

MUNICIPAL DOCKET
REGULAR MEETING OF SEPTEMBER 20, 2016
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. BIDS**
 - 1. Advertise-Public Works Annual Bids**
- V. ANNOUNCEMENTS; PRESENTATIONS; PROCLAMATIONS**
- VI. AMENDMENTS TO THE MUNICIPAL DOCKET**
- VII. * PUBLIC COMMENTS-AGENDA ITEMS ONLY**
- VIII. APPROVE MINUTES:**
 - 1. MAYOR AND BOARD OF ALDERMEN**
 - a. September 6, 2016 Public Hearings/Regular**
 - 2. PLANNING COMMISSION**
 - a. September 8, 2016**
 - 3. PORT COMMISSION**
 - a. September 15, 2016**
- IX. APPROVE DOCKET OF CLAIMS NUMBER(S):**
 - 1. 092016**
- X. UNFINISHED BUSINESS**
 - 1. Ordinance-Zoning Text Change; Short Term Rentals-Residential**
 - 2. Reconsider Vote on RV Resort; Alderman Ponthieux**
- XI. NEW BUSINESS**
 - 1. Request to Waive Fees-Recreation Complex; Community Thanksgiving Meal-Church of the Good Shepherd**
 - 2. Neal E. Trautman-Pineville Road Sidewalk Construction**
 - 3. Wally Babbidge-Marketing Initiative, Long Beach Harbor**
 - 4. Bill Leiteritz-New Proposal Sea Oaks Drainage**
 - 5. Special Event Application/Town Green Permit-Pink Heart Funds, LLC, Run/Walk of Hope**
- XII. DEPARTMENTAL BUSINESS**
 - 1. MAYOR'S OFFICE**
 - 2. PERSONNEL**
 - a. Fire Department-(4) Step Increases; (1) Education Pay**
 - b. Water Department-(1) Step Increase**
 - 3. CITY CLERK**
 - a. Revenue/Expense Report-August, 2016**
 - 4. DERELICT PROPERTIES-DISCUSSION/SCHEDULE PUBLIC HEARINGS**
- XIII. REPORT FROM CITY ATTORNEY**
- 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 FOR ALL PUBLIC COMMENTS.*

Minutes of September 20, 2016
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 third Tuesday in September, 2016, and the same being the time, date and place fixed by Laws of the State of Mississippi and ordinance of the City of Long Beach for holding said meeting.

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

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

The meeting was called to order and Alderman Young made motion seconded by Alderman Griffin and unanimously carried authorizing advertisement for Public Works Annual Bids.

The Mayor recognized Tom Sawyer, Brown and Brown of Mississippi, LLC, to present the workman's compensation renewal proposal.

After considerable discussion, Alderman Carrubba made motion seconded by Alderman Griffin and unanimously carried to renew with Mississippi Municipal Workers' Compensation Group, in the premium amount of \$104,069.00, October 1, 2016 – September 30, 2017, for a savings of \$11,370.00 from last year.

*

*

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

Minutes of September 20, 2016
Mayor and Board of Aldermen

PUBLIC COMMENTS PERTAINING TO MATTERS ON THE AGENDA ONLY

NOTE: All comments shall be directed to the Chairman (Mayor).
Comments of a personal nature regarding individual members of the Governing Authority (Mayor and Board of Aldermen), City Staff and/or Personnel, other Citizens, disruptive comments or improper actions will not be permitted.
Public Comments will be limited to a total of ten (10) minutes and limited to a maximum of two (2) minutes per person.
Except as otherwise directed by the Chairman (Mayor), Public Comments will not be permitted before or after the allotted time. Disruption of the regular business meeting will be cause for removal from the public meeting.

PLEASE PRINT: NAME / ADDRESS / TELEPHONE	AGENDA ITEM NO.	AGENDA ITEM SUBJECT MATTER
1/ ✓ DAVID M ALLEN 759 Vieux MARCHE BICOXI, MS 374-2100	X-2	
2/ ✓ Dave Reed 125 Markham Dr L.B. MS 39560	X-2	
3/ ✓ Tony Wilder 156 Markham Dr Long Beach 39560	X-2	
4 Bill Lutenik 141 Sea Oaks Blvd 39560	X14	Sea Oaks ditch fill
5/ ✓ Neal Tranter 100 maple Cove LB 39560	X12	SI DEWALK
6/ ✓ DENNIS STIEFFEL 13061 SHRINERS BLVD., STEC BICOXI, MS 39532	X-2	
7/ Linda Powell 504 Gulf View Ave.	X-2	
8/ ✓ Anthony Portera 100 Jeff Davis ave.	X-2	
9 ✓ Dan Z...	X2	
10 ✓ LARRY THOMPSON	X2	

City of Long Beach, Mississippi
Mayor and Board of Aldermen Meeting
Date: _____

Excel Worksheet: public comments - agenda PUBLIC COMMENTS-AGENDA

[Note: Item VII. PUBLIC COMMENTS-AGENDA ITEMS ONLY; Comments for Item X.2., Reconsider Vote on RV Resort, were deferred until the item came up for consideration on the agenda].

*

*

There were no announcements, proclamations, or amendments.

Alderman Ponthieux made motion seconded by Alderman Lishen and unanimously carried to approve the public hearing minutes and regular meeting minutes of the Mayor and Board of Aldermen dated September 6, 2016, as submitted.

**Minutes of September 20, 2016
Mayor and Board of Aldermen**

Alderman Hammons made motion seconded by Alderman Lishen and unanimously carried to approve the regular meeting minutes of the Long Beach Planning Commission dated September 8, 2016, as submitted.

Alderman Ponthieux made motion seconded by Alderman Young and unanimously carried to approve the regular meeting minutes of the Long Beach Port Commission dated September 15, 2016, as submitted.

Alderman Griffin made motion seconded by Alderman Young and unanimously carried to approve payment of invoices as listed in Docket of Claims number 092016.

**Minutes of September 20, 2016
Mayor and Board of Aldermen**

ORDINANCE NO. 622

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY TO INCLUDE A NEW SECTION 131 DEALING WITH SHORT TERM RENTALS – RESIDENTIAL IN THE CITY OF LONG BEACH, AND FOR RELATED PURPOSES.

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

(A) The Unified Development Ordinance Number 598 of the City of Long Beach, has been heretofore adopted by the Mayor and Board of Aldermen of the City of Long Beach to reflect the zoning classification of all property within the City of Long Beach and to otherwise provide for and foster orderly development and growth of the City in accordance with a comprehensive plan, all for the benefit and good of the citizens of Long Beach.

(B) The Mayor and Board of Aldermen of the City of Long Beach, the Planning Commission of the City of Long Beach, and others are from time to time called upon to update, revise, and provide additions to said Unified Development Ordinance.

(C) That, after due investigation and consideration, the Governing Authorities of the City of Long Beach do find and determine that, in further aid to the Mayor and Board of Aldermen of the City of Long Beach, the Planning Commission of the City of Long Beach, and others in providing for and fostering orderly development and growth of the City in accordance with a comprehensive plan, an additional section should be added to such Unified Development Ordinance as Section 131 providing for a further definition and clarification of Short Term Rentals within the City of Long Beach

(D) That the recommended proposed change to the Unified Development Ordinance by the addition of such new Section 131 was duly considered by the Planning Commission of the City of Long Beach at a public hearing and regular meeting of said Planning Commission held on June 23, 2016, and after public hearing, input, and

**Minutes of September 20, 2016
Mayor and Board of Aldermen**

thorough consideration as to all relevant factors required and available under law, the Planning Commission adopted same and recommended approval thereof by the Mayor and Board of Aldermen as reflected in the official minutes of said meeting.

(F) That pursuant to legal notice published and given for the time and in the manner provided by law, the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, did meet at 5:00 o'clock p.m. on Tuesday, the 6th day of September, 2016 at the City Hall in said City at the time, place and date fixed in said legal notice, and did on such date conduct a public hearing at which hearing all parties interested in or opposed to adoption of the change proposed to the Unified Development Ordinance by addition of such new Section 131 were given an opportunity to be heard and allowed to make oral and/or written comment to such proposed changes, which proposed changes were then and there on file and had been on file during the period of said notice in the office of the City Clerk at the City Hall in said City, available for public inspection and examination by any and all parties interested in or opposed to the proposed changes, all as more particularly hereinafter set forth in this ordinance.

(E) That, as a result of the aforesaid public hearing and after consideration by the Mayor and Board of Aldermen of the testimony and evidence presented, and after due deliberation, the Mayor and Board of Aldermen did then find, and do now find, determine, adjudicate and declare that, in further aid to the Mayor and Board of Aldermen of the City of Long Beach, the Planning Commission of the City of Long Beach, and others in providing for and fostering orderly development and growth of the City in accordance with a comprehensive plan the proposed new Section 131 dealing with Short Term Rentals –Residential should be adopted.

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

Section 1. That the Mayor and Board of Aldermen having considered the comments and testimony at the said hearing, all of the documentary evidence submitted into evidence and their own knowledge and familiarity of the City of Long Beach hereby

find and adjudicate as follows:

(a) That the clear and convincing evidence establishes that the City is in need of changing the to add to a new Section 131 dealing with SHORT TERM RENTALS – RESIDENTIAL as a part of the Unified Development ordinance;

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

(c) The addition of the said new Section 131 not intended to revise or change the existing zoning classification of any district or parcel, but is intended to only further describe and aid in fostering orderly development and growth of the City in accordance with a comprehensive plan.

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

Section 2. That the Unified Development Ordinance of the City of Long Beach should be and hereby are amended to include the following new section, to be known as Section 131:

Section 131: Short Term Rentals-Residential

(a) Definition

The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section:

(1) Short Term Rental: Short Term Rental means any dwelling or condominium or portion thereof that is available for use or is used for accommodations or lodging of guests, paying a fee or the compensation for a period of less than thirty (30) consecutive days. For the purpose of House Bill No. 1836 (1998) regarding a tax levy on lodging rentals, short-term rental "means any establishment engaged in the business of furnishing or providing rooms intended or designed for dwelling, lodging or sleeping purposes to transient guests and which are known in the trade as such". The term "Short-Term Rental" does not include any hospital, convalescent or nursing home, shell houses, group homes, or sanitarium or any facility associated with a hospital providing rooms for medical patients and their families. The term "Short Term rental" shall also not include mobile homes, manufactured homes, group homes, travel trailers, tents, recreational vehicles, campers or other similar vehicles or structures nor does the term include a bed and breakfast permitted by City ordinances .

(2) Local Property Manager: The person specifically named on the application and permits who is responsible for the day-to-day operation of the short term rental unit, and who may be contacted and available twenty-four (24) hours a day if there is a problem with the unit. The local property manager may be the owner or agent of the owner. The local property manager and owner shall be responsible for the management and upkeep of the rental unit in compliance with the provisions set forth herein. The name, address and telephone number of the owner and the local

Minutes of September 20, 2016 Mayor and Board of Aldermen

property manager shall be submitted at the time that the application is filed and said information shall be made available to the public. The owner shall be responsible for providing written notice of any change with respect to the name, address and telephone number of the local property manager to the City within five (5) days of any such change.

(b) Permit Required

It Is Unlawful To Conduct Or Operate A Short-Term Rental Without Having Obtained A Permit Therefore.

(1) A short-term lodging, special use permit and occupancy tax registration are required for each short term lodging rental unit.

(2) Applications may be made for a short term lodging special use permit in all residential zones.

(3) The permit process requires an application completed in accordance with the following which may be obtained at the City Building Department.

(A) Application shall contain such information as the Building Official shall from time to time require, including, but not limited to, the location/address of the short term rental, number of rooms therein contained, the number of persons the short term rental proposes to accommodate, the name of the property owner, the name of the local property manager, sales tax collection, and the name, address and telephone number of the local contact person who is available for contact, copy of the rental agreement, proposed parking plan (reviewed and determined upon signing and inspection by Building Official) rules, and a plan for trash management, and a copy of the proposed rental agreement.

(B) It shall be the duty of the applicant to notify the City Building Department of any Homeowners Association which may have jurisdiction over the applicant's property. It shall be the further duty of the applicant to notify the affected Homeowner's

Association of the application process and to provide the City Building Department with a written statement of support from the Homeowner's Association which approves the request of the applicant for use of the owner's property as a short term rental. Failure to notify the City Building Department of the existence of a Homeowner's Association shall result in the suspension or revocation of the permit.

(C) It shall be the duty of the applicant to produce proof to the City Building Department of homeowner's liability insurance coverage which does not exclude short term rentals from coverage. Further, the applicant shall provide proof that the insurer has been notified of the insured's intent to use the property as a short term rental.

(D) The application shall include a statement from the Building Official and Fire Department affirming that the applicant is in compliance with all applicable zoning requirements, building codes and fire codes, as well as a statement affirming that all applicable taxes, fees and other charges have been paid.

(E) The applicant shall execute a written statement acknowledging that a violation of the ordinances of the City of Long Beach shall result in the suspension or revocation of the permit.

(F) A non-refundable application fee of two hundred dollars (\$200.00) plus mailing costs or the most recent fee established by the Board of Alderman shall be paid by the applicant at the time of filing the application with said application fee concerning the costs of inspection, mailing, and labor affiliated with the processing of the application.

(G) Upon the filing of an application in accordance with Subsections (A) through

**Minutes of September 20, 2016
Mayor and Board of Aldermen**

(G), the City shall notify all landowners within two hundred (200) feet of the applicant's land boundaries of the applicant's intent to obtain a permit to conduct or operate a Short Term Rental on the property owned by the applicant. Notification by the City shall be made by mail and shall be addressed to the landowner identified for each parcel in the ad valorem tax rolls for the City. The notification shall provide the following information to the landowners within two hundred (200) feet of the applicant's land boundaries:

- (1) Name and address of the applicant;
- (2) Name and address of the local contact person who will be available for contact at all times;
- (3) Name and address of every agent;
- (4) Copy of the application shall be available at City Hall;

(H) The City shall notify the landowners within two hundred (200) feet of the applicant's boundary lines of the date, time and place of a hearing before the Planning Commission. Notice shall be published in a local newspaper of general circulation within the City at least fifteen (15) days prior to the hearing.

(I) At the conclusion of the public hearing, the Planning Commission shall approve or disapprove the application and send its decision, along with the reason for its decision, to the Board of Aldermen. The matter shall be set on the agenda of the next City meeting after the time for appeal has lapsed.

(J) Any party aggrieved by the decision of Planning Commission may appeal the decision to the Board of Aldermen within ten (10) days from the time of the decision. Any aggrieved party shall file a written notice of appeal with the City Clerk. The City shall hold a hearing to hear the appeal as set forth in the code.

(K) In the event no appeal is filed, the decision of the Planning Commission shall be final and the permit shall be issued or denied based upon such after approval by the Mayor and Board of Aldermen. If an appeal is filed, the Board of Aldermen shall consider the appeal and render its decision with respect to the issuance or denial of the permit, setting forth its reasons for such.

(4) The short term rental unit is in accordance with all applicable fire and health codes as would apply if the unit was located within a commercial zone and designated as a commercial venture therein.

(5) Each short term rental permit shall expire one (1) year from the date of issuance of the permit.

(6) Permit renewal may be obtained for an amount equal to one-night rental fee or \$100, whichever is greater, through the City Building Department.

Permit renewal process will include staff review of City records and other documentation pertaining to complaints, if any, that have been received about the specific short term rental unit under consideration. Filed complaints that are in violation of the zoning codes, building codes, property maintenance, codes and/or applicable laws or regulations will be considered as part of the renewal process. Applicable local, State and Federal laws or regulations may be a basis for denying a permit renewal. If permit renewal is denied, the City Building Department shall provide notice as to the reason for denial and the landowner shall be allowed ten (10) days to correct any deficiencies itemized. At the expiration of ten (10) days, a landowner may appeal the denial of permit renewal to the Board of Aldermen. The appeal must be in writing and must be filed within ten (10) days following the expiration of the ten (10) day period within which to file correct deficiencies.

(7) Approval of short term lodging permit does not legalize any non-permitted use or structure. Short term rental units are not to be used to distribute retail products or personal services to invitees for marketing or similar purposes. The outdoor display of goods and merchandise for sale is prohibited.

(8) Short term lodging rental permits are not transferable. Upon sale or any type of transfer of the property, any permit issued pursuant to the terms set forth

Minutes of September 20, 2016 Mayor and Board of Aldermen

herein, shall automatically expire. Any new owner(s) or transferee(s) shall be required to apply for a new permit in accordance with this article, except no hearing is required, only planning commission approval. The new permit shall be for a period of one year from date approved.

(9) Any structure or unit that is deed restricted for affordable housing shall not be used as a short-term lodging rental.

(c) Occupancy

The maximum occupancy of each short term rental shall be as determined by the Building Official and/or Fire Marshall based on the inspection of the premises and applicable laws, regulations and codes. Each permit shall specify the maximum number of occupants, which may be limited due to building or parking constraints.

(d) Number of Vehicles

The maximum number of vehicles will be determined upon site inspection by the Building Department and should be compatible with the zoning. This number will be based on off street parking availability and on-street conditions. It will be preferred that the applicant/owner provide off-street parking. In certain circumstances where no off-street parking exists and on-street constraints exist, the Building Official may require that an off- street parking space to be constructed or secured.

(e) Registry of Guests

Each person granted a short term rental permit shall keep or cause to be kept a registry of guests. Such registration or list shall be available for inspection upon ten (10) days written notice by the Building Official or his designee.

(f) Noise

Property owners and local property managers shall insure that the occupants of the short term rental are aware of City noise ordinances and State laws regarding disturbing the peace.

(g) Premises and Garbage Management

It shall be the duty of every local property manager and/or owner to keep all of the rooms in connection with the short term rental provided for the use of guests, in clean and sanitary condition; and to provide each guest with affective protection against flies mosquitoes and other vermin. Garbage shall be disposed of in covered containers and placed in the scheduled pick-up location.

(h) Posting of Rules

Short term rental unit rules shall be posted inside the rental unit in a location readily visible to all tenants. The rules shall include: occupancy; parking limits; noise, rules and garbage management. A written copy of this Ordinance shall be posted within the unit and displayed at all times.

(i) Local Contact Person

All short term rentals shall designate a local property manager who will respond to the questions or concerns twenty-four (24) hours a day. The name, address and telephone number of the local contact person shall be submitted to the Planning Department, Building Department and City Police Department during the permitting process. The name, address and telephone number of the local contact person shall be posted permanently inside the short term rental unit. The local contact person, property manager and/or property owner shall be considered the responsible person for violations of the Short Term Rental Ordinance.

(j) Complaints and Dispute Resolutions

Complaints regarding violation of this Ordinance must first be directed to the local

Minutes of September 20, 2016 Mayor and Board of Aldermen

contact person. If the local contact person is unable to resolve the issue and/or the issue relates to public safety, then the concerned party should contact the Building Department. The Long Beach Police Department shall have an updated list provided by the Building Department of all local contact persons for short term rentals in case complaints are received after hours. Verified complaints concerning non-compliance with the terms of this Ordinance may be considered in determining whether or not a permit should be revoked.

(k) Denial or Revocation of a License

Conditions for denial of permit or revocation of permit to operate a Short Term Rental unit shall include but in no way limited to the following:

- (1) Property within a subdivision with an active homeowner's association with adopted covenants that do not allow short term rentals will not be considered for a permit. A letter of acknowledgment and support will be required from the Homeowner's Association in order to continue in the pursuit of a permit. Failure of the applicant to notify the City that his/her property is a part of a Homeowner's Association shall result in denial of a permit or revocation of a permit.
- (2) The applicant failed to conform to the conditions set forth herein for the current or previous year.
- (3) Guests and/or users of the property were issued noise ordinance and/or disturbing the peace citations during the previous or current year.
- (4) Any other reasonable or rational factors or combination of factors, including, but not limited to inadequate lot size, inadequate street parking, lack of response from local property manager or contact person, filed complaints of violation of the zoning code, building code, property maintenance code and/or applicable laws or regulations (may be a basis for denying permit).
- (5) The Building Official is authorized to revoke permits. A permitted owner shall be provided with written notice of the reason(s) the permit is subject to revocation. The applicant shall be allowed ten (10) days from the date written notice is issued to correct defective conditions. If the condition is not corrected within ten (10) days to the satisfaction of the Building Official, permit shall be revoked by issuing such order. Upon receipt of such order by the owner or local property manager, the unit shall cease operation as a short term rental. The owner may appeal the order revoking the permit. The owner's appeal must be in writing and filed with the Building Department within ten (10) days of entry of the order. The revocation shall remain in full force and effect during the pendency of the appeal. The appeal should be presented to the Mayor and Board of Aldermen at the next scheduled meeting following the filing of the appeal. The owner should be afforded notice and the opportunity to be heard.

(l) Violations

Any persons or users who allow such use of a residential property in violation of this Ordinance shall be guilty of a misdemeanor. For purposes of prosecution of violations of this chapter, each day that any violation occurs (rental without a permit) is deemed to constitute a separate violation.

(m) Constitutionality

Should any portion, provision or section of this Ordinance be held void, unconstitutional or invalid, the remaining portion of the ordinance shall remain in full force and effect.

(n) Conflicts

It is hereby provided that the provisions of these regulations shall not be construed as being in conflict with the provisions of any of the regulations of Long Beach, Mississippi. In any case where the provisions in these regulations and the provisions of other

Minutes of September 20, 2016
Mayor and Board of Aldermen

regulations both apply, the provisions of this Ordinance shall govern for the purpose of short term rentals of residential dwellings or condominiums.

(o) Review

The City shall review the Ordinance annually to evaluate the benefits recognized by the use of Short Term Rentals, as well as, any adverse impact the use of Short Term Rentals may have.

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

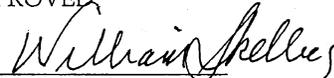
The City Clerk is hereby ordered to publish this Ordinance and Resolution in the manner and time required by law.

Alderman Parker made motion to approve the Ordinance creating a new official zoning map with legal descriptions. Alderman Griffin seconded the motion and the question being put to a roll call vote the result was as follows:

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

The question having received the affirmative vote of all the Aldermen present and voting, the Mayor declared the motion carried and the said Ordinance Number 622 adopted and approved this, the 20th day of September, 2016.

APPROVED:


WILLIAM SKELLIE, JR., MAYOR

ATTEST:


REBECCA E. SCHRUFF, CITY CLERK

**Minutes of September 20, 2016
Mayor and Board of Aldermen**

There came on for consideration the matter of reconsidering the vote taken on the RV Resort at a public hearing duly held and convened on September 6, 2016.

Upon discussion, the City Attorney advised the Mayor and Board of Aldermen, as follows:

- Under state law, any Alderman can move to reconsider the vote;
- It takes a simple majority to pass a motion to reconsider the vote;
- Only evidence and testimony introduced at the public hearing can be considered; no new evidence or testimony can be introduced.
- Once the motion to reconsider has passed, the Mayor and Board of Aldermen will reconsider the last motion considered and voted on at the public hearing, which was to approve the zoning map change from R-1 to C2B; however, a substitute motion can be made.
- It is appropriate to receive public comments providing no additional testimony or evidence is introduced.

After considerable discussion, Alderman Ponthieux made motion seconded by Alderman Hammons to reconsider the vote on the RV Resort [Public Hearing: September 6, 2016, Application for Zoning Map Change from R-1 to C2B submitted by David Allen, Esquire, on behalf of Huong "Henry" Le, Golden Bay Investment, LTD].

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

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

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

* * *

The Mayor opened the floor for public comments previously deferred under Item VII. PUBLIC COMMENTS-AGENDA ITEMS ONLY.

* * *

Upon further discussion, the City Clerk confirmed that petitions in opposition to the Zoning Map Change as submitted at the public hearing duly held and convened on

Minutes of September 20, 2016
Mayor and Board of Aldermen

September 6, 2016, contained a sufficient number of signatures to invoke the "super majority" vote.

*

*

After considerable discussion, Alderman Hammons made substitute motion seconded by Alderman Ponthieux to approve the Zoning Map Change from R-1 to R-4.

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

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

The question having failed to receive the required number of affirmative votes of the Aldermen present and voting to constitute the required super majority, the Mayor declared the motion NOT CARRIED.

*

*

The question on the ORIGINAL MOTION made by Alderman Ponthieux and seconded by Alderman Young at the public hearing duly held and convened on September 6, 2016, to approve the application for Zoning Map Change from R-1 to C2B as submitted by David Allen, Esquire, on behalf of Huong "Henry" Le, Golden Bay Investment, LLC, based upon the findings as established at said public, was put to a roll call vote by the Mayor and the result was as follows:

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

The question having failed to receive the required number of affirmative votes of the Aldermen present and voting to constitute the required super majority, the Mayor declared the motion NOT CARRIED.

Minutes of September 20, 2016
Mayor and Board of Aldermen

There came on for consideration a letter from the Church of the Good Shepherd,
as follows:

Church of the Good Shepherd
Mailing: P. O. Box 526, Pass Christian, MS 39571
Physical: 5169 Esby Avenue, Long Beach, MS 39560
www.cotgs.net
(228) 452-9318

August 8, 2016

Senior Pastor
Matt Murphy
(601) 540-3980

City of Long Beach
Long Beach, MS 39560

Assistant Pastor
Matt Loup
(228) 223.8840

Re: Long Beach Activity Center, Daugherty Rd, Long Beach, MS

Dear Bob:

Recently Fran LaFrance made contact with you to reserve the Long Beach Activity Center on Daugherty Rd. for The Church of the Good Shepherd for November 20, 2016. We would like to have our annual Thanksgiving meal there this year.

The purpose of this letter is to request that you waive the rental fee for the Activity Center. Our request for a waiver is based on inviting the community to share in the Thanksgiving meal with us. All persons will be welcome at no charge. The church members along with the church will provide all the food for the meal.

We thank you for your consideration in this matter.

Respectfully,

Rosemary D. Deaf
Church Business Administrator

*"I myself will be the shepherd of my sheep" - says the Lord God.
Ezekiel 34:15*

Upon discussion, Alderman Parker made motion seconded by Alderman Griffin and unanimously carried to approve the request as set forth above, waiving fees in accordance with city policy regarding civic and non-profit organizations.

Minutes of September 20, 2016
Mayor and Board of Aldermen

The Mayor recognized Neal E. Trautman, to discuss sidewalk construction on one side of Pineville Road, however the matter was discussed during public comments; no official action was required or taken.

Wally Babbidge, Marketing Initiative, Long Beach Harbor, was not present.

The Mayor recognized Bill Leiteritz to discuss Sea Oaks drainage. Engineer David Ball and Project Manager Derrel Wilson, Utility Partners, LLC, came forward to participate in discussion and provide information.

After considerable discussion, it was the consensus of the Mayor and Board of Aldermen for Mr. Ball and Mr. Wilson to meet with Mr. Leiteritz to determine the best course of action to resolve the drainage situation.

There came on for consideration the Special Event Application/Town Green Permit, Pink Heart Funds, LLC, 5k Walk/Run of Hope, as follows:

Minutes of September 20, 2016
Mayor and Board of Aldermen

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

Date Received By Clerk's Office: 9/16/16 Time: 10:30 By: CS

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

Sponsoring Organization's Legal Name: Pink Heart Funds, LLC
Organization Address: 5095 Beatline Road Long Beach MS 39560
Organization Agent: JoAnn Nicoley Title: Founder/President
Phone: 228-860-1978 Work Home: 228-575-8249 During event: 228-860-1978
228-860-4000 Agent's Address: 7544 Red Creek Road Long Beach MS 39560
228-860-4000
Agent's E-Mail Address: pinkheartfunds@gmail.com

Event Name: Walk of Hope

Please give a brief description of the proposed special event: Walk/run/roll event to raise funds for children and women with cancer to receive free wigs & free bras & breast prosthetics

Event Day(s) & Date(s): Saturday Oct. 8 2016 Event Time(s): 7:30 AM - 12 noon

Set-Up Date & Time: Sat. 10/8 5:30 AM Tear-Down Date & Time: Sat. 10/8 12 noon

Event Location: Long Beach Town Green

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

How many years has this event occurred? this is our 10th year

ADOPTED: 11.15.11-BOARD ACTION

Minutes of September 20, 2016
 Mayor and Board of Aldermen

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

STREET CLOSURES: Start Date/ Time: _____ through Date/ Time _____

RESERVED PARKING: Are you requesting reserved parking? YES NO

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

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

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

If yes, are liquor license and liquor liability insurance attached? YES NO

If yes, what time? _____ Until _____

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

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

ATTENDANCE: What is the expected (estimated) attendance for this event? 1,000

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

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

REST ROOMS: Are you planning to provide portable rest rooms at the event? YES NO

If yes, how many? _____

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

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

Police Department (letter sent), street closures,
electrical | microphone | REST ROOMS open
sound system | 7AM | 6AM - 1100 AM

ADOPTED: 11.15.11-BOARD ACTION

Minutes of September 20, 2016
Mayor and Board of Aldermen

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

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

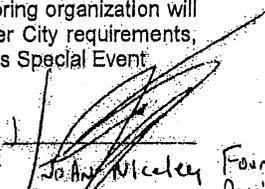
All food vendors must be approved by the Harrison County Health Department, and each food or other vendor must provide the City of Long Beach with a Certificate of Insurance which names the City of Long Beach as an additional named insured party on the policy.

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

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

August 8, 2016
Date

Pink Hearts Fund by
Signature of Sponsoring Organization's Agent


John M. Meeley
Founder/
President

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

ADOPTED: 11.15.11-BOARD ACTION

Minutes of September 20, 2016
Mayor and Board of Aldermen

Event Title: PINK HEART FUNDS LLC 5K RUN

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

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

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

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

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

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

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

Have businesses been notified for street closures?: YES NO

Reason for disapproval NO STREET CLOSURES (SIGNS PASTED AT

INTERSECTIONS) NO MICROPHONES AVAILABLE OR REIMBURSED TO CITY IF APPLICABLE

Any special requirements/conditions _____

Insurance / Indemnification Received: _____

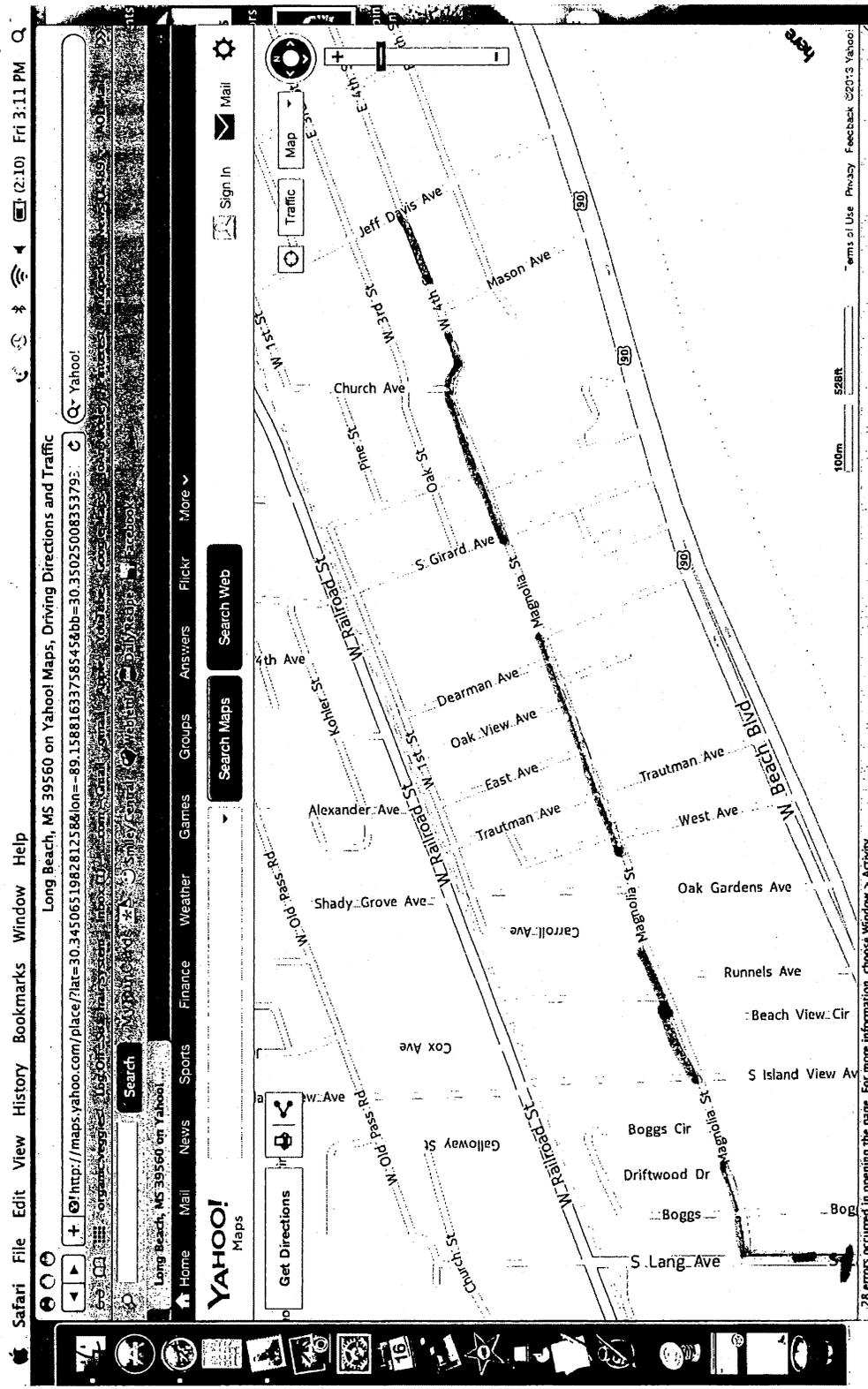
Insurance Approved: _____

Board of Aldermen Approved: _____ Denied: _____

Approval/ Denial Mailed: _____

ADOPTED: 11.15.11-BOARD ACTION

Minutes of September 20, 2016
Mayor and Board of Aldermen



Minutes of September 20, 2016
Mayor and Board of Aldermen



5095 Beatline Road Long Beach, MS 39560 (228) 575-8299 pinkheartfunds@gmail.com www.pinkheartfunds.org
501 (c) 3 ID #20-8907897

Pink Heart Funds exists to inspire, encourage, and restore hope for persons affected with cancer and hair loss.

August 8, 2016

Long Beach Police Department
400 W. Broadway
Long Beach, MS 39560

Dear Long Beach Police Department,

Each year Pink Heart Funds has an annual fundraiser to raise money to provide free wigs, breast prosthesis and bras to the uninsured and underinsured going through cancer. We are hosting our 10th annual WALK OF HOPE on Saturday, October 8, 2016 at Long Beach Town Green. We have hosted this event there for the past several years.

My request to you is that any fees be waived since we are a Long Beach based nonprofit organization. I look forward to hearing back from you for your assistance during this event. We are all volunteers at Pink Heart Funds and all our items are free of charge. Your support is greatly appreciated.

Each year Pink Heart Funds spreads its arms to help inspire, encourage and restore HOPE for persons affected by cancer and hair loss disorders.

Pink Heart Funds is a ministry and outreach organization that provides a variety of products and services including cranial prostheses (wigs), breast prostheses or post-mastectomy bras, and lymphedema sleeves. All of our products and services are free of charge to those suffering from cancer or other hair loss disorders, and no one is turned away. A 100% volunteer organization, Pink Heart Funds operates on a small budget. It is through the generosity of our community that we are able to provide such services.

For more information about our organization, please visit our website at www.PinkHeartFunds.org.

Thank You For Your Support,

Melinda M. Rosetti-Spence
Vice President
Event Coordinator

Minutes of September 20, 2016
Mayor and Board of Aldermen

Page 1 of 1

charlene@cityoflongbeachms.com

From: "Jennifer Glenn" <jglenn@thefirstbank.com>
Date: Friday, September 02, 2016 1:52 PM
To: <charlene@cityoflongbeachms.com>
Cc: "jennifer" <cjglenn@cableone.net>; "Pink Heart Funds" <pinkheartfunds@gmail.com>
Attach: 1685_001.pdf
Subject: Pink Hearts Fund City Request for Walk of Hope

Charlene -

Please see the attached request for the Walk of Hope which will be on 10/8. Unfortunately, this should have been turned in sooner. I am not sure if you are aware but our Vice President and Treasurer, Melinda Spence, is currently being detained at the Harrison County Correctional Facility for Embezzlement. As acting Race Chairman, I am now trying to play catch up for duties that Melinda was in charge of.

Please feel free to contact me with any questions that you may have regarding the walk.

Jennifer A. Glenn

Commercial Client Administrator
The First, A National Banking Association

★ Phone: 228-214-7245 ✓

Fax: 228-864-7950

Email: jglenn@thefirstbank.com



From: printer@thefirst.com [mailto:printer@thefirst.com]
Sent: Friday, September 02, 2016 12:24 PM
To: Jennifer Glenn
Subject: Attached Image

This electronic mail message and any files transmitted with it are intended exclusively for the individual or entity to which it is addressed. The message, together with any attachment, may contain confidential and/or privileged information. Any unauthorized review, use, printing, saving, copying, disclosure or distribution is strictly prohibited. Please notify the sender immediately by email if you have received this email by mistake and delete this email from your system. Email transmission cannot be guaranteed to be secure or error-free, as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. The sender, therefore, does not accept liability for any errors or omissions in the contents of this message which arise as a result of email transmission. If verification is required, please request a hard-copy version. (-2012)

9/6/2016

Minutes of September 20, 2016
Mayor and Board of Aldermen



PINKHEA-01 MMORAN

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
9/7/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER SouthGroup Insurance Services 412 Highway 90, Suite 6 Bay Saint Louis, MS 39520	CONTACT NAME: Tammy Garfield PHONE (A/C, No., Ext): (228) 466-4498 FAX (A/C, No.): (888) 415-8922 E-MAIL ADDRESS: INSURER(S) AFFORDING COVERAGE INSURER A: Covington Specialty Insurance Company INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:
INSURED Pink Heart Funds P.O. Box 1047 Long Beach, MS 39560	NAIC #

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	X	VBA45512600	04/29/2016	04/29/2017	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMPIOP AGG \$ 1,000,000 \$ COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$ UMBRELLA LIAB OCCUR EXCESS LIAB CLAIMS-MADE DED RETENTION \$ WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y/N ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> N/A (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS					EACH OCCURRENCE \$ AGGREGATE \$ \$ PER STATUTE OTHER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 Fund Raiser Special Event- Walk of Hope event date 10/8/2016 at Long Beach Town Green; City of Long Beach is listed as additional insured. Subject To All Policy Mandatory Endorsements /Exclusions.

CERTIFICATE HOLDER City of Long Beach PO Box 929 Long Beach, MS 39560	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
---	--

ACORD 25 (2014/01) The ACORD name and logo are registered marks of ACORD © 1988-2014 ACORD CORPORATION. All rights reserved.

Upon discussion, Alderman Parker made motion seconded by Alderman Griffin and unanimously carried to approve the Special Event Application/Town Green Permit as set forth above, waiving fees in accordance with City policy regarding civic and non-profit organizations.

MAYOR'S OFFICE:

- USM is purchasing signs to post on Beach Park Place for Residential Parking Only, Unauthorized Vehicles will be Towed at vehicle owner's expense.

Minutes of September 20, 2016
Mayor and Board of Aldermen

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

FIRE DEPARTMENT:

- Step Increase, Battalion Chief Lance Bond, FS-13-IX, effective October 1, 2016;
- Step Increase, Lieutenant Darren Koennen, FS-12-X, effective October 16, 2016;
- Step Increase, Lieutenant Josh Rutledge, FS-12-X, effective October 1, 2016;
- Step Increase, Lieutenant Jason Smith, FS-12-X, effective October 1, 2016;
- Education Pay, Battalion Chief Lance Bond, EMT Pay-\$50.00 per month, effective October 1, 2016;

WATER DEPARTMENT:

- Step Increase, Water Department Clerk Tina Dahl, CSA-6-VIII, effective October 1, 2016.

Alderman Parker made motion seconded by Alderman Carrubba and unanimously carried acknowledging receipt of the August, 2016, Revenue/Expense Report.

No official action was required or taken regarding derelict property at this time.

There was no report from the City Attorney.

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

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

Minutes of September 20, 2016
Mayor and Board of Aldermen

APPROVED:

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

Alderman Gary J. Ponthieux, Ward 1

Alderman Bernie Parker, Ward 2

Alderman Kelly Griffin, Ward 3

Alderman Ronnie Hammons, Jr., Ward 4

Alderman Mark E. Lishen, Ward 5

Alderman Alan Young, Ward 6

Date

ATTEST:

Rebecca E. Schruff, City Clerk