permits to assure that the permit requirements of this ordinance have been satisfied.
- (2) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. Additionally, require the permittee to obtain and submit copies of any required federal or state permits and maintain them on file with the development permit.
- (3) Perform a minimum of three inspections to ensure that all applicable ordinance and floodplain development requirements have been satisfied. The first inspection upon the establishment of the Base Flood Elevation reference mark at the development site; the second upon the establishment of the structure's footprint prior to pouring the slab or the establishment of the lowest floor in an elevated foundation system; and the final inspection upon completion and submission of the required finished construction elevation certificate.
- (4) Verify any required setback distances.
- (5) Verify that all placement of fill or grading is according to certified plans. Assure that any fill being used as part of the structure's foundation system (not allowed in a CHHA) is both clean material and properly compacted and placed. A professional certification that any structure built on fill is reasonably safe from flooding can be requested of the builder/developer.
- (6) Verify adequate placement and size of any required flood vents in regard to the number of openings, their location, size, and height above ground level.
- (7) Ensure that a crawlspace has adequate vents or openings and that the interior grade is at or above the exterior grade.
- (8) Verify that the structure's utilities, duct work, and HVAC systems are at or above the base flood elevation.
- (9) Notify adjacent communities, the NFIP State Coordinator, and other federal and/or state agencies with statutory or regulatory authority prior to any alteration or relocation of a watercourse.
- (10) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
- (11) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new construction and substantially improved buildings, in accordance with Article 4, Section B (2). Information must be recorded on the FEMA Elevation Certificate Form 81-31.
- (12) Verify and record the actual elevation (in relation to mean sea level) to which the new construction and substantially improved buildings have been floodproofed, in accordance with Article 4, Section B (2). Information must be recorded on the FEMA Elevation Certificate Form 81-31.
- (13) Review certified plans and specifications for compliance.
- (14) Make the necessary interpretation where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Article.
- (15) Obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source when base flood elevation data or floodway data have not been provided in accordance with Article 3, Section B, in order to administer the provisions of Article 5.
- (16) Provide information, testimony, or other evidence, as needed during variance request hearings.
- (17) Conduct the following actions when damage occurs to a building or buildings:

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- a.) Determine whether damaged structures are located within the Special Flood Hazard Area;
  - b.) Conduct damage assessments for those damaged structures located in the SFHA, and;
  - c.) Make a reasonable attempt to notify owner(s) of damaged structure(s) of the requirement to obtain a building permit / floodplain development permit prior to repair, rehabilitation, or reconstruction.
- (18) Perform such other inspections as may be required to insure compliance with the other provisions of this ordinance.

### ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION.

#### SECTION A. GENERAL STANDARDS FOR ALL ZONES.

In all areas of special flood hazard the following provisions are required:

- (1) New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure.
- (2) Manufactured homes shall be anchored to prevent flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. Dry stacked blocks (stacked without the use of mortar or cement to bond them together) are not to be used as an anchor/elevation method. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
- (3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (4) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- (5) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding, such facilities shall be located at or above the Base Flood Elevation.
- (6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- (8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (9) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance.
- (10) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity shall meet the requirements of "new construction" as contained in this ordinance.
- (11) All gas and liquid storage tanks (both above and below ground) shall be adequately anchored to prevent flotation, lateral movement resulting from hydrodynamic forces, and the effects of buoyancy.
- (12) When new construction and substantial improvements are located in multiple flood zones or in a flood zone with multiple base flood elevations, they shall meet the requirement for the more stringent flood zone and the highest base flood elevation.
- (13) New construction and substantial improvement of any building (both in and outside the SFHA) shall have the lowest floor (including basement) at least one foot above the centerline of the designated street, unless the topography of the property does not allow for strict adherence as determined by the Floodplain Administrator.
- (14) All new horizontal additions must have the lowest floor and all HVAC elevated to the regulatory base flood elevation.
- (15) New construction and substantial improvements of structures built on fill (only allowed outside of the CHHA and Coastal AE Zone) shall be constructed on properly designed and compacted fill that extends 10

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feet to 15 feet beyond the building walls before dropping below the base flood elevation, and shall have appropriate protection from erosion and scour as follows:

- a.) Fill sites, upon which structures will be constructed or placed, must be compacted to 95 percent of the maximum density obtainable with the Standard Proctor Test method or an acceptable equivalent method.
  - b.) Fill slopes shall be no steeper than one foot vertical to two feet horizontal.
  - c.) Adequate protection against erosion is must be provided for fill slopes. When expected velocities during the occurrence of the base flood are greater than five feet per second, armoring with stone or rock protection or material that will provide equivalent resistance will be provided. When expected velocities during the base flood are five feet per second or appropriate protection shall be provided by covering them with vegetative cover at a minimum.
  - d.) Fill shall be composed of clean granular or earthen material.
- (16) Storage or processing of materials that are hazardous, flammable, explosive, or in time of flooding could become buoyant and pose an obstruction to flow, are prohibited within the community special flood hazard areas, to include identified floodways. Storage of material or equipment not otherwise prohibited shall be firmly anchored to prevent flotation.

### SECTION B. SPECIFIC STANDARDS.

In all areas of special flood hazard where base flood elevation data have been provided, as set forth in Article 3, Section B, the following provisions are required:

- (1) **Residential Construction.** New construction and substantial improvement of any residential building (including manufactured home) shall have the lowest floor, including basement, elevated to no lower than the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, flood openings sufficient to automatically equalize hydrostatic flood forces on exterior walls of enclosures that are subject to flooding, shall be provided in accordance with standards of Article 5, Section B (4). New development proposals will be designed, to the maximum extent practicable, so residential building sites, walkways, driveways, and roadways are located at natural grade with elevation not less than the base flood elevation and with evacuation routes leading directly out of the special flood hazard area.
- (2) **Non-Residential Construction.** New construction and substantial improvement of any commercial, industrial, or non-residential building (including manufactured building) shall have the lowest floor, including basement, elevated to no lower than the base flood elevation. Buildings located in all A Zones may, together with attendant utility and sanitary facilities, be floodproofed in lieu of being elevated provided that all areas of the building below the base flood elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. Dry floodproofing is allowed only where flood velocities are less than or equal to five feet per second. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. A Flood Emergency Operation Plan and an Inspection and Maintenance Plan must be provided by the design professional for the building. Such certification shall be provided to the Floodplain Administrator. New development proposals will be designed, to the maximum extent practicable, so non-residential building sites, walkways, driveways, and roadways are located at natural grade with elevation not less than the base flood elevation and with evacuation routes leading directly out of the special flood hazard area.
- (3) **Elevated Buildings.** New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevations shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
  - a.) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
    - (i) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
    - (ii) The bottom of all openings shall be no higher than one foot above foundation interior grade (which must be equal to in elevation or higher than the exterior foundation grade);
    - (iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions;
    - (iv) Limited in use to parking, storage, and building access; and,
    - (v) Limited to less than 300 square feet.

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- b.) Access to the enclosed area shall be minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and
- c.) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- d.) Property owners shall be required to execute a floodplain venting affidavit acknowledging that all openings will be maintained as flood vents, and that the elimination or alteration of the openings in any way will not violate the requirements of this Article 5, Section B.
- (4) Detached storage buildings, shed, or other like accessory improvements, excluding detached garages, carports, and boat houses are used primarily for parking and storage of vehicles and will be allowed up to no more than 500 square feet of unfinished, non-partitioned and enclosed storage space. Such storage space shall not be used for human habitation and shall be limited to storage of items that can withstand exposure to the elements and have low flood damage potential. The storage space shall be constructed of flood resistant or breakaway materials, and equipment and service utilities, such as electrical outlets, shall be limited to essential lighting and other incidental uses, and must be elevated or floodproofed. Openings to preclude hydrostatic loading and allow ventilation as provided in Article 5 Section B. (3) shall also be required. These accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
- (5) Accessory improvements and other apparent structures shall be firmly anchored to prevent flotation that may result in damage to other structures.
- (6) Property owners shall be required to execute and record with the structure's deed a non-conversion agreement declaring that the area below the lowest floor or the detached accessory building shall not be improved, finished or otherwise converted; the community will have the right to inspect the enclosed area at any time.
- (7) Standards for Manufactured Homes and Recreational Vehicles.
- a.) All manufactured homes placed, or substantially improved, on individual lots or parcels, in existing manufactured home parks or subdivisions, in expansions to existing manufactured home parks or subdivisions, in new manufactured home parks or subdivisions or in substantially improved manufactured home parks or subdivisions, must meet all the requirements for new construction, including elevation and anchoring.
- Manufactured homes must be:
- (i) Elevated on a permanent foundation, and
- (ii) Have its lowest floor elevated no lower than 1 *foot* above the level of the base flood elevation, and
- (iii) Be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- b.) Excepting manufactured homes that have incurred substantial damage as a result of a flood, all manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:
- (i) The manufactured home is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement, and
- (ii) The lowest floor of the manufactured home is elevated no lower than 1 *feet* above the level of the base flood elevation, or
- (iii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above the highest adjacent grade.
- c.) All recreational vehicles placed on sites must either:
- (i) Be on site for fewer than 180 consecutive days,
- (ii) Be fully licensed and ready for highway use, or
- (iii) Must meet all the requirements for new construction, including anchoring and elevation requirements of this Article 5, Section B (7) (a) or Article 5, Section B (7) (b) (i) and (ii), above.

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A recreational vehicle is ready for highway use if it is licensed and insured in accordance with the state of Mississippi motor vehicle regulations, is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

- d.) All principally above ground gas or liquid storage tanks shall be anchored to prevent flotation and lateral movement.
- (8) **Floodways.** Located within areas of special flood hazard adopted by reference in Article 3, Section B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, the following provisions shall apply: \*
- a.) Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge;
  - b.) If Article 5, Section B (7) (a) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.
  - c.) Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of Article 5, Section A (2), and the elevation standards of Article 5, Section B (1) (2) and the encroachment standards of this Article 5, Section B (7) (a), are met. \*\*

### SECTION C. STANDARDS FOR STREAMS WITHOUT BASE FLOOD ELEVATIONS AND FLOODWAYS. \*

When base flood elevation data and floodway data are not available in accordance with Article 3, Section A, in Special Flood Hazard Areas and Community Flood Hazard Areas without base flood elevation data, new construction and substantial improvements shall be elevated or floodproofed to elevations established by the community. The following provisions in addition to the standards of Article 5 Section A and the enclosure standards of Article 5 Section B (4) shall apply:

- (1) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than five lots or five acres, whichever is lesser, include within such proposals base flood elevation data;
- (2) The Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer the provisions of Article 5. When such data are available, standards of Article 5, Section B, shall apply. If data is not available from Article 5 Section C (1) or outside sources, then the following provisions shall apply.
- (3) No encroachments, including fill material or other development, shall be located within a distance of the stream bank equal to five times the width of the stream at the top of the bank or twenty feet each side from the top of the bank, whichever is greater, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge. The enclosure standards of Article 5, Section B (4) shall apply.
- (4) The Floodplain Administrator shall require that a single lot applicant develop the base flood elevation for the development site, utilizing accepted engineering practices and procedures. Upon review of the submitted data, the Administrator may accept or reject the proposed base flood elevation. When such data is accepted, standards of Article 5, Section B, shall apply.
- (5) Fill within the area of special flood hazard shall result in no net loss of natural floodplain storage. The volume of loss of floodwater storage due to filling in the special flood hazard area shall be offset by providing an equal volume of flood storage by excavation or other compensatory measures at or adjacent to the development site.
- (6) Notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (7) Require that all manufactured homes be placed or installed using methods and practices which minimize flood damage. Manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Dry stacked blocks (stacked without the use of mortar or cement to bond them together) are not allowed within the Special Flood Hazard Area.

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### SECTION D. STANDARDS FOR SHALLOW FLOODING ZONES. \*

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding areas. These areas have flood hazards associated with base flood depths of one to three feet (1 - 3'), where a clearly defined channel does not exist and the water path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

- (1) All new construction and substantial improvements of residential structures shall:
  - Have the lowest floor, including basement, elevated to or above the highest adjacent grade at least as high as the depth number (plus community freeboard) specified in feet on the Flood Insurance Rate Map. If no depth number is specified, the lowest floor, including basement, shall be elevated to no less than three feet six inches above the highest adjacent grade.
- (2) All new construction and substantial improvements of non-residential structures shall:
  - a.) Have the lowest floor, including basement, elevated to or above either the base flood elevation or in Zone AO the flood depth specified on the Flood Insurance Rate Map, above the highest adjacent grade. In Zone AO, if no flood depth is specified, the lowest floor, including basement, shall be elevated no less than two (2) feet above the highest adjacent grade.
  - b.) Together with attendant utility and sanitary facilities be completely floodproofed either to the base flood elevation or above or, in Zone AO, to or above the specified flood depth plus a minimum of one foot so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as stated in Article 5, Section B (2).
- (3) Adequate drainage paths shall be established around structures on slopes to guide floodwaters around and away from proposed structures.

### SECTION E. STANDARDS FOR ACCESSORY BUILDINGS IN ALL ZONES BEGINNING WITH THE LETTER 'V.'

For all accessory buildings in SFHA designated 'V' please reference the requirements stated in Section G.

### SECTION F. STANDARDS FOR SUBDIVISION PROPOSALS AND OTHER PROPOSED DEVELOPMENT.

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;
- (4) Base flood elevation data shall be provided for all new subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than five lots or five acres, whichever is the lesser.
- (5) All subdivision and other development proposals which involve disturbing more than 1000 square feet of land shall include a stormwater management plan which is designed to limit peak runoff from the site to predevelopment levels for the one, ten, and 100-year rainfall event. These plans shall be designed to limit adverse impacts to downstream channels and floodplains. Single residential lots involving less than one acre of land disturbance are not subject to this regulation.
- (6) All preliminary plans for platted subdivisions shall identify the flood hazard area and the elevation of the base flood.
- (7) All final subdivision plats will provide the boundary of the special flood hazard area, the floodway boundary, and the base flood elevations.
- (8) In platted subdivisions, all proposed lots or parcels that will be future building sites shall have a minimum buildable area outside the natural (non-filled) 1% chance annual floodplain. The buildable area shall be large enough to accommodate any primary structure and associated structures such as sheds, barns, swimming pools, detached garages, on-site sewage disposal systems, and water supply wells, where applicable.

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- (9) Approval shall not be given for streets within a subdivision, which would be subject to flooding in the base flood. All street surfaces must be located at or above the base flood elevation.
- (10) Where only a small portion of the subdivision lot or lots is in an A zone Special Flood Hazard Area inundated by one percent chance flood with no base flood elevations determined and there is sufficient ground slope on the site to avoid possible flooding of structures in X Zones (unshaded) determined to be outside 0.2 chance flood floodplain. The Floodplain Administrator may waive the requirement for a study to determine the base flood elevations.
- (11) In order for the Floodplain Administrator to consider waiving the requirement of Section F (4) the applicant must provide an accurate topographic data and map for the lot or lots in question (certified by a licensed land surveyor and/or professional civil engineer) indicating that each lot in a new subdivision is on natural high ground, out of the regulatory floodplain.
- (12) Each proposed parcel must have a designated buildable pad or site above the one percent chance floodplain. The distance of the buildable pad or site above the one percent chance floodplain shall depend on the slope of the ground and in accordance with the following table:

Distance in feet from Zone A one percent floodplain	Minimum Slope from Zone A – one percent floodplain to ground level at pad
20	5%
30	3.33%
40	2.50%
50	2.0%
60	1.67%
70	1.43%
80	1.25%
90	1.11%
100	1.0%

Residential and non-residential structures lowest floor elevation also must be elevated 1.5 feet above the ground level on the buildable pad or site.

- (13) The subdivider/applicant must comply with the following:
- a.) File restrictive covenants on the lot or lots prohibiting construction within the designated special flood hazard area and requirement for lowest floor elevation.
  - b.) Place a statement on the face of the final plat prohibiting construction in the designated area of special flood hazard.\*

### SECTION G. COASTAL HIGH HAZARD AREAS. \*

Located within areas of special flood hazard areas established in Article 3, Section B are Coastal High Hazard Areas, designated as Coastal AE Zones and VE Zones. These areas have special flood hazards associated with high velocity waters from wave action due to hurricanes, tsunamis, or other seismic sources. The following provisions, in addition to the standards of Article 5, Sections A, B (except B (8)), C, and D, shall also apply:

- (1) All new construction and substantial improvements in Coastal AE Zones, VE Zones shall be elevated on pilings and columns so that:
  - a.) The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to {or 18 inches} above the base flood level, and;
  - b.) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those requirements by state or local building codes.
- (2) A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of Article 5, Section G (1).
- (3) In Coastal AE Zones, property owners shall be required to execute a flood openings/venting affidavit acknowledging that all openings in breakaway walls will be maintained as flood vents, and that the elimination or alteration of the openings in any way will violate the requirements of Article 5, Section B. Periodic inspections will be conducted by the Floodplain Administrator to ensure compliance.
- (4) Property owners shall be required to execute and record with the structure's deed a non-conversion agreement declaring that the area below the lowest floor of the structure or the detached accessory building

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shall not be improved, finished or otherwise converted; the community will have the right to inspect the enclosed area.

- (5) Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in Coastal AE Zones, VE Zones. The Floodplain Administrator shall maintain a record of all such information.
- (6) All new construction shall be located landward of the reach of mean high tide.
- (7) All new construction and substantial improvements in Coastal AE Zones, VE Zones shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood latticework, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Breakaway wall enclosures shall not exceed 299 square feet. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:
  - a.) Breakaway wall collapse shall result from water load less than that which would occur during the base flood, and;
  - b.) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those requirements by state or local building codes. The lowest horizontal structural member should be oriented perpendicular to the expected wave crest.
- (9) Prohibit the use of fill for structural support of buildings. Under the buildings or structures, no fill may be used except for minor site grading for drainage purposes. Nonstructural fill may be used on coastal building sites for minor landscaping and site grading for drainage purposes as long as the fill does not interfere with the free passage of floodwaters and debris underneath the building or cause changes in flow direction during coastal storms such that will cause additional damage to buildings on the site or to any adjacent buildings. Certification by a professional engineer or architect shall be submitted along with design calculations demonstrating that no adverse impacts will result. (For guidance, see FEMA Technical Bulletin #5 Free of Obstruction Requirements).

An example of unacceptable placement of fill would be construction of a small berm or retaining wall that is backfilled and used for landscaping purposes when it has been determined that wave ramping or deflection will adversely affect adjacent buildings and thereby create additional flood damage potential.

- (10) Prohibit man-made alteration of sand dunes that would increase potential flood damage.
- (11) All manufactured homes to be placed or substantially improved within Coastal AE Zones, VE Zones on the community's FIRM on sites:
  - a.) Outside of a manufactured home park or subdivision,
  - b.) In a new manufactured home park or subdivision,
  - c.) In an expansion to an existing manufactured home park or subdivision, or
  - d.) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood;

shall meet the standards of this Article 5, Section G (1) through (8) and that manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision with Coastal AE Zones, VE Zones on the FIRM meet the requirements of Article 5, Section B (8) (a) and (b).

- (12) All new structures shall be located on the lot so as to minimize exposure to coastal hazards and shoreline erosion. Structures shall be located outside the Coastal High Hazard Area, to the greatest extent possible.
- (13) Recreational vehicles placed on sites within Coastal AE Zones, VE Zones on the community's FIRM either,
  - a.) Be on site for fewer than 180 consecutive days and shall leave the site for at least seven consecutive days and obtain a new permit before returning to the same site;

## Minutes of July 7, 2015 Mayor and Board of Aldermen

- b.) Be fully licensed and ready for highway use (on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions), or;
  - c.) Meet the requirements of Article 5, Section G (1) through (8), and (14).
- (14) If breakaway walls are utilized, such enclosed space shall be useable solely for storage, parking of vehicles, or building access. Such space shall not be used for human habitation and finished or partitioned into separate rooms.

### SECTION H. CRITICAL FACILITIES.

Construction of new and substantially improved critical facilities shall be located outside the limits of the special flood hazard area (one percent chance floodplain). Construction of new critical facilities shall be permissible within the SFHA only if no feasible alternative site is available and access to the facilities remains available during a 0.2 percent chance flood. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet six inches above the base flood elevation at the site (or to the 0.2 percent chance flood elevation whichever is greater). Floodproofing and sealing measures must be implemented to ensure that toxic substances will not be displaced by or released into floodwaters. Multiple access routes, elevated to or above the 0.2 percent flood elevation, shall be provided to all critical facilities to the maximum extent possible. Critical facilities must not only be protected to or above the 0.2 percent chance flood, but must remain operable during such an event. The community's flood response plan must list facilities considered critical in a flood, since loss of access can cause a critical situation. Other facilities in low risk flood zones that may also be needed to support flood response efforts must be included on the critical facility list. The use of any structure shall not be changed to a critical facility, where such a change in use will render the new critical facility out of conformance with this section. The list of the operators of the critical facilities affected by flooding must be updated at least annually, as part of the community critical facility planning procedures.

### ARTICLE 6. VARIANCE PROCEDURES.

#### SECTION A. DESIGNATION OF VARIANCE AND APPEALS BOARD.

The Zoning Board of Appeals (Board of Appeals) as established by the Mayor and Board of Alderman of the City of Long Beach shall hear and decide appeals and requests for variances from requirements of this ordinance.

#### SECTION B. DUTIES OF VARIANCE AND APPEALS BOARD.

The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this ordinance. Any person aggrieved by the decision of the board may appeal such decision to the Circuit Court in and for the First Judicial District of Harrison County, as provided by law.

#### SECTION C. VARIANCE PROCEDURES.

In passing upon such applications, the ( Board of Appeals) shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

- (1) The evaluation must be based on the characteristics unique to that property and not be shared by adjacent parcels. The characteristics must pertain to the land itself, not to the structure, its inhabitants, or its owners;
- (2) Variances should never be granted for multiple lots, phases of subdivisions, or entire subdivisions;
- (3) The danger that materials may be swept onto other lands to the injury of others;
- (4) The danger of life and property due to flooding or erosion damage;
- (5) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (6) The importance of the services provided by the proposed facility to the community;
- (7) The necessity to the facility of a waterfront location, where applicable;
- (8) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (9) The compatibility of the proposed use with existing and anticipated development;
- (10) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (11) The safety of access to the property in times of flood for ordinary and emergency vehicles;

## Minutes of July 7, 2015 Mayor and Board of Aldermen

- (12) The expected heights, velocity, duration, rate of rise, and sediment of transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
- (13) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (14) Upon consideration of factors listed above, and the purpose of this ordinance, the (Board of Appeals) and the Mayor and Board of Alderman may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- (15) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

### SECTION D. CONDITIONS FOR VARIANCES.

- (1) Variances shall only be issued when there is:
  - a.) A showing of good and sufficient cause;
  - b.) A determination that failure to grant the variance would result in exceptional hardship; and,
  - c.) A determination that the granting of a variance will not result in increased flood heights, additional threats to public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (2) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of an "historic structure," a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
- (3) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the lowest floor is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. (See Article 6, Section E.)
- (4) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency or Mississippi Emergency Management Agency upon request. (See Section E.)

### SECTION E. VARIANCE NOTIFICATION.

Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

- (1) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and;
- (2) Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Chancery Clerk and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the community's biennial report submission to the Federal Emergency Management Agency.

### SECTION F. HISTORIC STRUCTURES.

Variances may be issued for the repair or rehabilitation of "historic structures" upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an "historic structure" and the variance is the minimum to preserve the historic character and design of the structure.

### SECTION G. SPECIAL CONDITIONS.

Upon consideration of the factors listed in Article 6, and the purposes of this ordinance, the Mayor and Board of Alderman of the City of Long Beach may attach such conditions to the granting of variances, as it deems necessary to further the purposes of this ordinance.

### SECTION H. FLOODWAY.\*

Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

# Minutes of July 7, 2015 Mayor and Board of Aldermen

## ARTICLE 7. SEVERABILITY.

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

## ARTICLE 8. EFFECTIVE DATE

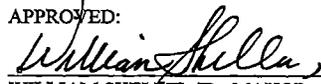
The City Clerk is hereby ordered to publish this Ordinance and Resolution in the manner and time required by law, and this Ordinance and Resolution of the Mayor and Board of Aldermen of the City of Long Beach shall be deemed effective in the manner and time prescribed by law.

This ordinance having first been reduced to writing, Alderman Ponthieux made motion to approve the Ordinance. Alderman Carrubba seconded the motion and the question being put to a roll call vote the result was as follows:

Alderman Bernie Parker	voted	Aye
Alderman Gary J. Ponthieux	voted	Aye
Alderman Kelly Griffin	voted	Aye
Alderman Alan Young	voted	Aye
Alderman Leonard G. Carrubba, Sr.	voted	Aye
Alderman Mark E. Lishen	voted	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 said Ordinance Number 610 adopted and approved this, the 7<sup>th</sup> day of July, 2015.

APPROVED:

  
WILLIAM SKELLIE, JR., MAYOR

ATTEST  
  
REBECCA E. SCHRUFF, CITY CLERK

\*\*\*\*\*

**Minutes of July 7, 2015  
Mayor and Board of Aldermen**

The Mayor recognized the City Attorney for additional report and official action was taken as follows:

The Mayor and Board of Aldermen took up the matter of A RESOLUTION BY THE MAYOR AND BOARD OF ALDERMEN FOR THE CITY OF LONG BEACH, MISSISSIPPI ACCEPTING A FULL AND FINAL SETTLEMENT OF ALL CLAIMS AGAINST BP AND OTHERS RESULTING FROM THE DEEPWATER HORIZON OIL SPILL, AUTHORIZING THE EXECUTION AND DELIVERY OF A GENERAL RELEASE AND OTHER NECESSARY DOCUMENTS AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE. After a discussion of the subject, Alderman Griffin offered and moved the adoption of the following Resolution and Order:

**A RESOLUTION BY THE MAYOR AND BOARD OF ALDERMEN FOR THE CITY OF LONG BEACH, MISSISSIPPI ACCEPTING A FULL AND FINAL SETTLEMENT OF ALL CLAIMS AGAINST BP AND OTHERS RESULTING FROM THE DEEPWATER HORIZON OIL SPILL, AUTHORIZING THE EXECUTION AND DELIVERY OF A GENERAL RELEASE AND OTHER NECESSARY DOCUMENTS AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE**

**WHEREAS**, the City of Long Beach is claimant against BP related to the Deepwater Horizon Oil Spill;

**WHEREAS**, the Mayor and Board of Aldermen have been advised of the fact that ongoing discussions related the BP Deepwater Horizon Oil Spill have yielded a global agreement in principle to resolve claims asserted against the Defendants in that action;

**WHEREAS**, this agreement in principal shall resolve all claims related to the accident, including those asserted by the City of Long Beach;

**WHEREAS**, the Mayor and Board of Aldermen have been advised of the terms of the settlement, including those specifically provided in the "Full and Final Release, Settlement, and Covenant Not to Sue, attached as Exhibit A ("The Release");

**WHEREAS**, the information provided has been done in accordance with the U.S. District Court for the Eastern District of Louisiana's Confidentiality Agreement and Amended Confidentiality agreement;

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

**Section 1.** The City of Long Beach, Mississippi hereby accepts BP's offer to pay the amount of \$ 315,678 for the City of Long Beach's economic losses and as full and final settlement of all claims against BP and others resulting from the Deepwater Horizon Oil Spill;

**Section 2.** The Mayor is authorized and directed to execute and deliver to BP a general release, in the form attached hereto (the "Release"), of all damages resulting from or associated

**Minutes of July 7, 2015**  
**Mayor and Board of Aldermen**

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with the Deepwater Horizon Oil Spill, in favor of BP and all entities associated with that incident as listed in the attached Release, which form and substance are hereby approved;

**Section 3.** The execution of the Release shall be deemed conclusive evidence of the approval and acceptance of the Release;

**Section 4.** This resolution shall take effect immediately upon its execution; and

**Section 5.** The Mayor and City Attorney are authorized to execute whatever additional documents deemed necessary in furtherance of this settlement.

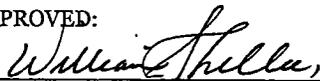
**SO RESOLVED** on this the 7<sup>th</sup> day 2015.

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

Alderman Bernie Parker	voted	Aye
Alderman Gary J. Ponthieux	voted	Aye
Alderman Kelly Griffith	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 7<sup>th</sup> day of June, 2015.

APPROVED:

  
William Skellie, Jr., Mayor

ATTEST:

  
Rebecca E. Schreff, City Clerk



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Mayor and Board of Aldermen**

**SETTLEMENT COMMUNICATION: EXEMPT UNDER FOIA AND  
CORRESPONDING STATE OPEN RECORDS ACTS; SUBJECT TO  
CONFIDENTIALITY ORDER ISSUED MAY 15, 2015, PTO NO. 38 AND FRE 408**

**FULL AND FINAL RELEASE, SETTLEMENT, AND COVENANT NOT TO SUE**

1. Definitions: For purposes of this Agreement, the following definitions shall apply, and in the case of defined nouns the singular shall include the plural and vice versa:
  - a. "Agreement" means this Full and Final Release, Settlement, and Covenant Not to Sue.
  - b. "BP Entities" shall mean BP p.l.c., BP Corporation North America Inc. ("BPCNA"), BP Exploration and Production, Inc. ("BPXP"), and any parents, subsidiaries, affiliates, successors, assigns, officers, directors, employees, agents and representatives of any of the foregoing.
  - c. "Claimant" shall mean City of Long Beach, individually, and the Claimant's Affiliates.
  - d. "Claimant's Affiliates" shall mean Claimant's subdivisions, agencies, associations, authorities, boards, bureaus, councils, departments, educational institutions or systems, components, public benefit corporations, public-private partnerships, or other instrumentalities of any kind (including any business or organization of any type that is owned in whole or at least 51% in part by the Claimant or any other Claimant's Affiliate and any entity where the Board of Directors is appointed by the Claimant), administrators, elected or unelected officials or officers, delegates, assigns, insurers, attorneys, or other agents of any kind.
  - e. "Claims" shall mean any and all claims or causes of action, whether in law or in equity, known or unknown, direct or indirect, past, present, or future, between the Claimant, on the one hand, and any Released Party, on the other, arising from or related to the *Deepwater Horizon* Incident, including but not limited to (1) Economic Claims; (2) any claims that were or could have been asserted by Claimant in MDL 2179; and/or (3) any claims for fines, penalties, or criminal assessments, injunctive relief, punitive damages, exemplary damages, economic damages, or other liabilities that were or could have been asserted by Claimant in any civil, criminal or administrative proceeding. For the avoidance of doubt, Claims includes any and all such claims or causes of action regardless of the legal or equitable theory or nature under which they are based or advanced including (but not limited to) legal and/or equitable theories under any federal, state, local, administrative and international law, and including (without limitation) statutory law, codal law, regulation, common law, or equity, and whether based in maritime law, strict liability, negligence, gross negligence, punitive damages, nuisance, trespass, and all other legal and equitable theories, whether existing now or arising in the future, arising from or in any way relating to the *Deepwater Horizon* Incident. Notwithstanding the foregoing, Claims shall not include claims for punitive or exemplary damages against Transocean Inc., Transocean Holdings LLC, Transocean Ltd., Transocean Deepwater Inc, Transocean Offshore

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Deepwater Drilling Inc., Triton Asset Leasing GmbH, and Halliburton Energy Services Inc.

- f. "*Deepwater Horizon* Incident" shall mean events, actions, inactions, and/or omissions leading up to and including the following: (i) discharges of hydrocarbons or other substances from the Macondo Well, including discharges from, through, or into the *Deepwater Horizon* mobile offshore drilling unit (including its appurtenances) ("*Deepwater Horizon*"), occurring on or after April 20, 2010, regardless of any subsequent movement of such hydrocarbons or other substances; (ii) the blow-out of the Macondo Well; (iii) the explosion and fire on the *Deepwater Horizon*; (iv) the sinking and/or loss of the *Deepwater Horizon*; (v) any and all containment efforts related to the Macondo Well; (vi) construction of relief wells related to the Macondo Well; (vii) any and all clean-up, remediation, removal, response, and/or restoration efforts related to the foregoing, including but not limited to the Vessels of Opportunity program, the application of dispersants, and any diversion of fresh water; and (viii) operations of any claims facility related to the foregoing.
- g. The term "Economic Claims" shall mean any claim or cause of action related to economic loss, property damage, business interruption, breach of contract, loss of royalties, lost tourism, liens, revenue, taxes, operating costs, expenses, rents, fees, profit shares, earning capacity, injuries, or any other costs, losses, or damages, including without limitation, any claim arising out of the Oil Pollution Act ("*OPA*"), 33 U.S.C. §2702(b), state or federal common law, maritime law, or any other applicable provision of law.
- h. "Macondo Well" shall mean the exploratory well named "Macondo" that was being drilled by the *Transocean Marianas* and *Deepwater Horizon* rigs in Mississippi Canyon, Block 252 on the outer continental shelf in the Gulf of Mexico, approximately 130 miles southeast of New Orleans, Louisiana.
- i. "Released Parties" shall mean anyone who is or could be responsible or liable in any way for the *Deepwater Horizon* Incident or any damages related thereto, including but not limited to those liable for the Claims, whether a person, company or governmental entity, including but not limited to (i) the BP Entities; (ii) contractors and subcontractors of the BP Entities; (iii) the parties listed on Attachment A hereto and any related parties indemnified by any BP Entity with respect to the *Deepwater Horizon Incident*; (iv) the *Deepwater Horizon* Oil Spill Trust dated August 6, 2010; (v) the federal Oil Spill Liability Trust Fund and any state or local fund; and (vi) for each of the foregoing, their respective parents, subsidiaries, affiliates, successors, assigns, officers, directors, employees, agents and representatives.
- j. The verb "release," "releases," "released," and its cognate forms shall mean all forms of acts or deeds to release, acquit, forever discharge, and covenant not to sue on any sort of claim.

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Mayor and Board of Aldermen**

**SETTLEMENT COMMUNICATION: EXEMPT UNDER FOIA AND  
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2. In consideration of the payment of \$315,678.00 from BPXP, Claimant hereby releases BPXP, all other BP Entities, and all other Released Parties from and for any and all Claims that Claimant may have or purport to have.
3. By executing this release, Claimant warrants and understands that it is forever giving up and discharging, without any right of legal recourse whatsoever, any and all rights it has or may have to the Claims against the Released Parties.
4. Claimant shall not assert any Claim against any Released Party.
5. Upon receipt and acceptance by BP of all governmental releases, payment will be made within 30 days, as per the instructions of each local entity, contained in the Agreement. Within 10 days thereafter, Claimant shall dismiss, or caused to be dismissed, with prejudice any litigation or other proceeding concerning any pending Claims filed by or on behalf of Claimant or any of Claimant's Affiliates against the BP Entities or any other of the Released Parties. Claimant also will withdraw from any existing class action and will not join any new class actions or similar procedural devices concerning the Claims.
6. As this Agreement is fully and completely resolving the Claims, BP is hereby subrogated to any and all rights that Claimant or any of Claimant's Affiliates have arising from or in any way related to the *Deepwater Horizon* Incident for those Claims.
7. The payment to Claimant is made without any admission of liability or wrongdoing by BPXP, any other BP Entity, or any other Released Party, and is made purely by way of compromise and settlement.
8. The United States District Court for the Eastern District of Louisiana will retain jurisdiction over this Agreement for the purposes of enforcement of the Agreement and any dispute(s) arising thereunder. Any and all disputes, cases, or controversies concerning this Agreement, including without limitation disputes concerning the interpretation or enforceability of this Agreement, shall be filed in the United States District Court for the Eastern District of Louisiana accompanied by a legal request made on behalf of any complainant party (whether one of the Released Parties or the Claimant or the Claimant's Affiliates) for such dispute to be made part of the multidistrict litigation pending before that Court, titled *In re Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, on April 20, 2010*, MDL No. 2179 (E.D. La.) ("MDL 2179"), or in any United States District Court with venue if, but only if, MDL 2179 has been terminated by the time any dispute concerning this Agreement is filed. No action(s) to enforce this Agreement shall be filed in any state court. Claimant and the Released Parties agree not to contest the existence of federal jurisdiction in MDL 2179 or a United States District Court with venue if, but only if, MDL 2179 has been terminated by the time any dispute concerning this Agreement is filed.
9. This Agreement constitutes the final, complete, and exclusive agreement and understanding between BPXP and Claimant and supersedes any and all other agreements,

# Minutes of July 7, 2015 Mayor and Board of Aldermen

**SETTLEMENT COMMUNICATION: EXEMPT UNDER FOIA AND  
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written or oral, between any BP Entity and Claimant with respect to such subject matter of this Agreement.

- 10. This Agreement shall remain effective regardless of any appeals or court decisions relating in any way to the liability of the Released Parties.
- 11. Claimant shall not make public statements disparaging any BP Entity with respect to this Agreement or the matters addressed therein.
- 12. Payment shall be made in accordance with the following instructions:

Beneficiary Name CITY OF LONG BEACH

Payment Method (Wire Transfer or Check): CHECK

Tax ID (EIN) 64-6000637

W-9 Form attached:

For Checks: Mailing Address:

**CITY CLERK  
CITY OF LONG BEACH  
PO BOX 929  
LONG BEACH, MS 39560**

For Wire Transfer:

Account No: \_\_\_\_\_

Routing No: \_\_\_\_\_

Swift Code (if applicable): \_\_\_\_\_

- 13. Claimant represents and warrants that (i) its undersigned representative has authority to execute this Agreement on behalf of Claimant; and (ii) it has not sold or otherwise transferred or assigned any of the Claims, or any interests in such Claims.
- 14. Claimant is providing (i) herewith, a resolution or other binding authorization authorizing the undersigned signatory to execute this Agreement on behalf of Claimant and (ii) prior to payment by BPXP a legal opinion of Claimant's counsel concluding that the resolution or other binding authorization provided herewith is valid and the signatory signing on behalf of Claimant has the legal authority to settled litigation and claims on behalf of Claimant.

Minutes of July 7, 2015
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Form W-9 Request for Taxpayer Identification Number and Certification
Give Form to the requester. Do not send to the IRS.

Name (as shown on your income tax return)
City of Long Beach
Business name/disregarded entity name, if different from above
Check appropriate box for federal tax classification:
Exemptions (see instructions):
Municipality
Address (number, street, and apt. or suite no.)
P.O. Box 929
City, state, and ZIP code
Long Beach, MS 39560
Requester's name and address (optional)
List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)
Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding.
Social security number
Employer identification number
6 4 - 6 0 0 0 6 3 7

Part II Certification
Under penalties of perjury, I certify that:
1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. citizen or other U.S. person (defined below), and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.
Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.
Sign Here Signature of U.S. person Date 9.23.13

General Instructions
Section references are to the Internal Revenue Code unless otherwise noted.
Future developments. The IRS has created a page on IRS.gov for information about Form W-9, at www.irs.gov/w9. Information about any future developments affecting Form W-9 (such as legislation enacted after we release it) will be posted on that page.
Purpose of Form
A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, payments made to you in settlement of payment card and third party network transactions, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.
Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:
1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct.
Note. If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.
Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:
• An individual who is a U.S. citizen or U.S. resident alien,
• A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
• An estate (other than a foreign estate), or
• A domestic trust (as defined in Regulations section 301.7701-7).
Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.

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Minutes of July 7, 2015  
Mayor and Board of Aldermen

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 Young made motion seconded by Alderman Griffin and unanimously carried to adjourn until the next regular meeting in due course.

\*\*\*\*\*

APPROVED:

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

\_\_\_\_\_  
Alderman Gary J. Ponthieux, Ward 1

\_\_\_\_\_  
Alderman Bernie Parker, Ward 2

\_\_\_\_\_  
Alderman Kelly Griffin, Ward 3

\_\_\_\_\_  
Alderman Ronnie Hammons, Jr., Ward 4

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Alderman Mark E. Lishen, Ward 5

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Alderman Alan Young, Ward 6

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Date

ATTEST:

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Rebecca E. Schruoff, City Clerk