

**Minutes of March 20, 2018
Mayor and Board of Aldermen**

**MUNICIPAL DOCKET
REGULAR MEETING OF MARCH 20, 2018
THE MAYOR AND BOARD OF ALDERMEN
THE CITY OF LONG BEACH, MISSISSIPPI
5:00 O'CLOCK P.M. LONG BEACH CITY HALL, 201 JEFF DAVIS AVE.

- I. CALL TO ORDER**
- II. INVOCATION AND PLEDGE OF ALLEGIANCE**
- III. ROLL CALL AND ESTABLISH QUORUM**
- IV. PUBLIC HEARING**
 - 1. 1308 Wisteria Lane - Assessed to Derrick & Cynthia Hallman
- V. ANNOUNCEMENTS; PRESENTATIONS; PROCLAMATIONS**
- VI. AMENDMENTS TO THE MUNICIPAL DOCKET**
- VII. APPROVE MINUTES:**
 - 1. **MAYOR AND BOARD OF ALDERMEN**
 - a. March 6, 2018-Regular & Public Hearing
 - 2. **PLANNING & DEVELOPMENT COMMISSION**
 - a. March 8, 2018-Regular & Public Hearing
 - 3. **PORT COMMISSION**
 - a. March 15, 2018 - Regular
- VIII. APPROVE DOCKET OF CLAIMS NUMBER(S):**
 - 1. 032018
- IX. UNFINISHED BUSINESS**
 - 1. Interlocal Governmental Cooperation Agreement, to include Pickering Contract
 - 2. Amend Ordinance 598 - Zoning Change, Change in Chart of Uses
 - 3. Marine Liability Insurance Renewal
- X. NEW BUSINESS**
- XI. DEPARTMENTAL BUSINESS**
 - 1. **MAYOR'S OFFICE**
 - 2. **CITY CLERK**
 - a. Revenue/Expense Report February 2018
 - b. Budget Amendment Fiscal Year 17/18 - Water/Sewer Fund
 - 3. **PERSONNEL**
 - a. Police Department - (1) Promotion, (1) Re-assignment, (1) New Hire
 - b. Fire Department - (2) Step Increases
 - 4. **POLICE DEPARTMENT**
 - a. Maintenance Agreement - Cross Match
 - 5. **DERELICT PROPERTIES-DISCUSSION/SCHEDULE PUBLIC HEARINGS**
 - a. Resolution - Assess Cleaning Costs 929 E. Beach Blvd.
- XII. REPORT FROM CITY ATTORNEY**
- XIII. ADJOURN (OR) RECESS**

**Minutes of March 20, 2018
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 20th day of March, 2018, 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 meeting the following named persons: Mayor George L. Bass, Aldermen Donald Frazer, Ronald Robertson, Bernie Parker, Kelly Griffin, Timothy McCaffrey, Jr., Mark E. Lishen, Patricia Bennett, Deputy City Clerk Kini Gonsoulin, and City Attorney Russell Nobile.

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 1308 Wisteria Lane and assessed to Derrick & Cynthia Hallman, Map Parcel #0511K-02-024.000, is in such a state of uncleanliness as to constitute a menace to the public health and safety of the community.

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

- The Clerk reported that, pursuant to the certain order of the Mayor and Board of Aldermen at a regular meeting duly held and convened on February 20, 2018, she did cause to be sent, via certified mail, electronic receipt requested, Notice of Hearing, to Derrick & Cynthia Hallman, 1308 Wisteria Lane, Long Beach MS 39560, as the same appears of record on the Harrison County 2017 Official Real Property Tax Rolls. The Notice of Hearing was attempted to be delivered on February 23, 2018. Said Notice is as follows:

**Minutes of March 20, 2018
Mayor and Board of Aldermen**

City of Long Beach

BOARD OF ALDERMEN
Donald Frazer - At-Large
Ronald Robertson - Ward 1
Bernie Parker - Ward 2
Kelly Griffin - Ward 3
Timothy McCaffrey, Jr. - Ward 4
Mark E. Lishen - Ward 5
Patricia Bennett - Ward 6



GEORGE L. BASS
MAYOR

CITY CLERK
TAX COLLECTOR
Stacey Dahl

CITY ATTORNEY
James C. Simpson, Jr.

February 21, 2018

MAILED

Date: 2/22/18

Derrick & Cynthia Hallman
20158 Lovers Lane
Long Beach, MS 39560

91 7199 9991 7036 0716 5393

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 February 20, 2018, hold a public hearing at 5:00 p.m., Tuesday, March 20, 2018, at the Long Beach City Hall Meeting Room, 201 Jeff Davis Avenue, Long Beach, Mississippi, to determine whether or not a parcel of land owned by and/or assessed to Derrick & Cynthia Hallman, and situated in the City of Long Beach, Mississippi, at 1308 Wisteria Lane, is in such a state of uncleanliness as to be a menace to the public health and safety of the community, all in accordance with Section 21-19-11 of the Mississippi Code of 1972, as amended. Said property is more particularly described, as follows:

Address: 1308 Wisteria Lane, Long Beach, Mississippi
Parcel Number: 0511K-02-024.000.
Legal Description: LOT 19 PECAN PARK SUBD PART 4

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

201 Jeff Davis • P.O. Box 929 • Long Beach, MS 39560 • (228) 863-1556 • FAX (228) 865-0822
www.cityoflongbeachms.com

**Minutes of March 20, 2018
Mayor and Board of Aldermen**

Page 2 of 2

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

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

Done by order of the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, this the 20th day of February, 2018.



Kini Gonsoulin
Deputy City Clerk

Minutes of March 20, 2018
Mayor and Board of Aldermen



FAQs > (<http://faq.usps.com/?articleId=220900>)

Track Another Package +

Tracking Number: 9171999991703607165393

Remove X

This is a reminder to arrange for redelivery of your item or your item will be returned to sender. You may arrange redelivery by using the Schedule a Redelivery feature on this page or calling 800-ASK-USPS, or may pick up the item at the Post Office indicated on the notice.

Delivery Attempt: Action Needed

Reminder to Schedule Redelivery of your item

Get Updates v

Text & Email Updates v

Return Receipt Email v

Tracking History ^

Reminder to Schedule Redelivery of your item

This is a reminder to arrange for redelivery of your item or your item will be returned to sender. You may arrange redelivery by using the Schedule a Redelivery feature on this page or calling 800-ASK-USPS, or may pick up the item at the Post Office indicated on the notice.

February 23, 2018, 10:05 am

Notice Left (No Authorized Recipient Available)

LONG BEACH, MS 39560

How can I help you?

<https://tools.usps.com/go/TrackConfirmAction?tRef=fullpage&tLc=3&text28777=&tLabe...> 3/19/2018

Minutes of March 20, 2018 Mayor and Board of Aldermen

USPS.com® - USPS Tracking® Results

Page 2 of 4

February 23, 2018, 8:03 am
Out for Delivery
LONG BEACH, MS 39560

February 23, 2018, 7:53 am
Sorting Complete
LONG BEACH, MS 39560

February 23, 2018, 7:47 am
Arrived at Unit
LONG BEACH, MS 39560

February 23, 2018, 2:53 am
Departed USPS Regional Facility
GULFPORT MS DISTRIBUTION CENTER

February 22, 2018, 6:56 pm
Arrived at USPS Regional Facility
GULFPORT MS DISTRIBUTION CENTER

February 22, 2018, 5:41 pm
Accepted at USPS Origin Facility
LONG BEACH, MS 39560

Product Information ▼

See Less ^

Can't find what you're looking for?

How can I help you?
Go to our FAQs section to find answers to your tracking questions.

<https://tools.usps.com/go/TrackConfirmAction?tRef=fullpage&tLc=3&text28777=&tLabe...> 3/19/2018

- The Clerk further reported that the Notice of Hearing was posted on the subject property, 1308 Wisteria Lane, Long Beach, Mississippi, on February 21, 2018, by Building Official John Eustace; the bulletin boards at City Hall, the Water Department, and the Building Office, 201 Jeff Davis Avenue, Long Beach, Mississippi; and the Long Beach Public Library, 209 Jeff Davis Avenue, Long Beach, Mississippi.
- The Clerk submitted a photograph of 1308 Wisteria Lane, Long Beach, Mississippi by Building Official John Eustace on March 20, 2018, depicting subject property in its present condition; said photograph is as follows:

Minutes of March 20, 2018
Mayor and Board of Aldermen



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

March 20, 2018

As of 3/20/16, the property located at 1308 Wisteria Ln. is still in violation of section 302.4 of the International Property Maintenance Code.

Respectfully,

City of Long Beach
Building Official
201 Jeff Davis Ave.
P.O. Box 929
Long Beach, MS 39560

3/20/18 1308 WISTERIA LN



Minutes of March 20, 2018
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 JOHN EUSTACE, known to me to be the Building Official/Zoning Enforcement Officer 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 serving in the capacity of Building Official/Zoning Enforcement Officer of the City of Long Beach, Mississippi;

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

3. That on February 21, 2018, he did cause to be posted, Notice of Hearing, a copy of which is attached hereto, on property located at 1308 Wisteria Lane (Tax Map Parcel 0511K-02-024.000), Long Beach, Mississippi, Derrick & Cynthia Hallman., and at the City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi; and that on March 20, 2018, 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 March 20, 2018.

This the 20th day of March, 2018.


KINI GONSOULIN, AFFIANT

SWORN TO AND SUBSCRIBED before me on this the 20th day of March, 2018.

-My Commission Expires-


NOTARY PUBLIC



AFFIDAVIT-PHOTOS;POST NOTICE

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

**Minutes of March 20, 2018
Mayor and Board of Aldermen**

*

*

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

**Minutes of March 20, 2018
Mayor and Board of Aldermen**

The Mayor and Board of Aldermen took up the matter of the public hearing on the property located at 1308 Wisteria Lane, Long Beach, Mississippi, to determine and consider the condition of said property. After conducting the hearing and considering all matters produced there at and after hearing all persons interested and appearing, the Board of Aldermen declared the hearing finally closed. After a discussion of the subject, Alderman McCaffrey offered and moved the adoption of the following Resolution and Order:

**RESOLUTION AND ORDER BY THE MAYOR AND BOARD OF ALDERMEN OF
THE CITY OF LONG BEACH, MISSISSIPPI ADJUDICATING THE PROPERTY
LOCATED AT 1308 WISTERIA LANE, LONG BEACH, MISSISSIPPI, TO BE A
MENACE TO THE PUBLIC HEALTH AND SAFETY OF THE COMMUNITY AND
REQUIRING OWNER OF SUCH PROPERTY TO CLEAN SAID PROPERTY.**

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

1. That on complaint and motion of the Governing Authorities of the City of Long Beach wherein lies the property known as 1308 Wisteria Lane, Long Beach, Mississippi, (hereinafter referred to as the subject parcel), and after discussion of same, the Mayor and Board of Aldermen, at its regular meeting of February 20, 2018, on its own motion did set a hearing to determine whether or not the subject parcel, in its then condition, was in such a state of uncleanness as to be a menace to the public health and safety of the community in accordance with Miss Code Annotated Section 21-19-11, as amended, said hearing to be March 20, 2018, and directed notice of said hearing be served on the owner of said property in the manner as provided by said MCA Section 21-19-11;

2. That, having served the owner of said property, either by registered mail as is evidenced by the return receipt included in the materials produced at said hearing, or by personal service by police officer as evidenced by the return of service of such police officer, or my posting and publication of same, such service being in accordance with said MCA Section 21-19-11, and proof of same being spread upon the minutes of the Governing Authorities taken of such hearing, hereby made a part of the record of these proceedings;

**Minutes of March 20, 2018
Mayor and Board of Aldermen**

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

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

1. That the parcel of land lying and being situated in the City of Long Beach, First Judicial District of Harrison County, Mississippi, and having the street address of 1308 Wisteria Lane, Long Beach, Mississippi, which parcel of land is identified by Harrison County Tax Parcel Number 0511K-02-024.000, and according to said tax records is owned by Derrick & Cynthia Hallman, is at present in such a state of uncleanness as to be a menace to the public health and safety of the community and/or an attractive nuisance.

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

Removal of all discarded materials, dangerous items, and such other rubbish and/or debris as described in any notice or as appearing on said property contributing to the property constituting a nuisance and menace overall to the public health and safety, and abate or cause to be abated the conditions otherwise existing and constituting a menace to public safety and health as testified and/or described in general at the hearing, and as contained in the report letter from Building Official John Eustace dated February 6, 2018, and attached hereto.

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

Alderman Lishen seconded the motion to adopt the foregoing resolution and


Minutes of March 20, 2018
Mayor and Board of Aldermen

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

Alderman Ronald Robertson	voted	Aye
Alderman Patricia Bennett	voted	Aye
Alderman Donald Frazer	voted	Aye
Alderman Mark E. Lishen	voted	Aye
Alderman Timothy McCaffrey, Jr.	voted	Aye
Alderman Kelly Griffin	voted	Aye
Alderman Bernie Parker	voted	Aye

The question having received the Affirmative vote of all the Aldermen present and voting, the Mayor declared the motion carried and the resolution and order adopted and approved this the 20th day of March 2018.

APPROVED:


George L. Bass, Mayor

ATTEST:


Stacey Dahl, City Clerk

Minutes of March 20, 2018
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 March, 2018, 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 George L. Bass, Aldermen Donald Frazer, Ronald Robertson, Bernie Parker, Kelly Griffin, Timothy McCaffrey, Jr., Mark E. Lishen, Patricia Bennett, Deputy City Clerk Kini Gonsoulin, and City Attorney Russell Nobile.

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

Alderman Lishen made motion seconded by Alderman Griffin and unanimously carried to approve the Regular and Public Hearing minutes of the Mayor and Board of Aldermen dated March 6, 2018, as submitted.

Alderman Frazer made motion seconded by Alderman Parker and unanimously carried to approve the Regular and Public Hearing minutes of the Planning & Development Commission dated March 8, 2018, as submitted., with the following notations:

- Preliminary plat approval was granted for Dorothy Lane Subdivision, with directives that the final plat approval shall include a dedication of additional right of way for all properties that abut Klondyke Road. Final approval subject to City Engineer David Ball's review and recommendation.
- The Board of Alderman over-ruled the Planning & Development Commission's decision to table the Certificate of Resubdivision of property located at 0 Charleston Lane and grant approval based on City Engineer David Ball's assertion that the missing legal description had already been provided to the Planning & Development Commission and had also been placed on their agenda for their next regular meeting dated March 22, 2018.
- Alderman Parker was concerned that the address on page 62 of the minutes was a typo and needed to be corrected. Upon further investigation on the Harrison County's mapping website, it was found to be correct.

Minutes of March 20, 2018
Mayor and Board of Aldermen

Alderman Lishen made motion seconded by Alderman Frazer and unanimously carried to approve the Regular minutes of the Port Commission dated March 15, 2018, as submitted.

Alderman Parker made motion seconded by Alderman Griffin and unanimously carried to approve payment of invoices listed in Docket of Claims number 032018.

The Interlocal Governmental Cooperation Agreement By And Between The City of Long Beach, Mississippi, The City of Pass Christian, Mississippi And Harrison County, Mississippi For Initial Project Program Development For The Beatline Parkway was tabled until the next scheduled meeting, April 3, 2018, to allow the city attorney to review.

**Minutes of March 20, 2018
Mayor and Board of Aldermen**

437

ORDINANCE NO. 633

**AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF LONG BEACH, MISSISSIPPI AMENDING
ORDINANCE NUMBER 598, THE COMPREHENSIVE LONG
BEACH UNIFIED DEVELOPMENT ORDINANCE BY AMENDING
Article X, CHART OF USES, 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:

WHEREAS, in accordance with the Comprehensive Long Beach Unified Land Use Ordinance 598, and 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 March 2018 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 proposed changes to the Chart of Uses were given an opportunity to be heard and allowed to make oral and/or written comment to such proposed changes, which proposed changes to the ordinance 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; and

WHEREAS, such application has previously been the subject of public hearings held and conducted by Long Beach Planning Commission in accordance with the Comprehensive Long Beach Unified Land Use Ordinance 598, such hearings conducted on January 25, 2018; and

WHEREAS, the stated purpose of such application being to promote uniform development and encourage public safety, thereby enhance the quality of life for all citizens of the City of Long Beach; and

WHEREAS, periodically it is necessary and proper and in the best interests of the City to incorporate and adopt such changes from time to time as appropriate to reflect changes in circumstances and public need to accommodate and encourage the orderly growth of the City as well as the protection of property owners within the City; and

Minutes of March 20, 2018
Mayor and Board of Aldermen

WHEREAS, after due consideration, hearings and discussion, the Planning and Zoning Commission of the City of Long Beach has reviewed the proposed changes at a regular meeting, duly considered same, and after public hearing, input, and thorough consideration as to all relevant factors required and available under law, and has adopted same and recommended approval thereof by the Mayor and Board of Aldermen as reflected in the official minutes of said meeting; and

WHEREAS, 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 by the Mayor and Board of Aldermen, the Mayor and Board of Aldermen did then find, and do now find, determine, adjudicate and declare that the proposed changes to the Comprehensive Long Beach Unified Land Use Ordinance 598 applied for are necessary and proper, needed and by clear and convincing evidence justified; that public need exists for changing the chart of uses to provide for and foster orderly development and growth of the City in accordance with a comprehensive plan.

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 established that the proposed changes to the Comprehensive Long Beach Unified Land Use Ordinance 598 applied for are necessary and proper, needed and by clear and convincing evidence justified; that public need exists for changing the chart of uses to provide for and foster orderly development and growth of the City in accordance with a comprehensive plan and further, such action is fully supported by the opinion of the Long Beach Planning Commission;

(b) The changes will not be detrimental to present and potential uses but will have a beneficial effect, which could not be achieved without the said changes.

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

(d) The proposed changes do not cause or result in any change in zoning

Minutes of March 20, 2018
Mayor and Board of Aldermen

classification of any property within the City.

Section 2. That the Comprehensive Long Beach Unified Land Use Ordinance Number 598 of the City of Long Beach should be and hereby is amended by adopting the revised *Chart of Uses* attached hereto as Exhibit A.


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

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

The above and foregoing Ordinance No. 633 was introduced in writing by Alderman Parker who moved its adoption. Alderman Robertson seconded the motion to adopt the Ordinance, and after discussion, no member of the Board of Aldermen having requested the Ordinance to be read by the City Clerk, and the question being put to a roll call vote, the result was as follows:

Alderman Ronald Robertson	voted	Aye
Alderman Tim McCaffrey	voted	Aye
Alderman Kelly Griffin	voted	Aye
Alderman Bernie Parker	voted	Aye
Alderman Mark E. Lishen	voted	Aye
Alderman Tricia Bennett	voted	Aye
Alderman Donald Frazer	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 633 adopted and approved this, the 20th day of March, 2018.

APPROVED:

GEORGE BASS, MAYOR

ATTEST:

STACEY DAHL, CITY CLERK

Minutes of March 20, 2018
Mayor and Board of Aldermen

Chart of Use	R1	R2	R3	R4	RO	C1	C1HD	C2	C2B	C3	I-1	I-2	WB
Agricultural													
Greenhouse Commercial				R						S	S	S	
Crops / Forestry				R									
Riding Stable				X							S	S	
Livestock				X							S	S	
Wildlife Refuge				X							S	S	
Forest Preserve				R									
	R1	R2	R3	R4	RO	C1	C1HD	C2	C2B	C3	I-1	I-2	WB
Residential													
Single Family	R	R	R	R	R	X		X	X	X			
Accessory Unit	X	X	X	X	X	X		X	X	X	X	X	
Duplex / 2 Family Dwelling		R	R	R	X								
Townhouse			R	R		X	X	X	X	X			
Zero Lot Line - 2 acres or more	X	R	R	R	R	X		X	X	X			
Zero Lot Line - less than 2 acres													
Condominium		X	R	R		X	R	X	X	X			
Apartment Building - Low Rise			X	R		X	X	X	X	X			
Apartment Building - High Rise			X	R		X	X	X	X	X			
Live-Work Unit					R	S	S	X	S	X			
Mobile Home Park				S									
	R1	R2	R3	R4	RO	C1	C1HD	C2	C2B	C3	I-1	I-2	WB
Special Care Homes													
Homes for Handicapped or Infirm			X	X				R		X			
Nursing Care, Intermediate Care Homes			X	X				R		X			
Halfway Houses								S					
	R1	R2	R3	R4	RO	C1	C1HD	C2	C2B	C3	I-1	I-2	WB
Lodging													
Hotel / Motel (12+ rooms)			R	R		R	R	X	R	X			X
Inn (up to 12 rooms)			R	R		R	R	X	R	X			X
Bed and Breakfast (1-5 rooms)		X	X	X		X		X	R	X			
Tourist Homes (Rusting by the day or week)	X	X	X	X	X	X		X	X	X			
	R1	R2	R3	R4	RO	C1	C1HD	C2	C2B	C3	I-1	I-2	WB
Office, Clerical, Research and Services													
(Not primarily related to goods and merchandise)													
Home Occupation (No customer/client traffic generation)	R	R	R	R	R	R	R	R	R	R			
Operations designed to attract and serve customers or clients on the premises					X	R		R	R	R	R	S	X
Operations designed to attract little or no customers or client traffic other than employees of the entity					R	R		R	R	R			
Office building (multiple offices)						X	R	R	R	X	R		
Operations with drive-up window						X	X	R	X	X			X
Work / Live Unit					R	R		R	R	R			
	R1	R2	R3	R4	RO	C1	C1HD	C2	C2B	C3	I-1	I-2	WB
Services and Enterprises Relating to Animals													
Veterinarian (small / large animals)				S		X		R	X	X			
Boarding Kennel				S				X	S	X	X		
	R1	R2	R3	R4	RO	C1	C1HD	C2	C2B	C3	I-1	I-2	WB
Sales and Rental of Goods, Merchandise and Equipment													
No storage or display of goods outside fully enclosed building													
High volume traffic generation (more than 2,500 sq ft)						R	R	R	R	R			X
Low volume traffic generation (up to 2,500 sq ft)						R	R	R	R	R			X
Wholesale sale								R			R	R	
Storage and display of goods outside fully enclosed building allowed													
High volume traffic generation (more than 2,500 sq ft)							X	R	X	X	R	R	
Low volume traffic generation (up to 2,500 sq ft)							X	R	X	X	R	R	
Wholesale sale								R	X	X	R	R	
	R1	R2	R3	R4	RO	C1	C1HD	C2	C2B	C3	I-1	I-2	WB
Manufacturing, Processing, Creating, Repairing, Painting, Renovation, Cleaning and Assembling of Goods													
All operations conducted entirely within fully enclosed building													
Majority of dollar volume of business done with walk-in trade						X		X	X	X	R	R	
Majority of dollar volume of business not done with walk-in trade								X	X	X	R	R	
Operations conducted within or outside fully enclosed building													
Majority of dollar volume of business done with walk-in trade								X			R	R	
Majority of dollar volume of business not done with walk-in trade								X			R	R	
	R1	R2	R3	R4	RO	C1	C1HD	C2	C2B	C3	I-1	I-2	WB
Regulated Businesses													
Check cashing, title loan or pawn								R			X		
Escort services											S		
Finger modeling studio											S		
Sex oriented cabinet, camera, media, or sex shop with sale or rental of sex oriented merchandise											S		
Tattoo and body piercing parlor								R			X		
	R1	R2	R3	R4	RO	C1	C1HD	C2	C2B	C3	I-1	I-2	WB
Motor Vehicle Related Sales and Service													
Motor vehicle sales or rental								R			X		
Sales with installation of parts or accessories (tires, mufflers, etc.)								R		S	R		
Motor vehicle repair and maintenance including substantial body work								R			R		
Motor vehicle repair and maintenance not including substantial body work								R			R	R	
Gas Sales								R	R	X	X	R	X
Gas Sales with repair and maintenance services								R	R	S	S	R	R
Car Wash								R	R		X	R	R
Scrap materials, salvage or junk yards and vehicle graveyards								R			X	R	
Automobile parking garages or parking lots (commercial)						X	X	X	X	X	R	R	

Minutes of March 20, 2018
Mayor and Board of Aldermen

Table with multiple columns (R1-R4, C1-C3, I-1, I-2, WFD) and rows categorized by use type: Storage, Entertainment, Recreation, Amusement, Food Service, Restaurants, Lounge, Marine Related Facility, Civic and Emergency Services, Miscellaneous public and semi-public uses, Educational, Cultural, Religious, Fraternal, Child Care, Towers and Related Structures, Open air markets and horticultural sales, Industrial.

R = permitted by right
X = permitted with Planning Commission Approval
S = permitted as Special-use (bearing)

**Minutes of March 20, 2018
Mayor and Board of Aldermen**

ORDINANCE NO. 634

**AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF
THE CITY OF LONG BEACH, MISSISSIPPI AMENDING THE
OFFICIAL COMPREHENSIVE ZONING MAP, 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 Official Comprehensive Zone Map 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 as it was at the time of adoption of said Comprehensive Zone Map.

(B) Upon petition of citizens or upon motion and action of the City, the Mayor and Board of Aldermen of the City of Long Beach have from time to time effected changes in the zoning classification of one or more parcels or properties within the City of Long Beach, recognizing changed circumstances, mistake or such lawful basis for the said changes as shown at the time of the action, and as a result of such occasional revisions to the zoning classification of parcels the official zoning map should be amended to reflect such occasional changes in zoning classifications of property or properties adopted by action of the by Mayor and Board of Aldermen of the City of Long Beach.

(C) That the Planning Commission of the City of Long Beach has proposed a Comprehensive Zone Map change map to reflect changes in circumstances and area, public need, mistake, and other lawful reasons to rezone certain areas or properties within the City of Long Beach.

(D) That on January 25, 2018, the Planning Commission of the City of Long Beach conducted a public hearing to review a proposed Comprehensive Zone Map change for the area generally described as changing the zoning classification from C-1 HD, Central Business High Density to C-2, General Commercial for property generally described as encompassing East of Cleveland Avenue, South of East 5th Street, North of Kerr Street

**Minutes of March 20, 2018
Mayor and Board of Aldermen**

and West of Douglas Avenue, all as more particularly shown on the map thereof contained within the minutes of the January 25, 2018, Planning Commission meeting.

(E) That the recommended proposed change to the Comprehensive Zone Map by the Planning Commission was duly considered at such public hearing and regular meeting of said Planning Commission, and after public hearing, input, and 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 March, 2018 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 Comprehensive Zone Map were given an opportunity to be heard and allowed to make oral and/or written comment to such proposed changes, which proposed changes to the map 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 to the map, all as more particularly hereinafter set forth in this ordinance.

(G) 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 this proposed change is to promote uniformed development and improve public safety since the Comprehensive Zone Map was adopted, such that the rezoning of the particular areas as reflected by the proposed changes to the comprehensive zone map adopted hereby is needed and is clearly justified;

Minutes of March 20, 2018
Mayor and Board of Aldermen

that public need exists for changing the zoning of certain districts to reflect the correct and intended proper zoning for the various neighborhoods of the City as well as to provide for and foster orderly development and growth of the City in accordance with a comprehensive plan.

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 established that the City is in need of changing the Comprehensive Zone Map, and further, such action is fully supported by the opinion of the Long Beach Planning Commission;

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

(c) The changes will not be detrimental to present and potential uses but will have a beneficial effect, which could not be achieved without the map changes.

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

Section 2. That the Zoning Ordinances of the City of Long Beach and the official Comprehensive Zone Map created and enacted thereby should be and hereby are amended to define, include, approve and designate and incorporate the change to the Comprehensive Zone Map of the City of Long Beach as hereinabove described generally as encompassing East of Cleveland Avenue, South of East 5th Street, North of Kerr Street and West of Douglas Avenue, all as more particularly shown on the map thereof contained within the minutes of the January 25, 2018, Planning Commission meeting and attached hereto, and that hereafter, the same be adopted and incorporated into the official

Minutes of March 20, 2018
Mayor and Board of Aldermen

Comprehensive Zone Map of the City of Long Beach.

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

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 McCaffrey seconded the motion and the question being put to a roll call vote the result was as follows:

Alderman Bernie Parker	voted	Aye
Alderman Ron Robertson	voted	Aye
Alderman Kelly Griffin	voted	Aye
Alderman Patricia Bennett	voted	Aye
Alderman Donald Frazer	voted	Aye
Alderman Mark E. Lishen	voted	Aye
Alderman Timothy McCaffrey	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 634 adopted and approved this, the 20th day of March, 2018.

APPROVED:



GEORGE BASS, MAYOR

ATTEST:



STACEY DAHL, CITY CLERK

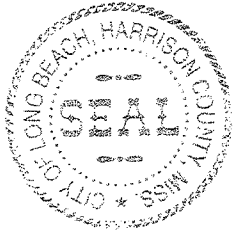
Minutes of March 20, 2018
Mayor and Board of Aldermen

CERTIFICATE
STATE OF MISSISSIPPI
COUNTY OF HARRISON
CITY OF LONG BEACH

I, the undersigned, Stacey Dahl, City Clerk within and for the City of Long Beach, Mississippi, do hereby certify that the above and foregoing is a true and correct copy of that certain Ordinance #634 of the City of Long Beach, Mississippi, adopted by the Mayor and Board of Aldermen at a regular meeting duly held and convened on the 20th day of March, 2018, as the same appears of record in Ordinance Book #8, pages 492-495 inclusive, in my office at the City Hall in said City.

Given under my hand and the official seal of my office this the 20th day of March, 2018.

(SEAL)



Stacey Dahl
Stacey Dahl, City Clerk

**Minutes of March 20, 2018
Mayor and Board of Aldermen**

Alderman Frazer made motion seconded by Alderman Robertson and unanimously carried to renew the City's Marine Liability Insurance with Travelers Property Casualty Co., for an annual premium of \$6,842.00.

The Mayor had no report at this time.

Alderman Griffin made motion seconded by Alderman Frazer and unanimously carried to accept the Revenue/Expense Report for February 2018, as submitted.

Alderman Frazer made motion seconded by Alderman Griffin and unanimously carried to approve the Budget Amendment for Fiscal Year 2017/2018 for the Water/Sewer Fund, as follows:

City of Long Beach
Budget Amendment Request

Fund Name	<u>Water/Sewer Fund</u>	Date	<u>3/6/2018</u>
Department #	<u>815/825/850</u>	Budget Entry #	<u> </u>
Department Name	<u>Water/Sewer</u>		

	Original Budget	Prior Amendments	This Amendment	Revised Budget
Water System Projects 815-616500	71,953	-	67,940	139,893
Sewer System Projects 825-616200	107,930	-	122,985	230,915
Contingency Projects 850-640100	-	-	497,645	497,645
				-
				-
				-

Amendment to rollover unexpended project funds from Fiscal Year 2017.

Amendment #10

Minutes of March 20, 2018
Mayor and Board of Aldermen



Memo

To: KINI GONSOULIN, CITY OF LONG BEACH
From: JOE CULPEPPER, DIRECTOR OF PUBLIC WORKS
Date: 3/15/18
Re: AUTHORIZATION TO TRANSFER FUNDS

Kini, as discussed, this is to confirm my request to:

1. Transfer \$67,940 from last budget year's 815-616500 (Water Projects) surplus that was placed into Fund Balance to this budget year's 815-616500 (Water Projects.)
2. Transfer \$122,985 from last budget year's 825-616200 (Sewer Projects) surplus that was placed into Fund Balance to this budget year's 825-616200 (Water Projects.)
3. Cancel the \$30,000 PO for Gulf Coast Underground that was opened last budget year under 850-640100 (Contingency Fund). Then place the surplus into 850-640100 (Contingency Fund) for this budget year.

Thank you!

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

Police Department:

- Promotion, Admin. Commander Damian McRight, PSA-14-V, effective April 1, 2018
- Reassignment, Admin Lieutenant Ken Lassabe, PSA-12-XI, effective April 1, 2018
- New Hire, Police Officer 1st Class Ronald D. Harmon, PS-9-B, effective April 1, 2018

Fire Department:

- Step Increase, Firefighter 2nd Class Phillip Price, FS-7, effective May 16, 2018
- Step Increase, Firefighter 2nd Class Lionel Viera, FS-7, effective May 16, 2018

**Minutes of March 20, 2018
Mayor and Board of Aldermen**

Alderman Parker made motion seconded by Alderman McCaffrey and unanimously carried to enter into a Maintenance Agreement with Cross Match, as follows:

MAINTENANCE CONTRACT QUOTATION

Party Number : 137562
Customer Name : LONG BEACH POLICE DEPT
DEPT
Contract Number : 023733

Date: Mar 2, 2018

Quote To:

William Seal
LONG BEACH POLICE DEPT
P.O. Box 929,
LONG BEACH, MS- 39560
228 - 865-1981
lt.seal@cityoflongbeachms.com

Billing Address:

Customer: LONG BEACH POLICE DEPT
Address 1: P.O. Box 929,
Address 2: 201 Alexander Road
City, State, ZIP : LONG BEACH, MS - 39560

Proposed Contract Information						
Line Number	Item No.	Description	Start Date	End Date	Tax	Amount
1	930160-12	CMT ADVANTAGE MAINT, SUBSEQUENT 1 YR, HW, 500P, DEVICE ONLY, DOMESTIC. In Accordance with Attached Maintenance Plan	May 1, 2018	Apr 30, 2019	0.00	1,438.80
Type of Equipment						
Line Number	Description					
1	BUNDLED ASSEMBLY, 500P WITH LSMS ON DESKTOP - TAA					
Proposed Contract Information						
Line Number	Item No.	Description	Start Date	End Date	Tax	Amount
2	950083-12	CMT ADVANTAGE MAINT, SUBSEQUENT 1 YR, STANDARD CMT SW, LSMS. In Accordance with Attached Maintenance Plan	May 1, 2018	Apr 30, 2019	0.00	300.00
Type of Equipment						
Line Number	Description					
1	BUNDLED ASSEMBLY, 500P WITH LSMS ON DESKTOP - TAA					
Proposed Contract Information						
Line Number	Item No.	Description	Start Date	End Date	Tax	Amount
3	950084-12	CMT ADVANTAGE MAINT, SUBSEQUENT 1 YR, STANDARD CMT SW, LSMS SUBMISSION SOFTWARE. In Accordance with Attached Maintenance Plan	May 1, 2018	Apr 30, 2019	0.00	100.00
Type of Equipment						
Line Number	Description					
1	BUNDLED ASSEMBLY, 500P WITH LSMS ON DESKTOP - TAA					
					Contract Amount	\$1,838.80

If tax exempt, please supply copy of current tax exempt certificate. Cross Match will automatically charge tax on your invoice unless you supply copy of current tax exempt certificate with your order.

To renew your maintenance contract, fax signed copy of Quote or Purchase Order which references the Quote Number in the Body of the Purchase Order by date of expiration to Fax Number (561) 828-7717.

3950 RCA Blvd, Suite 5001 Palm Beach Gardens, FL 33410 PHONE 561.622.1650 FAX 561.828.7717 www.crossmatch.com
MP REV / 08-13-2012

Minutes of March 20, 2018
Mayor and Board of Aldermen

If not renewing, check this box and return by fax.

Contract Renewal Offered by:

Gwenn Huson
Maintenance Contracts Administrator
Phone: 650-474-4010
Email: Gwenn.Huson@CrossMatch.com
Date : Mar 2, 2018

Contract Accepted by: [Signature]
Print Name: George L. Bass
Date: 3/21/2018

Customer Name : LONG BEACH POLICE DEPT

Scanner Serial Number(s) Confirmation:

Customer Notes /Comments (Please use the space below to update address and contact information.)

**Minutes of March 20, 2018
Mayor and Board of Aldermen**



CMT ADVANTAGE

EQUIPMENT MAINTENANCE PLAN

Equipment Eligibility: The contract period for the Maintenance Plan commences after the Limited Warranty or First Year Maintenance Plan ends. Equipment is eligible for a Maintenance Plan provided that the warranty has not expired. Any such Equipment deemed ineligible by reason of not being covered by a current warranty is subject to a technical audit conducted by Crossmatch prior to the Equipment being eligible for a Maintenance Plan. This audit may be conducted on-site or through a remote data connection to the Equipment. If the result of the audit indicates the Equipment is ineligible for Maintenance, Crossmatch will indicate what changes to the Equipment are required to make the Equipment eligible. The audit and any required changes to the Equipment are a billable service at the hourly and material rates in effect at the time the service is ordered. This Maintenance Plan shall not apply to any software, purchaser-furnished equipment or software, third party software or End User-furnished equipment.

Fees and Charges: The prices for the Maintenance Plan can be found in the Crossmatch Price List in effect at the time the plan is purchased. Services requested by Purchaser and delivered by Crossmatch that are outside the scope of the Maintenance Plan are billable to Purchaser at Crossmatch's hourly and material prices in effect at the time of service.

Technical Support: This Maintenance Plan provides Purchaser with post-warranty remedies for Equipment defects. To obtain service under this Maintenance Plan, Purchaser must contact the Crossmatch Customer Care Center. Purchasers may report any defects in the Equipment by contacting Crossmatch's Customer Care Center twenty-four (24) hours a day, seven days per week, excluding national holidays. Once the defect is verified by Customer Care Center, Crossmatch will ship replacement equipment no later than the next business day to locations in the United States. Crossmatch will also facilitate the return of the defective equipment. With certain equipment, the Purchaser may be required to transmit to Crossmatch certain electronic files so that the replacement unit can be preconfigured prior to shipment. The Purchaser must pack the defective unit and make it available to Crossmatch's common carrier agent at the time of scheduled pickup. Not doing so may result in extra charges to the Purchaser. Purchaser is responsible for removing all Purchaser data and/or personally identifiable information from any equipment prior to shipping the defective unit to Crossmatch. All data and/or personally identifiable information on any Crossmatch Equipment or parts thereof, in either case, replaced repaired by Crossmatch will be erased by Crossmatch in a manner so as to be unrecoverable.

THE FOREGOING CONSTITUTES YOUR SOLE AND EXCLUSIVE REMEDY AND CROSSMATCH'S SOLE AND EXCLUSIVE LIABILITY IN CONNECTION WITH YOUR CROSSMATCH EQUIPMENT, AND IS IN LIEU OF ANY AND ALL OTHER REMEDIES WHICH MAY BE AVAILABLE TO YOU.

Exclusions: Crossmatch shall incur no liability under this Maintenance Plan and is voidable by Crossmatch if in Crossmatch's sole reasonable opinion: (a) the Equipment is used other than under normal use and under proper environmental and/or electrical conditions, as specified in the Equipment manual; (b) the Equipment is not maintained as specified in the manual; (c) the Equipment is subject to abuse, misuse, neglect, accident, flooding, storm, lightning, power surges, dirty power, third-party errors or omissions, or acts of God; (d) the Equipment is modified or altered (unless expressly authorized in writing by Crossmatch); (e) the Equipment is stalled or used in combination or in assembly with Equipment not supplied or authorized by Crossmatch; (f) there is a failure to follow specific restrictions or operating instructions; or (g) payment for the Equipment has not been timely made.

The Maintenance Plan does not cover nondurable consumable items including, but not limited to, batteries, paper, silicone membranes, cleaning solution, towels, printer cartridges and cables. Replacement supplies of these items may be ordered by contacting Crossmatch Sales at 866-725-3926. For an additional charge (Part #930158) Maintenance Plan covers third party peripheral equipment (such as laptops and printers) that were purchased from Crossmatch in conjunction with the purchase of the Crossmatch Equipment.

Crossmatch's obligations hereunder are contingent upon your providing the Equipment serial number as proof-of-purchase, and upon Crossmatch's determination that the suspected malfunction is actually due to defects in material or workmanship.

THIS MAINTENANCE PLAN IS NOT TRANSFERABLE OR ASSIGNABLE TO ANY THIRD PARTY AND SHALL BE FOR THE SOLE AND EXCLUSIVE BENEFIT OF THE ORIGINAL PURCHASER OF THE EQUIPMENT COVERED HEREUNDER; ANY ATTEMPTED TRANSFER OR ASSIGNMENT HEREOF SHALL BE VOID AB INITIO.

Crossmatch reserves the right to improve/modify Equipment at any time, at its sole discretion, as it deems necessary. The purchase of this Maintenance Plan is a final sale; it is neither returnable nor refundable.

3950 RCA Blvd, Suite 5001 Palm Beach Gardens, FL 33410 PHONE 561.622.1650 FAX 561.828.7717 www.crossmatch.com
MP REV / 08-13-2012

Minutes of March 20, 2018 Mayor and Board of Aldermen



CROSSMATCH ADVANTAGE SOFTWARE MAINTENANCE PLAN

1. **SCOPE OF COVERAGE.** The following sets forth the terms and conditions under which Cross Match Technologies, Inc., and its affiliates, including but not limited to DigitalPersona, Inc. (collectively, "**Crossmatch**"), will provide maintenance services ("**Maintenance Plan**"). Each Maintenance Plan is for a period of twelve (12) months.

2. **MAINTENANCE SERVICES.** Subject to the terms of this Maintenance Plan and Purchaser's payment of all Maintenance fees Crossmatch will provide the following:

2.1. **Maintenance.** Crossmatch will use commercially reasonable efforts to acknowledge and address reported and reproducible material defects in the Software which prevent the Software from performing substantially in accordance with the Documentation (each a "**defect or issue**"). Crossmatch will receive Purchaser's reported defects or issues 24 hours a day, 7 days a week and acknowledge any such reported defect or issue within two (2) hours and use best efforts to address and remedy such defect or issue. At no additional cost to Purchaser, Crossmatch will deliver to Purchaser, as made commercially available by Crossmatch, bug fixes, maintenance updates and Major Releases for the Software ("**Updates**"), which will thereafter be considered "Software". As used herein, a "Major Release" is any version of the Software that in Crossmatch's sole determination provides substantial new features, additional functionality, or makes use of different architecture. At its expense and as deemed appropriate by Crossmatch in its sole discretion, Crossmatch will furnish Purchaser with revised Documentation (including release notes identifying each change) with each Update.

2.2. **Resolution.** Except as otherwise expressly set forth herein, Crossmatch will use commercially reasonable efforts to resolve each reported defect or issue with the Software by providing either: (i) a reasonable work around, which may consist of specific administrative steps or alternative programming calls; (ii) an object code patch to the Software; or (iii) a specific action plan regarding how Crossmatch intends to address the reported defect or issue and an estimate on how long it may take to remedy or work around the error or issue. Purchaser acknowledges that in order to perform Maintenance, Crossmatch may require access to and a copy of code in Purchaser's possession (or that of Purchaser's system integrator or consultants) relating to the Software or which may impact the performance of the Software. Purchaser agrees to provide access, assistance and information to Crossmatch as required to resolve defects or issues with the Software.

2.3. **Other Defects and Issues.** If Purchaser reports a defect or issue with the Software that is scheduled by Crossmatch to be addressed in a later Update, Crossmatch may address such defect or issue in such Update. Purchaser agrees to pay Crossmatch at Crossmatch's standard rates for all effort expended towards resolution of any defect or issue which is later determined to result from any cause other than an error or issue in the Software.

3. SUPPORT LINES.

3.1. **First Line Support.** Purchaser shall establish and maintain the organization and processes to provide first line support directly to any of Purchaser's customers and/or end users. Crossmatch shall have no obligation to provide any first line support to Company's customers and/or end users. First line support shall include: (a) a direct response to Company's customers and/or end users with respect to problems or inquiries concerning the performance, functionality or operation of the Software; (b) a diagnosis of problems or performance deficiencies in the Software; and (c) a resolution of problems or performance deficiencies in the Software.

3.2. **Second Line Support.** Crossmatch shall maintain the organization and processes necessary to provide second line support for the Software to Purchaser. Such second line support shall be provided to Purchaser only if, after reasonable commercial effort, Purchaser is unable to diagnose and/or resolve problems or performance deficiencies in the Software. Second line support will be provided to designated and trained representatives of Purchaser. Crossmatch shall have no obligation to provide second line support directly to any of Company's customers and/or end users. In order to assist Crossmatch in providing such second line support, Purchaser will provide Crossmatch with the ability to access Purchaser's computer platforms which utilize the Software (including but not limited to access to configuration information and error logs) and provide assistance to Crossmatch in order to facilitate Crossmatch's use of remote administration tools relating to the Software. Second line support will be provided primarily through web-based support services and through telephone support in English utilizing VOIP or direct dial voice connection toll free in the United States and Canada at (866)276-7761, internationally at +1-561-622-9210 or by email at CMCC@crossmatch.com.

4. WARRANTY.

4.1. **Limited Warranty.** Crossmatch represents and warrants that the Maintenance provided hereunder shall be provided in a professional and workmanlike manner; provided, however, that Purchaser's sole and exclusive remedy and Crossmatch's sole and exclusive obligation for a breach of the foregoing warranty shall be for Crossmatch to re-perform such Maintenance in accordance with the foregoing warranty.

4.2. **Warranty Disclaimer.** EXCEPT FOR THE LIMITED WARRANTY SET FORTH IN SECTION 4.1, ALL DELIVERABLES AND SERVICES PROVIDED BY CROSSMATCH PURSUANT TO THIS MAINTENANCE PLAN ARE PROVIDED "AS IS". AND CROSSMATCH AND ITS SUPPLIERS HEREBY EXPRESSLY DISCLAIM ANY AND ALL WARRANTIES OF ANY

3950 RCA Blvd. Suite 5001 Palm Beach Gardens, FL 33410 PHONE 561.622.1650 FAX 561.828.7717 www.crossmatch.com
MP REV / 08-13-2012

Minutes of March 20, 2018
Mayor and Board of Aldermen

KIND OR NATURE, WHETHER EXPRESS, IMPLIED OR STATUTORY, INCLUDING WITHOUT LIMITATION THE IMPLIED WARRANTIES OF TITLE, NON-INFRINGEMENT, MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. CROSSMATCH AND ITS SUPPLIERS DO NOT WARRANT OR REPRESENT THAT THE SOFTWARE OR MAINTENANCE WILL BE FREE FROM BUGS OR THAT THEIR USE WILL BE UNINTERRUPTED OR ERROR-FREE, OR MAKE ANY OTHER REPRESENTATION REGARDING THE USE, OR THE RESULTS OF THE MAINTENANCE OR THE USE OF THE SOFTWARE IN TERMS OF CORRECTNESS, ACCURACY, RELIABILITY, OR OTHERWISE. COMPANY ACKNOWLEDGES THAT CROSSMATCH IS NOT RESPONSIBLE FOR AND WILL HAVE NO LIABILITY FOR HARDWARE, SOFTWARE OR OTHER ITEMS OR ANY SERVICES PROVIDED BY ANY PERSON OR ENTITY OTHER THAN CROSSMATCH, INCLUDING ITEMS SUPPLIED OR SERVICES PERFORMED BY COMPANY.

5. SERVICE LIMITATIONS. The Maintenance does not include, nor will Crossmatch be obligated to provide, services required as a result of: (a) any modification, reconfiguration or maintenance of the Software not performed or recommended by Crossmatch; (b) any use of the Software on a system that does not meet Crossmatch's minimum standards for such as set forth in the applicable Documentation; (c) any third party hardware or software not supported or embedded by Crossmatch; (d) any configuration of the Software (or hardware configurations) other than as recommended by Crossmatch; (e) changes in the communications network protocol and configuration parameters after the Software was installed; (f) Company's failure to back up data; (g) data recovery from back up due to hardware failure; (h) data loss, damage, destruction distortion, erasure, corruption or alternation from any cause whatsoever (including but not limited to computer virus); (i) upgrades or changes in the computer platform's hardware or software including but not limited to the operation system or storage control software or storage capacity; or (j) any error caused by Purchaser's or any third party's negligence, abuse, misapplication, or use of Software other than as expressly permitted under the Agreement. Purchaser is responsible for removing all Purchaser data and/or personally identifiable information from any files prior to providing them to Crossmatch. All data and or personally identifiable information received by Crossmatch will be erased by Crossmatch in a manner so as to be unrecoverable.

6. MAINTENANCE FEES AND PAYMENT. Payment of Maintenance fees are due annually in advance. This Maintenance Plan is a final sale and is not refundable. In the event that Maintenance is discontinued or suspended, to reinstate or renew Maintenance, Crossmatch reserves the right to charge Maintenance fees for the interim period during which Maintenance was discontinued or suspended.

7. TERM AND TERMINATION. This Maintenance Plan shall remain in effect for one (1) year from the Delivery Date. Purchaser may terminate this Maintenance Plan if Crossmatch materially breaches the terms of this Maintenance Plan and such breach remains uncured for thirty (30) days after written notice, in which case Purchaser's sole and exclusive remedy shall be to receive a refund in an amount equal to the most-recent maintenance fee paid by Purchaser to Crossmatch multiplied by a fraction, the numerator of which is the number of whole months remaining in the then current maintenance period and the denominator of which is twelve (12). The expiration or termination of this Maintenance Plan shall not terminate or otherwise affect the Agreement.

3950 RCA Blvd. Suite 5001 Palm Beach Gardens, FL 33410 PHONE 561.622.1650 FAX 561.828.7717 www.crossmatch.com
MP REV / 08-13-2012

**Minutes of March 20, 2018
Mayor and Board of Aldermen**

The Mayor and Board of Aldermen took up the matter of assessing the costs of cleaning property located at 929 East Beach Blvd, Long Beach, Mississippi. After a discussion of the subject, Alderman Frazer offered and moved the adoption of the following Resolution and Order:

RESOLUTION AND ORDER BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI ASSESSING THE COSTS OF CLEANING CERTAIN PROPERTY LOCATED AT 929 EAST BEACH BLVD, LONG BEACH, MISSISSIPPI, PREVIOUSLY ADJUDICATED BY THE CITY TO BE A MENACE TO THE PUBLIC HEALTH AND SAFETY OF THE COMMUNITY, AND ORDERING SAME TO BE ENROLLED AS A LIEN AGAINST THE PROPERTY, AND THE PROPERTY TO BE SOLD FOR COLLECTION OF SAME BY THE COLLECTOR OF MUNICIPAL TAXES AND THE NEXT SALE CONDUCTED BY SUCH TAX COLLECTOR FOR SUCH PURPOSES, AND RELATED PURPOSES.

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

1. That on complaint and motion of the Governing Authorities of the City of Long Beach wherein lies the property known as 929 East Beach Blvd., Long Beach, Mississippi, (hereinafter referred to as the subject parcel), and after discussion of same, the Mayor and Board of Aldermen, at its regular meeting of January 16, 2018, on its own motion did set a hearing to determine whether or not the subject parcel, in its then condition, was in such a state of uncleanness as to be a menace to the public health and safety of the community in accordance with Miss Code Annotated Section 21-19-11, as amended, said hearing to be held February 20, 2018, and directed notice of said hearing be served on the owner of said property in the manner as provided by said MCA Section 21-19-11;

2. That such hearing was conducted on February 20, 2018, having previously served the owner of said property, either by registered mail as is evidenced by the return receipt included in the materials produced at said hearing, or by personal service by police officer as evidenced by the return of service of such police officer, or by posting and publication of same, such service being in accordance with said MCA Section 21-19-11, and proof of same being spread upon the minutes of the Governing Authorities taken of such hearing;

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

**Minutes of March 20, 2018
Mayor and Board of Aldermen**

observations of individual Aldermen concerning the condition of the subject property in its condition on the date of hearing, and being fully advised in the premises, did find and adjudicate on the hearing date that the property was in such a state of uncleanness as to be a menace to the public health and safety of the community;

4. That having adjudicated such property to be in such a state of uncleanness as to be a menace to the public health and safety of the community, notice of such adjudication was provided to the owner of same in accordance with the Resolution and as required by law, proof of which is attached hereto as Exhibit A, without action by the owner to resolve and remedy the condition of said property in the time allowed in accordance with Miss. Code Annotated Section 21-19-11, the City thereupon proceeded to cause same to be cleaned as allowed by law.

5. That it is now the intention of the City of Long Beach, in accordance with Miss. Code Annotated Section 21-19-11 to assess the costs of such cleanup against the property, to impose a lien against the said property as allowed by law, to cause such assessment to be a lien against the property and enrolled in the office of the circuit clerk of the county as other judgments are enrolled.

6. That further, the City desires that tax collector of the municipality proceed to sell the land to satisfy the lien now imposed at its next tax sale date as provided by law for the sale of lands for delinquent municipal taxes.

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

1. That the parcel of land lying and being situated in the City of Long Beach, First Judicial District of Harrison County, Mississippi, and having the street address of 929 East Beach Blvd., Long Beach, Mississippi, which parcel of land is identified by Harrison County Tax Parcel Number 0712C-03-004.000, and according to said tax records is owned by Bernard Gordon Pries, having heretofore been adjudicated to be a menace to the public health and safety of the community in accordance with Miss. Code Annotated Section 21-19-11, and the owner of same failing to have same cleaned as required within the time allowed by law; and same being thereupon cleaned by the City, the City does hereby assess the costs of such cleanup against the property, does hereby impose same as a lien against the property as allowed by law, and does hereby order and direct such lien against the property to be enrolled in the office of the circuit clerk of the county as other judgments are enrolled.

Minutes of March 20, 2018
Mayor and Board of Aldermen

2. That further, the City hereby orders and directs the tax collector of the municipality proceed to sell the land to satisfy the lien now imposed at its next tax sale date as provided by law for the sale of lands for delinquent municipal taxes.

3. The fine assessed and imposed hereby is in the TOTAL amount of \$2,101.96, \$601.96 being the cost of such clean up in accordance with the attached Exhibit A, together with a penalty of \$1,500.00, being not more than either One Thousand Five Hundred Dollars (\$1,500.00) or fifty percent (50%) of the actual cost of clean-up, whichever is greater, as allowed by law, all to be assessed against the said parcel of land.

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

Alderman Ronald Robertson	voted	Aye
Alderman Patricia Bennett	voted	Aye
Alderman Donald Frazer	voted	Aye
Alderman Mark Lishen	voted	Aye
Alderman Timothy McCaffrey, Jr.	voted	Aye
Alderman Kelly Griffin	voted	Aye
Alderman Bernie Parker	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 20th day of March, 2018.

APPROVED:



George L. Bass, Mayor

ATTEST:


Stacey Dahl, City Clerk

**Minutes of March 20, 2018
Mayor and Board of Aldermen**

The Mayor recognized the City Attorney for his report. No action was required or taken.

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

APPROVED:

Alderman Donald Frazer, At-Large

Alderman Ronald Robertson, Ward 1

Alderman Bernie Parker, Ward 2

Alderman Kelly Griffin, Ward 3

Alderman Timothy McCaffrey, Jr., Ward 4

Alderman Mark E. Lishen, Ward 5

Alderman Patricia Bennett, Ward 6

Date

ATTEST:

Kini Gonsoulin, Deputy City Clerk

