

MUNICIPAL DOCKET
REGULAR MEETING OF NOVEMBER 3, 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.

69

- I. CALL TO ORDER
- II. INVOCATION AND PLEDGE OF ALLEGIANCE
- III. ROLL CALL AND ESTABLISH QUORUM
- IV. PUBLIC HEARING-DERELICT PROPERTY
 - 1. 129 Dearman Avenue - Steve Kanagy ~Estate~
- 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. October 20, 2015-Regular
 - 2. PLANNING COMMISSION
 - a. October 22, 2015
- IX. APPROVE DOCKET OF CLAIMS NUMBER(S):
 - 1. 110315
- X. UNFINISHED BUSINESS
 - 1. Amendments to the Long Beach Subdivision Ordinance and Sidewalk Ordinance #587
 - 2. Amend Ordinance 582 - Tax Abatement
 - 3. Application for Tax Abatement - Blue Ridge Properties
 - 4. Sea Oaks Drainage
- XI. NEW BUSINESS
 - 1. The Prime Time Agency, LLC - Long Beach Development Project
 - 2. Supplemental Agreement C-Spire
 - 3. Interlocal Agreement-Gulf Coast Broadband Commission and Amendment to Accept the City of Long Beach
- ~~II.~~ DEPARTMENTAL BUSINESS
 - 1. MAYOR'S OFFICE
 - 2. PERSONNEL
 - a. Police Department-(1) Resignation
 - b. Fire Department-(1) Retirement; (1) New Hire
 - 3. CITY CLERK
 - a. MDOT-LPA Training/Certification
 - 4. DERELICT PROPERTIES-DISCUSSION/SCHEDULE PUBLIC HEARINGS
 - a. Schedule Public Hearings-December 1, 2015, at 5:00 p.m.
 - ~~1) 321 East 4th Street; Guthrie-Byrne Properties, LLC~~
 - 2) 701 East Old Pass Road-JP Morgan Chase Bank
 - 3) 916 Beatrice Drive-Patrick E. Frizzell
 - 4) 101 Buena Vista Drive-Debra Rivers
 - 5) 409 Gulf View Ave.-Francis D. Hall
 - 6) 206 Klondyke Road-Michael A. Reed and Wife
 - 7) 237 Lang Ave.-Steven D. Peters
 - 8) 100 LaRosa Road-Sheila Ladner/LB Medi-Center Condos
 - 9) 98 Marcie Drive-Daniel Patrick Brodie
 - 10) 741 North Nicholson Ave.-Michael/Prentiss Magee (Demolition)
 - ~~11) 125 & 127 Oak Gardens Ave.-Robert Pendzimaz~~
- 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 EACH FOR PUBLIC COMMENTS.

**Minutes of November 3, 2015
Mayor and Board of Aldermen**

Be it remembered that a public hearing before the Mayor and Board of Aldermen, Long Beach, Mississippi, was begun and held, at 5:00 o'clock p.m., Tuesday, the 3rd day of November, 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 hearing.

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

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

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

The public hearing was called to order to determine whether or not a parcel of property situated in the City of Long Beach, located at 129 Dearman Avenue and assessed to Steve Kanagy ~Estate~, 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 the report, whereupon, Alderman Young 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 October 6, 2015, she did cause to be sent via certified mail, electronic receipt requested, Notice of Hearing, to Steve Kanagy ~Estate~, 129 Dearman Avenue, Long Beach, Mississippi, 39560, as the same appears of record on the Harrison County 2014 Official Real Property Rolls; said Notice was returned by the USPS on October 13, 2015, marked "Undeliverable as Addressed, No Forwarding Order on File".
- In addition, Notice of Hearing was sent, via certified mail, electronic receipt requested, to Carolyn Kanagy, 2607 Hartzell, Evanston, IL, 60201, and delivered by the USPS on October 20, 2015; and Notice of Hearing was sent, via certified mail, electronic receipt requested, to Kathy Shelstrom, 1502 Springtree Circle, Richardson, TX, 78082, and left by the USPS, (No Authorized Recipient Available) on October 17, 2015; said notices are as follows:

Minutes of November 3, 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. Schuff

CITY ATTORNEY
James C. Simpson, Jr.

MAILED
Date: 10/8/15

October 6, 2015

Steve Kanagy -Estate-
129 Dearman Avenue
Long Beach, MS 39560

91 7199 9991 7035 1110 9780

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 October 6, 2015, hold a public hearing at 5:00 p.m., Tuesday, November 3, 2015, at the Long Beach City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi, to determine whether or not a parcel of land owned by and/or assessed to Steve Kanagy -Estate-, and situated in the City of Long Beach, Mississippi, at 129 Dearman, 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: 129 Dearman Avenue
Parcel Number: 0612F-01-034.000
Legal Description: LOTS 14 & 15 BLK 1 DEARMAN SUBD

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

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www.cityoflongbeachms.com

Minutes of November 3, 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.

October 6, 2015

Carolyn Kanagy
2607 Hartzell
Evanston, IL 60201

91 7199 9991 7035 1110 9797

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 October 6, 2015, hold a public hearing at 5:00 p.m., Tuesday, November 3, 2015, at the Long Beach City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi, to determine whether or not a parcel of land owned by and/or assessed to Steve Kanagy ~Estate~, and situated in the City of Long Beach, Mississippi, at 129 Dearman, is in such a state of uncleanness as to be a menace to the public health and safety of the community, all in accordance with Section 21-19-11 of the Mississippi Code of 1972, as amended. Said property is more particularly described, as follows:

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Minutes of November 3, 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.

October 6, 2015

Kathy Shelstrom
1502 Springtree Circle
Richardson, TX 75082

91 7199 9991 7035 1110 9803

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 October 6, 2015, hold a public hearing at 5:00 p.m., Tuesday, November 3, 2015, at the Long Beach City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi, to determine whether or not a parcel of land owned by and/or assessed to Steve Kanagy -Estate-, and situated in the City of Long Beach, Mississippi, at 129 Dearman, is in such a state of uncleanness as to be a menace to the public health and safety of the community, all in accordance with Section 21-19-11 of the Mississippi Code of 1972, as amended. Said property is more particularly described, as follows:

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Legal Description: LOTS 14 & 15 BLK 1 DEARMAN SUBD

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

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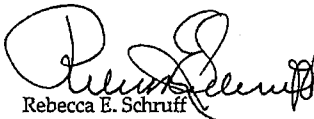
Minutes of November 3, 2015
Mayor and Board of Aldermen

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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 6th day of October, 2015.



Rebecca E. Schruoff
City Clerk

Minutes of November 3, 2015
Mayor and Board of Aldermen

CERTIFIED MAIL

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

91 7199 9991 7035 1110 9780

U.S. POSTAGE PITNEY BOWES
ZIP 39560 \$005.33⁵
02 1W
0001387308 OCT. 08. 2015

929

LONG BEACH, MS 39560
OCT 10 2015
USPS

Steve Kenagy, Estate
129 Dearman Avenue
Long Beach, MS 39560

UNDELIVERABLE
NO FORWARDING ADDRESS
RETURN TO SENDER

10/13

NAME
Last Notice
City and State
Return

UNDELIVERABLE AS ADDRESSEE
MAILS BEING RETURNED TO OFFICE

39560 CITYCLERK
Signature Required

3956085503 0005

Minutes of November 3, 2015
Mayor and Board of Aldermen

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Tracking Number: 9171999991703511109797

Updated Delivery Day: Wednesday, October 14, 2015

Product & Tracking Information

Postal Product:
First-Class Mail®

Features:
Certified Mail™

Return Receipt Electronic

Text Updates

Email Updates

DATE & TIME	STATUS OF ITEM	LOCATION
October 20, 2015 , 3:55 pm	Delivered	EVANSTON, IL 60201

Your item was delivered at 3:55 pm on October 20, 2015 in EVANSTON, IL 60201.

October 14, 2015 , 10:57 am	Notice Left (No Authorized Recipient Available)	EVANSTON, IL 60201
October 14, 2015 , 9:22 am	Out for Delivery	EVANSTON, IL 60201
October 14, 2015 , 8:22 am	Sorting Complete	EVANSTON, IL 60201
October 14, 2015 , 8:22 am	Arrived at Unit	EVANSTON, IL 60201
October 13, 2015 , 7:45 am	Departed USPS Destination Facility	PALATINE, IL 60095
October 10, 2015 , 11:19 am	Arrived at USPS Destination Facility	PALATINE, IL 60095
October 8, 2015 , 7:25 pm	Departed USPS Facility	GULFPORT, MS 39503
October 8, 2015 , 7:15 pm	Arrived at USPS Origin Facility	GULFPORT, MS 39503
October 8, 2015 , 6:00 pm	Accepted at USPS Origin Sort Facility	LONG BEACH, MS 39560

Track Another Package

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=...> 10/29/2015

M.B. 82
PUBHEAR/REG:11.03.15

Minutes of November 3, 2015
Mayor and Board of Aldermen

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Tracking Number: 9171999991703511109803

Product & Tracking Information

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

DATE & TIME	STATUS OF ITEM	LOCATION
October 17, 2015, 1:18 pm	Notice Left (No Authorized Recipient Available)	KANSAS CITY, MO 64112
We attempted to deliver your item at 1:18 pm on October 17, 2015 in KANSAS CITY, MO 64112 and a notice was left because an authorized recipient was not available. You may arrange redelivery by visiting http://www.usps.com/redelivery or calling 800-ASK-USPS, or may pick up the item at the Post Office indicated on the notice. If this item is unclaimed by November 1, 2015 then it will be returned to sender.		
October 16, 2015, 2:27 pm	Undeliverable as Addressed	KANSAS CITY, MO 64112
October 16, 2015, 7:02 am	Out for Delivery	RICHARDSON, TX 75082
October 16, 2015, 6:52 am	Sorting Complete	RICHARDSON, TX 75082
October 16, 2015, 5:53 am	Arrived at Unit	KANSAS CITY, MO 64114
October 16, 2015, 12:06 am	Departed USPS Facility	KANSAS CITY, MO 64121
October 15, 2015, 10:44 am	Arrived at USPS Facility	KANSAS CITY, MO 64121
October 13, 2015, 5:25 pm	Departed USPS Origin Facility	JACKSON, MS 39201
October 11, 2015, 2:07 pm	Arrived at USPS Origin Facility	JACKSON, MS 39201
October 8, 2015, 7:25 pm	Departed USPS Facility	GULFPORT, MS 39503
October 8, 2015, 7:15 pm	Arrived at USPS Origin Facility	GULFPORT, MS 39503
October 8, 2015, 8:00 pm	Accepted at USPS Origin Sort Facility	LONG BEACH, MS 39560

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?iRef=fullpage&tlc=1&text28777=...> 10/29/2015

- The Clerk further reported that the Notice of Hearing was posted on the subject property, 129 Dearman Avenue, Long Beach, Mississippi; the bulletin board at City Hall, the Water Department and the Building Department, 201 Jeff Davis Avenue, Long Beach, Mississippi; and the Long Beach Public Library, 209 Jeff Davis Avenue, Long Beach, Mississippi.
- The Clerk submitted photographs taken by Building Official Josh Hayes on November 3, 2015, depicting the subject property, 129 Dearman Avenue, Long Beach, Mississippi, in its present condition, as follows:

Minutes of November 3, 2015
Mayor and Board of Aldermen



- The Clerk submitted a sworn affidavit from Building Official Josh Hayes affirming that photographs were taken of the subject property, 129 Dearman Avenue, Long Beach, Mississippi, on November 3, 2015, and the Notice of Hearing was posted on said subject property on October 13, 2015; said affidavit is as follows:

**Minutes of November 3, 2015
Mayor and Board of Aldermen**

AFFIDAVIT

STATE OF MISSISSIPPI
COUNTY OF HARRISON
CITY OF LONG BEACH

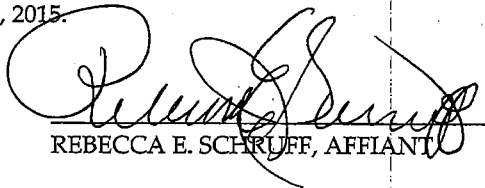
BEFORE ME, the under signed legal authority authorized to administer oaths in and for the jurisdiction aforesaid, on this day personally appeared JOSH HAYES, known to me to be the Building Official of the City of Long Beach, Mississippi, who being by me first duly sworn, deposes and says on oath as follows, 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 October 13, 2015, he did cause to be posted, Notice of Hearing, a copy of which is attached hereto, on property assessed to Steve Kanagy -Estate-, 129 Dearman Avenue, Long Beach, Mississippi and at the City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi; and that on November 3, 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 November 3, 2015.

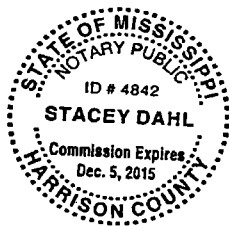
This the 3rd day of November, 2015.


REBECCA E. SCHLUOFF, AFFIANT

SWORN TO AND SUBSCRIBED before me on this the 3rd day of November, 2015.

-My Commission Expires-


NOTARY PUBLIC



AFFIDAVIT-PHOTOS;POST NOTICE

Minutes of November 3, 2015
Mayor and Board of Aldermen

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

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

Based upon discussion held and information obtained during the course of this public hearing, Alderman Parker made motion seconded by Alderman Young and unanimously carried that the subject property, 129 Dearman Avenue, Long Beach, Mississippi, assessed to Steve Kanagy ~Estate~, is in compliance with Mississippi Code §21-19-11, city ordinances and property maintenance codes at this time.

Be it remembered that a regular meeting of the Mayor and Board of Aldermen, Long Beach, Mississippi, was begun and held at 5:00 o'clock p.m., Long Beach City Hall Meeting Room, 201 Jeff Davis Avenue, in said City, it being the first Tuesday in November, 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, Ronnie Hammons, Jr., Alan Young, City Clerk Rebecca E. Schruuff, and Attorney T. Russell Nobile.

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

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

The meeting was called to order and there were no presentations, proclamations, or amendments to the agenda.

*

*

The Mayor announced that the Radish Festival will take place Saturday, November 7, 2015, and the Veteran's Day Parade and Patriotic Concert will take place Sunday, November 8, 2015.

*

*

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

Minutes of November 3, 2015
Mayor and Board of Aldermen

PUBLIC COMMENTS PERTAINING TO MATTERS ON THE AGENDA ONLY		
<p>NOTE: All comments <u>shall</u> 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 <u>will not</u> be permitted. Public Comments will be limited to a total of ten (10) minutes and limited to a maximum of two (2) minutes per person. Except as otherwise directed by the Chairman (Mayor), Public Comments will not be permitted before or after the allotted time. Disruption of the regular business meeting will be cause for removal from the public meeting.</p>		
PLEASE PRINT: NAME / ADDRESS / TELEPHONE	AGENDA ITEM NO.	AGENDA ITEM SUBJECT MATTER
1 Bill Lester 141 Sea Oaks Blvd Long Beach MS 39078 989-7801033	Ten-Four X-4	Sea Oaks Drainage
2		
3		
4		
5		
6		
7		
8		
9		
10		

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

Excel Worksheet: public comments - agenda PUBLIC COMMENTS-AGENDA

Considerable discussion followed and the Project Engineer David Ball came forward to answer questions and provide additional information. No official action was required or taken at this time, and the matter was tabled until Mr. Ball has concluded his research for submission of a report and recommendation.

Alderman Hammons made motion seconded by Alderman Young and unanimously carried to approve the regular meeting minutes of the Mayor and Board of Aldermen dated October 20, 2015, as submitted.

Minutes of November 3, 2015
Mayor and Board of Aldermen

Alderman Parker made motion seconded by Alderman Carrubba and unanimously carried to approve the regular meeting minutes of the Long Beach Planning Commission dated October 22, 2015, as submitted.

Alderman Hammons made motion seconded by Alderman Parker and unanimously carried to approve payment of invoices as listed in Docket of Claims Number 110315.

Alderman Hammons made motion seconded by Alderman Ponthieux and unanimously carried directing the City Attorney to prepare amendments approved by the Long Beach Planning Commission on September 10, 2015, to the Long Beach Subdivision Ordinance (Sidewalks) and the Sidewalk Ordinance # 587, for consideration at the next regular meeting, November 17, 2015.

**Minutes of November 3, 2015
Mayor and Board of Aldermen**

There came on for consideration at a duly constituted meeting of the Board of Aldermen and Mayor of the City of Long Beach held on the 3rd day of November, 2015, the following Ordinance, which was reduced in writing and presented in advance of the meeting for reading and examination:

ORDINANCE NO 614

ORDINANCE AMENDING ORDINANCE NUMBER 582 ESTABLISHING DISTRICTS TO ENABLE UTILIZATION OF TAX EXEMPT PROVISIONS OF SECTION 17-21-5(1), MCA; ESTABLISHING CRITERIA FOR UNIFORM PROCESSING OF QUALIFIED APPLICATIONS FOR SUCH TAX EXEMPTIONS EXCLUDING SCHOOL DISTRICT TAXES; AND URGING THE HARRISON COUNTY BOARD OF SUPERVISORS TO PROVIDE SIMILAR EXEMPTIONS TO QUALIFIED APPLICANTS;

WHEREAS, the Legislature of the State of Mississippi has provided a mechanism to encourage the economic revitalization of certain areas of municipalities through the granting of ad valorem tax exemptions for the promotion of business and commerce; and,

WHEREAS, the Governing Authorities have heretofore determined that there exist certain areas within the City of Long Beach which historically were the commerce area and which are in need of redevelopment following damage of destruction of most structures therein due to Hurricane Katrina, and which areas are facing economic hurdles to such redevelopment stemming from the economic after effects of that storm; and,

WHEREAS, the Governing Authorities have heretofore determined that the current national economic climate has further impeded the economic growth and recovery of the City of Long Beach and resulting in additional areas that are in need of this incentive program; and,

WHEREAS, the Governing Authorities have heretofore determined and established that all of the City could benefit from the implementation of this incentive program through ad valorem tax exemptions for the buildings with commercial uses within the designated geographic areas, which would in turn provide another wave of redevelopment and recovery in the city and assist the City in recovering from the national recession; and,

WHEREAS, the Governing Authorities have heretofore determined that it

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would be in the best interest of the City of Long Beach as a whole to encourage the economic revitalization of certain geographic areas and have adopted by Ordinance number 582, containing The City of Long Beach Economic Recovery and Redevelopment Plan ("the Plan"); and,

WHEREAS, in order to fairly and equitably implement the Plan and the contemplated tax abatement policies for buildings with commercial uses the City has determined that it should revise the previously established criteria adopted in the Plan to utilize in evaluation applications for exemption to determine whether they should be granted or denied, and to determine the appropriate duration for any exemption granted;

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the City of Long Beach, Mississippi, that Ordinance number 582, and The City of Long Beach's Economic Recovery and Redevelopment Plan as contained therein, is hereby amended as follows:

SECTION ONE: Article IV, Section 4.2 of Ordinance Number 582, as previously amended, is hereby amended to read as follows:

4.2 Tax exemptions granted by the Board of Alderman pursuant to this program shall be up for a period of up to seven (7) years, and for up to one hundred (100%) percent of the amount of the potential exemption. To qualify for this exemption an applicant must have obtained a building permit after January 1, 2010, and must receive a Certificate of Occupancy within thirty (30) months from the date of the issuance of the building permit. All applicants are required to file their applications for exemption within one year of the date of completion of the proposed improvements or renovations. The tax abatement program will terminate on January 1, 2018.

SECTION TWO: The Harrison County Board of Supervisors is hereby requested to similarly amend its previously enacted tax exemption policies to reflect the changes those adopted by this ordinance.

SECTION THREE: All ordinances or parts thereof presently existing which are inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

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SECTION FOUR: The sections of this Ordinance and the provisions hereunder are deemed separate and independent of each other, and if any section, sub-section, clause, phrase or portion of this Ordinance, or the application thereof, be held invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not affect the remaining portions of this Ordinance.

SECTION FIVE: This Ordinance shall be in full force and effect within one month after its passage and shall be enrolled and published in the manner required by law.

The above and foregoing Ordinance having been introduced in writing, was first read and considered section by section and then as a whole.


Alderman Hammons made motion seconded Alderman Ponthieux to adopt the above and foregoing ordinance 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	Absent, Not Voting
Alderman Alan Young	voted	Aye
Alderman Leonard G. Carrubba, Sr.	voted	Aye
Alderman Mark E. Lishen	voted	Absent, Not Voting
Alderman Ronnie Hammons, Jr.	voted	Aye

The question having received the majority vote by the Alderman present and voting, the Mayor declared the Motion carried and this Ordinance adopted and approved on this the 3rd day of November, 2015.

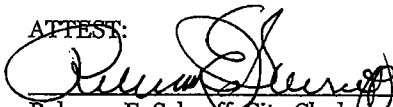
CITY OF LONG BEACH, MISSISSIPPI

APPROVED:


William Skellie, Jr., Mayor

(SEAL)

ATTEST:


Rebecca E. Schuff, City Clerk

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Alderman Carrubba made motion seconded by Alderman Hammons and unanimously carried to table the Application for Tax Abatement – Blue Ridge Properties, LLC, until additional information is obtained and amendments to the Tax Abatement Ordinance are in effect.

Based upon discussion held during public comments, no further discussion was held regarding Sea Oaks drainage.

There came on for consideration an estimate submitted by The Prime Time Agency, LLC, as follows:

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September 28, 2015

To: Bill Hessel
City of Long Beach
Fr: Kerry Stoddard
The Prime Time Agency
Re: Agency Estimate for Long Beach Developers Piece

Project Description

Design, layout, printing and proofing of the Long Beach Developers Piece.

Stories, research and general layout to be provided by The Prime Time Agency with statistics provided by Harrison County Development Commission and/or City of Long Beach and Long Beach Chamber.

Estimate

Agency Hours

For design, layout, account management, proofing and production supervision
20 hours @ \$80 per hour

\$1,600.00

Copywriting

For meetings, research, interviews and copywriting
20 hours @ \$80 per hour

\$1,600.00

Photography

Original photography provided by Alex North/Steve Linhoss

\$1,000.00

Printing (includes 20% agency commission)

Pocket Folder, 4/4 - Diecut, Score, Fold and Glue

Size: 20 3/4 wide by 18 1/2 tall; FINISHED size is 9 1/4" tall x 8 3/4" wide INCLUDING 8 tabs

Paper: 100# Cougar cover/ inserts #100 cougar text

250	\$3,325.00
500	\$3,537.40

Total Estimate:

Q250:	\$7,525.00
Q500:	\$7,737.40

Upon discussion, Alderman Hammons made motion seconded by Alderman Parker and unanimously carried to accept the agency estimate and allocate BP funds in the amount of \$5,000.00 to fund the presentation.

Alderman Ponthieux made motion seconded by Alderman Parker and unanimously carried to approve the C-Spire Supplemental Agreement, authorizing the Mayor to execute same, as follows:

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**GOVERNING AUTHORITY SUPPLEMENT TO
MASTER CELLULAR VOICE AND DATA SERVICE AND EQUIPMENT
AGREEMENT
BETWEEN
CELLULAR SOUTH, INC. D/B/A C SPIRE WIRELESS
AND
MISSISSIPPI DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES
AS CONTRACTING AGENT FOR THE
AGENCIES AND INSTITUTIONS OF THE STATE OF MISSISSIPPI**

This document shall serve as a Governing Authority Supplement (the "Supplement") to the original Master Cellular Voice and Data Service and Equipment Agreement executed June 26, 2007, and amended on September 5, 2007, January 21, 2009, September 2, 2009, December 1, 2009, February 16, 2010, October 8, 2010, March 29, 2011, June 16, 2011, October 18, 2011, and November 11, 2011 (hereinafter collectively referred to as "Master Agreement") between Cellular South, Inc. d/b/a C Spire Wireless, a Mississippi corporation having its principal offices at 1018 Highland Colony Parkway, Suite 520, Ridgeland, Mississippi 39157, (hereinafter referred to as "Contractor"), and the Mississippi Department of Information Technology Services, having its principal place of business at 3771 Eastwood Drive, Jackson, Mississippi 39211 (hereinafter referred to as "ITS"), as contracting agent for the governmental agencies, educational institutions and governing authorities of the State of Mississippi. It is understood that this Supplement is entered into as of the date it is signed by all Parties (the "Effective Date") by and between Contractor and City of Long Beach having its principal offices at 201 Jeff Davis Avenue, Long Beach, MS 39560 (hereinafter referred to as "Governing Authority"). Contractor and Governing Authority are sometimes referred to collectively herein as the "Parties" and individually as a "Party".

WHEREAS, ITS, pursuant to Request for Proposals ("RFP") No. 3489, requested proposals for the acquisition of master agreements containing the terms and conditions which will govern any orders placed by ITS or other designated entities during the term of this Master Agreement for cellular voice and data service (collectively referred to as "Services") and Products, which will be administered by ITS;

WHEREAS, the Contractor was the successful proposer in an open, fair and competitive procurement process to provide the above-mentioned Services and Products;

WHEREAS, the Master Agreement is E-Rate qualified for those Products and Services that are E-Rate reimbursable; and

WHEREAS, Contractor and Governing Authority desire to enter into the Supplement to specify certain terms and conditions upon which Governing Authority may purchase the Products and Services from Contractor;

NOW THEREFORE, in consideration of the mutual understandings, promises, consideration and agreements set forth, the Parties hereto agree as follows:

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Master Cellular Voice and Data Service & Equipment Agreement: Supplement for Governing Authorities-Oct2012

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- 1) The initial term of this Supplement begins on the Effective Date and continues for a period of two (2) years (the "Initial Term"). At the end of the Initial Term this Supplement may, upon the written agreement of the Parties, be renewed on a month to month basis or such other term as the Parties may agree upon (each a "Renewal Term") until such time as either Party gives the other Party thirty (30) days prior written notice of termination. The Initial Term and any Renewal Term are sometimes collectively referred to herein as the "Term".
- 2) It is understood and agreed that during the Term, Contractor shall be the designated provider of all Services and Products for Governing Authority. Any exceptions will be on a case-by-case basis for specific Products for which adequate coverage cannot be provided by Contractor or for specific business requirements for which functionality cannot be provided by Contractor.
- 3) During the Term, Governing Authority may purchase Products which are free ("Free Products") under the terms and conditions set forth in the Master Agreement.
- 4) During the Term, Governing Authority may purchase Products which have an initial purchase price ("Purchased Products") under the terms and conditions of the Master Agreement and on the same terms and conditions Contractor provides to its other customers as updated from time to time on Contractor's website at www.cspire.com (the "Contractor Terms"). The Contractor Terms include, but are not limited to, requirements for contract terms, liquidated damages termination fees, and upgrade policies and fees. By executing this Supplement, Governing Authority acknowledges and agrees that Governing Authority is agreeing to be bound by such Contractor Terms as are in effect at the time of Governing Authority's or its employees' activation of such Purchased Products. For example, Governing Authority could elect to purchase a particular Purchased Product for full retail price, in which case no liquidated damages termination fees would apply, or Governing Authority could elect to purchase a particular Purchased Product at the promotional price. If Governing Authority elected to purchase such Purchased Product at the promotional price, then Governing Authority must agree to maintain Service with Contractor for a set period of time (currently two (2) years) or else prorated liquidated damages termination fees would apply if Governing Authority terminated Service earlier than two (2) years after activation of the Purchased Product, regardless of the Term of this Supplement. This means that if Governing Authority activated a Purchased Product at the promotional price within the last three (3) months of the Term, for example, and Governing Authority subsequently terminated this Supplement at the end of the Term, then Governing Authority would owe Contractor a liquidated damages termination fee equal to the remainder of the promotional contract term (21 months) times the applicable liquidated damages termination fee. Governing Authority's right to purchase Purchased Products as set forth in this Section 4 is in addition to Governing Authority's right to purchase Free Products under the terms of the Master Agreement.
- 5) Contractor shall provide the Products and Services detailed in Exhibit A to this Supplement, at the prices shown therein. Except as expressly set forth in this Supplement, the terms and conditions of the Master Agreement shall remain in full force and effect. In the event of any conflict between the terms of this Supplement and the terms of the Master Agreement, the terms of this Supplement shall prevail but only to the extent of the conflict. Any additional

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Master Cellular Voice and Data Service & Equipment Agreement: Supplement for Governing Authorities-Oct2012

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discounts or price decreases negotiated under the Master Agreement and/or additional Products and Service plans added to the Master Agreement will be made available to Governing Authority by Contractor under this Supplement.

6) This Supplement has been duly authorized by both Parties and it represents a binding obligation of both Parties.

7) This Supplement may only be amended in a writing executed by both Parties. This Supplement may be executed in counterparts and sent via facsimile or email, and the counterparts, when combined, shall constitute one binding instrument.

8) Any notice required or permitted to be given under this Supplement shall be in writing and personally delivered or sent by electronic means provided that the original of such notice is sent by certified United States mail, postage prepaid, return receipt requested, or overnight courier with signed receipt, to the Party to whom the notice should be given at their address set forth below:

If to Contractor: Cellular South, Inc. d/b/a C Spire Wireless
1018 Highland Colony Parkway, Suite 520
Ridgeland, MS 39157
Attention: Janice Fitzgerald
Manager, Government Accounts
Email: msgov@cspire.com

If to Governing Authority: City of Long Beach
P. O. Box 929
Long Beach, MS 39560
Email: cityclerk@cityoflongbeachms.com

Notice shall be deemed given when actually received or when refused. Either Party may change their address by giving the other Party written notice of such address change in compliance with this Section.

[Signature Page Follows]

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IN WITNESS WHEREOF, the Parties have caused this Supplement to be executed by their authorized undersigned representatives effective as of the Effective Date.

Governing Authority:

Contractor:

City of Long Beach

Cellular South, Inc. d/b/a C Spire
Wireless

By: 

Authorized Signature

By: 

Authorized Signature

Printed Name: William Skellie

Printed Name: Brian Caraway

Title: Mayor

Title: Senior Vice President

Date: 11/3/15

Date: 11/9/2015

Supplemental Term Dates:
October 19, 2015 – June 30, 2016

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Master Cellular Voice and Data Service & Equipment Agreement: Supplement for Governing Authorities-Oct2012

There was no report from the Mayor's Office.

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

POLICE DEPARTMENT:

- Resignation, Police Officer 1st Class Phillip Carden, effective October 29, 2015.

FIRE DEPARTMENT:

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- Retirement, Firefighter 1st Class, Matt Whitman, effective October 31, 2015;
- Hire Firefighter 2nd Class William Rhoads, FS-7, effective November 16, 2015.

Alderman Carrubba made motion seconded by Alderman Young and unanimously carried to spread the Certificate of Training, LPA, City Clerk, upon the minutes of this meeting in words and figures, as follows:



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Alderman Carrubba made motion seconded by Alderman Hammons and unanimously carried to Schedule Public Hearings, December 1, 2015, at 5:00 p.m., City Hall Meeting Room, 201 Jeff Davis Avenue, Long Beach, Mississippi, to determine whether properties situated in the City of Long Beach are in such a state of uncleanness as to constitute a menace to the public health and safety of the community; said properties are as follows:

- 701 East Old Pass Road – JP Morgan Chase Bank
- 916 Beatrice Drive-Patrick E. Frizzell
- 101 Buena Vista Drive – Debra Rivers
- 409 Gulf View Ave.-Francis D. Hall
- 206 Klondyke Road – Michael A. Reed and Wife
- 237 Lang Avenue – Steven D. Peters
- 100 LaRosa Road – Sheila Ladner/Long Beach Medi-Center Condos
- 98 Marcie Drive-Daniel Patrick Brodie
- 741 North Nicholson Avenue – Michael & Prentiss Magee (Demolition)

The Mayor recognized Attorney Nobile for his report and official action was taken, as follows:

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There came on for consideration at a duly constituted meeting of the Board of Aldermen and Mayor of the City of Long Beach held on 3rd day of November 2015, the following Resolution, which was reduced to writing and presented in advance of the meeting for reading and examination:

RESOLUTION SEEKING THE ASSISTANCE OF THE HARRISON
COUNTY BOARD OF SUPERVISORS IN PAVING INTERSECTIONS
ALONG NORTHWOOD DRIVE IN THE CITY OF LONG BEACH, AND
FOR OTHER PURPOSES;

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

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

WHEREAS, the intersections of Northwood Drive with South Forest Avenue and also with Parkwood Drive in Long Beach have suffered extreme deterioration due to use, wet weather conditions, construction activity, and other causes, which may possibly have caused these two intersections to deteriorate to the point of being in a hazardous condition and threat to public safety; and

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

NOW, THEREFORE, be it resolved by the Board of Aldermen of the City of Long Beach that the Harrison County Board of Supervisors be, and same hereby are requested to provide such assistance as may be available to the City of Long Beach and the citizens

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of Harrison County utilizing Northwood Drive in the City of Long Beach in the form of asphalt paving for such distance and in all such are as is in need, or for which resources are available.

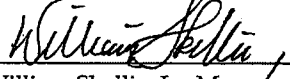
BE IT FURTHER RESOLVED, by the Mayor and Board of Aldermen of the City of Long Beach that we express our appreciation to Supervisor Marlin Ladner and the entire Harrison County Board of Supervisors for any assistance it is able to provide in this request.

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

The question having received the Affirmative vote of all the Aldermen present and voting, the Mayor declared the motion carried and the resolution and order adopted and approved this 3rd day of November, 2015.

APPROVED:


William Skellie, Jr., Mayor

ATTEST:


Rebecca E. Schruft, City Clerk

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

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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