CITY OF GAUTIER
MEMORANDUM

To: Paula Yancey, Interim City Manager
From: Chandra Nicholson, Director of Economic Development and Planning
Date: June 28, 2016
Subject: Request for a Bee Keeping Permit at 8112 Martin Bluff Road

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REQUEST:

Mr. William C. Bexley requests approval of a Bee Keeping Permit at 8112 Martin Bluff Road.

DISCUSSION:

Permits for keeping bees shall be obtained by application to the City Council of Gautier and consideration during public meeting. In considering the application, the Council may consider any relevant item, including but not limited to, objections by adjoining landowners and impact of the colonies on the surrounding areas.

Applicable Sections of Article V, Keeping of Bees from the Animal Control Ordinance are provided below.

Density. It shall be unlawful to keep more than the following number of colonies on any tract within the city, based upon the size or configuration of the tract on which the apiary is situated:

a. Less than one-quarter acre: No colonies.
b. One-quarter acre or more, but less than one-half acre tract size: Four colonies.
c. More than one-half acre, but less than one acre tract size: Six colonies.
d. One acre or larger tract size: Eight colonies per acre.

All honey bee colonies shall be kept in Langstroth-type hives with removable frames, which shall be kept in sound and usable condition.

If bee colonies are kept within fifty (50) feet of any exterior boundary of the property on which the hive, stand, or box is located, the beekeeper shall install and maintain a barrier that will prevent bees from flying through it, no less than five (5) feet high, along the exterior boundary of the tract. The barrier must extend 10 feet beyond the colony in each direction.

Each beekeeper shall ensure that a convenient source of water is available to the bees at all times during the year so that the bees will not congregate at swimming pools, pet watering bowls, bird baths, or other water sources where they may cause human, bird, or domestic pet contact.

The bees and equipment shall be kept in accordance with the provisions of the laws of the State of Mississippi.

RECOMMENDATIONS:

The City Council may:

1. Approve the Bee Keeping Permit request; or
2. Deny the request.

ATTACHMENTS;

1. Application

GAUTIER, MISSISSIPPI

ECONOMIC DEVELOPMENT/PLANNING DEPARTMENT

BEE KEEPING PERMIT & PUBLIC HEARING APPLICATION

Public Hearing Number

CASE # 16-13-BEE

Name of Applicant: William C. Bexley

Phone: 601-608-7857

Property Address: 8112 Martin Bluff Road

Parcel ID #: 8544051B000

Mailing Address (if Different):

E-Mail Address: Chrisbexley251@gmail.com

Size of Property: 0.42 Acres Number of Colonies Proposed: 4

ATTACHMENTS REQUIRED AS APPLICABLE:

N/A 1. Owner's Consent form, if anyone other than 100% sole owner makes application (see attached).

✓ 2. Bee Keeping Narrative (see attached).

✓ 3. Bee Keeping Diagram (see attached).

N/A 4. Copy of protective covenants or deed restrictions, if any.

N/A 5. Any other information requested by the Economic Development/Planning Director.

Signature of Applicant(s): [signature] Date of Application: 5/26/16

Date of Application:

FOR OFFICE USE ONLY

Date Received 5/27/16 Verify as Complete RM

Initials of Employee Receiving Application RM

Scheduled Public Hearing Date JULY 5, 2016 Date Approved by City Council

Deadline for Mailing Public Notice Letters 6/20/16

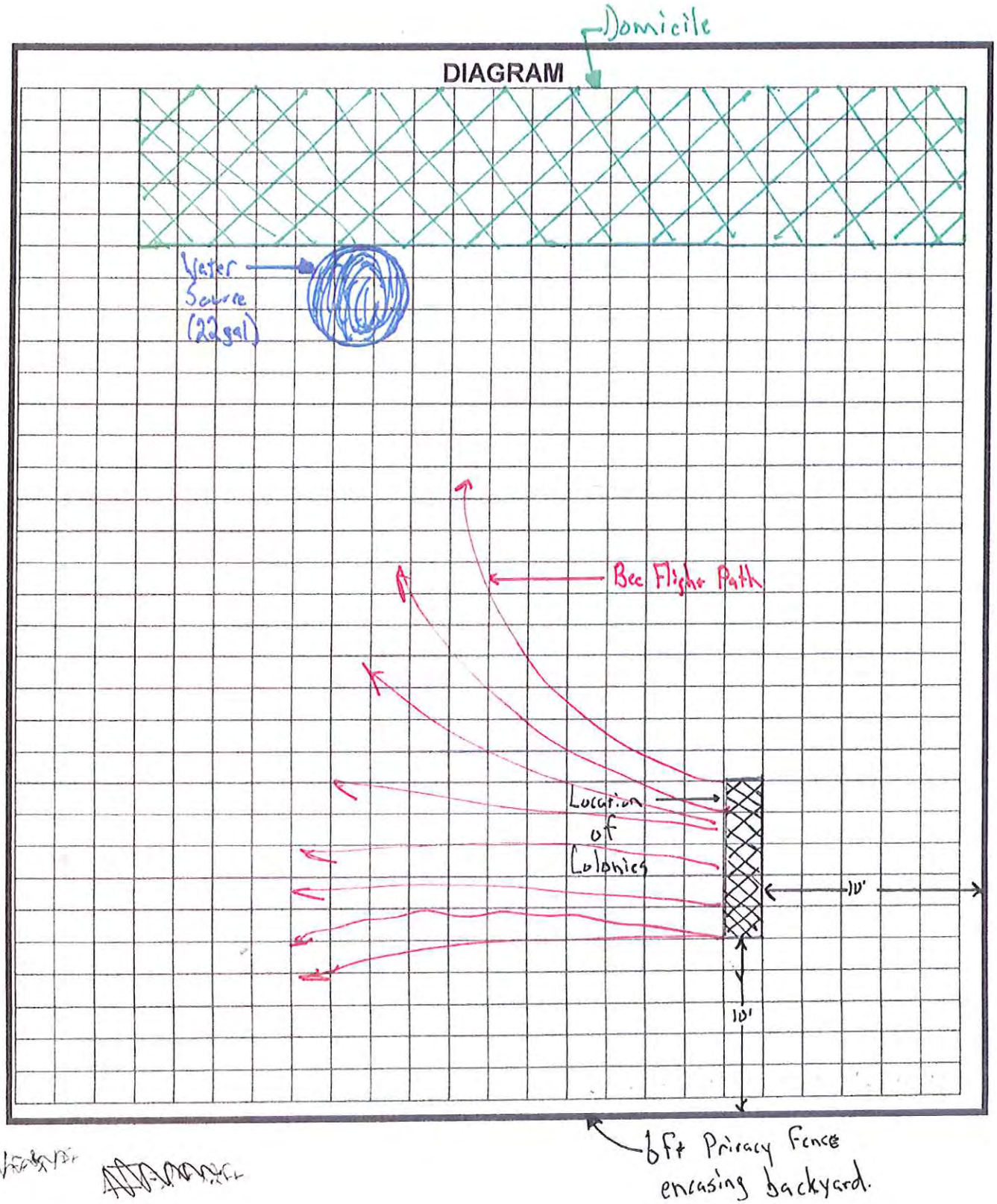
Beekeeping Narrative

The apiary site is located within my private property 10ft from any neighboring property lines. The property is fully encased with a 6ft privacy fence. The colonies are oriented in such a way that no honey bees will fly towards or through an adjacent fence line. The colonies are placed on a hive stand that is 8ft long and 1.5ft tall and are constructed out of pressure treated 4x4's , 2x6's, and painted with exterior paint to resist the wet and humid weather. It is rugged enough to take the immense weight that a colony will put on during a honey flow. The size of the property is 0.42 acres as described in the permit section of this permit form. The colonies will be maintained in a Langstroth hive with includes: a bottom board, hive body, frames (10), inner cover, and a telescoping/migratory cover.

The colonies experience a "growth cycle" which is natural in the honey bee world. As winter turns to spring the colonies need room to expand or the risk of swarming will occur. Swarming is part of the natural reproductive cycle of the honey bee and how the honey bee expands its species. This occurrence can greatly affect the height of the colonies. As the colony expands, hive bodies need to be added to help quell the swarming impulse. A colony may get 4-6 hive bodies tall which would be over 6ft tall, during a peak honey flow, and weigh over 100lbs per box. Because of this, the height of the colony is determined on environmental factors. During the winter months I "overwinter" my colonies in a double deep hive body formation, rotating the hive bodies as spring arrives as the bees work up in the colony into overhead honey stores in winter.

For a water source I have a wine barrel cut in half that has a constant source of water from roof runoff or the water hose during dry, summer months. The water source contains goldfish to help keep mosquito larva from growing, accompanied with a water fountain for oxygenating water. The water source is located within 10 feet of the backdoor and next to the house.

BEE KEEPING DIAGRAM – Provide a diagram of the apiary site that will contain the bees. Please include the size of the lot and label setbacks, the location of the hives, location of the water source to be used by the bees, if the colonies are kept within fifty (50) feet of any exterior boundary include the barrier that will be installed to prevent the bees from flying through it. Attach any other diagrams, pictures, or product material as needed.



State of Mississippi
Department of Agriculture

Bureau of Plant Industry
P. O. Box 5207
Mississippi State, MS 39762

STATEMENT

I, William C Baxley, in the presence of Timothy C. Lackey, Inspector, Bureau of Plant Industry, do hereby make the following statement:

DOCUMENT ATTACHED.

(Signature)

8112 Martin Bluff Road
Gautier MS 39552
(Address)

I hereby certify this statement was made and signed by _____ in my presence on the 14TH day of JULY, 2015.

(Signature)

DISTRICT 1 INSPECTOR
(Title)

Statement

On Sunday July 12th 2015. I went out my back door to check on my tomatoes growing on my back patio. The time was around 9:15 A.M. I usually venture out and check my raised garden beds, then eventually end up at my bee hives which are located on the North side of my property against my fence. I choose this location because I've read on a published article that having honeybee colonies in full sun helps combat small hive beetles. When I get done looking at my tomatoes I hear a hissing sound like a aerosol can coming from the back of the property. Went I look up towards my beehives I notice a thick fog of what looks like some sort of pest spray. I immediately took out my cell phone and starting recording footage. As I got closer I noticed it was my a lady, my neighbor, that lives next door (North of my house).

As I approached cautiously, no to get sprayed as well, I asked her "Can I help you?" in a calm voice. After I spoke I heard her make a noise, a small "Ooooh". I continued video recording her making sure not to put my phone over the fence because I was worried about invasion of privacy and being reprimanded because of it. I spoke to the lady again "Can I help you do something?", again in a calm voice and I got no response from her. She kept continuing to spray, this time just spraying the back of my fence with the aerosol can in hand. I asked her while she was spraying, "What was you spraying on my bees?". She neglected to give me any response to my questions as she continued to walk down my fence spraying this substance on my fence. By now I watched this whole can of some unknown substance being sprayed on my fence I asked her one more question, "Whats that you got in your hand?". Again she gave no response.

After recording all this I made sure to save it on my cell phone and upload to YouTube so I know its available for authorities to view. After I started the upload I called the Gautier police department. At around 9:45 Sergeant Larry L. Gowins, Badge #33, arrived at my house. After discussing with the officer what took place, showing him the video, and wanting to press charges the officer asked for my ID and as I went to fetch it in my house the officer went over to question my neighbor. I gave the officer my ID and officer Gowins gave me his card with a case number (0513). Officer Gowins said that this was a very unique case and to give him a call back about my case. It is Tuesday 7/14/2015. I haven't spoken with officer Gowins on my case as he won't be back in his office until Wendsday.

William C Bexley
8112 Martin Bluff Road
Gautier, MS 39553
601-508-7857

Mississippi Department of Agriculture
Bureau of Plant Industry

RECEIPT FOR SAMPLES

Samples Collected (Describe Fully, List Registration, Lot, Batch, Model, Serial Numbers and other positive information)

ACKNOWLEDGMENT: The following pesticide, feed, and/or environmental samples were collected by the MS Dept. of Agriculture, Bureau of Plant Industry, in connection with the administration and enforcement of the laws of the State of Mississippi and receipt of the sample(s) is hereby acknowledged.

Signature (Owner, Operator, or Agent)	Title (Owner, Operator, Agent)

Duplicate Samples Requested and Provided	Samples Were:	Amount Paid For Samples
☐ YES ☐ NO	☐ PURCHASED ☐ RECEIVED, ☐ NO CHARGE	☐ CASH ☐ VOUCHER ☐ BILLED

Signature of Collector	Title of Collector
	District Inspector MDAC/BPI

Notice of Inspection

Authority for conducting this inspection is contained in one or more of the following laws and/or regulations promulgated thereunder: Sections 69-19-1 through 69-19-11, Sections 69-23-1 through 69-23-27, Sections 69-23-101 through 69-23-133, Sections 69-21-1 through 69-21-27, Sections 69-21-101 through 69-21-127, Mississippi Code 1972.

Name of Individual	Title
William C Bexley	Owner

Name of Business	Address
	8112 Martin Bluff Road

City	State	Zip	Phone
Bauter	MS	39553	601-508-7857

Signature of BPI Inspector	Date	Time
	14 JULY, 2015	1500

Reason For Inspection:

- ☐ For the purpose on interviewing to collect data for a pesticide investigation.
- ☐ To obtain samples of any pesticides including samples of any containers, labels and/or labeling.
- ☐ To inspect and obtain copies or records regarding sale, distribution, or disposal of pesticides and/or containers including labels, labeling and literature.
- ☐ For the purpose of inspecting sites where pesticides are being or have been used to collect data on the use of pesticides and to determine whether pesticides are being used in compliance with laws and/or regulations governing their use.
- ☒ Other (specify) Pesticide misuse

Acknowledgement of Receipt of Notice: The undersigned acknowledges that notice was received on the date and hour shown above.

Signature (Owner, Operator, Agent)	Title (Owner, Operator, Agent)

GAUTIER POLICE DEPARTMENT

ORI #: MS0300600

INCIDENT #: 2015070513 DATE OF INCIDENT: 7/12/15 TIME OF INCIDENT: 9:20

INCIDENT TYPE (SIGNAL): S45 MALICIOUS MISCHIEF

REPORT TYPE: Initial OFFICER: GOWINS, L BADGE #: 33

COMPLAINANT:(Last, First, Middle) BEXLEY, WILLIAM CHRISTOPHER HOME PHONE: (601)508-7857

ADDRESS: 8112 MARTIN BLUFF ROAD GAUTIER MS 395530000 BUSINESS PHONE: (601) 508-7857

LOCATION OF INCIDENT: 8112 MARTIN BLUFF ROAD GAUTIER

RECEIVED: 07/12/2015 09:20 DISPATCHED: 07/12/2015 09:21 ENROUTE:

ARRIVED: 07/12/2015 09:33 UNDER CONTROL: COMPLETED: 07/12/2015 09:50

STATUS DATE/TIME: STATUS: CLEARED EXCEPTIONAL REASON/DATE (if applicable)

07/12/2015 10:00 PENDING

OFFENSE

SEQ. NUM 1 OFFENSE MALICIOUS MISCHIEF UNDER $1000.00 MMM RSA# 97-17-67 ATT/COMP C

OFFENSE LOCATION TYPE
20 HOME / RESIDENCE

(FOR BURGLARY ONLY)
NBR OF PREMISES ENTERED:

METHOD OF ENTRY

CRIMINAL ACTIVITY TYPE

TYPE WEAPON/FORCE INVOLVED

Offense Connected to Victim Sequence Number: 1 BEXLEY, WILLIAM CHRISTOPHER

Offense Connected to Offender Sequence Number: 1 UNKNOWN,

ASSIGNED OFFICER

NAME:GOWINS, LARRY L

COMPLAINANT

TYPE OF COMPLAINANT: I Complainant Also Victim: Y

Comp #: NAME:BEXLEY, WILLIAM CHRISTOPHER

ADDRESS: 8112 MARTIN BLUFF ROAD GAUTIER MS 395530000

PHONE: (HOME) (601) 508-7857 (BUSINESS) (601) 508-7857 (OTHER) (601) 508-7857

SEX: M RACE: W ETHNICITYN DOB: 11/30/1987 AGE: 27 +/- 00 SSN:

HEIGHT: 6- 0 WEIGHT: 145 EYES: GREEN HAIR:BROWN RESIDENT STATUS R

AGGRAVATED ASSAULT/HOMICIDE CIRCUMSTANCES:N/A

NEGLIGENT MANSLAUGHTER: N/A

JUSTIFIABLE HOMICIDE: N/A

ADDITIONAL JUSTIFIABLE HOMICIDE CIRCUMSTANCES:N/A

INJURY TYPE(S): N/A

Offender #: 1 Relationship: U UNKNOWN RELATIONSHIP

DISPATCHER

NAME:BELLES, JR, JOSEPH ELMER

OFFENDER

OFFENDER #: 1 NAME: UNKNOWN,

HATE/BIAS MOTIVATED: NONE CLOTHING:

GAUTIER POLICE DEPARTMENT

ORI #: MS0300600

INCIDENT #: 2015070513 DATE OF INCIDENT: 7/12/15 TIME OF INCIDENT: 9:20

INCIDENT TYPE (SIGNAL): S45 MALICIOUS MISCHIEF

ADDRESS: GAUTIER MS 00000000

PHONE: (HOME) (228) (BUSINESS) (228) (OTHER) (228)

SEX: U RACE: U ETHNICITYU DOB: AGE: 0 +/- 00 SSN:

HEIGHT: 0- 0 WEIGHT: 0 EYES: HAIR: RESIDENT STATUS U

OFFENDER USED: NOT APPLICABLE

RECEIVED BY

NAME:BELLES, JR, JOSEPH ELMER

GAUTIER POLICE DEPARTMENT

ORI #: MS0300600

INCIDENT #: 2015070513 DATE OF INCIDENT: 7/12/15 TIME OF INCIDENT: 9:20

INCIDENT TYPE (SIGNAL): S45 MALICIOUS MISCHIEF

PROPERTY

PIN: 2015001150 TYPE: 77 OTHER

CONNECTED WITH (PARTY, OFFENSE): 1 MALICIOUS MISCHIEF UNDER $1

SERIAL/VIN: YEAR: MAKE: BEE HIVE MODEL: N/A COLOR: GLD

STYLE: PERSONAL LICENSE: STATE: EXP.: VALUE: 150.00 __ Locked __ Keys

INSURANCE: N/A LIEN: N/A TOWED BY:

OWNER: OWNER ID#: 2015000892 CALIBER: __ Registered

REPORTED STOLEN ID#: RETURNED/SOLD DATE: AMOUNT: 0.00

PROPERTY ACREAGE: 0

STATUS: 4 DESTROYED/DAMAGED/VANDALIZED AGENCY: GPD VALUE: 150.00 QUANTITY: 6.00

STATUS DATE/TIME: 7/12/2015 10:05 LOCATION 8112 MARTIN BLUFF ROAD

COMMENTS:

GAUTIER POLICE DEPARTMENT

ORI #: MS0300600

INCIDENT #: 2015070513 DATE OF INCIDENT: 7/12/15 TIME OF INCIDENT: 9:20

INCIDENT TYPE (SIGNAL): S45 MALICIOUS MISCHIEF

Agency: GPD Incident No: 2015070513 Date Entered: 7/12/2015 Sequence: 1

Author: GOWINS, LARRY L Title: MALICIOUS MISCHIEF - BEXLEY, WILLIAM C.,

I was dispatched to 8112 Martin Bluff road and met with the homeowner, William Bexley, about the deliberate, potential destruction of his collection of bee hives.

William stated that he was in his back yard when he recorded on his smart phone an unidentified person spraying insecticide from an aerosol can into his bee colonies. Williams suspects that his next door neighbor (8116 Martin Bluff road), Ann Walker, was responsible.

I spoke with Ann and she denied spraying the bees with insecticide but stated that the colonies of bees have been a nuisance to her family.

William stated that he checked with all the local law enforcement agencies and was told that the keeping of the colonies were not against the law.

Both parties were advised that I would get with our Animal Control Ofifcer for his review and action(s).

I certify that the foregoing is a true and correct copy of the Police records of the City of Gautier, Mississippi.

Records Clerk for City of Gautier, Mississippi