

MUNICIPAL DOCKET
REGULAR MEETING OF AUGUST 4, 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.

- I. CALL TO ORDER**
- II. INVOCATION AND PLEDGE OF ALLEGIANCE**
- III. ROLL CALL AND ESTABLISH QUORUM**
- IV. PUBLIC HEARINGS**
1. Mary Margaret Bahrs, 106 Park Lane
 2. Gerald Trabosh, 310 South Seashore
 3. Robert & Melissa Phillips, 0 Beach View Circle
 4. Niann Cooper, 117 & 119 Beach View Circle
 5. Bryan & Kendra Case, 116 Beach View Circle
 6. Edward Smith, 108 Beach View Circle
 7. William Durant & Kecia Chason Gay, 106 Beach View Circle
 8. Henri Occhi, 590 West Beach Boulevard
 9. Gerald Allen, 328 Seal Avenue
- V. BIDS**
1. Award: Harbor Finger Pier Repairs/Construction
 2. Reject and Readvertise: Harbor Electrical System Maintenance
- VI. ANNOUNCEMENTS; PRESENTATIONS; PROCLAMATIONS**
- VII. AMENDMENTS TO THE MUNICIPAL DOCKET**
- VIII. *PUBLIC COMMENTS-AGENDA ITEMS ONLY**
- VIX. APPROVE MINUTES:**
1. MAYOR AND BOARD OF ALDERMEN
 - a. July 21, 2015-Public Hearings/Regular & Closed/Executive Session
 2. PLANNING COMMISSION
 - a. July 23, 2015
 3. PORT COMMISSION
 - a. July 21, 2015-Recess
- X. APPROVE DOCKET OF CLAIMS NUMBER(S):**
1. 080415
- XI. DEPARTMENTAL BUSINESS**
1. MAYOR'S OFFICE
 2. POLICE DEPARTMENT
 - a. 2016 Seatbelt Grant
 - b. 2016 DUI Grant
 3. PERSONNEL
 - a. Police Department-(7) Step Increases
 - b. Fire Department-(4) Step Increases
 4. FIRE DEPARTMENT
 - a. Declare Surplus Property-Boat, Trailer, Motor
 - b. Sole Source Purchase; Dispatch Consoles
 5. ENGINEER
 - a. Change Order #4-Harbor BIG/CIAP Paving
 6. CITY CLERK
 - a. Letter from Insurance Committee-Employee Benefits Package
 - b. Proposal - Recodification of Municipal Ordinances
 - c. Discuss Lap Tops for Electronic Board Meetings
 - d. Equipment Agreement-Two Credit Card Terminals
 7. DERELICT PROPERTIES-DISCUSSION/SCHEDULE PUBLIC HEARINGS
 - a. Leona/Edward Watts ~EST~ 107 W. 4th Street
 - b. Kurt Hursell - 715 Gardendale Avenue
 - c. Kathleen Page ~EST~ 1 Earline Court
- XII. NEW BUSINESS**
1. William Leiteritz/Barbara Fischer, 141 Sea Oaks Blvd.-MDEQ Permit
 2. Savarese Retention Pond on Pineville Road; Alderman Lishen
- XIII. REPORT FROM CITY ATTORNEY**
1. Interlocal Contract for Cooperative Purchasing; H-GAC
 2. Ordinance Prohibiting/Regulating Slabs and Pilings
 3. Revisions to Sidewalk Ordinance
- XIV. *PUBLIC COMMENTS-MATTERS NOT APPEARING ON THE AGENDA**
- XV. 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 August 4, 2015
Mayor and Board of Aldermen

Be it remembered that nine (9) 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 4th day of August, 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. Schruuff and City Attorney James C. Simpson, Jr.

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

The first public hearing was called to order to determine whether or not a parcel of property situated in the City of Long Beach, Map Parcel #0611N-02-049.000, located at 106 Park Lane Drive and assessed to Mary Margaret Bahrs, 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 Young 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 July 7, 2015, she did cause to be sent, via certified mail, electronic receipt requested, Notice of Hearing to Mary Margaret Bahrs, 106 Park Lane Drive, Long Beach, Mississippi, as the same appears of record on the Harrison County 2014 Official Real Property Rolls, which Notice was "Return to Sender - Moved Left No Address - Unable to Forward" on June 20, 2015, by the USPS; said Notice is as follows:

Minutes of August 4, 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.

July 7, 2015

Mary Margaret Bahrs
106 Park Lane Drive
Long Beach, MS 39560

91 7199 9991 7035 1110 9513

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 July 7, 2015, hold a public hearing at 5:00 p.m., Tuesday, August 4, 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 Mary Margaret Bahrs, and situated in the City of Long Beach, Mississippi, at 106 Park Lane Drive, 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: 106 Park Lane Drive
Parcel Number: 0611N-02-049.000
Legal Description: 70 x 160 FT BEING PART OF LOTS 4 & 5 RUSSELL SUBD SEC 11-8-12

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

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www.cityoflongbeachms.com

Minutes of August 4, 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 7th day of July, 2015.


Rebecca E. Schuff
City Clerk

Minutes of August 4, 2015
Mayor and Board of Aldermen

CERTIFIED MAIL

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

929

U.S. POSTAGE PITNEY BOWES
ZIP 39560 \$005.13⁰
02 1W 0001387306 JUL 08 2015

91 7199 9991 7035 1110 9513

LONG BEACH, MS 39560
JUL 20 2015
USPS

NAME
1st Notice
2nd Notice
Return

Mary Margaret Bahrs
106 Park Lane Drive
Long Beach, MS 39560

392 MFE 100981410007/15/15
RETURN TO SENDER

BAHRS
MOVED LEFT NO ADDRESS
UNABLE TO FORWARD
RETURN TO SENDER

BC: 39560092929 41266-00445-08-39

35580295600000

39560 CITYCLERK
Signature Required

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD IN TOP FLAP.

Public Hearing Notice

Minutes of August 4, 2015 Mayor and Board of Aldermen

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Page 1 of 2

English
Customer Service
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USPS Tracking™

Tracking Number: 9171999991703511109513

Updated Delivery Day: Monday, July 20, 2015

Product & Tracking Information

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

DATE & TIME	STATUS OF ITEM	LOCATION
July 21, 2015, 1:21 pm	Delivered	LONG BEACH, MS 39580
Your item was delivered at 1:21 pm on July 21, 2015 in LONG BEACH, MS 39580.		
July 20, 2015, 8:56 am	Available for Pickup	LONG BEACH, MS 39580
July 20, 2015, 8:53 am	Sorting Complete	LONG BEACH, MS 39580
July 20, 2015, 8:35 am	Arrived at Unit	LONG BEACH, MS 39580
July 20, 2015, 12:21 am	Arrived at USPS Origin Facility	GULFPORT, MS 39503
July 17, 2015, 2:20 pm	Departed USPS Origin Facility	JACKSON, MS 39201
July 15, 2015, 5:20 pm	Arrived at USPS Origin Facility	JACKSON, MS 39201
July 8, 2015, 10:05 pm	Departed USPS Facility	GULFPORT, MS 39503
July 8, 2015, 7:31 pm	Arrived at USPS Origin Facility	GULFPORT, MS 39503
July 8, 2015, 8:18 pm	Accepted at USPS Origin Sort Facility	LONG BEACH, MS 39580

Available Actions

Text Updates

Email Updates

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?ref=fullpage&tlc=1&text28777=...> 7/27/2015

- The Notice of Hearing was posted on the subject property, 106 Park Lane Drive, Long Beach, Mississippi; City Hall, the Water Department and the Building Office, 201 Jeff Davis Avenue, Long Beach, Mississippi; and the Long Beach Public Library, 209 Jeff Davis Avenue, Long Beach, Mississippi.
- The Clerk submitted a photograph of the subject property, 106 Park Lane Drive, Long Beach, Mississippi, in its present condition, taken August 4, 2015, by Building Official/Zoning Enforcement Officer Josh Hayes; said photograph is as follows:

M.B. 81
PUBHEAR/REG: 08.04.15

Minutes of August 4, 2015
Mayor and Board of Aldermen



- The Clerk submitted a sworn affidavit from building Official Josh Hayes affirming the photograph was taken of the subject property on August 4, 2015, and the Notice of Hearing was posted on the subject property, 106 Park Lane Drive, Long Beach, Mississippi, on or before July 20, 2015; said affidavit is as follows:

Minutes of August 4, 2015
Mayor and Board of Aldermen

AFFIDAVIT

STATE OF MISSISSIPPI
COUNTY OF HARRISON
CITY OF LONG BEACH

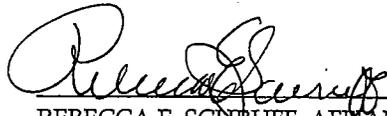
BEFORE ME, the under signed legal authority authorized to administer oaths in and for the jurisdiction aforesaid, on this day personally appeared JOSH HAYES, known to me to be the Building Official of the City of Long Beach, Mississippi, who being by me first duly sworn, deposes and says on oath as follows,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

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

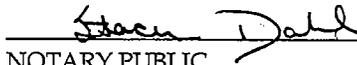
2. That in such capacity, he is responsible for the posting of notices of public hearings for the purpose of determining whether or not certain properties are in such a state of uncleanness as to constitute a menace to the public health and safety of the community; he is responsible for the taking of 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 July 20, 2015, he did cause to be posted, Notice of Hearing, a copy of which is attached hereto, on property assessed to Mary Margaret Bahrs, 106 Park Lane Drive, Long Beach, Mississippi and at the City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi; and that on August 4, 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 August 4, 2015.

This the 4th day of August, 2015.


REBECCA E. SCHRUOFF, AFFIANT

SWORN TO AND SUBSCRIBED before me on this the 4th day of August, 2015.


NOTARY PUBLIC

-My Commission Expires-



AFFIDAVIT-PHOTOS;POST NOTICE

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

**Minutes of August 4, 2015
Mayor and Board of Aldermen**

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

Based upon the recommendation of Building Official/Zoning Enforcement Officer Josh Hayes, Alderman Parker made motion seconded by Alderman Griffin and unanimously carried that the subject property, 106 Park Lane Drive, Long Beach, Mississippi, and assessed to Mary Margaret Bahrs, is in compliance with Mississippi Code §21-19-11, city ordinances and property maintenance codes at this time.

The second public hearing was called to order to determine whether or not a parcel of property situated in the City of Long Beach, Map Parcel #0512I-03-006.004, located at 310 South Seashore Drive and assessed to Gerald Trabosh, 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 Ponthieux 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 July 7, 2015, she did cause to be sent, via certified mail, electronic receipt requested, Notice of Hearing to Gerald Trabosh, 114 Arrowhead Drive, Douglassville, PA, 19518, as the same appears of record on the Harrison County 2014 Official Real Property Rolls, which Notice was "Returned to Sender – Not Deliverable as Addressed – Unable to Forward" on July 21, 2015, by the USPS; said Notice is as follows:

Minutes of August 4, 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.

MAILED
Date: 7/9/15

July 7, 2015

Gerald Trabosh
114 Arrowhead Drive
Douglassville, PA 19518

91 7199 9991 7035 1110 9506

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 July 7, 2015, hold a public hearing at 5:00 p.m., Tuesday, August 4, 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 Gerald Trabosh, and situated in the City of Long Beach, Mississippi, at 310 South Seashore Avenue, is in such a state of uncleanliness as to be a menace to the public health and safety of the community, all in accordance with Section 21-19-11 of the Mississippi Code of 1972, as amended. Said property is more particularly described, as follows:

Address: 310 South Seashore Avenue

Parcel Number: 0512I-03-006.004

Legal Description: LOTS 19 TO 22 INC BLK 3 WEST SEA SHORE ADD IN NW ¼ OF SEC 22-8-12

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

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Minutes of August 4, 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 7th day of July, 2015.


Rebecca E. Schruiff
City Clerk

Minutes of August 4, 2015 Mayor and Board of Aldermen

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Page 1 of 2

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Tracking Number: 9171999991703511109506

Updated Delivery Day: Tuesday, July 21, 2015

Product & Tracking Information

Postal Product:
First-Class Mail®

Features:
Certified Mail™

Return Receipt Electronic

Available Actions

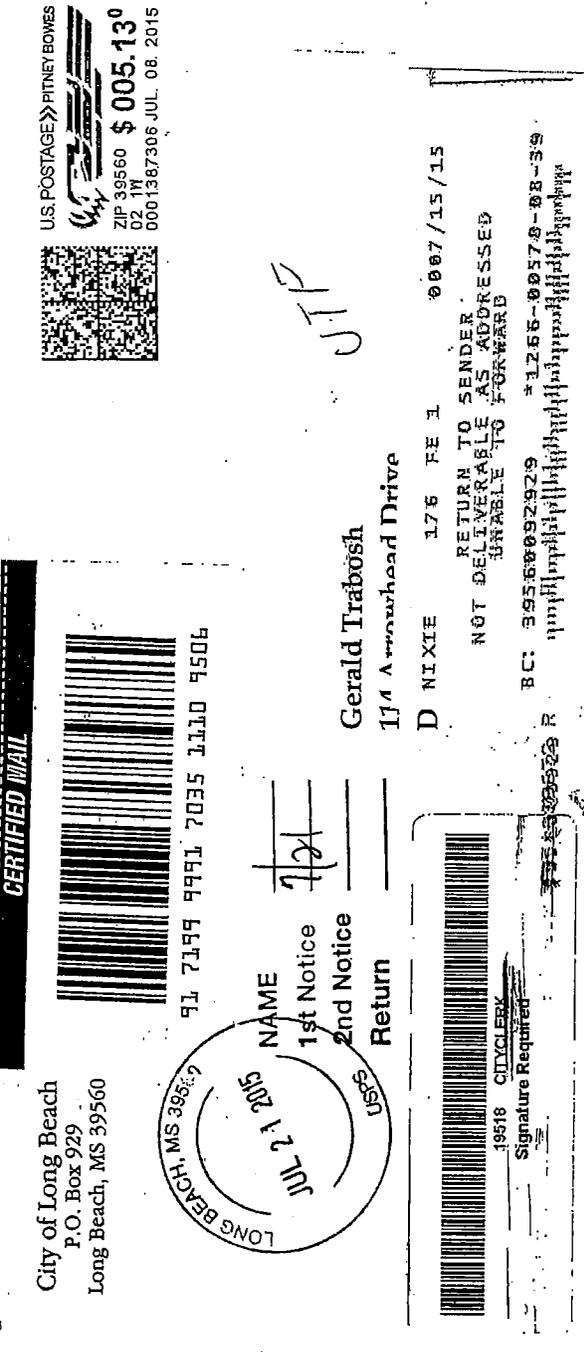
Text Updates

Email Updates

DATE & TIME	STATUS OF ITEM	LOCATION
July 21, 2015, 1:21 pm	Delivered	LONG BEACH, MS 39560
Your item was delivered at 1:21 pm on July 21, 2015 in LONG BEACH, MS 39560.		
July 21, 2015, 8:07 am	Available for Pickup	LONG BEACH, MS 39560
July 21, 2015, 8:05 am	Arrived at Unit	LONG BEACH, MS 39560
July 21, 2015, 1:39 am	Arrived at USPS Origin Facility	GULFPORT, MS 39503
July 20, 2015, 7:37 am	Arrived at USPS Facility	MOBILE, AL 36619
July 17, 2015, 7:38 pm	Arrived at USPS Facility	HARRISBURG, PA 17107
July 16, 2015, 7:20 am	Departed USPS Facility	LANCASTER, PA 17804
July 15, 2015, 1:10 am	Arrived at USPS Facility	LANCASTER, PA 17804
July 13, 2015, 9:07 am	Moved, Left no Address	DOUGLASSVILLE, PA 19518
July 13, 2015, 9:07 am	Moved, Left no Address	DOUGLASSVILLE, PA 19518
July 13, 2015, 8:57 am	Out for Delivery	DOUGLASSVILLE, PA 19518
July 13, 2015, 8:47 am	Sorting Complete	DOUGLASSVILLE, PA 19518
July 13, 2015, 8:10 am	Arrived at Unit	DOUGLASSVILLE, PA 19518
July 12, 2015, 12:39 am	Departed USPS Facility	HARRISBURG, PA 17107
July 11, 2015, 10:54 am	Arrived at USPS Facility	HARRISBURG, PA 17107
July 8, 2015, 10:27 pm	Departed USPS Origin Facility	GULFPORT, MS 39503
July 8, 2015, 7:31 pm	Arrived at USPS Origin Facility	GULFPORT, MS 39503
July 8, 2015, 6:16 pm	Accepted at USPS Origin Sort Facility	LONG BEACH, MS 39560

<https://tools.usps.com/go/TrackConfirmAction.action?tRef=fullpage&tLc=1&text28777=...> 7/28/2015

Minutes of August 4, 2015
Mayor and Board of Aldermen



Public Hearing Notice 310 S Seashore

- The Notice of Hearing was posted on the subject property, 310 South Seashore Drive, Long Beach, Mississippi; City Hall, the Water Department and the Building Office, 201 Jeff Davis Avenue, Long Beach, Mississippi; and the Long Beach Public Library, 209 Jeff Davis Avenue, Long Beach, Mississippi.
- The Clerk submitted a photograph of the subject property, 310 South Seashore Drive, Long Beach, Mississippi, in its present condition, taken August 4, 2015, by Building Official/Zoning Enforcement Officer Josh Hayes; said photograph is as follows:

Minutes of August 4, 2015
Mayor and Board of Aldermen



- The Clerk submitted a sworn affidavit from building Official Josh Hayes affirming the photograph was taken of the subject property on August 4, 2015, and the Notice of Hearing was posted on the subject property, 310 South Seashore Drive, Long Beach, Mississippi, on or before July 20, 2015; said affidavit is as follows:

**Minutes of August 4, 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;

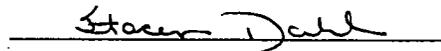
3. That on or before July 20, 2015, he did cause to be posted, Notice of Hearing, a copy of which is attached hereto, on property assessed to Gerald Trabosh, 310 South Seashore Drive, Long Beach, Mississippi and at the City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi; and that on August 4, 2015, 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 August 4, 2015.

This the 4th day of August, 2015.


REBECCA E. SCHUFF, AFFIANT

SWORN TO AND SUBSCRIBED before me on this the 4th day of August, 2015.

-My Commission Expires-


NOTARY PUBLIC



AFFIDAVIT-PHOTOS;POST NOTICE

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

**Minutes of August 4, 2015
Mayor and Board of Aldermen**

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

**Minutes of August 4, 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 310 South Seashore Drive, 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 310 SOUTH SEASHORE DRIVE, 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 310 South Seashore Drive, 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 July 7, 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 August 4, 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 these proceedings;

**Minutes of August 4, 2015
Mayor and Board of Aldermen**

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 310 South Seashore Drive, Long Beach, Mississippi, which parcel of land is identified by Harrison County Tax Parcel Number 0512I-03-006.004 and according to said tax records is owned by Gerald Trabosh 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 June 18, 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.

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

Minutes of August 4, 2015
Mayor and Board of Aldermen

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 4th day of August, 2015.

APPROVED:



William Skellie, Jr., Mayor

ATTEST:



Rebecca E. Schuff, City Clerk

Minutes of August 4, 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.

June 18, 2015

71 7108 2133 3938 0607 9558

Gerald Trabosh
114 Arrowhead Drive
Douglassville, PA 19518

Reference: Notice of Violation
310 South Seashore Avenue; Long Beach, MS 39560
Tax Parcel Number(s): 0512I-03-006.004

After receiving a complaint and inspecting the above referenced property, it is in violation of the 2012 International Property Maintenance Code for the City of Long Beach, MS as listed below:

2012 International Property Maintenance Code, Chapter 3, Section 302.4: Weeds. "All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens."

The purpose of this letter is to request that you inspect or have inspected the above referenced property and voluntarily have the above violation corrected, within fourteen (14) days from date of this letter. Failure to or refusal to respond to this notice will result in a citation being issued to appear in the Long Beach Municipal court and/or a hearing before the Mayor and Board of Aldermen of the City of Long Beach. The board can then adjudicate the above property and may take action to clean-up the property and all cost in doing so will be assessed to the property or property owner.

Please notify my office by calling (228) 863-1554 or emailing jhayes@cityoflongbeachms.com, veronica@cityoflongbeachms.com as soon as the referenced violation has been corrected, so that the premises can be inspected or if you have any questions or concerns. In the event you do not own the property in question, my office would appreciate being informed of these facts.

2012 International Property Maintenance Code, Chapter 1, Section 111.1 Application for appeal. "Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within twenty (20) days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code area adequately satisfied by other means."

Sincerely,

Josh Hayes, CFM
Building Official
Zoning Enforcement

CC: file

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

Minutes of August 4, 2015
Mayor and Board of Aldermen

The third public hearing was called to order to determine whether or not a parcel of property situated in the City of Long Beach, Map Parcel #0612E-03-082.001, located at 0 Beach View Circle and assessed to Robert and Melissa Phillips, 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 July 7, 2015, she did cause to be sent, via certified mail, electronic receipt requested, Notice of Hearing to Robert and Melissa Phillips, 808 Woodward Avenue, Gulfport, Mississippi, 39501, as the same appears of record on the Harrison County 2014 Official Real Property Rolls, which Notice was delivered on July 15, 2015 by the USPS; said Notice is as follows:

Minutes of August 4, 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. Schruff

CITY ATTORNEY
James C. Simpson, Jr.

July 7, 2015

Robert and Melissa Phillips
808 Woodward Avenue
Gulfport, MS 39501

91 7199 9991 7035 1110 9490

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 July 7, 2015, hold a public hearing at 5:00 p.m., Tuesday, August 4, 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 Robert and Melissa Phillips, and situated in the City of Long Beach, Mississippi, at 0 Beach View Circle, 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: 0 Beach View Circle

Parcel Number: 0612E-03-082.001

Legal Description: BEG AT SW COR OF LOT 1 BEACH VIEW SUBD S 75 FT E 116.7 FT TO W MAR OF BEACH VIEW CIR N ALONG MAR 75 FT W 116.7 FT TO POB BEING PART OF LOTS 53 H-S-H PARTITION IN SW ¼ OF SEC 14-8-12

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

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Minutes of August 4, 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 7th day of July, 2015.


Rebecca E. Schmitt
City Clerk

Minutes of August 4, 2015
Mayor and Board of Aldermen

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Product & Tracking Information			Available Actions	
Postal Product: First-Class Mail®	Features: Certified Mail™	Return Receipt Electronic	Text Updates	
DATE & TIME	STATUS OF ITEM	LOCATION	Email Updates	
July 15, 2015, 4:30 pm	Delivered	GULFPORT, MS 39501		
Your item was delivered at 4:30 pm on July 15, 2015 in GULFPORT, MS 39501.				
July 9, 2015, 2:00 pm	Notice Left (No Authorized Recipient Available)	GULFPORT, MS 39501		
July 9, 2015, 12:36 am	Departed USPS Origin Facility	GULFPORT, MS 39503		
July 8, 2015, 7:31 pm	Arrived at USPS Origin Facility	GULFPORT, MS 39503		

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<https://tools.usps.com/go/TrackConfirmAction.action?iRef=fullpage&tLc=1&text28777=...> 7/28/2015

- The Notice of Hearing was posted on the subject property, 0 Beach View Circle, Long Beach, Mississippi; City Hall, the Water Department and the Building Office, 201 Jeff Davis Avenue, Long Beach, Mississippi; and the Long Beach Public Library, 209 Jeff Davis Avenue, Long Beach, Mississippi.
- The Clerk submitted a photograph of the subject property, 0 Beach View Circle, Long Beach, Mississippi, in its present condition, taken August 4, 2015, by Building Official/Zoning Enforcement Officer Josh Hayes; said photograph is as follows:

Minutes of August 4, 2015
Mayor and Board of Aldermen



- The Clerk submitted a sworn affidavit from building Official Josh Hayes affirming the photograph was taken of the subject property on August 4, 2015, and the Notice of Hearing was posted on the subject property, 0 Beach View Circle, Long Beach, Mississippi, on or before July 20, 2015; said affidavit is as follows:

Minutes of August 4, 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;

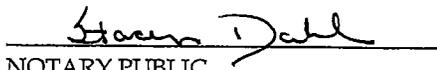
2. That in such capacity, he is responsible for the posting of notices of public hearings for the purpose of determining whether or not certain properties are in such a state of uncleanness as to constitute a menace to the public health and safety of the community; he is responsible for the taking of 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 July 20, 2015, he did cause to be posted, Notice of Hearing, a copy of which is attached hereto, on property assessed to Robert and Melissa Phillips, 0 Beach View Circle, Long Beach, Mississippi and at the City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi; and that on August 4, 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 August 4, 2015.

This the 4th day of August, 2015.


REBECCA E. SCHUFF, AFFIANT

SWORN TO AND SUBSCRIBED before me on this the 4th day of August, 2015.


NOTARY PUBLIC

-My Commission Expires-



AFFIDAVIT-PHOTOS;POST NOTICE

**Minutes of August 4, 2015
Mayor and Board of Aldermen**

The Mayor opened the floor for public comments from the property owner or their representative and Mr. Robert Phillips came forward with the following information:

- The property depicted in the photograph is not his property.
- He read aloud the schedule when the property was cleaned in the past as well as future cleanings scheduled.
- He stated that he was previously notified to clean the property and thought the problem was resolved.
- He displayed an electronic photograph of his property showing that it had been cleaned.

*

*

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

Alderman Carrubba made motion seconded by Alderman Parker and unanimously carried to take the matter of 0 Beach View Circle, assessed to Robert and Melissa Phillips, under advisement for further review and consideration at the next regular meeting, August 18, 2015.

The fourth public hearing was called to order to determine whether or not two (2) parcels of property situated in the City of Long Beach, Map Parcel #0612E-03-076.001 and 0612E-03-076.000, located at 117 and 119 Beach View Circle and assessed to Niann Cooper, 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 Ponthieux 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 July 7, 2015, she did cause to be sent, via certified mail, electronic receipt requested, Notice of Hearing to Niann Cooper, 129 Railroad Avenue, Bay St Louis, Mississippi, 39520, as the same appears of record on the Harrison County 2014 Official Real Property Rolls, which Notice was listed as "Available for Pickup" on July 15, 2015, by the USPS; said Notice is as follows:

Minutes of August 4, 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.

July 7, 2015

Niann Cooper
129 Railroad Avenue
Bay St Louis, MS 39520

91 7199 9991 7035 1110 9483

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 July 7, 2015, hold a public hearing at 5:00 p.m., Tuesday, August 4, 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 Niann Cooper, and situated in the City of Long Beach, Mississippi, at 117 and 119 Beach View Circle, 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: 117 and 119 Beach View Circle
Parcel Number: 0612E-03-076.001 and 0612E-03-076.000
Legal Description: LOT 7 BEACH VIEW SUBD (AND)
LOT 6 BEACH VIEW SUBD

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

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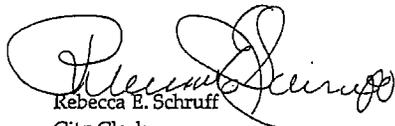
Minutes of August 4, 2015
Mayor and Board of Aldermen

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 7th day of July, 2015.


Rebecca E. Schruoff
City Clerk

Minutes of August 4, 2015 Mayor and Board of Aldermen

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Tracking Number: 9171999991703511109483

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DATE & TIME	STATUS OF ITEM	LOCATION
July 15, 2015, 10:28 am	Available for Pickup	BAY SAINT LOUIS, MS 39520
Your item arrived at the BAY SAINT LOUIS, MS 39520 post office at 10:28 am on July 15, 2015 and is ready for pickup.		
July 9, 2015, 1:30 am	Departed USPS Origin Facility	GULFPORT, MS 39503
July 8, 2015, 7:31 pm	Arrived at USPS Origin Facility.	GULFPORT, MS 39503
July 8, 2015, 6:16 pm	Accepted at USPS Origin Sort Facility	LONG BEACH, MS 39560

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- The Notice of Hearing was posted on the subject property, 117 and 119 Beach View Circle, Long Beach, Mississippi; City Hall, the Water Department and the Building Office, 201 Jeff Davis Avenue, Long Beach, Mississippi; and the Long Beach Public Library, 209 Jeff Davis Avenue, Long Beach, Mississippi.
- The Clerk submitted a photograph of the subject property, 117 and 119 Beach View Circle, Long Beach, Mississippi, in its present condition, taken August 4, 2015, by Building Official/Zoning Enforcement Officer Josh Hayes; said photograph is as follows:

Minutes of August 4, 2015
Mayor and Board of Aldermen



- The Clerk submitted a sworn affidavit from building Official Josh Hayes affirming the photograph was taken of the subject property on August 4, 2015, and the Notice of Hearing was posted on the subject property, 117 and 119 Beach View Circle, Long Beach, Mississippi, on or before July 20, 2015; said affidavit is as follows:

Minutes of August 4, 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 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;

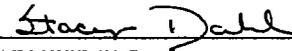
3. That on or before July 20, 2015, he did cause to be posted, Notice of Hearing, a copy of which is attached hereto, on property assessed to Niann Cooper, 117 and 119 Beach View Circle, Long Beach, Mississippi and at the City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi; and that on August 4, 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 August 4, 2015.

This the 4th day of August, 2015.


REBECCA E. SCHIRUFF, AFFIANT

SWORN TO AND SUBSCRIBED before me on this the 4th day of August, 2015.

-My Commission Expires-


NOTARY PUBLIC



AFFIDAVIT-PHOTOS;POST NOTICE

**Minutes of August 4, 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 public comments, Alderman Parker made motion seconded by Alderman Griffin and unanimously carried to close the public hearing and take official action, as follows:

**Minutes of August 4, 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 117 and 119 Beach View Circle, 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 117 AND 119 BEACH VIEW CIRCLE, 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 117 and 119 Beach View Circle, 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 July 7, 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 August 4, 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 August 4, 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 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 117 and 119 Beach View Circle, Long Beach, Mississippi, which parcel of land is identified by Harrison County Tax Parcel Number 0612E-03-076.001 and 0612E-03-076.000 and according to said tax records is owned by Niann Cooper, is 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 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 27, 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 August 4, 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:

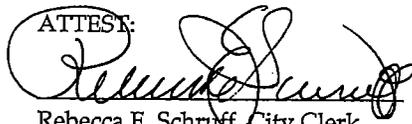
Alderman Bernie Parker	voted	Aye
Alderman Gary J. Ponthieux	voted	Aye
Alderman Kelly Griffin	voted	Aye
Alderman Alan Young	voted	Aye
Alderman Leonard G. Carrubba, Sr.	voted	Aye
Alderman Mark E. Lishen	voted	Aye
Alderman Ronnie Hammons, Jr.	voted	Aye

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 4th day of August, 2015.

APPROVED:


William Skellie, Jr., Mayor

ATTEST:


Rebecca E. Schuff, City Clerk

Minutes of August 4, 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. Schruff

CITY ATTORNEY
James C. Simpson, Jr.

May 27, 2015

Niann Cooper
129 Railroad Avenue
Bay St Louis, MS 39520

91 7108 2133 3938 0607 9718

Reference: Notice of Violation
117 BeachView Circle; Long Beach, MS 39560
Tax Parcel Number(s): 0612E-03-076.001

Reference: Notice of Violation
119 BeachView Circle; Long Beach, MS 39560
Tax Parcel Number(s): 0612E-03-076.000

After receiving a complaint and inspecting the above referenced property, it is in violation of the 2012 International Property Maintenance Code for the City of Long Beach, MS as listed below:

2012 International Property Maintenance Code, Chapter 3, Section 302.4: Weeds. "All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens."

The purpose of this letter is to request that you inspect or have inspected the above referenced property and voluntarily have the above violation corrected, within fourteen (14) days from date of this letter. Failure to or refusal to respond to this notice will result in a citation being issued to appear in the Long Beach Municipal court and/or a hearing before the Mayor and Board of Aldermen of the City of Long Beach. The board can then adjudicate the above property and may take action to clean-up the property and all cost in doing so will be assessed to the property or property owner.

Please notify my office by calling (228) 863-1554 or emailing jhayes@cityoflongbeachms.com, veronica@cityoflongbeachms.com as soon as the referenced violation has been corrected, so that the premises can be inspected or if you have any questions or concerns. In the event you do not own the property in question, my office would appreciate being informed of these facts.

2012 International Property Maintenance Code, Chapter 1, Section 111.1 Application for appeal. "Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within twenty (20) days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code area adequately satisfied by other means."

Sincerely,

Josh Hayes, CFM
Building Official
Zoning Enforcement

CC: file

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

Minutes of August 4, 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, Map Parcel #0612E-03-070.000, located at 116 Beach View Circle and assessed to Bryan and Kendra Case, 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 Young made motion seconded by Alderman Ponthieux 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 July 7, 2015, she did cause to be sent, via certified mail, electronic receipt requested, Notice of Hearing to Bryan and Kendra Case, 116 Beach View Circle, Long Beach, Mississippi, 39560, as the same appears of record on the Harrison County 2014 Official Real Property Rolls, which Notice was "Returned to Sender – Undeliverable as Addressed – No Forwarding Order on File" by the USPS; and to 121 Valentine Drive, Long Beach, Mississippi, 39560, which Notice was delivered July 9, 2015, by the USPS; said Notice is as follows:

Minutes of August 4, 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.

July 7, 2015

91 7199 9991 7035 1110 9476

Bryan and Kendra Case
116 Beach View Circle
Long Beach, MS 39560

91 7199 9991 7035 1110 9469

121 Valentine Dr

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 July 7, 2015, hold a public hearing at 5:00 p.m., Tuesday, August 4, 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 Bryan and Kendra Case, and situated in the City of Long Beach, Mississippi, at 116 Beach View Circle, 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: 116 Beach View Circle
Parcel Number: 0612E-03-070.000
Legal Description: LOT 9 BEACH VIEW SUBD

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

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www.cityoflongbeachms.com

Minutes of August 4, 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.

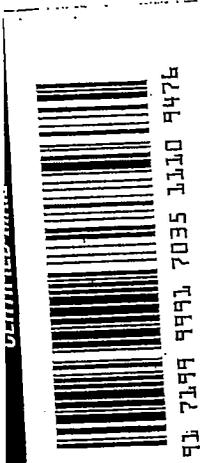
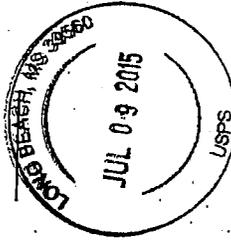
Done by order of the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, this the 7th day of July, 2015.


Rebecca E. Schruoff
City Clerk

Minutes of August 4, 2015
Mayor and Board of Aldermen



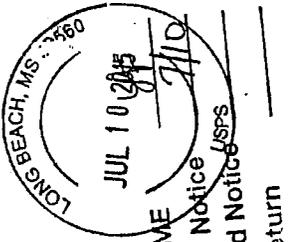
NAME _____
1st Notice _____
2nd Notice _____
Return _____



UNDELIVERABLE
NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES
Bryan and Kendra Case
116 Beach View Circle
Long Beach, MS 39560
NO FILE

HL

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



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



39560 CITYCLERK
Signature Required

955635530 0005

PLACE STICKER IN TOP CORNER OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD ALONG DOTTED LINE.

Public Hearing Notice

Minutes of August 4, 2015 Mayor and Board of Aldermen

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Page 1 of 2

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Sign up for My USPS.

Tracking Number: 917199991703511109476

Updated Delivery Day: Friday, July 10, 2015

Product & Tracking Information

Postal Product:
First-Class Mail®

Features:
Certified Mail™

Return Receipt Electronic

DATE & TIME	STATUS OF ITEM	LOCATION
July 13, 2015, 1:13 pm	Delivered	LONG BEACH, MS 39560
Your item was delivered at 1:13 pm on July 13, 2015 in LONG BEACH, MS 39560.		
July 10, 2015, 8:15 am	Available for Pickup	LONG BEACH, MS 39560
July 10, 2015, 6:46 am	Arrived at Unit	LONG BEACH, MS 39560
July 9, 2015, 12:16 pm	Moved, Left no Address	LONG BEACH, MS 39560
July 9, 2015, 7:51 am	Undeliverable as Addressed	LONG BEACH, MS 39560
July 9, 2015, 7:50 am	Arrived at Unit	LONG BEACH, MS 39560
July 9, 2015, 1:29 am	Departed USPS Origin Facility	GULFPORT, MS 39503
July 8, 2015, 7:31 pm	Arrived at USPS Origin Facility	GULFPORT, MS 39503

Available Actions

Text Updates

Email Updates

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?tRef=fullpage&tLc=1&text28777=...> 7/28/2015

Minutes of August 4, 2015 Mayor and Board of Aldermen

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Page 1 of 2

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Sign up for My USPS.

Tracking Number: 917199991703511109469

Updated Delivery Day: Thursday, July 9, 2015

Product & Tracking Information	Available Actions
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Postal Product: First-Class Mail®	Features: Certified Mail™	Return Receipt: Electronic	Text Updates
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DATE & TIME	STATUS OF ITEM	LOCATION
July 9, 2015, 4:43 pm	Delivered	LONG BEACH, MS 39580
Your item was delivered at 4:43 pm on July 9, 2015 in LONG BEACH, MS 39580.		
July 9, 2015, 11:51 am	Notice Left (No Authorized Recipient Available)	LONG BEACH, MS 39560
July 9, 2015, 7:50 am	Arrived at Unit	LONG BEACH, MS 39580
July 9, 2015, 1:29 am	Departed USPS Origin Facility	GULFPORT, MS 39503
July 8, 2015, 7:31 pm	Arrived at USPS Origin Facility	GULFPORT, MS 39503

<p>Track Another Package</p> <p>Tracking (or receipt) number</p> <input style="width: 90%;" type="text"/> <p align="right">Track It</p>	<p>Manage Incoming Packages</p> <p>Track all your packages from a dashboard. No tracking numbers necessary.</p> <p>Sign up for My USPS > </p>
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	Careers	Resources for Developers	

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https://tools.usps.com/go/TrackConfirmAction.action?tRef=fullpage&tLc=1&text28777=... 7/28/2015

- The Notice of Hearing was posted on the subject property, 116 Beach View Circle, Long Beach, Mississippi; City Hall, the Water Department and the Building Office, 201 Jeff Davis Avenue, Long Beach, Mississippi; and the Long Beach Public Library, 209 Jeff Davis Avenue, Long Beach, Mississippi.
- The Clerk submitted a photograph of the subject property, 116 Beach View Circle, Long Beach, Mississippi, in its present condition, taken August 4,

Minutes of August 4, 2015
Mayor and Board of Aldermen

2015, by Building Official/Zoning Enforcement Officer Josh Hayes; said photograph is as follows:



- The Clerk submitted a sworn affidavit from building Official Josh Hayes affirming the photograph was taken of the subject property, 116 Beach View Circle, Long Beach, Mississippi, on August 4, 2015, and the Notice of Hearing was posted on the subject property, on or before July 20, 2015; affidavit is as follows:

Minutes of August 4, 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 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;

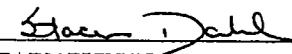
3. That on or before July 20, 2015, he did cause to be posted, Notice of Hearing, a copy of which is attached hereto, on property assessed to Bryan and Kendra Case, 116 Beach View Circle, Long Beach, Mississippi and at the City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi; and that on August 4, 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 August 4, 2015.

This the 4th day of August, 2015.


REBECCA E. SCHRUFF, AFFIANT

SWORN TO AND SUBSCRIBED before me on this the 4th day of August, 2015.

-My Commission Expires-


NOTARY PUBLIC



AFFIDAVIT-PHOTOS;POST NOTICE

**Minutes of August 4, 2015
Mayor and Board of Aldermen**

The Mayor opened the floor for public comments from the property owner or their representative and Kendra and Bryan Case came forward to provide information, as follows:

- They have been steadily working on the property and will have the dirt spread and weeds cut in thirty (30) days.

*

*

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

**Minutes of August 4, 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 116 Beach View Circle, 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 Young offered and moved the adoption of the following Resolution and Order:

**RESOLUTION AND ORDER BY THE MAYOR AND BOARD OF ALDERMEN OF
THE CITY OF LONG BEACH, MISSISSIPPI ADJUDICATING THE PROPERTY
LOCATED AT 116 BEACH VIEW CIRCLE, 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 116 Beach View Circle, 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 July 7, 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 August 4, 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 these proceedings;

Minutes of August 4, 2015
Mayor and Board of Aldermen

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 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 116 Beach View Circle, Long Beach, Mississippi, which parcel of land is identified by Harrison County Tax Parcel Number 0612E-03-070.000 and according to said tax records is owned by Bryan and Kendra Case, is 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 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 27, 2015, and attached hereto.

3. That in the event that said owner shall fail to complete cleaning of the subject property within thirty (30) days from entry of this Resolution and Order, then the governing authority shall proceed to clean the subject property as required by paragraph 2, above, by the use of municipal employees or by contract, with the cost of same, together with a penalty of \$1,500.00 or 50% of such actual cost, whichever is greater, to be, at the next regular meeting after completion of such clean-up, assessed against the said parcel of land.

Alderman Carrubba seconded the motion to adopt the foregoing resolution and

Minutes of August 4, 2015
Mayor and Board of Aldermen

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 4th day of August, 2015.

APPROVED:


William Skellie, Jr., Mayor

ATTEST:


Rebecca E. Schruff, City Clerk

Minutes of August 4, 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 Hammors, 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.

May 27, 2015

Bryan & Kendra Case
116 Beachview Circle
Long Beach, MS 39560

91 7108 2133 3938 0607 9664

Reference: Notice of Violation
116 BeachView Circle; Long Beach, MS 39560
Tax Parcel Number(s): 0612E-03-070.000

After receiving a complaint and inspecting the above referenced property, it is in violation of the 2012 International Property Maintenance Code for the City of Long Beach, MS as listed below:

2012 International Property Maintenance Code, Chapter 3, Section 302.4: Weeds. "All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens."

The purpose of this letter is to request that you inspect or have inspected the above referenced property and voluntarily have the above violation corrected, within fourteen (14) days from date of this letter. Failure to or refusal to respond to this notice will result in a citation being issued to appear in the Long Beach Municipal court and/or a hearing before the Mayor and Board of Aldermen of the City of Long Beach. The board can then adjudicate the above property and may take action to clean-up the property and all cost in doing so will be assessed to the property or property owner.

Please notify my office by calling (228) 863-1554 or emailing jhayes@cityoflongbeachms.com, veronica@cityoflongbeachms.com as soon as the referenced violation has been corrected, so that the premises can be inspected or if you have any questions or concerns. In the event you do not own the property in question, my office would appreciate being informed of these facts.

2012 International Property Maintenance Code, Chapter 1, Section 111.1 Application for appeal. "Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within twenty (20) days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code area adequately satisfied by other means. "

Sincerely,

Josh Hayes, CFM
Building Official
Zoning Enforcement

CC: Bryan & Kendra Case
121 Valentine Drive
Long Beach, MS 39560

91 7108 2133 3938 0607 9657

CC: file

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

**Minutes of August 4, 2015
Mayor and Board of Aldermen**

The sixth public hearing was called to order to determine whether or not a parcel of property situated in the City of Long Beach, Map Parcel #0612E-03-066.000, located at 108 Beach View Circle and assessed to Edward Smith and Wife, 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 July 7, 2015, she did cause to be sent, via certified mail, electronic receipt requested, Notice of Hearing to Edward Smith and Wife, 201 Joyce Avenue, Long Beach, Mississippi, 39560, as the same appears of record on the Harrison County 2014 Official Real Property Rolls, which Notice was delivered July 9, 2015, by the USPS; said Notice is as follows:

Minutes of August 4, 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

July 7, 2015

CITY CLERK
TAX COLLECTOR
Rebecca E. Schruff

CITY ATTORNEY
James C. Simpson, Jr.

Edward Smith and Wife
201 Joyce Avenue
Long Beach, MS 39560

91 7199 9991 7035 1110 9452

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 July 7, 2015, hold a public hearing at 5:00 p.m., Tuesday, August 4, 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 Edward Smith and Wife, and situated in the City of Long Beach, Mississippi, at 108 Beach View Circle, 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: 108 Beach View Circle
Parcel Number: 0612E-03-066.000
Legal Description: LOT 13 BEACH VIEW SUBD

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

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Minutes of August 4, 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 7th day of July, 2015.


Rebecca E. Schruoff
City Clerk

Minutes of August 4, 2015
Mayor and Board of Aldermen

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Tracking Number: 9171999991703511109452

Updated Delivery Day: Thursday, July 9, 2015

Product & Tracking Information

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

DATE & TIME	STATUS OF ITEM	LOCATION
July 9, 2015, 2:25 pm	Delivered	LONG BEACH, MS 39560
Your item was delivered at 2:25 pm on July 9, 2015 in LONG BEACH, MS 39560.		
July 9, 2015, 7:50 am	Arrived at Unit	LONG BEACH, MS 39560
July 9, 2015, 1:29 am	Departed USPS Origin Facility	GULFPORT, MS 39503
July 8, 2015, 7:30 pm	Arrived at USPS Origin Facility	GULFPORT, MS 39503

Available Actions

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https://tools.usps.com/go/TrackConfirmAction.action?iRef=fullpage&tLc=1&text28777=... 7/28/2015

- The Notice of Hearing was posted on the subject property, 108 Beach View Circle, Long Beach, Mississippi; City Hall, the Water Department and the Building Office, 201 Jeff Davis Avenue, Long Beach, Mississippi; and the Long Beach Public Library, 209 Jeff Davis Avenue, Long Beach, Mississippi.
- The Clerk submitted a photograph of the subject property, 108 Beach View Circle, Long Beach, Mississippi, in its present condition, taken August 4, 2015, by Building Official/Zoning Enforcement Officer Josh Hayes; said photograph is as follows:

Minutes of August 4, 2015
Mayor and Board of Aldermen



- The Clerk submitted a sworn affidavit from building Official Josh Hayes affirming the photograph was taken of the subject property on August 4, 2015, and the Notice of Hearing was posted on the subject property 108 Beach View Circle, Long Beach, Mississippi, on or before July 20, 2015; affidavit is as follows:

Minutes of August 4, 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 July 20, 2015, he did cause to be posted, Notice of Hearing, a copy of which is attached hereto, on property assessed to Edward Smith and Wife, 108 Beach View Circle, Long Beach, Mississippi and at the City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi; and that on August 4, 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 August 4, 2015.

This the 4th day of August, 2015.


REBECCA E. SCHRUFF, AFFIANT

SWORN TO AND SUBSCRIBED before me on this the 4th day of August, 2015.

-My Commission Expires-


NOTARY PUBLIC



AFFIDAVIT-PHOTOS;POST NOTICE

**Minutes of August 4, 2015
Mayor and Board of Aldermen**

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

*

*

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

Based upon the recommendation of Building Official/Zoning Enforcement Officer Josh Hayes, Alderman Ponthieux made motion seconded by Alderman Carrubba and unanimously carried that the subject property, 108 Beach View Circle, Long Beach, Mississippi, and assessed to Edward Smith and Wife, is in compliance with Mississippi Code §21-19-11, city ordinances and property maintenance codes at this time.

The seventh public hearing was called to order to determine whether or not a parcel of property situated in the City of Long Beach, Map Parcel #0612E-03-065.000, located at 106 Beach View Circle and assessed to Wilma Durant and Kecia Chason Gay, 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 July 7, 2015, she did cause to be sent, via certified mail, electronic receipt requested, Notice of Hearing to Wilma Durant and Kecia Chason Gay, 163 Orange Avenue, Fairhope, AL, 36532, as the same appears of record on the Harrison County 2014 Official Real Property Rolls, which Notice listed as "Returned to Sender – Unclaimed" by the USPS; said Notice is as follows:

Minutes of August 4, 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. Schruiff

CITY ATTORNEY
James C. Simpson, Jr.

July 7, 2015

Wilma Durant and Kecia Chason Gay
163 Orange Avenue
Fairhope, AL 36532

91 7199 9991 7035 1110 9445

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 July 7, 2015, hold a public hearing at 5:00 p.m., Tuesday, August 4, 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 Wilma Durant and Kecia Chason Gay, and situated in the City of Long Beach, Mississippi, at 106 Beach View Circle, 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: 106 Beach View Circle
Parcel Number: 0612E-03-065.000
Legal Description: LOT 14 BEACH VIEW SUBD

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

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Minutes of August 4, 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 7th day of July, 2015.


Rebecca E. Schruiff
City Clerk

Minutes of August 4, 2015 Mayor and Board of Aldermen

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Tracking Number: 9171999991703511109445

Your item was returned to the sender on July 27, 2015 at 11:20 am in FAIRHOPE, AL 36532 because it was not claimed by the addressee.

Product & Tracking Information

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

DATE & TIME	STATUS OF ITEM	LOCATION
July 27, 2015, 11:20 am	Unclaimed	FAIRHOPE, AL 36532
Your item was returned to the sender on July 27, 2015 at 11:20 am in FAIRHOPE, AL 36532 because it was not claimed by the addressee.		
July 10, 2015, 2:25 pm	Notice Left (No Authorized Recipient Available)	FAIRHOPE, AL 36532
July 10, 2015, 2:25 pm	Notice Left (No Authorized Recipient Available)	FAIRHOPE, AL 36532
July 10, 2015, 7:57 am	Arrived at Unit	FAIRHOPE, AL 36532
July 10, 2015, 3:27 am	Departed USPS Facility	MOBILE, AL 36619
July 9, 2015, 7:28 am	Arrived at USPS Facility	MOBILE, AL 36619
July 8, 2015, 10:05 pm	Departed USPS Facility	GULFPORT, MS 39503
July 8, 2015, 7:31 pm	Arrived at USPS Origin Facility	GULFPORT, MS 39503

Available Actions

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Tracking (or receipt) number

Track It

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- The Notice of Hearing was posted on the subject property, 106 Beach View Circle, Long Beach, Mississippi; City Hall, the Water Department and the Building Office, 201 Jeff Davis Avenue, Long Beach, Mississippi; and the Long Beach Public Library, 209 Jeff Davis Avenue, Long Beach, Mississippi.
- The Clerk submitted a photograph of the subject property, 106 Beach View Circle, Long Beach, Mississippi, in its present condition, taken August 4, 2015, by Building Official/Zoning Enforcement Officer Josh Hayes; said photograph is as follows:

M.B. 81
PUBHEAR/REG: 08.04.15



- The Clerk submitted a sworn affidavit from building Official Josh Hayes affirming the photograph was taken of the subject property on August 4, 2015, and the Notice of Hearing was posted on the subject property, 106 Beach View Circle, Long Beach, Mississippi, 39560, on or before July 20, 2015; affidavit is as follows:

Minutes of August 4, 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 July 20, 2015, he did cause to be posted, Notice of Hearing, a copy of which is attached hereto, on property assessed to Wilma Durant and Kecia Chason Gay, 106 Beach View Circle, Long Beach, Mississippi and at the City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi; and that on August 4, 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 August 4, 2015.

This the 4th day of August, 2015.


REBECCA E. SCHRUFF, AFFIANT

SWORN TO AND SUBSCRIBED before me on this the 4th day of August, 2015.

-My Commission Expires-


NOTARY PUBLIC



AFFIDAVIT-PHOTOS;POST NOTICE

**Minutes of August 4, 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 public comments, Alderman Hammons made motion seconded by Alderman Parker and unanimously carried to close the public hearing and take official action, as follows:

**Minutes of August 4, 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 106 Beach View Circle, 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 Griffin offered and moved the adoption of the following Resolution and Order:

**RESOLUTION AND ORDER BY THE MAYOR AND BOARD OF ALDERMEN OF
THE CITY OF LONG BEACH, MISSISSIPPI ADJUDICATING THE PROPERTY
LOCATED AT 106 BEACH VIEW CIRCLE, 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 106 Beach View Circle, 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 July 7, 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 August 4, 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 these proceedings;

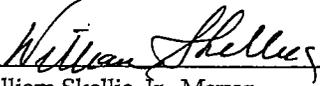
Minutes of August 4, 2015
Mayor and Board of Aldermen

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 4th day of August, 2015.

APPROVED:



William Skellie, Jr., Mayor

ATTEST:



Rebecca E. Schruoff, City Clerk

Minutes of August 4, 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.

May 27, 2015

Wilma Durant & Kecia Chason Gay
163 Orange Avenue
Fairhope, AL 36532

91 7108 2133 3938 0607 9671

Reference: Notice of Violation
106 BeachView Circle; Long Beach, MS 39560
Tax Parcel Number(s): 0612E-03-065.000

After receiving a complaint and inspecting the above referenced property, it is in violation of the 2012 International Property Maintenance Code for the City of Long Beach, MS as listed below:

2012 International Property Maintenance Code, Chapter 3, Section 302.4: Weeds. "All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens."

The purpose of this letter is to request that you inspect or have inspected the above referenced property and voluntarily have the above violation corrected, within fourteen (14) days from date of this letter. Failure to or refusal to respond to this notice will result in a citation being issued to appear in the Long Beach Municipal court and/or a hearing before the Mayor and Board of Aldermen of the City of Long Beach. The board can then adjudicate the above property and may take action to clean-up the property and all cost in doing so will be assessed to the property or property owner.

Please notify my office by calling (228) 863-1554 or emailing jhayes@cityoflongbeachms.com, veronica@cityoflongbeachms.com as soon as the referenced violation has been corrected, so that the premises can be inspected or if you have any questions or concerns. In the event you do not own the property in question, my office would appreciate being informed of these facts.

2012 International Property Maintenance Code, Chapter 1, Section 111.1 Application for appeal. "Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within twenty (20) days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code area adequately satisfied by other means."

Sincerely,

Josh Hayes, CFM
Building Official
Zoning Enforcement

CC: file

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

Minutes of August 4, 2015
Mayor and Board of Aldermen

The eighth public hearing was called to order to determine whether or not a parcel of property situated in the City of Long Beach, Map Parcel #0612E-03-064.000, located at 590 West Beach Boulevard and assessed to Henri Occhi and/or Michael and Carla Fesi, 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 July 7, 2015, she did cause to be sent, via certified mail, electronic receipt requested, Notice of Hearing to Henri Occhi, 13574 Laurel Oaks Lane, Gulfport, Mississippi, 39503, as the same appears of record on the Harrison County 2014 Official Real Property Rolls, which Notice was Delivered by the USPS on July 15, 2015; said Notice is as follows:

Minutes of August 4, 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

July 7, 2015

CITY CLERK
TAX COLLECTOR
Rebecca E. Schruff

CITY ATTORNEY
James C. Simpson, Jr.

Henri Occhi
13574 Laurel Oaks Lane
Gulfport, MS 39503

91 7199 9991 7035 1110 7582

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 July 7, 2015, hold a public hearing at 5:00 p.m., Tuesday, August 4, 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 the Henri Occhi, and situated in the City of Long Beach, Mississippi, at 590 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: 590 West Beach Boulevard

Parcel Number: 0612E-03-064.000

Legal Description: LOT 247 X 104.9 ON BEACH VIEW DR @ HWY 90 SEC 14-8-12 PT OF LOT 53 H-S-H SUR

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

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Minutes of August 4, 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 7th day of July, 2015.


Rebecca E. Schruoff
City Clerk

Minutes of August 4, 2015 Mayor and Board of Aldermen

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Page 1 of 2

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USPS Tracking™

Tracking Number: 9171999981703511109582

Updated Delivery Day: Wednesday, July 15, 2015

Product & Tracking Information

Postal Product: First-Class Mail®	Features: Certified Mail™	Return Receipt Electronic
DATE & TIME	STATUS OF ITEM	LOCATION
July 15, 2015, 11:20 am	Delivered	GULFPORT, MS 39503
Your item was delivered at 11:20 am on July 15, 2015 in GULFPORT, MS 39503.		
July 15, 2015, 8:02 am	Arrived at Unit	GULFPORT, MS 39503
July 15, 2015, 1:33 am	Departed USPS Origin Facility	GULFPORT, MS 39503
July 14, 2015, 8:51 pm	Arrived at USPS Origin Facility	GULFPORT, MS 39503
July 14, 2015, 5:36 pm	Accepted at USPS Origin Sort Facility	LONG BEACH, MS 39560

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Tracking (or receipt) number

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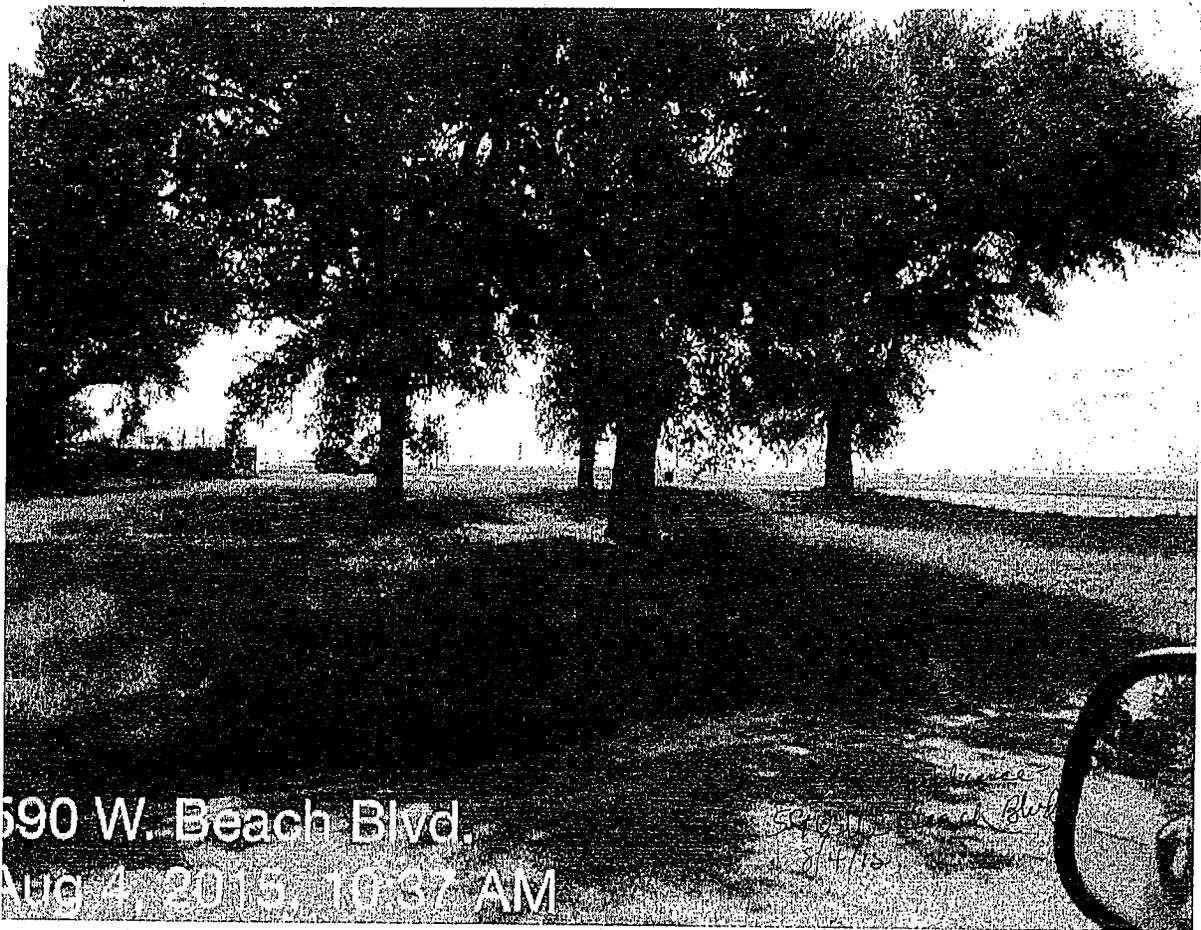
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<https://tools.usps.com/go/TrackConfirmAction.action?tiRef=fullpage&tlc=1&text28777=...> 7/28/2015

- The Clerk further reported that she received a telephone call from Mr. Occhi's son who stated that the property was sold to Michael and Carla Fesi; upon further investigation through the Harrison County Tax Collector's Office, the Clerk obtained a telephone number and spoke to Michael Fesi on July 17, 2015, at 9:30 a.m., apprising him that the property was scheduled for public hearing on August 4, 2015, for possible adjudication. He stated that the property would be cleaned prior to the public hearing and the Clerk directed him to contact Josh Hayes in the Building Office for further instruction.

Minutes of August 4, 2015
Mayor and Board of Aldermen

- The Notice of Hearing was posted on the subject property, 590 West Beach Boulevard, Long Beach, Mississippi; City Hall, the Water Department and the Building Office, 201 Jeff Davis Avenue, Long Beach, Mississippi; and the Long Beach Public Library, 209 Jeff Davis Avenue, Long Beach, Mississippi.
- The Clerk submitted a photograph of the subject property, 590 West Beach Boulevard, Long Beach, Mississippi, in its present condition, taken August 4, 2015, by Building Official/Zoning Enforcement Officer Josh Hayes; said photograph is as follows:
- The Clerk submitted a sworn affidavit from building Official Josh Hayes affirming the photograph was taken of the subject property on August 4, 2015, and the Notice of Hearing was posted on the subject property, 590 West Beach Boulevard, Long Beach, Mississippi, on or before July 20, 2015; affidavit is as follows:



Minutes of August 4, 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;

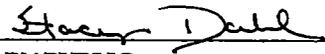
2. That in such capacity, he is responsible for the posting of notices of public hearings for the purpose of determining whether or not certain properties are in such a state of uncleanness as to constitute a menace to the public health and safety of the community; he is responsible for the taking of 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 July 20, 2015, he did cause to be posted, Notice of Hearing, a copy of which is attached hereto, on property assessed to Henri Occhi, 590 West Beach Boulevard, Long Beach, Mississippi and at the City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi; and that on August 4, 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 August 4, 2015.

This the 4th day of August, 2015.


REBECCA E. SCHRUFF, AFFIANT

SWORN TO AND SUBSCRIBED before me on this the 4th day of August, 2015.


NOTARY PUBLIC

-My Commission Expires-



AFFIDAVIT-PHOTOS;POST NOTICE

**Minutes of August 4, 2015
Mayor and Board of Aldermen**

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

*

*

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

Based upon the recommendation of Building Official/Zoning Enforcement Officer Josh Hayes, Alderman Griffin made motion seconded by Alderman Parker and unanimously carried that the subject property, 590 West Beach Boulevard, Long Beach, Mississippi, and assessed to Henri Occhi and/or Michael and Carla Fesi, is in compliance with Mississippi Code §21-19-11, city ordinances and property maintenance codes at this time.

The ninth and final public hearing was called to order to determine whether or not a parcel of property situated in the City of Long Beach, Map Parcel #0612C-02-003.000, located at 328 Seal Avenue and assessed to Gerald Allen, 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 Griffin made motion seconded by Alderman Parker 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 July 7, 2015, she did cause to be sent, via certified mail, electronic receipt requested, Notice of Hearing to Gerald Allen, 322 St. Augustine Avenue, Long Beach, Mississippi, 39560, as the same appears of record on the Harrison County 2014 Official Real Property Rolls, which Notice was Delivered by the USPS on July 20, 2015; said Notice is as follows:

Minutes of August 4, 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.

July 7, 2015

Gerald Allen
322 St. Augustine Avenue
Long Beach, MS 39560

91 7199 9991 7035 1110 9407

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 July 7, 2015, hold a public hearing at 5:00 p.m., Tuesday, August 4, 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 Gerald Allen, and situated in the City of Long Beach, Mississippi, at 328 Seal Avenue, is in such a state of uncleanliness as to be a menace to the public health and safety of the community, all in accordance with Section 21-19-11 of the Mississippi Code of 1972, as amended. Said property is more particularly described, as follows:

Address: 328 Seal Avenue
Parcel Number: 0612C-02-003.000
Legal Description: LOT 22 PECAN WOOD SUBD

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

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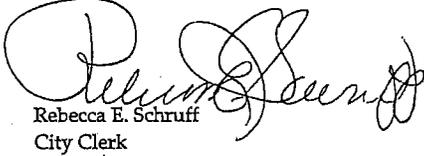
Minutes of August 4, 2015
Mayor and Board of Aldermen

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 7th day of July, 2015.


Rebecca E. Schruff
City Clerk

Minutes of August 4, 2015
 Mayor and Board of Aldermen

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Product & Tracking Information

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

DATE & TIME	STATUS OF ITEM	LOCATION
July 20, 2015, 4:15 pm	Delivered	BAY SAINT LOUIS, MS 39520
Your item was delivered at 4:15 pm on July 20, 2015 in BAY SAINT LOUIS, MS 39520.		
July 20, 2015, 12:58 pm	Notice Left (No Authorized Recipient Available)	BAY SAINT LOUIS, MS 39520
July 20, 2015, 1:10 am	Arrived at USPS Origin Facility	GULFPORT, MS 39503
July 17, 2015, 2:20 pm	Departed USPS Origin Facility	JACKSON, MS 39201
July 15, 2015, 5:20 pm	Arrived at USPS Origin Facility	JACKSON, MS 39201
July 8, 2015, 10:05 pm	Departed USPS Facility	GULFPORT, MS 39503
July 8, 2015, 7:31 pm	Arrived at USPS Origin Facility	GULFPORT, MS 39503
July 8, 2015, 6:18 pm	Accepted at USPS Origin Sort Facility	LONG BEACH, MS 39580

Available Actions

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Tracking (or receipt) number

Track It

Manage Incoming Packages

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

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<https://tools.usps.com/go/TrackConfirmAction.action?iRef=fullpage&tLc=1&text28777=...> 7/28/2015

- The Notice of Hearing was posted on the subject property, 328 Seal Avenue, Long Beach, Mississippi; City Hall, the Water Department and the Building Office, 201 Jeff Davis Avenue, Long Beach, Mississippi; and the Long Beach Public Library, 209 Jeff Davis Avenue, Long Beach, Mississippi.
- The Clerk submitted a photograph of the subject property, 328 Seal Avenue, Long Beach, Mississippi, in its present condition, taken August 4, 2015, by Building Official/Zoning Enforcement Officer Josh Hayes; said photograph is as follows:



- The Clerk submitted a sworn affidavit from building Official Josh Hayes affirming the photograph was taken of the subject property on August 4, 2015, and the Notice of Hearing was posted on the subject property, 328 Seal Avenue, Long Beach, Mississippi, on or before July 20, 2015; affidavit is as follows:

Minutes of August 4, 2015
Mayor and Board of Aldermen

AFFIDAVIT

STATE OF MISSISSIPPI
COUNTY OF HARRISON
CITY OF LONG BEACH

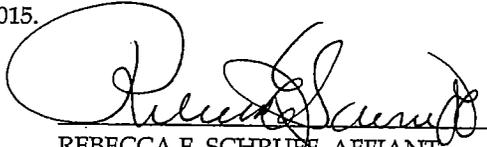
BEFORE ME, the under signed legal authority authorized to administer oaths in and for the jurisdiction aforesaid, on this day personally appeared JOSH HAYES, known to me to be the Building Official of the City of Long Beach, Mississippi, who being by me first duly sworn, deposes and says on oath as follows, 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 July 20, 2015, he did cause to be posted, Notice of Hearing, a copy of which is attached hereto, on property assessed to Gerald Allen, 328 Seal Avenue, Long Beach, Mississippi and at the City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi; and that on August 4, 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 August 4, 2015.

This the 4th day of August, 2015.


REBECCA E. SCHRUFF, AFFIANT

SWORN TO AND SUBSCRIBED before me on this the 4th day of August, 2015.

-My Commission Expires-


NOTARY PUBLIC



AFFIDAVIT-PHOTOS;POST NOTICE

**Minutes of August 4, 2015
Mayor and Board of Aldermen**

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

*

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

**Minutes of August 4, 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 328 Seal Avenue, Long Beach, Mississippi, to determine and consider the condition of said property. After conducting the hearing and considering all matters produced there at and after hearing all persons interested and appearing, the Board of Aldermen declared the hearing finally closed. After a discussion of the subject, Alderman Parker 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 328 SEAL AVENUE, LONG BEACH, MISSISSIPPI, TO BE A
MENACE TO THE PUBLIC HEALTH AND SAFETY OF THE COMMUNITY AND
REQUIRING OWNER OF SUCH PROPERTY TO CLEAN SAID PROPERTY.**

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

1. That on complaint and motion of the Governing Authorities of the City of Long Beach wherein lies the property known as 328 Seal Avenue, Long Beach, Mississippi, (hereinafter referred to as the subject parcel), and after discussion of same, the Mayor and Board of Aldermen, at its regular meeting of July 7, 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 August 4, 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 these proceedings;

Minutes of August 4, 2015
Mayor and Board of Aldermen

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 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 328 Seal Avenue, Long Beach, Mississippi, which parcel of land is identified by Harrison County Tax Parcel Number 0612C-02-003.000 and according to said tax records is owned by Gerald Allen, is 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 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 June 11, 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.

Alderman Carrubba 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

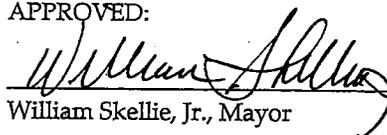
Minutes of August 4, 2015
Mayor and Board of Aldermen

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 4th day of August, 2015.

APPROVED:


William Skellie, Jr., Mayor

ATTEST:


Rebecca E. Schruoff, City Clerk

Minutes of August 4, 2015
Mayor and Board of Aldermen



Building Department
201 Jeff Davis Ave.
Long Beach, MS 39560
228-863-1554

June 11, 2015

91 7108 2133 3938 0607 9879

Gerald Allen
322 Saint Augustine Avenue
Long Beach, MS 39560

Reference: Notice of Violation
328 Seal Avenue; Long Beach, MS 39560
Tax Parcel Number(s): 0612C-02-003.000

After receiving a complaint and inspecting the above referenced property, it is in violation as listed below:

2012 International Property Maintenance Code, Chapter 3, Section 302.4: Weeds. "All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens."

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

Please notify my office by emailing jhayes@cityoflongbeachms.com, veronica@cityoflongbeachms.com or by fax at (228) 863-1558 as soon as the referenced violation has been corrected, so that the premises can be inspected or if you have any questions or concerns. In the event you do not own the property in question, my office would appreciate being informed of these facts.

2012 International Property Maintenance Code, Chapter 1, Section 111.1 Application for appeal. "Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within twenty (20) days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code area adequately satisfied by other means."

Sincerely,

Josh Hayes, CFM
Building Official

Cc: file

**Minutes of August 4, 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 August, 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. Schruuff, and City Attorney James C. Simpson, Jr.

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

The 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, Advertisement for Bids, "HARBOR FINGER PIER REPAIRS AND CONSTRUCTION", as evidenced by the Publisher's Proof of Publication.

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

Minutes of August 4, 2015
Mayor and Board of Aldermen

ADVERTISEMENT FOR BIDS
 City of Long Beach, Mississippi
 The City of Long Beach, Mississippi, will receive bids for:
 Long Beach Smalcraft Harbor
 Finger Pier Repairs and Construction
 at the Office of City Clerk located at City Hall, 201 Jeff Davis Avenue, (P.O. Box 829) Long Beach, Mississippi, 39560, during normal office hours at any time prior to the designated bid date. Bids will then be publicly opened and read aloud at 10:00 A.M., July 14, 2015.
 Bids are invited for the furnishing of materials, equipment, labor, and incidentals necessary to construct a 150 foot long (total length) occupation pier complete with pilings, second pier substructure and dacking, pier bumpers and utility system (water & electricity) and other related improvements. The project is located within the Long Beach Harbor area.
 Contract Documents are on file at the Office of the City Clerk at City Hall, Long Beach, MS. The Documents may be obtained at the office of A. Gamble & Associates, Inc., Consulting Engineers, 520 33rd Street (at Hewes Avenue), Gulfport, Mississippi 39507, upon payment of a \$100.00 non-refundable fee.
 A certified check or bank draft payable to the order of City of Long Beach, Mississippi, negotiable U.S. Government bonds (at par value), or a satisfactory Bid Bond executed by the bidder and an acceptable surety licensed under the laws of the State of Mississippi, in an amount equal to five percent (5%) of the total bid for "City of Long Beach, Long Beach Smalcraft Harbor - Finger Pier Repairs and Construction".
 For bids exceeding \$50,000 Bidder must indicate his Certificate of Responsibility Number on outside of sealed proposal as required by Mississippi Law. For bids not exceeding \$50,000, Bidder must either indicate his Certificate Number, or else write clearly "Bid does not exceed \$50,000".
 The City of Long Beach, Mississippi, reserves the right to consider the following relevant factors in addition to the contract price in determining the lowest and best bid: bidder's skill and business judgment, his experience and his facilities for carrying out the contract, his previous conduct under other contracts and the quality of previous work, as well as his punctuality, ability, honesty, and integrity. The City also reserves the right to reject any or all bids or to waive any informalities in the bidding.
 Awarding public contracts to non-resident Bidders will be on the same basis as the non-resident bidder's state awards contracts to Mississippi Contractors bidding under similar circumstances, in order to ensure that Mississippi's so-called Golden Rule is followed, state law requires a non-resident bidder to attach to his bid a copy of his resident state's current laws pertaining to such state's treatment of non-resident contractors. Bids may be held by the City of Long Beach, Mississippi, for a period not to exceed ninety (90) days from the date of the opening of bids for the purpose of reviewing the bids and investigating the qualifications of Bidders, prior to awarding of the Contract. Authorized by order of the Mayor and City Council, June 2, 2015.
 City of Long Beach, Mississippi
 By SREBECCA SCHRUFF
 Title CITY CLERK
 ADV/2, 10:27 AM 1508680

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 2 times in the following numbers and on the following dates of such paper, viz:

- Vol. 131 No., 252 dated 12 day of June, 2015
- Vol. 131 No., 259 dated 19 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____

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 22 2015 Crista Brackett
Clerk

Sworn to and subscribed before me this 19 day of June, A.D., 2015
Harold Beck
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

The Clerk further reported that five (5) bids were properly filed on July 21, 2015, at 10:00 a.m., per Addendum #1, in the City Hall Meeting Room, 201 Jeff Davis Avenue, Long Beach, Mississippi and, then and there, publicly opened and read aloud by City Clerk Rebecca E. Schruuff and Project Engineer David Ball; company representatives were also present. Said bids are as follows:

Minutes of August 4, 2015
Mayor and Board of Aldermen

Advanced Construction and Development, LLC
619 Hillside Drive
Biloxi, MS 39532
COR#: 20916-MC
Bid Amount: \$236,012.04

Coastal Painting and General Contracting, Inc.
P.O. Box 461
Gautier, MS 39553
COR#: 08092-MC
Bid Amount: \$181,998.51

J.E. Borries, Inc.
16701 Highway 57
Vancleave, MS 39565
CO#: 09360-SC
Bid Amount: \$185,267.18

M & D Construction, Inc.
P.O. Box 5047
Moss Point, MS 39563
COR#: 05107-MC
Bid Amount: \$143,969.05

Twin L Construction, Inc.
8292 Firetower Road
Pass Christian, MS 39571
COR#: 08365-MC
Bid Amount: \$217,800.00

The aforementioned bids were taken under advisement for review and tabulation by Project Engineer David Ball with a recommendation as follows:

Minutes of August 4, 2015
 Mayor and Board of Aldermen



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

520 33RD STREET
 GULFPORT, MS 39507

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

July 29, 2015

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

**RE: Finger Pier Repairs and Construction
 Long Beach Smallcraft Harbor**

Ladies and Gentlemen:

The City of Long Beach received bids for the performance of the referenced project on July 21, 2015. The project is for the construction of several new finger piers and improvements to all existing finger piers in the Harbor. We received five properly filed bids in total, which we have reviewed the bids and tabulated per the enclosed a Certified Tabulation.

The low bid was provided by M & D Construction Company, Inc., who has performed much of the work in the Harbor since Hurricane Katrina. We expect no problems regarding the contractor and his performance, and have enclosed a letter from M & D detailing their key personnel. We therefore recommend award of this contract to M & D Construction in the amount of their total bid of \$143,969.05. If approved, we will coordinate with the Contractor to obtain executed contract documents with construction to begin as soon as feasible.

Sincerely,

David Ball, P.E.

DB:1946-W. Fishing Pier
 Enclosure

Page 1 of 2

TABULATION OF BIDS
CITY OF LONG BEACH
SMALL CRAFT HARBOR - FINGER PIER REPAIRS AND CONSTRUCTION

Bid Date: July 21, 2015 (Per Addendum # 1)

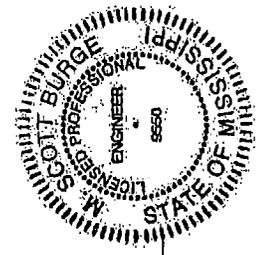
CONTRACTORS BIDDING:		M & D Construction Co., Inc.		Coastal Painting & General Contracting, Inc.		J.E. Borries, Inc.	
Certificate of Responsibility No.:		05107-MC		08092-MC		08960-SC	
Acknowledgement of Addendum No. 1:		Yes		Yes		Yes	
Acknowledgement of Addendum No. 2:		Yes		Yes		Yes	
Debarment/Non-Collusion Certification:		Yes		Yes		Yes	
Bid Bond:		Yes		Yes		Yes	

ITEM NO.	ITEM	PLAN QUANTITY	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1-A	12" X 36" PILE	1 EA.	\$669.50	\$669.50	\$1,500.00	\$1,500.00	\$1,000.00	\$1,000.00
1-B	10" X 30" PILE	23 EA.	\$773.75	\$13,196.25	\$695.65	\$15,999.95	\$1,000.00	\$23,000.00
1-C	WOOD PIER SUBSTRUCTURE (GINGY PIER)	50 L.F.	\$132.10	\$6,605.00	\$160.00	\$8,000.00	\$166.25	\$8,312.50
1-D	6" WOOD PIER DECKING (GINGY PIER)	50 L.F.	\$199.70	\$9,985.00	\$100.00	\$5,000.00	\$86.40	\$4,320.00
1-E	3" WIDE FINGER PIER - 50' LONG	2 EA.	\$5,372.00	\$10,744.00	\$8,000.00	\$16,000.00	\$5,637.50	\$11,275.00
1-F	3" WIDE FINGER PIER - 30' LONG	5 EA.	\$3,375.00	\$16,875.00	\$4,200.00	\$21,000.00	\$3,255.00	\$16,275.00
1-G	2" WIDE FINGER PIER - 30' LONG	1 EA.	\$3,234.00	\$3,234.00	\$3,000.00	\$3,000.00	\$3,255.00	\$3,255.00
1-H	2" WIDE FINGER PIER - 25' LONG	2 EA.	\$2,868.75	\$5,737.50	\$5,500.00	\$11,000.00	\$2,791.25	\$5,582.50
1-I	2" WIDE FINGER PIER - 20' LONG	6 EA.	\$2,019.40	\$12,116.40	\$2,083.33	\$12,499.98	\$2,175.00	\$13,050.00
1-J	25' EXTENSION OF EXISTING 3" WIDE FINGER PIER	8 EA.	\$3,093.75	\$24,750.00	\$3,500.00	\$28,000.00	\$2,791.25	\$22,330.00
1-K	3" SCHEDULE 80, PVC PIPE SUPPORTS	478 EA.	\$63.80	\$30,456.40	\$125.52	\$59,998.66	\$160.81	\$76,867.18
TOTAL BID				\$143,965.05		\$181,998.49		\$185,267.18

* Engineer's Corrected Figure

THEBY CERTIFY THAT THIS IS A TRUE AND CORRECT TABULATION OF BIDS.

M. Scott Burge
M. Scott Burge, P.E.
Cert. No. 9550
July 21, 2015



TABULATION OF BIDS
CITY OF LONG BEACH
SMALL CRAFT HARBOR - FINGER PIER REPAIRS AND CONSTRUCTION

Bid Date: July 21, 2015 (Per Addendum # 1)

CONTRACTORS BIDDING:		Advanced Construction & Development, LLC		Twin L. Construction, Inc.		
Certificate of Responsibility No.:		20916-MC		08365-MC		
Acknowledgement of Addendum No. 1:		Yes		Yes		
Acknowledgement of Addendum No. 2:		Yes		Yes		
Debarment/Non-Collusion Certification:		Yes		Yes		
Bid Bond:		Yes		Yes		
BID ITEMS						
ITEM NO.	ITEM	PLAN QUANTITY	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1-A	12" X 35' PILE	1 EA.	\$976.20	\$976.20	\$1,050.00	\$1,050.00
1-B	10" X 30' PILE	23 EA.	\$660.47	\$15,190.81 *	\$900.00	\$20,700.00
1-C	WOOD PIER SUBSTRUCTURE (DINGY PIER)	50 L.F.	\$241.45	\$12,072.50 *	\$320.00	\$16,000.00
1-D	6' WOOD PIER DECKING (DINGY PIER)	50 L.F.	\$81.35	\$4,067.50 *	\$71.00	\$3,550.00
1-E	3' WIDE FINGER PIER - 50' LONG	2 EA.	\$8,838.00	\$17,676.00	\$7,800.00	\$15,600.00
1-F	3' WIDE FINGER PIER - 30' LONG	5 EA.	\$5,699.40	\$28,497.00	\$4,900.00	\$24,500.00
1-G	2' WIDE FINGER PIER - 30' LONG	1 EA.	\$5,325.00	\$5,325.00 *	\$4,500.00	\$4,500.00
1-H	2' WIDE FINGER PIER - 25' LONG	2 EA.	\$4,355.70	\$8,711.40	\$3,900.00	\$7,800.00
1-I	2' WIDE FINGER PIER - 20' LONG	6 EA.	\$4,300.20	\$25,801.20	\$3,400.00	\$20,400.00
1-J	25' EXTENSION OF EXISTING 3' WIDE FINGER PIER	8 EA.	\$4,914.60	\$39,316.80	\$4,000.00	\$32,000.00
1-K	3" SCHEDULE 80, PVC PIPE SUPPORTS	478 EA.	\$108.27	\$51,753.06 *	\$150.00	\$71,700.00
TOTAL BID				\$209,387.47 *		\$217,800.00

* Engineer's Corrected Figure

Minutes of August 4, 2015
Mayor and Board of Aldermen



July 30, 2015

A. Garner Russell & Associates
520 33rd Street
Gulfport, MS 39507
Attn.: Mr. David Ball

SUBJECT: Company Flow Chart

Dear Mr. Ball,

per your email to Mr. Joseph Schmidt from July 29th, 2015, in regards to our Company Representatives and their duties pertaining to the City of Long Beach Bid, please view the following:

S. David Vice	President
David J. Vice	Vice President
Michael L. Vice	Secretary / Treasurer
Joseph (Jay) Schmidt	Project Manager
Kevin Goff	Superintendent

Let me know if you need any further information or if this is sufficient, thank you,


David J. Vice
Vice President

Based upon the recommendation of Mr. Ball as set forth above, Alderman Lishen made motion seconded by Alderman Parker and unanimously carried to award the Harbor Finger Pier Repairs and Construction Contract to M & D Construction, Inc., in the amount of \$143,969.05, as lowest and best bid.

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

Minutes of August 4, 2015
Mayor and Board of Aldermen

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, Advertisement for Bids, "HARBOR ELECTRICAL SYSTEM MAINTENANCE", as evidenced by the Publisher's Proof of Publication.

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

ADVERTISEMENT FOR BIDS
City of Long Beach, Mississippi
The City of Long Beach, Mississippi, will receive bids for LONG BEACH SMALL CRAFT HARBOR ELECTRICAL SYSTEM MAINTENANCE at the Office of City Clerk located at City Hall, 201 Jeff Davis Avenue, (P.O. Box 920) Long Beach, Mississippi, 38904, during normal office hours at any time prior to the designated bid date. Bids will then be publicly opened and read aloud at 10:00 A.M., July 14, 2015.
Bids are invited for the furnishing of all materials, labor, tools, and services necessary to perform limited routine semi-annual maintenance/repairs to existing electrical systems within the Long Beach Small Craft Harbor as depicted in the Contract Documents. This work also includes work to mitigate possible damages to the electrical system in the Harbor in the event of named storm events, extremely high tides or other events with reasonable predictability. The mitigation work shall consist of mobilization, removal, and storage, and replacement of all removable power pedestals installed in the Long Beach Harbor.
Contract Documents are on file at the Office of the City Clerk, at City Hall, Long Beach, MS. The Documents may be obtained at the office of A. Garner Russell & Associates, Inc., Consulting Engineers, 520 33rd Street (at Hiwas Avenue), Gulfport, Mississippi 39507, upon payment of a \$100.00 non-refundable fee (payable to A. Garner Russell & Associates, Inc.).
A certified check or bank draft payable to the order of City of Long Beach, Mississippi, negotiable U.S. Government bonds (at par value), or a satisfactory Bid Bond executed by the Bidder and an acceptable surety licensed under the laws of the State of Mississippi in an amount equal to five percent (5%) of the total bid for "City of Long Beach, Long Beach Small Craft Harbor - ELECTRICAL SYSTEM MAINTENANCE", shall be submitted with each bid.
For bids exceeding \$50,000 Bidders must indicate the Certificate of Responsibility Number on packets of sealed proposals as required by Mississippi Law. For bids not exceeding \$50,000, Bidders must indicate the Certificate Number, or else write clearly "Bid does not exceed \$50,000".
The City of Long Beach, Mississippi, reserves the right to consider the following requirements in addition to the contract price in determining the lowest and best bid: Bidder's skill and business judgment, his experience and his facilities for carrying out the contract, his previous conduct under other contracts and the quality of previous work, as well as his pecuniary ability, honesty, and integrity. The City also reserves the right to reject any or all bids or to waive any informally in the bidding.
Bids may be held by the City of Long Beach, Mississippi, for a period not to exceed ninety (90) days from the date of the opening of bids for the purpose of reviewing the bids and investigating the qualifications of Bidders, prior to awarding of the Contract. Authorized by order of the Mayor and Board of Aldermen, June 2, 2015.
City of Long Beach, Mississippi
By REBECCA SCHRUFF
TIE CITY CLERK
ADV12, 10, 2FRI 1550982

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 2 times in the following numbers and on the following dates of such paper, viz:

- Vol. 131 No., 252 dated 12 day of June, 2015
- Vol. 131 No., 259 dated 19 day of June, 2015
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- 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.

Crista Brackett
Clerk
JUN 22 2015

Sworn to and subscribed before me this 19 day of June, A.D., 2015
Garland
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