

Minutes of May 17, 2017
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 17th day of May, 2017, 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 Gary J. Ponthieux, Bernie Parker, Kelly Griffin, Ronnie Hammons, Jr., Mark E. Lishen, and City Clerk Rebecca E. Schruff.

Absent the public hearing were Alderman Alan Young – deceased, Alderman Leonard G. Carrubba, Sr., and City Attorney James C. Simpson, Jr.

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

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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 105 Alyce Place and assessed to Martha J. Smith, is in such a state of uncleanness as to constitute a menace to the public health and safety of the community.

The Mayor recognized the City Clerk for her report, whereupon, Alderman Griffin made motion seconded by Alderman 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 April 18, 2017, she did caused to be mailed, via certified mail on April 19, 2017, electronic receipt requested, Notice of Hearing, to Martha J. Smith, 105 Alyce Place, Long Beach, Mississippi, 39560, as the same appears of record on the Harrison County 2016 Official Real Property Roll. The Notice of Hearing was "Returned to Sender/Attempted-Not Known/Unable to Forward" by the USPS on April 25, 2017; said notice is as follows:

Minutes of May 17, 2017
Mayor and Board of Aldermen

377

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

April 18, 2017

File
CITY CLERK
TAX COLLECTOR
Rebecca E. Schruoff

CITY ATTORNEY
James C. Simpson, Jr.

MAILED
Date: 4/19/17

Martha J. Smith
105 Alyce Place
Long Beach, MS 39560

91 7199 9991 7036 0715 1341

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 April 18, 2017, hold a public hearing at 5:00 p.m., **Wednesday, May 17, 2017**, 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 Martha J. Smith, and situated in the City of Long Beach, Mississippi, at 105 Alyce Place, 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: 105 Alyce Place, Long Beach, Mississippi
Parcel Number: 0512H-04-051.000
Legal Description: LOT 19 GREEN ACRES SUBD PART 1

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 • 863-1556 • FAX 865-0822
www.cityoflongbeachms.com


**Minutes of May 17, 2017
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.

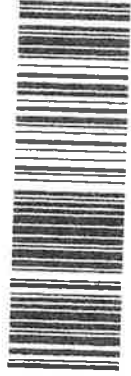
Done by order of the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, this the 18th day of April, 2017.


Rebecca E. Schuff
City Clerk

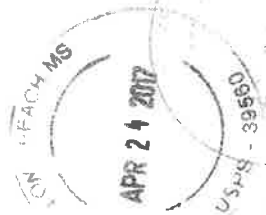
Minutes of May 17, 2017
Mayor and Board of Aldermen

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

CERTIFIED MAIL



91 7199 9991 7036 0715 1341



Martha J. Smith
105 Alyce Place
Long Beach, MS 39560

MJS

NAME _____
1st Name _____
2nd Name _____
Zip _____



39560 CITY CLERK
Signature Required

ANK 3956092929

3956092929 72065-03516-21-26

RETURN TO SENDER
ADDRESS TO RETURN TO

MJS

Minutes of May 17, 2017
Mayor and Board of Aldermen

USPS.com® - USPS Tracking® Results

Page 1 of 4

USPS Tracking® Results

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

Track Another Package +

Remove X

Tracking Number: 9171999991703607151341



Delivered

Product & Tracking Information

See Available Actions

Postal Product:
First-Class Mail®

Features:
Certified Mail™

DATE & TIME	STATUS OF ITEM	LOCATION
April 25, 2017, 2:45 pm	Delivered, To Original Sender	LONG BEACH, MS 39560
Your item has been delivered to the original sender at 2:45 pm on April 25, 2017 in LONG BEACH, MS 39560.		
April 24, 2017, 8:25 am	Available for Pickup	LONG BEACH, MS 39560
April 24, 2017, 8:22 am	Arrived at Unit	LONG BEACH, MS 39560
April 24, 2017, 2:18 am	Departed USPS Facility	GULFPORT, MS 39503

<https://tools.usps.com/go/TrackConfirmAction?tRef=fullpage&tLc=2&text28777=&tLabe...> 5/17/2017

- The Clerk further reported that the Notice of Hearing was posted on the subject property, 105 Alyce Place, Long Beach, Mississippi, on April 19, 2017; the bulletin board 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.

**Minutes of May 17, 2017
Mayor and Board of Aldermen**

381

- The Clerk submitted photographs of the subject property, 105 Alyce Place, Long Beach, Mississippi, taken by Building Official John Eustace on May 17, 2017, depicting said property in its present condition, as follows:



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

May 17, 2017

Re: Carport Addition

As of 5/17/17, the property located at 105 Alyce Place is no longer in violation of section 302.4 (overgrown) of the International Property Maintenance Code, but is still in violation of section 302.8 (inoperative/unlicensed vehicles).

Respectfully,



City of Long Beach

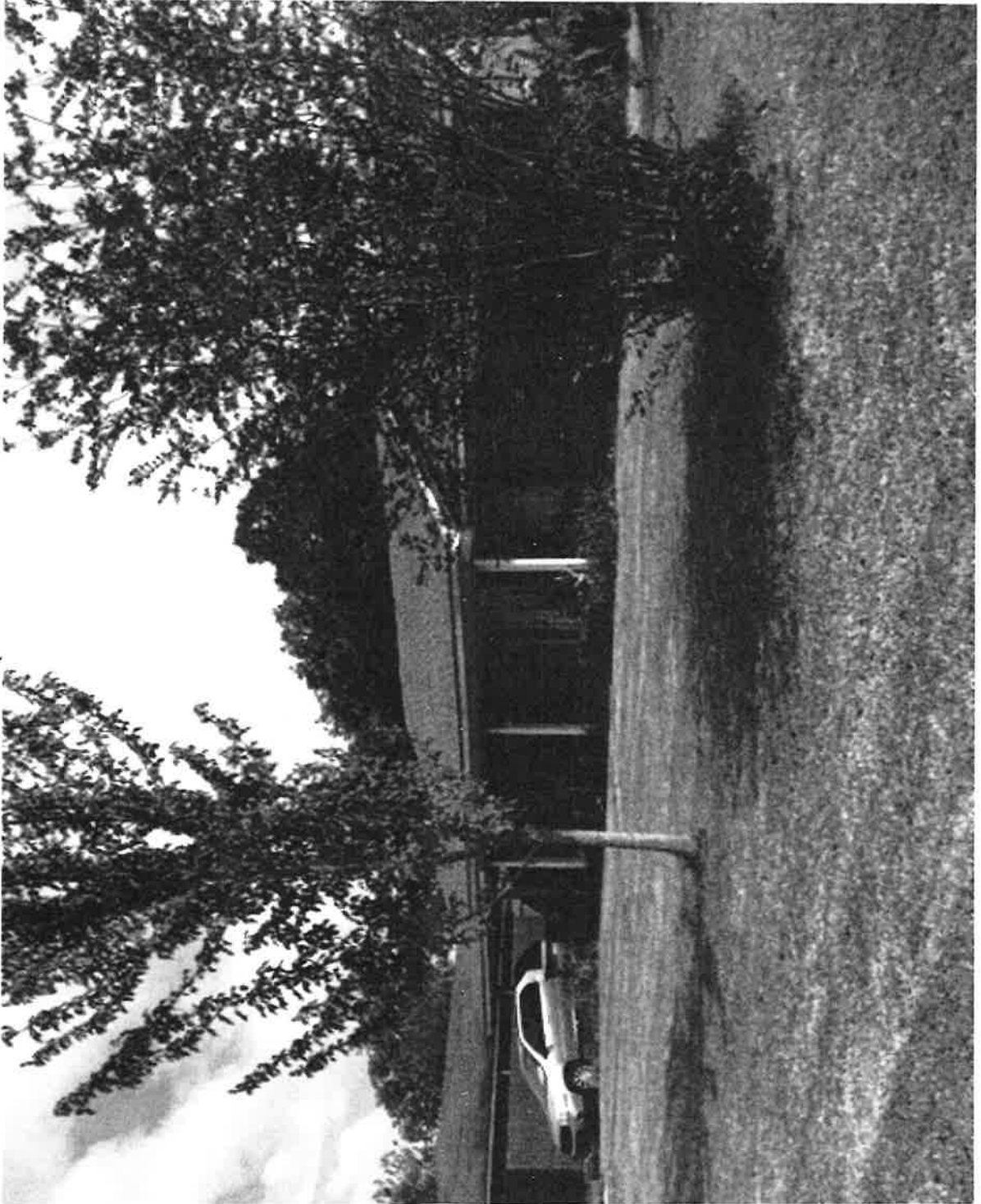
Building Official

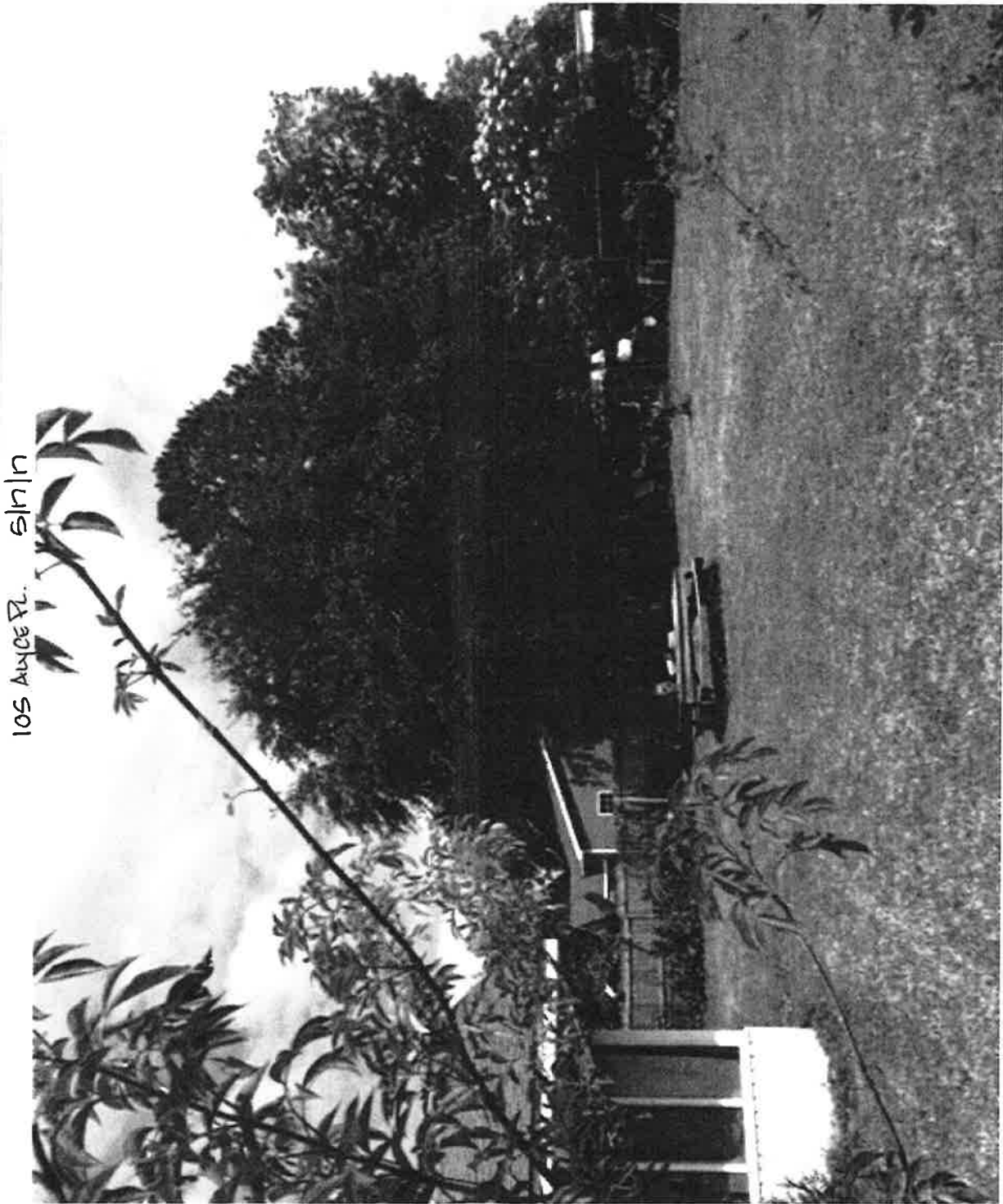
201 Jeff Davis Ave.

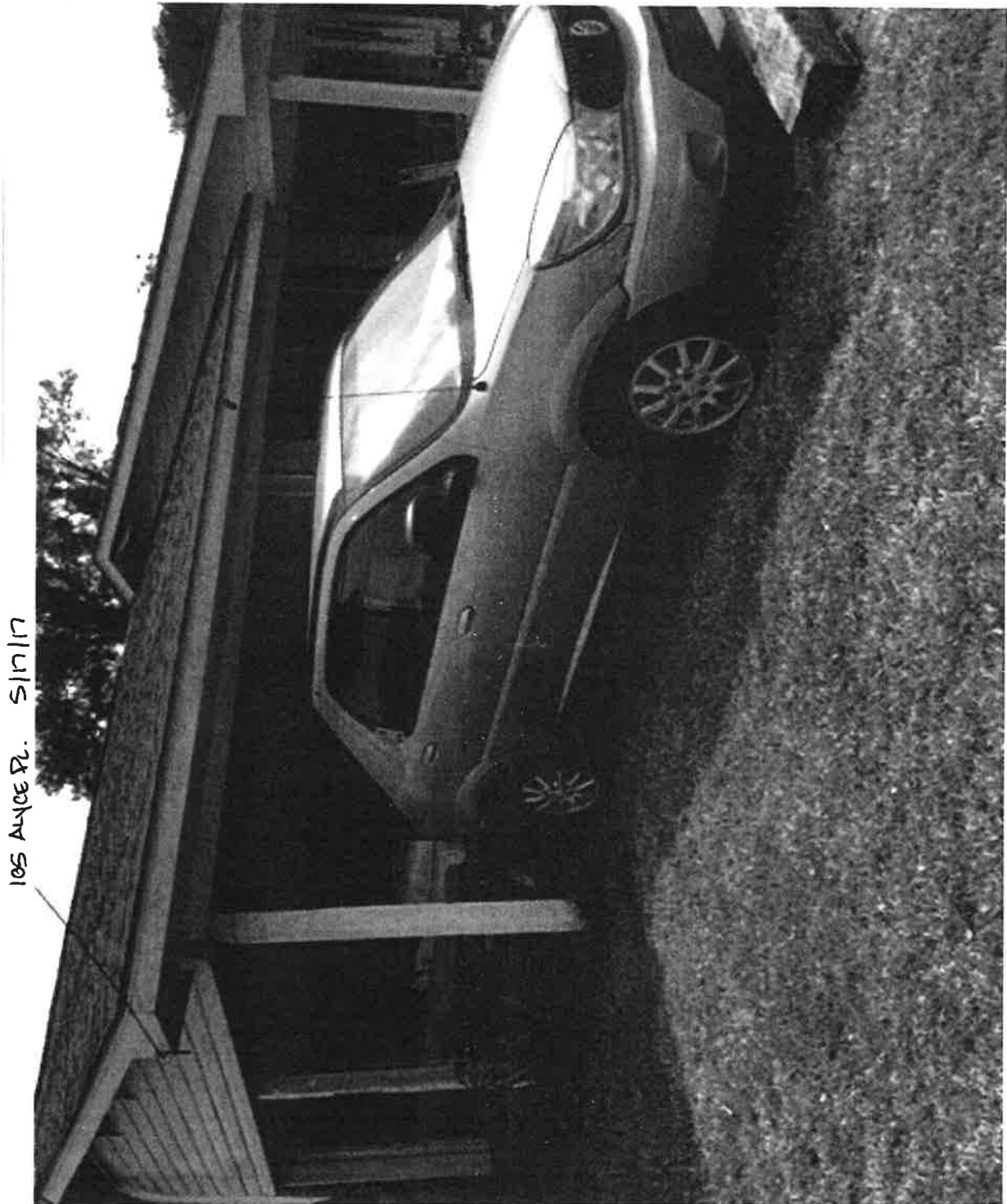
P.O. Box 929

Long Beach, MS 39560

105 ALYCE R. S/N 17







- The Clerk submitted an affidavit from Building Official John Eustace affirming that the Notice of Hearing was posted on the subject property, 105 Alyce Place, Long Beach, Mississippi, on April 19, 2017; and affirming that photographs of said subject property were taken on May 17, 2017; said Affidavit is as follows:

Minutes of May 17, 2017
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 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 April 19, 2017, he did cause to be posted, Notice of Hearing, a copy of which is attached hereto, on property located at 105 Alyce Place (Tax Map Parcel 0512H-04-051.000), Long Beach, Mississippi, assessed to Martha J. Smith, and at the City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi; and that on May 17, 2017, 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 May 17, 2017.

This the 17th day of May, 2017.


REBECCA E. SCHRUFF, AFFIANT

SWORN TO AND SUBSCRIBED before me on this the 17th day of May, 2017.




NOTARY PUBLIC

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The Mayor opened the floor for comments from the property owner or her representative and recognized the property owner, Martha J. Smith, as follows:

- The overgrown status of the property has been resolved and is in compliance;
- She needs additional time to address the unlicensed/inoperative vehicles and will have it resolved by June 6, 2017;
- She will continue to keep the property in compliance.

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Minutes of May 17, 2017
Mayor and Board of Aldermen

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

- Alderman Hammons made motion seconded by Alderman Griffin and unanimously carried to take the matter under advisement for further review and consideration at the next regular meeting, June 6, 2017.

Be it remembered that a recess meeting of the Mayor and Board of Aldermen, Long Beach, Mississippi, was begun and held at 5:00 o'clock p.m. on Wednesday the 17th day of May, 2017, at 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, recessing the meeting from May 16, 2017.

There were present and in attendance on said board and at the recess meeting the following named persons: Mayor William Skellie, Jr., Aldermen Gary J. Ponthieux, Bernie Parker, Kelly Griffin, Ronnie Hammons, Jr., Mark E. Lishen, and City Clerk Rebecca E. Schruff.

Absent the recess meeting were Alderman Alan Young – deceased, Alderman Leonard Carrubba, Sr., and City Attorney James C. Simpson, Jr.

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

There came on for discussion the appointment to the Long Beach School District Board of Trustees on May 16, 2017. It was noted for the record that the May 16, 2017, meeting was recessed and remains in session on May 17, 2017.

Alderman Ponthieux made motion seconded by Alderman Parker and unanimously carried to reconsider the school board appointment.

After considerable discussion, Alderman Ponthieux made motion seconded by Alderman Parker to table the school board appointment until the next regular meeting, June 6, 2017, and obtain a written opinion from the City Attorney regarding said appointment.

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

Alderman Bernie Parker	voted	Aye
Alderman Gary Ponthieux	voted	Aye
Alderman Kelly Griffin	voted	Nay

Minutes of May 17, 2017
Mayor and Board of Aldermen

Alderman Leonard Carrubba, Sr.	voted	Absent, Not Voting
Alderman Mark Lishen	voted	Nay
Alderman Ronnie Hammons, Jr.	voted	Aye

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

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

APPROVED:

Absent L.G.C.

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

[Signature]

Alderman Gary J. Ponthieux, Ward 1

Bernie Parker

Alderman Bernie Parker, Ward 2

Kelly Griffin

Alderman Kelly Griffin, Ward 3

Ronnie Hammons Jr.

Alderman Ronnie Hammons, Jr., Ward 4

[Signature]

Alderman Mark E. Lishen, Ward 5

Alderman Alan Young, Ward 6

June 6, 2017

Date

ATTEST:

[Signature]
Rebecca E. Schruoff, City Clerk