

Minutes of November 6, 2018
Mayor and Board of Aldermen

MUNICIPAL DOCKET
REGULAR MEETING OF NOVEMBER 6, 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. ANNOUNCEMENTS; PRESENTATIONS; PROCLAMATIONS
- V. AMENDMENTS TO THE MUNICIPAL DOCKET
- VI. APPROVE MINUTES:
 - 1. MAYOR AND BOARD OF ALDERMEN
 - a. October 16, 2018 - Regular
 - 2. PLANNING & DEVELOPMENT COMMISSION
 - a. October 25, 2018 - Regular & Public Hearing
 - 3. PORT COMMISSION
 - a. October 18, 2018 - Regular
- VII. APPROVE DOCKET OF CLAIMS NUMBER(S):
 - 1. 110618
- VIII. UNFINISHED BUSINESS
 - 1. Resolution - Child Endangerment
 - 2. Library Board Appointment
- IX. NEW BUSINESS
 - 1. Special Event Application/Waive Fees - Coast Cares Foundation; Fred Walker Jingle Bells 5K
 - 2. Tidelands Grant Award FY19
 - 3. Project Activation - Pineville Road Sidewalk Project Phase II
 - 4. Project Activation - Klondyke Rd/Commission Rd Intersection Improvements
 - 5. Water/Sewer Tap Fees - Alderman Frazer
 - 6. Restate Building & Water/Sewer Ordinances - Alderman Frazer
- X. DEPARTMENTAL BUSINESS
 - 1. MAYOR'S OFFICE
 - a. Attic Storage
 - 2. PERSONNEL
 - a. Recreation - Termination (1)
 - 3. CITY CLERK
 - a. Budget Amendment FY 2018-2019; Recreation/Senior Citizens
 - 4. FIRE DEPARTMENT
 - 5. POLICE DEPARTMENT
 - 6. ENGINEERING
 - a. Feasibility Study - 5 Points Intersection Improvements
 - b. Contract Amendment - Hurricane Nate Permanent Repairs
 - c. Status Update - Lover's Lane Drainage Improvements
 - 7. PUBLIC WORKS
 - 8. DERELICT PROPERTIES
- XI. REPORT FROM CITY ATTORNEY
- XII. ADJOURN (OR) RECESS

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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, 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 James C. Simpson, Jr.

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

Alderman Frazer made motion seconded by Alderman Griffin and unanimously carried to approve the regular minutes of the Mayor and Board of Aldermen dated October 16, 2018, as submitted.

Alderman Frazer made motion seconded by Alderman Robertson and unanimously carried to approve the regular and public hearing minutes of the Planning & Development Commission dated October 25, 2018, as submitted.

Alderman Griffin made motion seconded by Alderman Bennett and unanimously carried to approve the regular minutes of the Port Commission dated October 18, 2018, as submitted.

Alderman Robertson made motion seconded by Alderman Bennett and unanimously carried to approve payment of invoices as listed in Docket of Claims number 110618.

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ORDINANCE NO. 640

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI PROHIBITING THE CONFINEMENT OF ANY CHILD IN A MOTOR VEHICLE IN SUCH A MANNER THAT PLACES IT IN A LIFE OR HEALTH THREATENING SITUATION; PROVIDING THAT ANY PERSON, LAW ENFORCEMENT OFFICER, EMERGENCY MEDICAL SERVICE PROVIDER, OR OTHER FIRST RESPONDER WHO REASONABLY BELIEVES THAT THIS SECTION IS BEING VIOLATED SHALL HAVE AUTHORITY TO ENTER SUCH MOTOR VEHICLE BY ANY REASONABLE MEANS UNDER THE CIRCUMSTANCES AFTER MAKING A REASONABLE EFFORT TO LOCATE THE MOTOR VEHICLE'S OPERATOR, AND FOR RELATED PURPOSES.

WHEREAS, pursuant to its home rule power, the City of Long Beach may exercise any power and perform any function relating to its government and affairs including the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, vehicular heatstroke can befall a child with the most conscientious parent or caregiver in a tragedy compounded by the fact that it is preventable; and

WHEREAS, heatstroke deaths often occur as a result of a child being forgotten in the backseat of a car while the parent went to work; and

WHEREAS, according to the National Highway Traffic Safety Administration (NHTSA), in 2017 there were 42 heatstroke deaths of children in vehicles in the United States, a 63% increase from 2015; and

WHEREAS, a child's body overheats three to five times faster than an adult's and when a child's body temperature reaches 107 degrees, they can die of heatstroke; and

WHEREAS, it only takes a car 10 minutes to heat up 20 degrees internally and become deadly to a child; and

WHEREAS, according to KidsAndCars.org <<http://KidsAndCars.org>>, an advocacy group that conducts research on car-related child endangerment, the temperature inside a vehicle can reach 110 degrees when there is an outside temperature of just 60 degrees; and

WHEREAS, the group notes that, even with slightly open windows, a car's internal temperature can reach 125 degrees in a matter of minutes; and

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WHEREAS, the organization also finds that, since 1994, 804 children have died from heat-related illnesses in cars in the United States, and

WHEREAS, in these 804 deaths, approximately 55% of the children were unknowingly left in the car, 28% of children climbed in on their own, and another 13% were knowingly left in the car; and

WHEREAS, nationally, on average, 37 children die each year from heat-related deaths after being trapped inside vehicles; and

WHEREAS, while not as prevalent as heat-related deaths, children left in cold vehicles are also found to be at an increased risk for both hyperthermia and hypothermia; and

WHEREAS, the former U.S. Transportation Secretary Anthony Fox stated that "even one heatstroke death is one too many because every death caused by leaving a child unattended in a hot car is one hundred percent avoidable;" and

WHEREAS, multifaceted approaches are valued and necessary as we await car industry and regulatory action that would require car manufacturers to include sensors in rear seats to prevent children from being forgotten; and

WHEREAS, the City of Long Beach has the ability to help prevent child vehicular heatstroke by allowing civilians to intervene if they see a child in a life threatening situation;

NOW THEREFORE, The Mayor And Board Of Aldermen Of The City of Long Beach, Mississippi, having made due investigation therefore, do now find, determine adjudicate and ordain as follows:

SECTION 1.

(a) Unattended children in motor vehicles. No person shall confine any child in a motor vehicle in such a manner that places it in a life or health threatening situation by exposure to a prolonged period of extreme heat or cold, without proper ventilation or other protection from heat or cold.

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(b) Leaving children unattended in standing vehicle with motor running. It is unlawful for any person, while operating or in charge of a vehicle, to park or willfully allow such vehicle to stand upon a public highway or in a public place with its motor running, leaving a minor child or children under the age of sixteen years unattended in the vehicle.

(c) Leaving children unattended in parked automobile. Every person having the care and custody, whether temporary or permanent, of minor children under the age of twelve years, who shall leave such children in a parked automobile unattended by an adult while such person enters a tavern or other premises where vinous, spirituous, or malt liquors are dispensed for consumption on the premises shall be guilty of a gross misdemeanor.

(d) Any person, law enforcement officer, emergency medical service provider, or other first responder who reasonably believes that this section is being violated shall have authority to enter such motor vehicle by any reasonable means under the circumstances after making a reasonable effort to locate the motor vehicle's operator.

Rescuers must:

1) Have a good faith belief that the child is in imminent danger of suffering physical injury or death unless the child is removed from the motor vehicle:

2) Determine that the motor vehicle is locked or there is no reasonable manner in which the person can remove the child from the vehicle;

3) Call 911 before entering the motor vehicle to notify a law enforcement officer, emergency medical service provider, or first responder;

4) Employ no more force than is necessary under the circumstances to enter the motor vehicle and remove the child from the vehicle;

5) Remain with the child until the person who is contacted in section 3 of this subsection arrives at the motor vehicle; and

6) If it is necessary for the person rendering assistance to leave the scene before the owner or operator of the vehicle returns to the scene, or before the law enforcement officer, emergency medical service provider, or other first responder arrives at the scene, and regardless of whether or not the person rendering assistance took the person to a hospital or an appropriate law enforcement office, prior to leaving the scene the person

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rendering assistance shall:

(i) Place a notice on the windshield of the vehicle that includes his or her name and contact information and the name and contact information of the location, if any, to which the person rendering assistance took the child when he or she left the scene; and

(ii) Contact law enforcement or other first responders to advise them of his or her name and contact information, that he or she is leaving the scene, and the name and contact information of the location, if any, to which the person rendering assistance is taking the child; and

(iii) Immediately turn the child over to law enforcement or another emergency responder once they arrive on site.

(c) Any person violating any provision of Section 1, regardless of injury to the child shall be fined not less than \$100.00 nor more than \$1,000 for each offense. A person is not immune from civil liability if the person fails to abide by any of the provisions of this section and commits any-unnecessary or malicious damage to the motor vehicle.

(d) Any person who, acting in good faith, rescues a child confined in an unattended motor vehicle pursuant to Section 1 above shall not, as a result of his or her acts, be subject to adverse action by the City of Long Beach.

SECTION 2. This ordinance shall take effect following passage and publication as required by law.

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The above and foregoing Ordinance No. 640 was introduced in writing by Alderman Parker who moved its adoption. Alderman Frazer 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 Timothy McCaffrey, Jr.	voted	Aye
Alderman Kelly Griffin	voted	Aye
Alderman Bernie Parker	voted	Aye
Alderman Mark E. Lishen	voted	Aye
Alderman Patricia 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 640 adopted and approved this, the 6th day of November, 2018.

APPROVED:



GEORGE L. BASS, MAYOR

ATTEST:



STACEY DAHL, CITY CLERK

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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 #640 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 6th day of November, 2018, as the same appears of record in Ordinance Book #9, pages _____, inclusive, in my office at the City Hall in said City.

Given under my hand and the official seal of my office this the 7th day of November, 2018.



Stacey Dahl, City Clerk



The Library Board Appointment was tabled until the November 20, 2018 meeting.

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Alderman Frazer made motion seconded by Alderman Griffin and unanimously carried to approve the special event application and waive all applicable fees from Coast Cares Foundation for the Fred Walker Memorial Jingle Bells 5K as follows:



October 9, 2018

The Honorable George Bass
Mayor of the City of Long Beach
P.O. Box 929
Long Beach, MS 39560

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

Dear Mayor Bass and Aldermen:

I am respectfully submitting the completed Special Event Application and Application for Permit for the annual Jingle Bells 5K to be held on Saturday, December 1, 2018. The race is now named the Fred Walker Memorial Jingle Bells 5K. Proceeds will be given back to Long Beach youth through scholarships and to other 501(c)(3) organizations in the Gulf Coast region.

Coast Cares Foundation, Inc. will be sponsoring this event and replacing Gulf Coast Substance Abuse Task Force. We are a 501(c)(3) and are committed to giving back to our community and other 501c3's. We are requesting a waiver of any fees so we have more funds to return to the community through scholarships and grants.

We have requested a certificate of additional insured and are awaiting the additional certificate. We see no problem in receiving it and once received, will forward to you.

We are also requesting assistance from the Long Beach Police Department for traffic control during the race.

We would appreciate your approval of our request and support of our event.

Respectfully,

Angie Johnson

Angie Alexander Johnson
President, Coast Cares Foundation, Inc.
Angie Alexander Johnson
President

Lisa Hamel
Secretary

Susan Nicolais
Treasurer

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December 1, 2018
Saturday
8:00 am - 9:30 am
Jingle Bell Run
Town Green

CITY OF LONG BEACH
SPECIAL EVENT APPLICATION

City Clerk's Office * 201 Jeff Davis Avenue * P.O. Box 929 * Long Beach, MS 39560

Date Received By Clerk's Office: 10/9/18 Time: 1:05 By: CS

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

Sponsoring Organization's Legal Name: Coast Cares Foundation
Organization Address: PO Box 1352 Long Beach MS 39560
Organization Agent: Susan Nicolais Title: Treasurer
Phone: 703-298-0941 Work Home 228-206-404 During event 703-298-0941
Agent's Address: 7609 Crescent Way Dr. Pass Christian MS 39571
Agent's E-Mail Address: susan@nonprofit-growth.com
Event Name: Fred Walker Jingle Bells 5K
Please give a brief description of the proposed special event: 5K run and 1 mile Sun run/walk

Event Day(s) & Date(s): Saturday 12/1/18 Event Time(s): 8:00 am - 9:30 am
Set-Up Date & Time: 12/1/18 6:00 am Tear-Down Date & Time: 12/1/18 11:00 am
Event Location: Harper McCaughan Town Green

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

How many years has this event occurred? 15+

ADOPTED: 11.15.11-BOARD ACTION

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

STREET CLOSURES: Start Date/ Time: 12/1/18 ^{7:45am} ~~8:00am~~ through Date/ Time 12/1/18 9:30am

RESERVED PARKING: Are you requesting reserved parking? YES NO

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

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

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

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

If yes, what time? _____ Until _____

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

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

ATTENDANCE: What is the expected (estimated) attendance for this event? 250

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

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

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

If yes, how many? _____

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

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

Restrooms at town Green open at 7:00 am, provide police for security or street closures as necessary to ensure participant safety.

ADOPTED: 11.15.11-BOARD ACTION

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

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

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

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

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

10/7/18
Date

Susan Nicolais
Signature of Sponsoring Organization's Agent

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

ADOPTED: 11.15.11-BOARD ACTION

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12/1/18

Event Title: Fred Walker 5K Single Bell Run

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

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

Police Dept.: WV Recommend Approval: YES NO Est. Economic Impact: \$ ~~7500~~ 0

Fire Dept.: AV Recommend Approval: YES NO Est. Economic Impact: \$ 0

Public Works: SC Recommend Approval: YES NO Est. Economic Impact: \$ 0

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

Parks/REC: RP Recommend Approval: YES NO Est. Economic Impact: \$ _____

Have businesses been notified for street closures?: YES NO

Reason for disapproval _____

Any special requirements/conditions _____

Insurance / Indemnification Received: _____

Insurance Approved: _____

Board of Aldermen Approved: _____ Denied: _____

Approval/ Denial Mailed: _____

ADOPTED: 11.15.11-BOARD ACTION

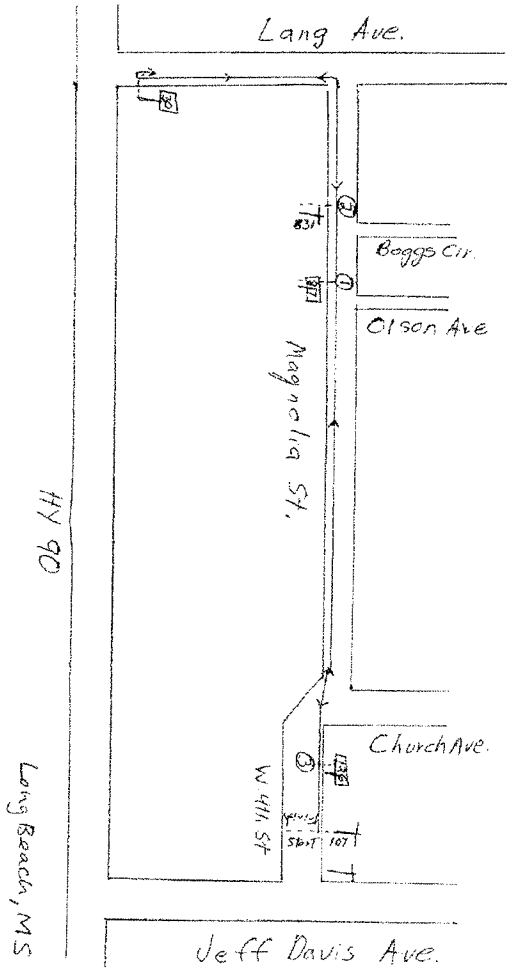
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USATF-Certified Course MS11037MS Effective 09/28/2011 to 12/31/2021

Long Beach Jingle Bell 5K Course
Measured By: Leonard Vergost 9/24/11

Start - Even with telephone pole #107 - 2nd pole near Jeff Davis & W 4th St.
1 Mile - 1 yd west of mail box #817 near Olson Ave
U-Turnaround - 1 yd north of 30 MPH sign near corner of Hy 90 & Lang Ave.
2 Mile - 3 yds west of telephone pole #831 near Baggs Cir.
3 Mile - 6 yds west of mail box #126 on W 4th St.
Finish - Same as start line, TP #107 - Even with the base.



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CITY OF LONG BEACH
PARKS AND RECREATION DEPARTMENT
APPLICATION FOR PERMIT

Bob Paul
228-669-7601

TOWN GREEN

Group / Individual Name (Permit tee):

Coast Cares Foundation

Telephone Number: 228-206-4041

703-298-0941

Street Address: 7609 Crescent Way Drive

City: Pasc Christian State: MS Zip: 39571

Type of Event: Jingle Bells 5K Run

Start Time: 6:00 am

Closing Time: 11:30 am

It is agreed between the City of Long Beach and the permit fee that the named facility is reserved on
December 1, 2018 (Saturday)
(Date)

The person(s) requesting this permit

1. Agrees to personally accept responsibility for any damage done to the facility, grounds or equipment by persons in his/her group during the reserved period of time, and will hold the City of Long Beach harmless of any damage done to permit tee or permit tee's equipment.
2. Agrees to maintain order and control over persons in the group.
3. Agrees to abide by all policies and procedures of the City of Long Beach, the Long Beach Parks and Recreation Department as directed by the contents of the Town Green policy statement.
4. Understands that failure to comply with all the terms of the aforementioned policy as well as any violation of federal, state, or municipal law in conjunction with the use of this facility will result in the cancellation of the privilege of using this facility and will jeopardize any future permit grants for this or any other facility. I hereby agree that I have read and understand the regulations and policies governing the use of the Long Beach Town Green, including the deck area and shoo-fly.

Signature *Swan Nicolais*

Date: 10/17/18

Rental Fee \$ _____ Receipt # _____ Date _____

Deposit Fee \$ _____ Receipt # _____ Date _____

Clean-up Fee \$ _____ Receipt # _____ Date _____

PLEASE REVIEW THE POLICY AND RETAIN FOR YOUR RECORDS

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STATE OF MISSISSIPPI
COUNTY OF HARRISON
SECOND JUDICIAL DISTRICT

RELEASE AND IDNEMNITY

WHEREFORE, for and in consideration of the use of the ground of the City of Long Beach, Town Green and structures erected upon it owned by the City of Long Beach, Mississippi, and located at 115 East 3rd Street, I Susan Nicolais (Coast Cares Foundation) do hereby release, acquit and forever discharge the City of Long Beach, Mississippi, and all of its respective agents, servants, employees, elected and non-elected officials, successors, predecessors, insurers, attorneys, and any and all other legal entities and persons, of and from any and all claims, demands, actions, damages, liability, or legal recourse of any type, and expenses (including attorneys' fees) in connection with or arising from or out of my use of the Town Green.

WHEREFORE, PREMISES CONSIDERED:

The undersigned further agrees that he/she shall indemnify and hold harmless the City against and from all claims, demands, actions, rights of action, liabilities, losses, judgments, costs, expenses, and attorney fees which shall or may rise by virtue of anything done or omitted to be done by us, including through or by its agents, employees, or other representatives, arising out of, claimed on account of, or in any manner predicated upon the use of the above mentioned property. The undersigned further agrees to protect and save and keep the City harmless and indemnify the City against and from any and all claims, demands, actions, liabilities, judgments, losses, costs, damages or expenses (including attorneys' fees) arising out of, claimed on account of, or in any manner predicated upon any accident or other occurrence arising from the use of the above mentioned property causing injury to person(s) (including death) or property to whomsoever or whatever in law and equity.

Furthermore, as part of the consideration for using the abovementioned property, the undersigned agree to assume full responsibility and liability for any and all risk of loss by theft, vandalism, destruction, or otherwise, of any and all items of personal property belonging to the organization, group or members thereof while in and about said facility, regardless of whether or not said loss relates to, or arises out of, the use of said facility and, in addition, said organization or group agrees to indemnify and hold the City of Long Beach, its agents and servants, and employees harmless from and against all claims and expenses for same, including attorneys fees.

This, the 9th day of October, 20 18.

Authorized Signature Susan Nicolais

Witness [Signature]

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CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
10/18/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

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

PRODUCER: Insurance Management Group, 12730 Coldwater Road, Fort Wayne IN 46845
INSURED: Road Runners Club of America/2018 and Its Member Clubs, 1501 Lee Highway, Suite 140, Arlington VA 22209
CONTACT NAME: Margaret Mayers, PHONE: (260) 338-2925, FAX: (765) 664-0761, E-MAIL: mmayers@insmgt.com
INSURER(S) AFFORDING COVERAGE: INSURER A: National Casualty Company (NAIC # 11991), INSURER B: Nationwide Life Insurance Co. (66869)

COVERAGES CERTIFICATE NUMBER: 2018 \$1M A.I. REVISION NUMBER:

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

Table with columns: INSR LTR, TYPE OF INSURANCE, ADDL. SUBR. INSD. WVD, POLICY NUMBER, POLICY EFF. (MM/DD/YYYY), POLICY EXP. (MM/DD/YYYY), LIMITS. Rows include Commercial General Liability, Automobile Liability, Umbrella Liability, Workers Compensation, and Excess Medical & Accident.

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
CERTIFICATE HOLDER IS NAMED AS AN ADDITIONAL INSURED AS RESPECTS TO THEIR INTEREST IN THE OPERATIONS OF THE NAMED INSURED. DATE OF EVENT(S): 12/01/18 Jingle Bells 5k Race INSURED RRCA CLUB/EVENT MEMBER: Coast Cares Foundation, Att'n: Susan Nicolais, PO Box 1352, Long Beach, MS 39560

CERTIFICATE HOLDER: 12/01/18 City of Long Beach, MS, 201 Jeff Davis Avenue, PO Box 929, Long Beach, MS 39560
CANCELLATION: SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE: Terry Diller/MARG

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ACORD 25 (2014/01)
INS025 (201401)

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Alderman Frazer made motion seconded by Alderman Griffin and unanimously carried to accept the 2019 Tidelands Grant Agreement, and authorize the Mayor to execute same, as follows:



FY19-P613-02

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

Tidelands Grant Agreement City of Long Beach FISCAL YEAR 2019

City of Long Beach hereby agrees to expend funds as authorized by the Mississippi Legislature in H.B. 1606 2018 Regular Session and Mississippi Code Section 29-15-9.


The Mississippi Department of Marine Resources will disburse funds in the amount of \$ 300,000.00 for the 2019 Harbor Improvements, upon (1) receipt of this signed document; (2) MDMR possession of amended application with complete and final project designs and plans; (3) release of funds from the Mississippi Department of Finance and Administration; and (4) availability of said funds. The Mississippi Department of Marine Resources shall make progress payments in installments based on work completed and material used in the performance of a Tidelands project only after receiving written verification using Form TTF-3 (Attachment 1) and Form TTF-4 or Form TTF-5.

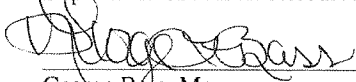
The **City of Long Beach** agrees to:

- 1) Expend monies for the project as designated by the Legislature in H.B. 1606 2018 Regular Session 2019 Harbor Improvements and Mississippi Code Section 29-15-9, and be subject to an audit by the State Auditor.
- 2) Provide the Department of Marine Resources with detailed reports beginning January 31, 2019, and every six months thereafter for the duration of project, using the attached form TTF-4 (Attachment 2). Project reports will include:

-Final project design and budget	- Description of Work Completed
-Benefits to the public and community	- Milestones for Completion
-Visual presentation (photographs) of project	- Funds expended (to include Tidelands and Matching Funds)
-Narrative description of project	
- 3) Provide the Department of Marine Resources with a Notification of Completion – TTF-5 (to be included in final payment request-Form TTF-3) to include a detailed final report of entire project, using the attached forms (Attachment 3).
- 4) Erect a prominent, permanent sign to be displayed at all funded public access and construction related projects. The sign shall read “Funds for this project appropriated by the Mississippi Legislature, 2019 Tidelands Trust Fund, through the Secretary of State, Delbert Hosemann, and the Mississippi Department of Marine Resources.”

On behalf of the **City of Long Beach** I have read, understand, and agree to all terms listed above, and recognize that failure to comply with any portion of this Grant Agreement could jeopardize the receipt of any future Tidelands Trust Funds Appropriations.


 Joe Spraggins, Executive Director
 Department of Marine Resources


 George Bass, Mayor
 City of Long Beach

10.25.18
Date

11/6/18
Date

Minutes of November 6, 2018
Mayor and Board of Aldermen

Alderman Lishen made motion seconded by Alderman McCaffrey and
unanimously carried to activate the Pineville Road Sidewalk Project Phase II as follows:

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.

November 6, 2018

David Seyfarth, P.E.
District 6, LPA Coordinator
Mississippi Department of Transportation
16499 Highway 49
Saucier, MS 39574-9740

Reference – Pineville Road Sidewalk Project Phase II Activation Request

Dear Mr. Seyfarth,

The City of Long Beach respectfully requests the Mississippi Department of Transportation (MDOT) activate the above referenced project. This project will include the continuation of construction of sidewalks along Pineville Road from Harper McCaughan school through the "5-Points" intersection.

Enclosed, please find a vicinity map, a copy of the most current audit on file with the State of Mississippi Office of the State Auditor, and a copy of the LPA certificate for the LPA Project Director, Kini Gonsoulin.

The point of contact for The City of Long Beach regarding this project will be our Finance Officer/Deputy City Clerk, Kini Gonsoulin. Mrs. Gonsoulin may be reached at (228) 863-1556 or kgonsoulin@cityoflongbeachms.com. I will serve as the LPA Official and can be reached at (228) 863-1556 or mayor@cityoflongbeachms.com.

Thank you for your attention in this matter.

Sincerely,

George L. Bass
Mayor

Enclosures

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

Minutes of November 6, 2018 Mayor and Board of Aldermen

Alderman Lishen made motion seconded by Alderman McCaffrey and unanimously carried to activate the Klondyke Road/Commission Road Intersection Improvements project as follows:

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.

November 6, 2018

David Seyfarth, P.E.
District 6, LPA Coordinator
Mississippi Department of Transportation
16499 Highway 49
Saucier, MS 39574-9740

Reference -- Klondyke Rd/Commission Rd Intersection Improvements Activation Request

Dear Mr. Seyfarth,

The City of Long Beach respectfully requests the Mississippi Department of Transportation (MDOT) activate the above referenced project. This project will include the widening and improvement of the intersection at Klondyke Road and Commission Road for better traffic flow.

Enclosed, please find a vicinity map, a copy of the most current audit on file with the State of Mississippi Office of the State Auditor, and a copy of the LPA certificate for the LPA Project Director, Kini Gonsoulin.

The point of contact for The City of Long Beach regarding this project will be our Finance Officer/Deputy City Clerk, Kini Gonsoulin. Mrs. Gonsoulin may be reached at (228) 863-1556 or kgonsoulin@cityoflongbeachms.com. I will serve as the LPA Official and can be reached at (228) 863-1556 or mayor@cityoflongbeachms.com.

Thank you for your attention in this matter.

Sincerely,

George L. Bass
Mayor

Enclosures

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

Alderman Frazer made motion seconded by Alderman Robertson and unanimously carried to direct City Attorney James Simpson to draft an ordinance to increase Water and Sewer Tap Fees.

**Minutes of November 6, 2018
Mayor and Board of Aldermen**

Restate Building & Water/Sewer Ordinances was tabled until the November 20, 2018 meeting to allow Attorney Simpson to follow up with Municode regarding codification of the City's Ordinances.

Alderman Frazer made motion seconded by Alderman Griffin and unanimously carried to authorize Mayor Bass to get cost estimates for construction shelving in the attic storage space of City Hall.

* * *

There came on for discussion the issue of parents dropping off their children in the area of Royal Drive, Kuyrkendal Place, and Regal Drive. Homeowners in those neighborhoods have been complaining about the traffic and noise that this generates. Alderman Bennett volunteered to contact the School District Board to discuss a resolution.

Alderman McCaffrey made motion seconded by Alderman Griffin and unanimously carried to approve the termination of Theodore Gentile effective November 2, 2018.

Minutes of November 6, 2018 Mayor and Board of Aldermen

Alderman Griffin made motion seconded by Alderman Parker and unanimously carried to approve the Budget Amendment FY 2018-2019 for Recreation as follows:

City of Long Beach Budget Amendment Request

Fund Name	General _____	Date	<u>11/6/2018</u>
Department #	425 _____	Budget Entry #	_____
Department Name	Senior Citizens _____		

	Original Budget	Prior Amendments	This Amendment	Revised Budget
Operating Supplies 425-610700	16,250	-	2,000	18,250
Donations 010-560200	-	-	(2,000)	(2,000)

Amendment to budget donation received from South Mississippi Planning & Development District for Senior Citizens.

Amendment #1

8/23/2018

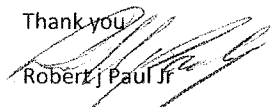
To: The mayor and Board of Alderman

From: The Director of Long Beach Parks Recreation and Senior Citizens

Subj: Requesting the \$2,000.00 donation that was received from Southern Mississippi Planning and Development District Inc. be excepted and deposited into 425/Senior Citizens

610700/Operational Supplies

Thank you



Robert J. Paul Jr

Director Long Beach Parks @ Recreation /Senior Citizens

**Minutes of November 6, 2018
Mayor and Board of Aldermen**

Alderman Griffin made motion seconded by Alderman Parker and unanimously carried to authorize Overstreet & Associates to perform a Feasibility Study for the 5 Points Intersection as requested below:

161 Lameuse St., Suite 203
Biloxi, MS 39530
228-967-7137



630 Delmas Ave., Suite B
Pascagoula, MS 39567
228-967-7137

October 31, 2018

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


RE: "5 Points" Intersection Improvements – Feasibility Study

Mr. Mayor,

We would like your authorization to begin efforts toward coordinating and holding preliminary meetings with MDOT and the Gulf Regional Planning Commission (GRPC) for the purposes of improvements to the "5 Points" intersection of Pineville Rd., Seal Ave., and Larosa Rd. While the current configuration of the intersection is serviceable, it is possible that other intersection configurations, including modifications to the geometric layout or the signalization could improve the usability and safety of the intersection.

If this notion is satisfactory to you, we would like to perform these very preliminary and minimal services utilizing the hourly rates negotiated in our Master Services contract, with total fees not to exceed \$3,000 without additional authorization. Our goal is to obtain approval from MDOT and the GRPC to fund this feasibility study and to add the construction project to the current TIP or a future one. Any projects arising from these efforts, such as the feasibility study, preliminary engineering for design, or CE&I services could be selected and negotiated by the City following their standard selection criteria.

Please contact us with any questions.

Sincerely,

David Ball, P.E.

DB:539

**Minutes of November 6, 2018
Mayor and Board of Aldermen**

Alderman Parker made motion seconded by Alderman Robertson and unanimously carried to approve Amendment Number One to Overstreet & Associates' Master Services Agreement for Hurricane Nate Permanent Repairs at the Harbor, as follows:

161 Lameuse St., Suite 203
Biloxi, MS 39530
228-967-7137



630 Delmas Ave., Suite B
Pascagoula, MS 39567
228-967-7137

November 2, 2018

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

RE: Smallcraft Harbor - Hurricane Nate Permanent Repairs

Ladies and Gentlemen:

Please find attached a proposed amendments to the Master Contract between the City and Overstreet & Assoc. for permanent repairs to the fuel facility at the Smallcraft Harbor. As you know, there were damages at the fuel facility as a result of Hurricane Nate, but the City has additionally elected to decommission the old fuel facility and acquire and utilize a mobile fuel facility to be provided by others. This amendment proposes to perform all applicable repair work due to Hurricane Nate damages and to prepare the site for the use of the new mobile fuel facility. We appreciate your consideration and approval.

Sincerely,



David Ball, P.E.

DB:1013-Master
Enclosure

**Minutes of November 6, 2018
Mayor and Board of Aldermen**

**AMENDMENT NUMBER 1 TO MASTER AGREEMENT BETWEEN
CITY OF LONG BEACH AND OVERSTREET & ASSOCIATES, INC.**

**LONG BEACH SMALLCRAFT HARBOR - HURRICANE NATE PERMANENT REPAIRS
(FUEL FACILITY)**

It is agreed to undertake the following work in accordance with the provisions contained in the Master Agreement dated August 21, 2018:

A. DESCRIPTION OF ASSIGNMENT

1. Engineer will provide Basic engineering services necessary to repair the damages caused by Hurricane Nate to the fuel facility, and associated elements, within the Long Beach Smallcraft Harbor. These services will include:
 - a. Any necessary location surveys.
 - b. Preparation of general drawings and any required bid documents, sufficient for a request for proposals or bids to competitively bid and construct the project.
 - c. Acquisition of permits necessary for construction.
 - d. Assist City in soliciting and receiving quotes for the work in accordance with state law.
 - e. Provide professional oversight of the construction, including recommending payments.
2. In particular, the needed repairs include those repairs indicated for the "Fuel System / Sewage" facility in the attached excerpt of FEMA damage assessment #86307.
3. Expected repairs also include the removal/decommissioning of the existing fuel facility in preparation for the installation of a mobile fuel facility, to be provided by others.
4. Therefore, the repairs will be designed to maximize eligible FEMA reimbursements while preparing the site for the City's use of a mobile fuel facility.
5. The construction cost of the needed repairs and site modifications is currently estimated at approximately \$50,000.
6. Project funding will be through the FEMA Public Assistance program related to Hurricane Nate recovery for eligible repair costs, with Harbor Tidelands funds used for any site modifications.

B. PERIOD OF SERVICE

1. Engineer shall plan and prosecute the work to result in a completed set of documents necessary for the bidding process within 30 days of the execution of this Amendment. It is currently planned to utilize a Request for Quotes process in accordance with State requirements for purchases less than \$50,000.
2. It is presently estimated that the final completion of construction of the project will be not more 90 days after execution of this Amendment.

Minutes of November 6, 2018 Mayor and Board of Aldermen

C. BASIS OF COMPENSATION

1. Fees for the above described services will be in accordance with Exhibit C2 of the referenced Master Agreement, more particularly via the hourly rates included in Appendix 1 to Exhibit C.
 - a. Based on the current estimated construction cost and utilizing FEMA "Curve B" in Appendix 1 to Exhibit C3, fees for Basic Services shall not exceed \$7,500.

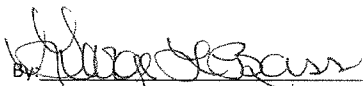
2. For services of ENGINEER's Resident Project Representative and for Post-Construction Services, an amount equal to the cumulative hours charged to the Project by each class of ENGINEER's employees times Standard Hourly Rates for each applicable billing class for all Resident Project Representative services performed on the Project, plus Reimbursable Expenses and ENGINEER's Consultant's charges, if any.
 - a. Fees for the above described construction services shall not exceed \$2,500, which is based on estimated part-time inspection. Additional inspection can be provided upon Owner's request.

3. Hourly fees where described above will be in accordance with the hourly rates recited on ATTACHMENT 1 to EXHIBIT C to the Master Agreement, subject to future adjustment as provided for in the Master Agreement.

4. Fees for services rendered under this Amendment will be made separate from any other project.

OWNER:

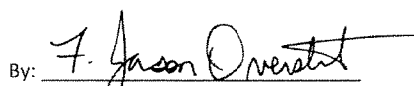
CITY OF LONG BEACH, MISSISSIPPI

By: 
 George Bass; Mayor

Date Signed: 11/6/18

ENGINEER:

OVERSTREET & ASSOCIATES, P.L.L.C.

By: 
 F. Jason Overstreet, P.E.; President

Date Signed: _____

Minutes of November 6, 2018 Mayor and Board of Aldermen

- **Damage #86307; Long Beach Harbor**

- **General Facility Information:**

- Facility Type: Other
- Facility: saltwater marina
- Facility Description: Long Beach Harbor
- Approx. Year Built: 1967
- Location Description: 720 S. Cleveland Avenue, Long Beach, MS 39560
- GPS Latitude/Longitude: 30.34330, -89.14142

- **General Damage Information:**

- Date Damaged: 10/7/2017
- Cause of Damage: hurricane driven waves, storm surge, and debris impact during Hurricane Nate

- **Facility Damage:**

- Fuel System / Sewage
 - Overfill Prevention Valves: 2 each of valves, damaged by storm surge and saltwater immersion, site inspector unable to verify damages, see contractor's memo and estimate, 0% work completed.
 - Waste Oil Tank: 1 each of double-wall tank, 300 Gallons, fiberglass encasement was broken during emergency removal prior to the storm event, 0% work completed.
 - Sign: 1 each of aluminum composite sign panel with fueling instructions, 4 FT long x 8 FT wide, bent by debris impact and storm surge, 0% work completed.
 - Spill Prevention Relay: 1 each of relay, damaged by storm surge and saltwater immersion, site inspector unable to verify damages, see contractor's memo and estimate, 0% work completed.

Minutes of November 6, 2018 Mayor and Board of Aldermen

- Entry Boot, 1 each of unleaded STP sump conduit entry boot, 1 IN long, damaged by storm surge and saltwater immersion, site inspector unable to verify damages, see contractor's memo and estimate, 0% work completed.
- Incon Sump Sensor, 1 each of diesel sump Incon Sump Sensor, damaged by storm surge and saltwater immersion, site inspector unable to verify damages, see contractor's memo and estimate, 0% work completed.
- Fuel Filters, 2 each of PetroClear 40530W filters, damaged by storm surge and saltwater immersion, site inspector unable to verify damages, see contractor's memo and estimate, 0% work completed.
- Floor Plate (fuel tank area), 1 each of metal floor plate for fence post mounting, 5 IN long x 5 IN wide, bent by debris impact and storm surge, 0% work completed.
- Fence Post (fuel tank area), 1 each of metal line post for chain link fence, 4 FT long x 2 IN in diameter, bent by debris impact and storm surge, 0% work completed.
- Chain Link (fuel tank area), galvanized metal chain link, 8.5 FT long x 4 FT high, bent by debris impact and storm surge, 0% work completed.
- Tension Bars (fuel tank area), 2 each of tension bars for chain link fence, 4 FT long, bent by debris impact and storm surge, 0% work completed.
- Tension Straps (fuel tank area), 6 each of tension straps for chain link fence, pulled and bent by debris impact and storm surge, 0% work completed.
- Switches, 1 each of set of KECO sewage pumpout on/off switches, switches believed to be location of an electrical short, site inspector unable to verify, 0% work completed.
- Transformer, 1 each of 4 AMP UET100R 100VA 50/60HZ transformer located within KECO Pump-A-Head electrical box, believed to be damaged, site inspector unable to verify damages, 0% work completed.

Minutes of November 6, 2018 Mayor and Board of Aldermen

City Engineer David Ball gave the following update regarding Lover's Lane
Drainage Improvements:

161 Lameuse St., Suite 203
Biloxi, MS 39530
228-967-7137



630 Delmas Ave., Suite B
Pascagoula, MS 39567
228-967-7137

November 2, 2018

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

RE: Lover's Lane Drainage Improvements

Ladies and Gentlemen:

Please accept this letter as a status update on the referenced project. We are happy to report that we have completed the preliminary design of the project approximately 30 days ahead of schedule and will be working in the coming days to finalize the plans and specifications to a biddable format. We hope to have construction documents ready for advertisement at the first meeting in December, when an advertisement and bidding schedule can be reviewed and approved. Again, it seems now that this project should be completed and ready for bidding ahead of the original proposed schedule, barring any unforeseen difficulties.

Meanwhile, we have additionally prepared a preliminary quantity takeoff and cost estimate based on the preliminary plans. Based on discussions with Joe Culpepper of Public Works, a large majority of the work can be performed in-house by the City, with a 3rd party contractor constructing all the improvements from Clower Ave. east toward Kuyrkendall Pl. Additionally, Culpepper feels that the 3rd party contractor should probably perform the road cuts for drainage crossings at Lovers Lane and at Daugherty Rd., which seems like a sensible idea. Based on that information, we currently estimate the construction package to be bid by 3rd party contractors to cost approximately \$320,000. Using our estimated 3rd party prices, we estimate the value of work performed "in house" (by Public Works) to be approximately \$251,000; however, actual costs should be substantially less using the City's existing contract with Utility Partners.

Sincerely,

David Ball, P.E.

DB:1022
Enclosure

**Minutes of November 6, 2018
Mayor and Board of Aldermen**

City Attorney Simpson offered the following letter regarding derelict properties:

WISE CARTER
WISE CARTER CHILD & CARAWAY, P.A.
ATTORNEYS AT LAW

JAMES C. SIMPSON, JR.
jcs@wisecarter.com

Coast Office:
2510 14th Street, Suite 1125
Gulfport, Mississippi 39501
Direct: 228-241-1690
Phone: 228-867-7141
Fax: 228-867-7142

November 6, 2018

Mayor George Bass
Board of Aldermen
City of Long Beach
201 Jeff Davis Avenue
Long Beach, MS 3956

RE: Adjudication of derelict properties: 20019 Sunset; 247 Rienike; 118 Carroll; 108 Park Row.

Dear Mayor and Board of Aldermen:

Pursuant to your request, below is the procedure I recommend we follow in dealing with the above properties.

As we have discussed, Mississippi Code Annotated § 21-19-20 (b)(1) says a municipality may institute proceedings to have an abandoned house or building demolished or seized *if the governing authority of the municipality determines that the house or building is a menace to the public health and safety of the community and that it constitutes a public hazard and nuisance.* This means that a hearing must first be held to determine whether it is a menace to the public health and safety of the community and that it constitutes a public hazard and nuisance before any actions take place.

The statute provides in subsection (b)(ii) that upon the receipt of a petition requesting the municipality to demolish or seize an abandoned house or building that constitutes a public hazard and nuisance signed by a majority of the residents residing within four hundred (400) feet of the property, the governing authority of the municipality shall notify the property owner that the petition has been filed and that a date for a hearing on the petition has been set. Notice to the property owner is given by mail, or if the property owner or the owner's address is unknown, by publication of the notice shall be made twice each week during two (2) successive weeks in a public newspaper of the county in which the municipality is located. The hearing is to be set not less than thirty (30) nor more than sixty (60) days after service of notice or completion of publication of

JACKSON: 401 E. CAPITOL ST., HERITAGE BLDG., SUITE 600, JACKSON, MS 39201 • P.O. BOX 651, JACKSON, MS 39205-0651 • PH. 601.968.5500 FAX. 601.968.5593
GULF COAST: 2510 14TH STREET, SUITE 1125, GULFPORT, MS 39501 • PH. 228.867.7141 FAX. 228.867.7142
HATTIESBURG: 601 ADELIN ST., HATTIESBURG, MS 39401 • P.O. BOX 990, HATTIESBURG, MS 39403-0990 • PH. 601.582.5551 FAX. 601.582.5556

www.wisecarter.com

**Minutes of November 6, 2018
Mayor and Board of Aldermen**

Mayor George Bass
Board of Aldermen
City of Long Beach
November 6, 2018
Page 2

the notice. At the hearing, the governing authority shall determine whether the property is a "menace to the public health and safety of the community which constitutes a public hazard and nuisance." If the governing authority determines that the property is a public hazard and nuisance, the municipality may institute proceedings to demolish or seize the abandoned house or building.

Although the section only refers to a petition signed by a majority of the residents residing within four hundred (400) feet of the property I believe this proceed may also be commenced upon the City's own initiative. **Thus, I recommend we first send notice to the property owner by mail of a hearing to make such determination to be held not less than thirty (30) nor more than sixty (60) days after completion of publication of the notice. Although the statute allows publication in the alternative if the property owner's address is unknown, I would publish the notice regardless of personal service as allowed by law. My suggestion is we set a hearing date approximately 45 days from the completion of two weeks of publication.**

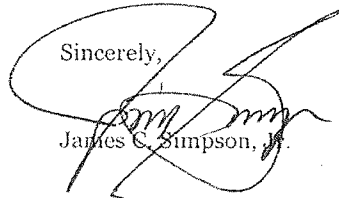
After this hearing, and assuming the Board of Alderman find as a matter of fact that the property is a menace to the public health and safety of the community a lawsuit must then be filed in Circuit Court. It is a summary proceeding, and can be done relatively quickly. We file a petition to declare the abandoned property a public hazard and nuisance and to have the property demolished or seized. All owners of the property, and any mortgagee, trustee, or other person having any interest in or lien on the property are named as defendants. The circuit judge is presented with an order to fix a time and place for the hearing of the matter on a date to allow sufficient time for each defendant named to be served with process, as otherwise provided by law, not less than thirty (30) days before the hearing.

Any cost incurred by a municipality under this section for demolishing or seizing abandoned property shall be paid by the owners of the property.

I believe we can hold all four hearings on the same date, much as we do for "clean up" hearings.

With kind regards, I am

Sincerely,



James C. Simpson, Jr.

JCSjr/cv

The Mayor recognized the City Attorney for his report, whereupon no action was required or taken.

**Minutes of November 6, 2018
Mayor and Board of Aldermen**

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:

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