

**Minutes of September 19, 2006  
Mayor and Board of Aldermen**

Be it remembered that a public hearing before the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, was begun and held at 5:30 o'clock p.m. on the 19<sup>th</sup> day of September, 2006, in the Long Beach School District Central Office, 19148 Commission Road 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 Allen D. Holder, Jr., Charles Boggs, Richard Notter, Richard Burton, Joseph McNary, Mark Lishen, Richard Bennett, City Clerk Rebecca E. Schruoff, and City Attorney Frank R. McCreary, III.

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

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The public hearing to consider an application for Zoning Map Change submitted by Hampton House, LLC, was called to order.

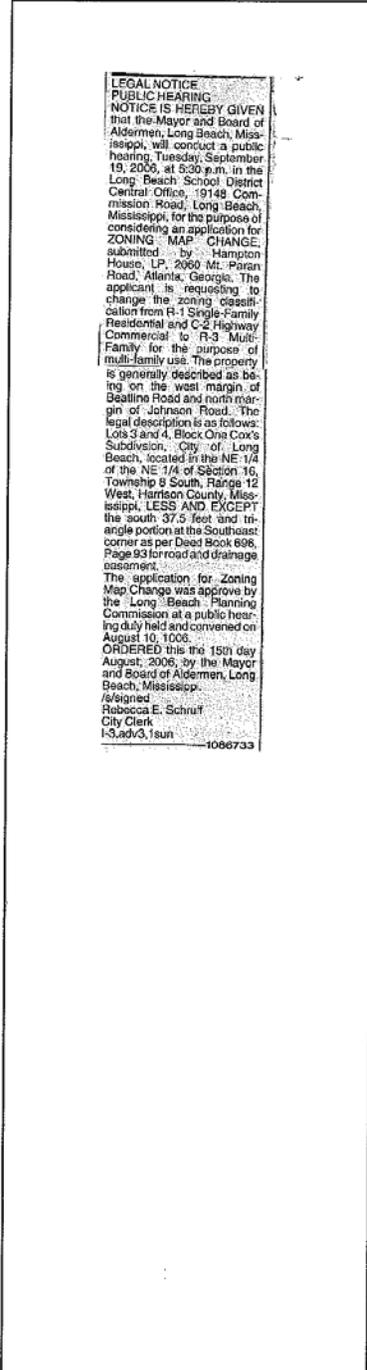
\* \* \*

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 August 15, 2006, that she did cause to be published in The Sun Herald, a newspaper with general circulation in the City of Long Beach and published in Harrison County, Legal Notice, Public Hearing as evidenced by the Publisher's Proof of Publication.

Alderman Bennett made motion seconded by Alderman Boggs and unanimously carried to spread said Proof of Publication upon the record of this public hearing in words and figures, as follows:

**Minutes of September 19, 2006  
Mayor and Board of Aldermen**

**PROOF OF PUBLICATION**



STATE OF MISSISSIPPI  
COUNTY OF HARRISON

Before me, the undersigned Notary of Harrison County, Mississippi personally appeared Ashley Bearfield who, being by me first duly sworn, did depose and say that she is a clerk of The Sun Herald, a newspaper published in the city of Gulfport, in Harrison County, Mississippi, and the publication of the notice, a copy of which is hereto attached, has been made in said paper 3 times in the following numbers and on the following dates of such paper, viz:

- Vol. 122 No., 335 dated 3 day of September, 2006
- Vol. \_\_\_\_\_ No., \_\_\_\_\_ dated \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_
- Vol. \_\_\_\_\_ No., \_\_\_\_\_ dated \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_
- Vol. \_\_\_\_\_ No., \_\_\_\_\_ dated \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_
- Vol. \_\_\_\_\_ No., \_\_\_\_\_ dated \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_
- Vol. \_\_\_\_\_ No., \_\_\_\_\_ dated \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_
- Vol. \_\_\_\_\_ No., \_\_\_\_\_ dated \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

Affiant further states on oath that said newspaper has been established and published continuously in said country for a period of more than twelve months next prior to the first publication of said notice.

Commission Expires on: October 15, 2007  
Ashley Bearfield  
Clerk

Sworn to and subscribed before me this 6 day of September, A.D., 2006

Karen Shook  
Notary Public

Printer's Fee .....	\$ <u>27.24</u>
Furnishing proof of publication .....	\$ <u>3.00</u>
TOTAL .....	<u>30.24</u>

\* \* \*

The Clerk further reported that seventeen legal notices of public hearing were sent via certified mail, return receipt requested, to property owners within two hundred feet (200') of the subject property, ten (10) were received, three (3) returned "unclaimed, and four (4) with no return.

Alderman Boggs made motion seconded by Alderman Bennett and unanimously carried to incorporate the aforementioned receipts into the record of this public hearing, on file in the Office of the City Clerk.

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\* \*

Alderman Holder made motion seconded by Alderman Lishen and unanimously carried to incorporate the August 10, 2006, Planning Commission minutes into the record of this public hearing, on file in the Office of the Clerk.

\* \*

The Mayor opened the floor for public comments and recognized Seth Greenberg, representing the applicant, Hampton House, LP. Mr. Greenberg stated that the application was submitted to correct the zoning of the subject property.

\* \*

The Mayor opened the floor for public comments in favor of or opposed to the application for zoning map change, and no one came forward to be heard.

\* \*

There being no further comments or discussion, Alderman Holder made motion seconded by Alderman Notter and unanimously carried to close the public hearing with additional action taken, as follows:

**ORDINANCE NO. 529**

**AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AMENDING ORDINANCE NO. 344, AS AMENDED, ENTITLED "THE ZONING ORDINANCE OF THE CITY OF LONG BEACH, MISSISSIPPI" AMENDING THE ZONING MAP INCORPORATED IN SAID ORDINANCE TO CHANGE THE CLASSIFICATION OF CERTAIN PROPERTY BEING PART OF HAMPTON HOUSE APARTMENT COMPLEX WHICH COMPLEX IS LOCATED ON BEATLINE ROAD IN THE CITY, AT FROM R-1 (SINGLE FAMILY RESIDENTIAL) AND C-2, (HIGHWAY COMMERCIAL) TO R-3 (MULTI-FAMILY RESIDENTIAL, AND FOR RELATED PURPOSES.**

WHEREAS, application was filed with the Planning Commission of the City of Long Beach, Mississippi, for the change in the zoning classification from R-1 (single family residential) and C-2 (Highway Commercial) to R-3 (Multifamily Residential) by the owner of that apartment complex known as Hampton House Apartments property located on Beatline Road, Long Beach, First Judicial District of Harrison County, Mississippi, being more

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particularly described as follows:

Lots 3 and 4, Block One, Cox's Subdivision, City of Long Beach, located in the NE 1/4 of the NE 1/4 of Section 16, Township 8 South, Range 12 West, Harrison County, Mississippi, LESS AND EXCEPT the South 37.5 feet and triangle portion at the Southeast corner as per Deed Book 696, Page 93 for road and drainage easement.

and hereinafter referred to as the "Subject Property"; and

WHEREAS, the Long Beach Planning Commission reviewed said application and, after issuing notice of Public Hearing as required by the Long Beach Zoning Ordinance, did conduct a public hearing on said application on August 10, 2006 at 7:00 p.m. and upon conclusion of said public hearing did recommend approval of the application by the Mayor and Board of Aldermen as reflected in the official minutes of the August 10, 2006, meeting of the Long Beach Planning Commission; and

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, to-wit:

a. 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 5:30 p.m. on Tuesday, September 19, 2006, at the Long Beach School District Administration Office located on Commission Road in said City, the time, place and date fixed in said legal notice, and did conduct a public hearing at which hearing all parties interested in or opposed to the proposed zoning classification amendment changing the zoning classification of the aforesaid Subject Property, were given an opportunity to be heard and allowed to make oral and/or written comment to such proposed change, which proposed change was 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

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**Mayor and Board of Aldermen**

said City, available for public inspection and examination by any and all parties interested in or opposed to the proposed change, as more particularly hereinafter set forth in this ordinance.

b. 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 their own knowledge and familiarity with the City, the Mayor and Board of Aldermen did then find, and do now find, determine adjudicate and declare as follows:

1) That the clear and convincing evidence establishes, based upon the examination of the municipal zoning map, the character of the surrounding neighborhood, and the minutes of the Long Beach Planning Commission that the zoning classification of the subject property, part R-1 and part C-2, is clearly erroneous, particularly in view of the fact part of the Hampton House Apartments is situated on the subject property; and

2) Such partial R-1 classification and partial C-2 classification of the subject property is erroneous in view of the long established use of the subject property and of the uniform apartment complex improvements situated on the subject property, of which apartment complex the subject property constitutes a part; and

3) That the best use for the subject property is multi-family residential and the zoning classification of that part of same presently zoned R-1 (single family residential) and of that part of same presently zoned C-2 (Highway Commercial) should be changed from R-1 and C-2 to R-3 (Multi-family Residential) and

c. That the clear and convincing evidence establishes the public need for the said amendment changing the zoning classifications of the subject property from R-1 and C-2 to R-3;

and

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d. That the uses within the subject property will not be detrimental to the present and potential surrounding uses, but will benefit same in completion of development in accordance with the aforesaid development plan heretofore approved by the Governing Authority;

e. The proposed change is in conformance with the general intent of the Comprehensive Master Plan; and

f. That the Zoning Ordinance of the City of Long Beach should be amended by amending the Zoning Map incorporated therein to change the zoning classification of the subject property to R-3 (Multi-family Residential). NOW THEREFORE,

**BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE  
CITY OF LONG BEACH, MISSISSIPPI, AS FOLLOWS:**

**SECTION 1.** That Ordinance No. 344, as amended, entitled the "ZONING ORDINANCE OF THE CITY OF LONG BEACH, MISSISSIPPI", be and it is hereby amended as follows:

The Zoning Classification as set forth on the Zoning Map incorporated in and being a part of Ordinance No. 344, as amended, entitled "THE ZONING ORDINANCE OF THE CITY OF LONG BEACH, MISSISSIPPI", of that part of the parcel of land property commonly known as the Hampton House Apartments located on Beatline Road, Long Beach, First Judicial District of Harrison County, Mississippi, which part is more particularly described as follows:

Lots 3 and 4, Block One, Cox's Subdivision, City of Long Beach, located in the NE 1/4 of the NE 1/4 of Section 16, Township 8 South, Range 12 West, Harrison County, Mississippi, LESS AND EXCEPT the South 37.5 feet and triangle portion at the Southeast corner as per Deed Book 696, Page 93 for road and drainage easement.

is hereby changed from R-1 (Single Family Residential) and C-2 (Highway Commercial)

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to R-3 (Multi-family Residential)

**SECTION 2. Severability**

If any section, subsection, sentence, clause or phrase of this Ordinance, or the application thereof, be held by any court of competent jurisdiction to be invalid or unconstitutional, such holding shall not affect the remaining portions of this Ordinance.

**SECTION 3. Effective Date**

This ordinance shall take effect and be and force thirty (30) days after its adoption, publication and enrollment thereof as provided by law.

The above and foregoing Ordinance No. 529 was introduced in writing by Alderman Notter who moved its adoption. Alderman Holder 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 Richard Notter	voted Aye
Alderman Charles Boggs	voted Aye
Alderman Richard Burton	voted Aye
Alderman Richard Bennett	voted Aye
Alderman Allen D. Holder, Jr.	voted Aye
Alderman Joseph McNary	voted Aye
Alderman Mark Lishen	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 adopted and approved this the 19<sup>th</sup> day of September, 2006.

APPROVED:

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WILLIAM SKELLIE, JR., MAYOR

ATTEST:

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REBECCA E. SCHRUFF, CITY CLERK

**Minutes of September 19, 2006  
Mayor and Board of Aldermen**

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Be it remembered that a regular meeting of the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, was begun and held at the Long Beach School District Central Office, 19148 Commission Road, in said City at 5:30 p.m. it being the third Tuesday in September, 2006, and the same being the time, date and place fixed by Laws of Mississippi and Ordinance of the City of Long Beach for holding said meeting.

There were present and in attendance on said Board and at the meeting the following named persons: Mayor William Skellie, Jr., Aldermen Allen D. Holder, Jr., Charles Boggs, Richard Notter, Richard Burton, Joseph McNary, Mark Lishen, Richard Bennett, City Clerk Rebecca E. Schruuff and City Attorney Frank R. McCreary, III.

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

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The meeting was called to order and 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 August 15, 2006, that she did cause to be published in The Sun Herald, a newspaper with a general circulation in the City of Long Beach and published in Harrison County, Legal Notice, Advertisement for Bids, "PUMP STATION REPLACEMENT NICHOLSON AVENUE AND HIGHWAY 90", as evidenced by the Publisher's Proof of Publication.

Alderman Holder made motion seconded by Alderman Bennett and unanimously carried to spread said Proof of Publication upon the minutes of this meeting in words and figures, as follows:

**Minutes of September 19, 2006  
Mayor and Board of Aldermen**

**PROOF OF PUBLICATION**

**ADVERTISEMENT FOR BIDS**  
 The City of Long Beach, Mississippi, will receive bids for: **PUMP STATION REPLACEMENT - NICHOLSON AVENUE & HIGHWAY 90** at the Office of the City Clerk, Temporary City Hall, on Klondike Road, Long Beach, Mississippi, during normal office hours at any time prior to the designated bid date, or at the temporary meeting place at Long Beach School District Office on Commission Road at 5:30 PM on the designated date for the bid opening. Bids will be publicly opened and read aloud at the regular meeting of the Board of Aldermen at 5:30 P.M., September 19, 2006.  
 Sealed bids are invited for the furnishing, installing, and testing of one concrete sewage pump station rehab, complete with pumps and mechanical equipment, emergency generator, and transfer switch, protective shelter building and all related instrumentation, controls, operation devices, piping, appurtenances and related site construction work.  
 Contract Documents, including Drawings and Technical Specifications, are on file at the Office of City Clerk, at City Hall, Long Beach, Mississippi. Plans and Specifications may be obtained at the office of A. Garner Russell & Associates, Inc., Consulting Engineers, Highway Avenue at 33rd Street (Post Office Box 1677), Gulfport, Mississippi 39507, upon payment of \$100.00 fee, non-refundable.  
 A certified check or bank draft payable to the order of City of Long Beach, Mississippi, negotiable U. S. Government bonds (at par value), or a satisfactory Bid Bond executed by the bidder and an acceptable surety, in an amount equal to five percent (5%) of the total bid for City of Long Beach, PUMP STATION REPLACEMENT - NICHOLSON AVENUE & HIGHWAY 90, shall be submitted with each bid.  
 For bids exceeding \$50,000 bidder must indicate his Certificate of Responsibility Number on outside of sealed proposal as required by Mississippi Law. For bids not exceeding \$50,000, Bidder must either indicate his Certificate Number, or else write clearly "Bid does not exceed \$50,000".  
 The City of Long Beach, Mississippi, reserves the right to reject any or all bids or to waive any informalities in the bidding.  
 Bids may be held by the City of Long Beach, Mississippi, for a period not to exceed sixty (60) days from the date of the opening of bids for the purpose of reviewing the bids and investigating the qualifications of Bidders, prior to awarding of the Contract.  
 Done by order of the Mayor and Board of Aldermen, August 15, 2006.  
 City of Long Beach, Mississippi  
 By S/REBECCA SCHRUFF  
 Title CITY CLERK  
 F-84.adY1B.25.2m 1081588

STATE OF MISSISSIPPI  
 COUNTY OF HARRISON

Before me, the undersigned Notary of Harrison County, Mississippi personally appeared Ashley Bearfield who, being by me first duly sworn, did depose and say that she is a clerk of The Sun Herald, a newspaper published in the city of Gulfport, in Harrison County, Mississippi, and the publication of the notice, a copy of which is hereto attached, has been made in said paper 2 times in the following numbers and on the following dates of such paper, viz:

- Vol. 122 No., 319 dated 18 day of August, 2006
- Vol. 122 No., 320 dated 25 day of August, 2006
- Vol. \_\_\_\_\_ No., \_\_\_\_\_ dated \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_
- Vol. \_\_\_\_\_ No., \_\_\_\_\_ dated \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_
- Vol. \_\_\_\_\_ No., \_\_\_\_\_ dated \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_
- Vol. \_\_\_\_\_ No., \_\_\_\_\_ dated \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_
- Vol. \_\_\_\_\_ No., \_\_\_\_\_ dated \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

Affiant further states on oath that said newspaper has been established and published continuously in said country for a period of more than twelve months next prior to the first publication of said

notice. Commission Expires on:  
 October 15, 2007

Ashley Bearfield  
 Clerk

Sworn to and subscribed before me this 28 day of

August, A.D., 2006

Karen Shork  
 Notary Public

Printer's Fee ..... \$ \_\_\_\_\_  
 Furnishing proof of publication ..... \$ \_\_\_\_\_  
 TOTAL..... \$ \_\_\_\_\_

\* \* \*

The Clerk further reported that two (2) bids were properly filed, whereupon, said bids were then and there publicly opened and read aloud, as follows:

Hemphill Construction Company  
 P.O. Drawer 879  
 Florence, MS 39073  
 Bid Amount: \$392,940.00

Magnolia Construction Company, LLC  
 2654 Mission Drive  
 Baton Rouge, LA 70805

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Mayor and Board of Aldermen**

Bid Amount: \$577,000.00

Upon discussion, Alderman Notter made motion seconded by Alderman Boggs and unanimously carried to take the aforementioned bids under advisement for review and tabulation by the City Engineer with a recommendation at the next regular meeting, October 3, 2006.

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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 August 15, 2006, that she did cause to be published in The Sun Herald, a newspaper with a general circulation in the City of Long Beach and published in Harrison County, Legal Notice, Advertisement for Bids, "REPAIR/REMODELING OF CITY HALL - WATER/BUILDING DEPARTMENTS - CITY HALL ANNEX AND LONG BEACH PUBLIC LIBRARY", as evidenced by the Publisher's Proof of Publication.

Alderman Holder made motion seconded by Alderman Boggs and unanimously carried to spread said Proof of Publication upon the minutes of this meeting in words and figures, as follows:

Minutes of September 19, 2006  
Mayor and Board of Aldermen

**PROOF OF PUBLICATION**

ADVERTISEMENT FOR BIDS  
City of Long Beach, Mississippi 39560  
The City of Long Beach, Mississippi 39560, will receive bids for:  
Repair / Remodeling of City Hall - Water / Building Departments - City Hall Annex and Long Beach Public Library - at the Office of the City Clerk, Temporary City Hall located at 645 Klondyke Road, Long Beach, Mississippi 39560, during normal office hours at any time prior to the designated bid date, or at the temporary meeting place at Long Beach School District Office on Commission Road at 5:30 PM on the designated date for the bid opening. Bids will be publicly opened and read aloud at the regular meeting of the Board of Aldermen at 5:30 P.M., September 19, 2006.  
Bids are invited for the repair and remodeling of City Hall Water / Building Departments - City Hall Annex and Long Beach Public Library in the City of Long Beach, Mississippi 39560.  
Contract Documents, including Drawings and Technical Specifications, are on file at the Office of City Clerk, at the temporary City Hall, Long Beach, Mississippi.  
Plans and Specifications may be obtained by contacting: Capital Engineering, Inc., 6933 Indianapolis Blvd., Hammond, Indiana, 46324. Contact: Lou Traina, 219-844-1984, email: ltraina@capitaleng.com.  
A certified check or bank draft payable to the order of City of Long Beach, Mississippi, negotiable U.S. Government bonds (at par value), or satisfactory Bid Bond executed by the Bidder and an acceptable surety in an amount equal to five percent (5%) of the total bid for City of Long Beach, Repair / Remodeling of City Hall - Water / Building Departments - City Hall Annex and Long Beach Public Library, shall be submitted with each bid.  
For bids exceeding \$50,000 Bidder must indicate his Certificate of Responsibility Number on outside of sealed proposal as required by Mississippi Law. For bids not exceeding \$50,000, Bidder must either indicate his Certificate Number, or else write clearly "Bid does not exceed \$50,000."  
The City of Long Beach, Mississippi, reserves the right to reject any or all bids or to waive any informalities in the bidding.  
Bids may be held by the City of Long Beach, Mississippi, for a period not to exceed sixty (60) days from the date of the opening of bids for the purpose of reviewing the bids and investigating the qualifications of Bidders, prior to awarding of the Contract.  
Done by order of the Mayor and Board of Aldermen, August 15, 2006.  
City of Long Beach, Mississippi  
By S/REBECCA SCHRUFF  
Title CITY CLERK  
G-10.adv21.27.2k 1082297

STATE OF MISSISSIPPI  
COUNTY OF HARRISON

Before me, the undersigned Notary of Harrison County, Mississippi personally appeared Ashley Bearfield who, being by me first duly sworn, did depose and say that she is a clerk of The Sun Herald, a newspaper published in the city Gulfport, in Harrison County, Mississippi, and the publication of the notice, a copy of which is hereto attached, has been made in said paper 2 times in the following numbers and on the following dates of such paper, viz:

- Vol. 122 No. 322 dated 21 day of AUGUST, 2006  
Vol. 122 No. 328 dated 27 day of AUGUST, 2006  
Vol. \_\_\_\_\_ No. \_\_\_\_\_ dated \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
Vol. \_\_\_\_\_ No. \_\_\_\_\_ dated \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
Vol. \_\_\_\_\_ No. \_\_\_\_\_ dated \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
Vol. \_\_\_\_\_ No. \_\_\_\_\_ dated \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
Vol. \_\_\_\_\_ No. \_\_\_\_\_ dated \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
Vol. \_\_\_\_\_ No. \_\_\_\_\_ dated \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Affiant further states on oath that said newspaper has been established and published continuously in said country for a period of more than twelve months next prior to the first publication of said notice.

Commission Expires on:  
October 15, 2007

Ashley Bearfield  
Clerk

Sworn to and subscribed before me this 28 day of

AUGUST, A.D., 2006

Karen Shook  
Notary Public

Printer's Fee ..... \$ \_\_\_\_\_  
Furnishing proof of publication ..... \$ \_\_\_\_\_  
TOTAL..... \_\_\_\_\_

\* \*

The Clerk further reported that two (2) bids were properly filed, whereupon, said bids were then and there publicly opened and read aloud, as follows:

Flagstar Construction Company, Inc.  
2006 Aspen Cove  
Brandon, MS 39042  
Bid Amount: \$748,000.00

Interstate Restoration Group  
5700 Strattut Drive  
Ft. Worth, TX 76137

M.B. 56  
REG/PUBHEA:09.19.06

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Bid Amount: \$962,000

Upon discussion, Alderman Bennett made motion seconded by Alderman Holder and unanimously carried to take the aforementioned bids under advisement for review and tabulation by the City Engineer with a recommendation at the next regular meeting, October 3, 2006.

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Alderman Boggs made motion seconded by Alderman Bennett and unanimously carried to advertise for bids, "PVC SEWER PIPE & FITTINGS, WATER PIPE & FITTINGS, FIRE HYDRANTS & GATE VALVES", said bids to be opened October 17, 2006, at 5:30 p.m.

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There came on for consideration a letter with attachments from Louis A. Traina, P.E., Capital Engineering, Inc., as follows:

# Minutes of September 19, 2006 Mayor and Board of Aldermen

**CAPITAL**  
ENGINEERING, INC.

September 14, 2006

John Campton  
A. Garner Russell & Associates  
5230 33<sup>rd</sup> Street  
Gulfport, MS 39507

Subject: Project No. 8010  
Long Beach Police Station  
Building Shell Bid Tabulation

John,

Attached is a bid tabulation for the three Bidders that submitted a bid for the Police Station Building. Included in this tabulation is a list of additional questions & clarifications that we requested of each bidder.

All three bidders appear to meet the technical requirements of the bid documents. The order of bids is as follows:

1. Interstate Restoration Group, Fort Worth, TX	\$546,551.00
2. Levens Builders, Long Beach, MS	\$600,311.00
3. Lester General Contractors, Laurel, MS	\$742,900.00

The low bidder, Interstate Restoration, Group, Inc. is listed as a Building Construction Contractor on the Mississippi State Board of Contractors web site, and a business in good standing on the Mississippi Secretary of State's Office web site. Since they are an out of state contractor with corporate offices in Fort Worth, Texas, I investigated the Mississippi State Board of Contractors rules governing out of state contractors. "Section 31-3-21. Bidding and Awards" states that *"In the letting of public contracts preference shall be given to resident contractors, and a nonresident bidder domiciled in a state having laws granting preference to local contractors shall be awarded Mississippi public contracts only on the same basis as the nonresident bidder's state awards contracts to Mississippi contractors bidding under similar circumstances; and resident contractors actually domiciled in Mississippi, be they corporate, individuals, or partnerships, are to be granted preference over nonresidents in awarding of contracts in the same manner and to the same extent as provided by the laws of the state of domicile of the nonresident. When a nonresident contractor submits a bid for a public project, he shall attach thereto a copy of his resident state's current law pertaining to such state's treatment of nonresident contractors."*

I was not able to find anything that indicates that Texas penalizes bids from out of state contractors. A copy of the current Texas law pertaining to Texas' treatment of nonresident contractors was not attached to Interstate Restoration Group, Inc.'s bid.

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6933 Indianapolis Blvd., Hammond, IN 46324 <http://www.capital-eng.com> 219-844-1984 Fax 219-845-9902

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September 14, 2006  
John Campton  
A. Garner Russell & Associates  
Long Beach Police Station  
Building Shell Bid Tabulation  
Page 2 of 2

Since the technical requirements of the bid documents were met by all three bidders, we recommend placement of the order with the low bidder, Interstate Restoration Group, Inc. unless the City wishes to pursue the fact that Interstate Restoration Group, Inc. did not attach a copy of the current Texas law pertaining to Texas' treatment of nonresident contractors to their bid.

The FEMA estimate for the replacement of the police station building puts the total cost at \$1,007,552 including contractor overhead, profit, and engineering/architectural fees. The FEMA work sheet estimate indicates that this cost is based on RS Means Square Foot Cost Book 2005 adjusted to 2006 for a post office building, since this is the closest they could come to a pre-engineered metal building. I believe it is based on the mean building cost from the Means book. The estimate does not break out the building shell cost from the total project cost.

A recent inquire to the RS Means Quick Cost Estimator on the RS Means website shows a total building cost range of \$1,340,935 to \$1,862,409 for a 10,000 square foot police station building (2 story concrete block) in Biloxi, MS. This estimate also does not break out the building shell cost. I believe a more realistic total project cost estimate is somewhere between FEMA estimate and the RS Means Quick Cost Estimator estimate (most likely in the \$1,300,000 to \$1,400,000 range). Also, due to the fact that most contractors are relatively busy right now, I don't think the mean cost estimate should be used.

If you have any questions, or require additional information, please do not hesitate to contact me.

Sincerely,



Louis A. Traina, P.E.  
LAT / car

Attachment: Bid Tabulation

**CAPITAL**

**Minutes of September 19, 2006  
Mayor and Board of Aldermen**

CE PROJECT NO. 8010      LONG BEACH, MS POLICE STATION BUILDING      9/14/2006  
BIDS EVALUATION SPREADSHEET

<u>ITEM</u>	<u>SPECIFICATION</u>	<u>BIDDER</u>		
		Interstate Restoration Group, Inc.	J. Levens Builders, Inc.	Lester Chandler Contractor, Inc.
Bidder:				
Contact Person		Richard Mazur	Larry Stewart, Devin Hackenberg	Jeff Waggoner
Address		5700 Stratum Dr. Fort Worth, TX 76137	5104 A Ave. Long Beach, MS 39560	2739 Highway 11 North Laurel, MS 39443
Phone		817-293-0035	226-863-0303	601-425-2214
Fax		817-293-0283		
Email		richardm@interstaterestoration.com	lstewart@levensbuilders.com, dhackenberg@jlevensbuilders.com	jeffwaggoner@comcast.net
Certificate of Responsibility No.		13213	11032	5524
Debarment Certificate	Provided w/ Bid	Yes	Yes	Yes
Bid Bond	Provided w/ Bid	Yes	Yes	Yes
Building Manufacturer	Name/Phone	MESCO Building Solutions or Metallic Building Co. (Division of NCI Building Systems) Steve Stone (832) 590-1819 off. (713) 249-6675 cell	NCI Building Systems- Steve Stone- 832-590-1819	VP Buildings/870-534-6030 (Buddy Oldner)
Exterior Wall Covering	Insulated sandwich type panel w/ 2 steel sheets sandwiching a min. R-11 insulation. Exterior coating to be bonded stone aggregate finish.	Yes	Yes	Yes

# Minutes of September 19, 2006 Mayor and Board of Aldermen

CE PROJECT NO. 8010      LONG BEACH, MS POLICE STATION BUILDING      9/14/2006  
BIDS EVALUATION SPREADSHEET

ITEM	SPECIFICATION	BIDDER	
		Interstate Restoration Group, Inc.	J. Levens Builders, Inc.
Roof Material	Field machined seamed panel w/ factory-installed hot melt mastic on searn and min. R-19 blanket type insulation Suspended from bldg frame	Yes	Yes
Mezzanine	Floor material?	Yes	Yes
		Metal deck w/ concrete topping	As specified
Paint Specification:			
Framing		Manufacturers standard primer without finish coat	As specified
Roof Sheeting		Kynar 500	As specified
Door Manufacturer	Name/Phone	Not known at this time, job has not been bought out	Amweld Doors- Partitions of Gulfport- 228-822-9908- Darryl Hicks
Window Manufacturer	Name/Phone	Not known at this time, job has not been bought out	Metro Glass- Vistawall- 251-666-3616- Wayne
Overhead Door Manufacturer	Name/Phone	Not known at this time, job has not been bought out	Raynor- Robo Dock & Door- Byron Kerith- 225-337-1595
Building Warranty	25 years	Included only a 20 year warranty with no corrosive	No, 20 years
			mfg. std. bronze primer and field paint with Sherwin-Williams dryfall paint
			KXL Kynar 500
			Ceco Door/888/232-6366
			Kawneer fabricated by City Glass Co. of Laurel/601/428-5602
			Overhead Door Company/601/268-1491

**Minutes of September 19, 2006  
Mayor and Board of Aldermen**

CE PROJECT NO. 8010 9/14/2006  
LONG BEACH, MS POLICE STATION BUILDING  
BIDS EVALUATION SPREADSHEET

ITEM	SPECIFICATION	BIDDER		
		Interstate Restoration Group, Inc.	J. Levens Builders, Inc.	Lester Chandler Contractor, Inc.
Schedule:	Calendar Days:	127 Days	150	180
Approval Drawings	after receipt of order			
Building Delivery	after drawing approval	30 Days	40	
Erection Start	after bldg. delivery	60 Days	60	
Erection Complete	after erection start	7 Days	20	
		30 Days	30	
Prices:				
Building		\$466,551	\$451,160	\$490,900
Installation		\$80,000	\$149,151	\$252,000
TOTAL		<u>\$546,551</u>	<u>\$600,311</u>	<u>\$742,900</u>
Options	Acrylic finish to ext. sheeting	\$3,000	\$2,108	\$0
GRAND TOTAL (w/ options)		\$549,551	\$602,419	\$742,900

Upon discussion, it was determined that without an attached copy of Texas' current law pertaining to the treatment of nonresident contractors, the bid as submitted by the low bidder, Interstate Restoration Group, could not be considered.

After considerable discussion, Alderman Notter made motion seconded by Alderman Holder and unanimously carried to award the contract, "Katrina Recovery-Police Station Building", to J. Levens Builders, Inc., in the amount of \$600,311.00 as lowest and best bid.

\*\*\*\*\*

# Minutes of September 19, 2006 Mayor and Board of Aldermen

There came on for consideration a letter with attachments from City Engineer John Campton, as follows:



A. GARNER RUSSELL & ASSOCIATES, INC. / CONSULTING ENGINEERS

520 33<sup>rd</sup> STREET GULFPORT, MS 39507  
P O BOX 1677 GULFPORT MS 39502

TEL (228) 863-0667  
FAX (228) 863-5232



September 14, 2006

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

Re: **Award of Contract –  
Hurricane Katrina Repairs – Phase 1 Long Beach Smallcraft Harbor**

Gentlemen:

This project consists of repairs to three of the six piers within the Long Beach Harbor, as authorized by FEMA. A first set of bids were received on July 18, but the two lowest of the four bids received at that time had fatal defects which eliminated them from consideration. The prices also seemed somewhat excessive, so the Board rejected those bids. New bids for the identical same project were received on September 5, and a Certified Tabulation of Bids is enclosed. All of these bids were in order.

Combining the first and second bids, a total of eight bids were received from five different bidders. All bids except for one were within a range of \$666,502 and \$783,927 – a range of less than 20%. This indicates very competitive bidding, and it appears very unlikely that better bids can be obtained.

Unfortunately, the low bid is still 59% over the estimate which we provided to FEMA for this portion of the harbor repair work, and 269% over the official estimate that FEMA used in the Project Worksheet. The enclosed worksheet entitled "Analysis of Estimated and Actual Costs" shows this. Clearly, the dollar amount of the existing Project Worksheet will require an upward adjustment before the City can proceed with this contract.

The suggested amount of this adjustment is shown on the worksheet entitled "Suggested Recalculation of Project Worksheet." Actually, two calculations are shown – one increases our original estimates by 59% (for the items yet-to-be-bid), and the other increases the FEMA estimates by 269%. Since the ratio between our estimates and the actual bids are more consistent than the ratio between the FEMA estimates and the actual bids, we suggest using the first method, which results in a lower total figure. The total amount of the P.W. would increase from \$720,830 to \$2,430,848.

Regarding the bids, we believe that the low bidder Vice Construction Company, Inc. is fully qualified to perform the work, so we will recommend an Award of Contract to them as lowest and best bidder. However, the Board may consider deferring that action for at least one meeting, to allow time for the needed adjustment in funding.

Sincerely,

John Campton, P.E.

JC:litt:1775  
Enclosure

cc: Dexter Drayton, MEMA

# Minutes of September 19, 2006 Mayor and Board of Aldermen

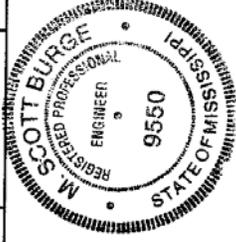
Page 1 of 1

5:30 P.M.

**TABLATION OF BIDS  
CITY OF LONG BEACH  
HURRICANE KATRINA REPAIRS - PHASE 1 LONG BEACH SMALLCRAFT HARBOR**

9/05/2006 (Second Bidding)

ITEM NO.	ITEM	PLAN QUANTITY	Vice Construction Co., Inc.		Twin L. Construction, Inc.		McCaule Brothers Construction		Gill's Crane & Dozer Services, Inc.	
			UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1-A	DEMOLITION - PIER 1	1 L.S.	\$30,315.00	\$30,315.00	\$10,524.25	\$10,524.25	\$42,500.00	\$42,500.00	\$25,000.00	\$25,000.00
1-B	DEMOLITION - PIER 5	1 L.S.	\$25,000.00	\$25,000.00	\$9,956.88	\$9,956.88	\$40,755.00	\$40,755.00	\$25,000.00	\$25,000.00
1-C	DEMOLITION - CROSS PIER BETWEEN PIER 1 & PIER	1 L.S.	\$20,000.00	\$20,000.00	\$5,050.75	\$5,050.75	\$35,700.00	\$35,700.00	\$10,000.00	\$10,000.00
1-D	DEMOLITION - LAUNCH RAMP PIERS	1 L.S.	\$15,000.00	\$15,000.00	\$3,893.75	\$3,893.75	\$2,000.00	\$2,000.00	\$5,000.00	\$5,000.00
2-A	10" x 30" PILE	3 EA.	\$688.00	\$2,064.00	\$917.81	\$2,753.43	\$450.66	\$1,351.98	\$1,500.00	\$4,500.00
2-B	12" x 35" PILE	5 EA.	\$1,276.00	\$6,380.00	\$1,284.84	\$6,424.20	\$579.60	\$2,898.00	\$2,000.00	\$10,000.00
3-A	WOOD TIMBER PIER SUBSTRUCTURE	1,500 B.F.	\$70.50	\$105,750.00	\$7.83	\$8,745.00	\$0.94	\$1,410.00	\$40.00	\$60,000.00
4-A	WOOD PIER DECKING, 4' WIDE DECK	180 L.F.	\$88.50	\$17,730.00	\$71.20	\$12,816.00	\$98.25	\$15,225.00	\$85.00	\$15,300.00
4-B	WOOD PIER DECKING, 6' WIDE DECK	123 L.F.	\$91.00	\$11,193.00	\$93.45	\$11,494.35	\$107.81	\$13,260.83	\$100.00	\$12,300.00
4-C	WOOD PIER DECKING, 10' WIDE DECK	1,087 L.F.	\$84.00	\$91,308.00	\$149.08	\$163,540.76	\$122.18	\$134,031.46	\$150.00	\$164,550.00
4-D	FINGER PIER	25 EA.	\$2,315.00	\$57,875.00	\$2,159.36	\$53,984.00	\$2,156.25	\$53,906.25	\$2,500.00	\$62,500.00
5-A	POWER SERVICE - PIER 1	1 L.S.	\$68,485.00	\$68,485.00	\$38,826.25	\$38,826.25	\$68,853.07	\$68,853.07	\$90,618.00	\$90,618.00
5-B	POWER SERVICE - PIER 5	1 L.S.	\$66,940.00	\$66,940.00	\$35,488.75	\$35,488.75	\$50,614.49	\$50,614.49	\$80,659.00	\$80,659.00
5-C	DOUBLE 30A RECEPTACLE BOX WITH WIRING	43 EA.	\$1,625.00	\$69,875.00	\$2,626.00	\$112,918.00	\$3,489.30	\$149,179.90	\$2,500.00	\$107,500.00
5-D	50A/30A RECEPTACLE BOX WITH WIRING	14 EA.	\$2,466.00	\$34,524.00	\$4,036.77	\$56,514.78	\$3,736.11	\$52,305.54	\$2,000.00	\$28,000.00
5-E	100A RECEPTACLE BOX WITH WIRING	3 EA.	\$4,597.00	\$13,791.00	\$19,505.84	\$58,517.52	\$10,456.66	\$31,369.98	\$7,500.00	\$22,500.00
5-F	LIGHT ASSEMBLY	12 EA.	\$81.00	\$9,720.00	\$1,666.90	\$20,002.80	\$796.04	\$9,552.48	\$500.00	\$6,000.00
6-A	WATER DISTRIBUTION SYSTEM - PIER 1	1 L.S.	\$7,000.00	\$7,000.00	\$9,029.05	\$9,029.05	\$24,964.57	\$24,964.57	\$15,000.00	\$15,000.00
6-B	WATER DISTRIBUTION SYSTEM - PIER 5	1 L.S.	\$7,000.00	\$7,000.00	\$7,720.75	\$7,720.75	\$19,157.56	\$19,157.56	\$12,000.00	\$12,000.00
6-C	WATER DISTRIBUTION SYSTEM - CROSS PIER	1 L.S.	\$3,840.00	\$3,840.00	\$2,937.00	\$2,937.00	\$5,000.00	\$5,000.00	\$8,500.00	\$8,500.00
7-A	CHAIN LINK FENCE GATE - PIER 1	1 L.S.	\$1,200.00	\$1,200.00	\$3,309.69	\$3,309.69	\$2,450.00	\$2,450.00	\$7,000.00	\$7,000.00
7-B	CHAIN LINK FENCE GATE - PIER 5	1 L.S.	\$1,200.00	\$1,200.00	\$3,309.69	\$3,309.69	\$2,450.00	\$2,450.00	\$7,000.00	\$7,000.00
7-C	CHAIN LINK FENCE & GATES - CROSS PIER	1 L.S.	\$11,290.00	\$11,290.00	\$10,819.06	\$10,819.06	\$8,850.00	\$8,850.00	\$5,000.00	\$5,000.00
<b>TOTAL BID</b>				<b>\$686,502.00</b>		<b>\$696,577.21</b>		<b>\$759,005.91</b>		<b>\$783,927.00</b>



I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT TABULATION OF BIDS.

*M. Scott Burge*  
M. SCOTT BURGE, P.E.  
CERT. NO. 9550  
September 6, 2006

Minutes of September 19, 2006  
Mayor and Board of Aldermen

Analysis of Estimated and Actual Costs  
Repairs to Long Beach Harbor  
P. W. 5079 (LB-102G)

FEMA ITEM #	AGR Estimate	Project Worksheet	AGR EST- 1st Phase	FEMA P.W. 1st Phase	First Bid	Second Bid	Over AGR Est	Over FEMA Est
4	\$198,796	\$77,292	\$198,796	\$77,292	\$334,319	\$291,968	47%	278%
5	\$208,407	\$98,379						
7	\$130,101	\$48,583						
8	\$39,702	\$19,077						
9	\$144,823	\$66,380	\$144,823	\$66,380	\$251,053	\$233,808	61%	252%
6	\$47,756	\$30,686	\$47,756	\$30,686	\$66,722	\$89,042	86%	190%
1	\$28,615	\$6,152	\$28,615	\$6,152	\$25,204	\$51,684	81%	740%
11	\$43,994	\$27,623						
10	\$51,220	\$32,322						
2	\$40,000	\$79,066						
3	\$117,000	\$3,000						
12	\$25,900	\$17,980						
HazMit	\$375,000	\$214,290						
Total Construction	\$1,451,314	\$720,830	\$419,990	\$180,510	\$677,298	\$666,502	59%	269%
Eng & Admin	\$163,614	\$0	\$47,448	\$0	\$20,000	\$20,000		
Total Project	\$1,614,928	\$720,830	\$467,438	\$180,510	\$697,298	\$686,502		



**Minutes of September 19, 2006  
Mayor and Board of Aldermen**

There were no amendments to the Municipal Docket.

\*\*\*\*\*

Alderman Bennett made motion seconded by Alderman Notter and unanimously carried to approve the regular meeting and recess meeting minutes of the Mayor and Board of Aldermen dated September 5, 2006, and September 13, 2006, respectively, as submitted.

\*\*\*\*\*

Alderman Holder made motion seconded by Alderman Notter and unanimously carried to approve the September 14, 2006, Planning Commission minutes with exception to the zone change request for 19191 Commission Road submitted by Phung Nguyen to re-zone from R-1 to C-3; and The Oaks, a private town-home community, request for final plat approval submitted by Dennis Stiffell for Butch Johnson, whereupon, separate action was taken as follows:

\* \* \*

Alderman Holder made motion seconded by Alderman Notter and unanimously carried to schedule a public hearing, Tuesday, October 17, 2006, at 5:30 p.m. to consider the zone change request for 19191 Commission Road submitted by Phung Nguyen to re-zone from R-1 to C-3.

\* \* \*

The Mayor and Board of Aldermen took up the matter of final approval for recording of the Plat of The Oaks of Long Beach, and for related purposes. After a discussion of the subject, Alderman Holder offered and moved the adoption of the following resolution:

**A RESOLUTION BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, PROVIDING FOR FINAL APPROVAL FOR RECORDING OF THE PLAT OF THE OAKS OF LONG BEACH, AS A SUBDIVISION OF THE CITY OF LONG BEACH, MISSISSIPPI, ACCEPTING THE DEDICATION THEREOF, PROVIDING THAT NO BUILDING PERMITS FOR THE CONSTRUCTION OF OTHER BUILDINGS OR IMPROVEMENTS ON ANY LOT IN SAID SUBDIVISION SHALL ISSUE UNTIL THE PROVISIONS OF THIS RESOLUTION SHALL HAVE BEEN COMPLIED WITH BY THE SAID OWNER, AND FOR RELATED PURPOSES.**

## **Minutes of September 19, 2006 Mayor and Board of Aldermen**

WHEREAS, the Mayor and Board of Aldermen (the "Governing Body") of the City of Long Beach, Mississippi (the "Municipality"), having made due investigation therefore, do now find, determine, adjudicate and declare as follows:

1. The Oaks of Long Beach, L.L.C., as Owner of that certain land situated and being in the Municipality, in part of Fractional Section 22, Township 8 South, Range 12 West, City of Long Beach, Harrison County, Mississippi, as evidenced by its Certificate of Ownership dated and acknowledged and delivered on September 11, 2006, more particularly hereinafter described in this resolution, have subdivided the same as The Oaks of Long Beach, the final Plat of which subdivision, containing a private roadway designated Oak Alley Lane, drainage easements (and improvements therein and appurtenances thereto), as laid out, surveyed and platted by Patrick M. Martino, Professional Land Surveyor, for said Owner, according to his certificate executed and delivered thereon dated the 8th day of September, 2006, was dedicated by the Dedication of Townhomes Plan, executed and delivered and acknowledged under the date of September 11, 2006; and said Owner has requested the Governing Body of the Municipality for final approval of said Plat of The Oaks of Long Beach.

2. Central Progressive Bank, as mortgagee and lienholder has joined in said dedication for the purpose of approving the same, by its certificate executed and delivered thereon under the date of September 11, 2006.

3. The aforesaid Plat of The Oaks of Long Beach, was examined and preliminarily approved by the Planning Commission of the Municipality by its Certificate of Final Plat Approval executed and delivered thereon under the date of September 14, 2006.

4. A. Garner Russell & Associates, Inc., Consulting Engineers, engineers for the Municipality, have inspected and examined the drainage system and equipment located on City easements, the temporary pump station and the improvements constructed and installed by the Owner in accordance with the construction plans of said subdivision; and said engineers for the Municipality have reported that all of the same are substantially complete, and have recommended approval of the Plat of said subdivision for recording on completion of the swales and grading around drainage boxes, subject to examination and approval of said Plat.

**Minutes of September 19, 2006**  
**Mayor and Board of Aldermen**

5. The City Attorney has reported to the Governing Body of the Municipality that the form of the aforesaid Plat of The Oaks of Long Beach is in substantial compliance with the subdivision regulations of the Municipality.

6. After a discussion of all of the above, the Governing Body of the Municipality does further find, determine and adjudicate and declare that in the public interest, the aforesaid Plat of The Oaks of Long Beach, and the Owner's certification and Dedication thereon should be accepted and approved for recording, subject only to notification by the City Engineer to the Mayor that the swales and grading work have been completed, and the drainage easements and drainage equipment located thereon in said subdivision may be accepted for public maintenance; and providing further that no building permit for the construction or installation of any other improvements or buildings on any lot in said subdivision shall issue until the Owner's compliance with the provisions of this resolution as hereinafter set forth.

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

SECTION 1. Approval of the Plat for Recording.

The Plat of The Oaks of Long Beach, being a subdivision of a parcel of land situated in and a part of Fractional Section 22, Township 8 South, Range 12 West, City of Long Beach, Harrison County, Mississippi, in the First Judicial District, and being more particularly described as follows:

Beginning at the Northwest (NW) corner of Southern Pointe Townhomes Subdivision; thence run S00°09'34"E along the west line of Southern Pointe Townhomes Subdivision a distance of 1068.50' to a point on the northerly right-of-way of U.S. Highway 90; thence run S77°44'00"W along the northerly right-of-way of U.S. Highway 90 a distance of 104.40' to a point; thence run N00°08'50"W along a partial fence line a distance of 2071.74' to the southerly right-of-way of Second Street; thence run N69°35'23"E along the southerly right-of-way of Second Street a distance of 186.99' to a point on the West line of Pelican Cove Subdivision; thence run S00°36'31"E along the West line of Pelican Cove Subdivision a distance of 1045.45' to a point being the Northeast corner of Southern Pointe Townhomes Subdivision; thence run S89°23'19"W along the North line of Southern Pointe Townhomes Subdivision a distance of 82.00' to the POINT OF BEGINNING, containing 6.709 acres, more or less.

as laid out, surveyed and platted by Patrick M. Martino, Professional Land Surveyor, according to his surveyor's Certificate on said Plat dated the 8th day of September, 2006, and containing Lots number 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18,

**Minutes of September 19, 2006**  
**Mayor and Board of Aldermen**

19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, numbered consecutively, a 18 parcels designated "Common Area", one of which includes a feature labeled "Pond" a feature labeled "Club House" and a feature labeled "Pool" and Oak Alley Lane as a private street, and the drainage and utility easements, and parcels containing same, and the owner's Certification of Ownership dated September 11, 2006, and Dedication of Townhomes Plan dated September 11, 2006, dedicating the drainage easements as laid out and platted thereon to the public use forever, joined in said dedication by the lienholder, Central Progressive Bank, by its certificate thereon dated September 11, 2006, be, and the same hereby is, accepted as a subdivision of the City of Long Beach, Mississippi; and said final The Oaks of Long Beach is hereby finally approved for recording as a subdivision of the said City, subject to the provisions of this resolution hereinafter set forth.

SECTION 2. Acceptance for Public Maintenance.

The drainage easements running along the eastern boundary of the subdivision and along the Western boundary of the subdivision and the drainage fixtures, equipment and appliances situated on said easements, are hereby accepted for public maintenance, all subject, however, to the following terms and conditions:

(A) Said Owner shall execute and deliver in writing signed by its officer authorized to execute same and stating his respective name, title and address, its warranty in favor of the Municipality against defective workmanship and materials for a period of two (2) years from the date of this resolution, in and about the construction and installation of the drainage improvements within said easements; subject further to the execution and delivery by said Owner as above set out to the Municipality of such warranty or warranties in writing, and containing the Owner's covenant to indemnify and save harmless the Municipality from any and all losses, costs, expenses, damages and/or injuries and compensation of any kind and/or character whatsoever, resulting from, arising out of, or in any matter related to any breach of such warranty or warranties, or of any such defects in workmanship and/or materials in and about the construction and installation of such drainage improvements; all and such form and content as may be approved by the Municipality, acting by and through its Mayor or City Attorney.

**Minutes of September 19, 2006**  
**Mayor and Board of Aldermen**

(B) The said Owner shall further, and its own cost and expense, execute and deliver unto the Municipality an appropriate conveyance, or conveyances, of the aforesaid drainage easements and any and all drainage fixtures, equipment and appliances situated within said easements, free and clear of any and all liens and/or encumbrances.

SECTION 3. Building Permits in Subdivision.

The aforesaid Plat shall not be filed for record, and no building permit shall issue for the construction of any building or buildings or other improvements whatsoever on any lot or parcel of land in the aforesaid The Oaks of Long Beach unless and until the swales and grading work described in the Letter concerning The Oaks of Long Beach, dated September 7, 2006, from David Ball, P.E., to the City of Long Beach, have been completed and the provisions of Section 2, above, shall have been complied with by said Owner and/or each of its successors in title and/or assigns.

SECTION 4. The Mayor and City Clerk of the Municipality are hereby authorized and directed, for and on behalf of the Municipality and on final approval by the City Engineer being given and affixed to the plat as provided in Section 2, to execute and deliver a certificate of approval for recording of the aforesaid Plat in substantially the form as set forth thereon.

SECTION 5. Captions.

The captions to each section of this resolution are intended solely for easy reference in reading, and shall not be construed to alter or change the meaning of any such section or portion thereof.

SECTION 6. This resolution shall take effect and be in force from and after its adoption and being spread upon the minutes of the Governing Body of the Municipality.

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

Alderman Richard Notter	voted Aye
Alderman Richard Burton	voted Aye
Alderman Charles Boggs	voted Aye

**Minutes of September 19, 2006  
Mayor and Board of Aldermen**

Alderman Richard Bennett	voted Aye
Alderman Allen D. Holder	voted Aye
Alderman Mark Lishen	voted Aye
Alderman Joseph McNary	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 adopted and approved this the 19<sup>th</sup> day of September, 2006.

APPROVED:

---

WILLIAM SKELLIE, JR., MAYOR

ATTEST:

---

REBECCA E. SCHRUFF, CITY CLERK

\*\*\*\*\*

Alderman Holder made motion seconded by Alderman Boggs and unanimously carried to approve payment of invoices as listed in Docket of Claims number 091906.

\*\*\*\*\*

The Mayor reported on his trip to Carmel, Indiana, where a total \$15,000 was donated to the City of Long Beach. In addition, Long Beach was awarded \$3,000,000 in Emergency Aid to Local Governments (LEAP) Grant funds.

\*\*\*\*\*

Based upon the recommendation of Deputy Fire Chief Jerry Dubuisson and certification by the Civil Service Commission, Alderman Notter made motion seconded by Alderman Holder and unanimously carried to approve Fire Department personnel matters, as follows:

Firefighter 1<sup>st</sup> Class Clifton R. Heald, PS-9-XI, effective October 1, 2006;

Lt. Timothy Brian Deas, PS-14-II, effective October 1, 2006.

\*\*\*\*\*

Alderman Bennett made motion seconded by Alderman Notter and unanimously carried to extend the Proclamation of Civil Emergency, Hurricane Katrina, to protect and preserve the public health and safety of the community.

\*\*\*\*\*

**Minutes of September 19, 2006  
Mayor and Board of Aldermen**

Zoning Enforcement Officer Ken Price apprised the Mayor and Board of Aldermen of problems arising from the placement of mobile homes throughout city and the absence of proper permitting. No formal action was required or taken regarding this matter.

\*\*\*\*\*

There came on for consideration a letter with attachment from City Engineer John Campton, as follows:



September 11, 2006

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

Re: **Final Acceptance -- HVAC Rehabilitation -- Main Long Beach Library**

Gentlemen:

This is to advise and certify that the above referenced project has been satisfactorily completed in substantial conformance with the project requirements. We therefore recommend final settlement with the contractor, in accordance with the attached invoice in the amount of \$49,900.00.

Sincerely,

John Campton, P.E.

JC:lt:K308  
Enclosure

cc: Mittal Rep

# Minutes of September 19, 2006 Mayor and Board of Aldermen

**AREA SHEET METAL, INC.**  
409 SO SHELBY ST.  
HOBART, INDIANA 46342  
(219) 942-7700 • FAX: (219) 942-1157

## INVOICE

SOLD TO: 51264  
LONG BEACH LIBRARY  
200 JEFF DAVIS AVE  
P.O. BOX 929  
LONG BEACH IN 39560  
WORK DONE AT: LONG BEACH LIBRARY-MISSISSIPPI  
HVAC PER QUOTE

JOB NO	CUSTOMER ORDER NO	TERMS	PLEASE REMIT BY INVOICE NUMBER	DATE
06-655-001	939-00	NET 30	31006	8/31/06
QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT	
	BILLING FOR WORK COMPLETED IN ACCORDANCE WITH THE ABOVE REFERENCED PROJECT.			
	LINE ITEM 001			49,900.00
	INVOICE TOTAL			<b>\$49,900.00</b>

SEP 19 2006

A SERVICE CHARGE OF 1% PER MONTH (ANNUAL RATE OF 18% WILL BE APPLIED TO ALL PAST DUE BALANCES DUE AFTER 30 DAYS)  
ALL PAST DUE ACCOUNTS ARE ALSO SUBJECT TO ADDITIONAL COLLECTION COSTS, LEGAL FEES, ETC

Based upon the recommendation of Mr. Campton as set forth above, Alderman Holder made motion seconded by Alderman Notter and unanimously carried to approve final payment in the amount of \$49,900.00 to Area Sheet Metal, Inc., as listed in Docket of Claims number 091906.

\*\*\*\*\*

Based upon the recommendation of Assistant Police Chief Wayne McDowell and certification by the Civil Service Commission, Alderman Boggs made motion seconded by Alderman Burton and unanimously carried to approve the reinstatement of 1<sup>st</sup> Class

**Minutes of September 19, 2006**  
**Mayor and Board of Aldermen**

Patrolman Kenneth Gillis, PS-10-III, effective October 1, 2006. No action was taken at this time regarding a new hire in the Police Department.

\*\*\*\*\*

The Mayor and Board of Aldermen took up the matter of acceptance by Golden Bay Investments of certain land and an easement to the City, and for related purposes. After a discussion of the subject, Alderman Bennett offered and moved the adoption of the following resolution:

A RESOLUTION BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, PROVIDING FOR APPROVAL OF DONATION TO THE CITY BY GOLDEN BAY INVESTMENTS OF A CERTAIN PARCEL OF LAND TO THE CITY AND DONATION BY SAID DONOR TO THE CITY OF A CERTAIN ROADWAY AND UTILITY EASEMENT AND ACCEPTANCE OF THE INSTRUMENTS OF SUCH CONVEYANCES AND DIRECTING THAT AN APPRAISAL OF THE MONETARY VALUE OF SUCH DONATIONS BE OBTAINED, AND FOR RELATED PURPOSES.

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

1. That the City of Long Beach is in dire need of a new water well and storage tank, but does not have a parcel of land suitably located for construction of same; and
2. That Golden Bay Investments, Ltd., a limited partnership, has offered to donate to the City of Long Beach the parcel of land described on the copy of the executed Warranty Deed from Golden Bay Investments, Ltd. to the City of Long Beach, Mississippi, attached hereto as Exhibit "A", and further, has offered to donate to the City of Long Beach the roadway and utility easement described on the copy of the executed Roadway and Utility Easement from Golden Bay Investments, Ltd. to the City of Long Beach, Mississippi, attached hereto as Exhibit "B", on the sole conditions that the City, at its expense, obtain and provide to such donor an appraisal of the value of such donation and that the donor not be held responsible in the future for the construction of any roadway within the easement area; and
3. That the selfless action of Golden Bay Investments, Ltd., in offering said donation and in providing to the City the executed instruments effecting same, is greatly appreciated by the Mayor and Board of Aldermen and will significantly benefit the community and the public health and safety by enabling the City to continue to provide a safe water supply to those of its residents to be served by the water well and storage tank; and
4. The Mayor and City Clerk should be authorized and directed to obtain, at the expense of the City, an appraisal of the value of the easement and land donation to the City by Golden Bay Investment, Ltd., such expense to be paid from the City's General Fund; and



**Minutes of September 19, 2006  
Mayor and Board of Aldermen**

Alderman Charles Boggs	voted Aye
Alderman Richard Bennett	voted Aye
Alderman Allen D. Holder	voted Aye
Alderman Mark Lishen	voted Aye
Alderman Joseph McNary	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 adopted and approved this the 19<sup>th</sup> day of September, 2006.

APPROVED:

---

WILLIAM SKELLIE, JR., MAYOR

ATTEST:

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REBECCA E. SCHRUFF, CITY CLERK

Minutes of September 19, 2006  
Mayor and Board of Aldermen

STATE OF MISSISSIPPI  
COUNTY OF HARRISON

WARRANTY DEED

For and in consideration of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, We, the undersigned, Golden Bay Investments, Ltd. do hereby sell, grant, and give unto The City of Long Beach, Mississippi

A parcel for the purpose of constructing a new water well and/or elevated water storage tank, more particularly described as follows:

Commencing at the intersection of the south right-of-way line of the CSX Railroad (formerly L & N Railroad) and the west line of Resurvey of Marcie Drive Subdivision per Plat Book 24 Page 25 of the Plat Records of Harrison County, Mississippi; thence S 0° 52' E along said west line of Resurvey of Marcie Drive Subdivision 42.56'; to the point of beginning of the parcel to be described; thence continue S 0° 52' E along said west line of Resurvey of Marcie Drive Subdivision 172.73'; thence S 89° 08' W 200.00'; thence N 0° 52' W 100.00' to a point 40' Southerly of said south right-of-way line of CSX Railroad; thence N 69° 09' E parallel with and forty feet distant from said south right-of-way line of CSX Railroad 212.81' to the point of beginning

Said parcel being a part of Lots 28, 29, and the west 26' of Lot 27 of the White and Calvert Survey lying south of the CSX Railroad and contains 0.626 Acres.

Witness our signatures, this the 18<sup>th</sup> day of AUGUST, A.D., 20 06.

GOLDEN BAY INVESTMENT, LTD.

by: [Signature]

STATE OF MISSISSIPPI  
COUNTY OF HARRISON

Personally appeared before me, the undersigned Notary Public the within named HONG DAI LE, GENERAL PARTNER OF GOLDEN BAY INVESTMENT LTD. who acknowledge that he signed and delivered the foregoing instrument on the day and year herein mentioned on behalf of SAID LIMITED PARTNERSHIP, BEING FIRST JULY AUTHORIZED TO DO

Given under my hand and official seal, this 18 day of AUGUST A.D., 20 06.

David M Allen

My Commission expires: OCT 13, 2008

Notary Public in and for HARRISON  
County, MISSISSIPPI

<u>Grantor:</u>	<u>Grantee:</u>	<u>Prepared By:</u>
Golden Bay Investments L.L.C. 719 Howard Avenue Biloxi, MS 39530 (228) 374-2818	City of Long Beach P O Box 929 Long Beach, MS 39560 (601) 863-1554	A Garner Russell & Assoc P O Box 1677 Gulfport, MS 39502 (601) 863-0667

INDEX:  
White & Calvert Survey  
Lots 27 thru 29

A

Minutes of September 19, 2006  
Mayor and Board of Aldermen

STATE OF MISSISSIPPI

COUNTY OF HARRISON

ROADWAY AND UTILITY EASEMENT

For and in consideration of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, We, the undersigned, Golden Bay Investments, Ltd., do hereby sell, grant, and give unto The City of Long Beach, Mississippi

An Easement for the purpose of constructing and maintaining public utilities and roadway over and across a portion of the property owned by Grantor, more particularly described as follows:

The North 40' (as measured perpendicular to the right-of-way of CSX Railroad) of a parcel conveyed to Grantors by Warranty Deed recorded in Deed Book 1264 at Page 20 of the deed records of Harrison County, Mississippi, more particularly described as follows:

Beginning at a point on the south right-of-way of the CSX Railroad (formerly L & N Railroad) and the west line of Lot 32 of White and Calvert Survey (also east line of Thomas Subdivision per Plat Book 6 Page 3 Plat Records of Harrison County); thence N 69° 09' E along said south right-of-way of CSX Railroad 537.20' to the west line of resurvey of Marcie Drive Subdivision; thence S 00° 52' E along said west line of Marcie Drive Subdivision 42.56 feet; thence S 69° 09' W parallel with said south margin of the CSX Railroad and at a distance of 40 feet as measured perpendicular to said line 537.06' to said west line of Lot 32 White and Calvert Survey; thence N 01° 03' W 42.51' to point of beginning.

Being the north 40' (as measured perpendicular to the CSX Railroad) of the west 26' of Lot 27 and the north 40' of Lots 28 through 32 of White and Calvert Survey lying south of CSX Railroad, and containing 0.493 Acres.

Witness our signatures, this the 18<sup>th</sup> day of AUGUST, A.D., 2006

GOLDEN BAY INVESTMENT, LTD.

by: [Signature]

STATE OF MISSISSIPPI

COUNTY OF HARRISON

Personally appeared before me, the undersigned Notary Public the within named DAVID WALKER, GENERAL PARTNER OF GOLDEN BAY INVESTMENT, LTD. who acknowledge that he signed and delivered the foregoing instrument on the day and year herein mentioned on behalf of said LIMITED PARTNERSHIP, BEING FIRST DULY AUTHORIZED SO TO DO.

Given under my hand and official seal, this 18<sup>th</sup> day of AUGUST, A.D., 2006.

[Signature]

My Commission expires:

OCT 15, 2008

Notary Public in and for HARRISON

County, MISSISSIPPI

<u>Grantor:</u>	<u>Grantee:</u>	<u>Prepared By:</u>
Golden Bay Investments L.L.C. 719 Howard Avenue Biloxi, MS 39530 (228) 374-2818	City of Long Beach P.O. Box 929 Long Beach, MS 39560 (601) 863-1554	A. Garner Russell & Assoc. P.O. Box 1677 Gulfport, MS 39502 (601) 863-0667

INDEX:  
White & Calvert Survey Lots 27 thru 32

B

**Minutes of September 19, 2006  
Mayor and Board of Aldermen**

\*\*\*\*\*

City Engineer John Campton updated the Mayor and Board of Aldermen on Phases I, II, III, and IV – Hurricane Katrina Water and Sewer Replacement. No action was required or taken at this time.

\*\*\*\*\*

Based upon the recommendation of Harbor Master Calvin Poupart and certification by the Civil Service Commission, Alderman Bennett made motion seconded by Alderman Notter and unanimously carried to approve the step increase, Harbor Guard Jerry Saucier, CSH-2-VI, effective September 1, 2006.

\*\*\*\*\*

There came on for consideration a letter from City Engineer John Campton, as follows:

# Minutes of September 19, 2006 Mayor and Board of Aldermen

09/15/2006 18:58

2288635232

AGR ASSOC

PAGE 02



A. GARNER RUSSELL & ASSOCIATES, INC. / CONSULTING ENGINEERS

520 33<sup>RD</sup> STREET, GULFPORT, MS 39507  
P.O. BOX 1877, GULFPORT, MS 39502

TEL (228) 865-0667  
FAX (228) 862-5232

September 15, 2006



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

Re: **Grant-Writing Proposal from Eco-Logic Restoration Services**

Gentlemen:

It appears that the City of Long Beach may be eligible to receive a substantial grant or grants under the Federal Coastal Impact Assistance Program (CIAP). Mayor Skellie and myself met with staff of the Mississippi Department of Marine Resources, and were led to believe that the City's chances for receiving funding are very good.

We discussed several possible projects, but the ones that seemed to be the best fit under the program requirements are:

1. A grant to help the City implement the Wetlands Mitigation activities which were required in the wetlands permit acquired for the Daugherty Road Recreational Complex – an amount of approximately \$100,000.
2. A grant to construct a major expansion of the Long Beach Harbor – currently estimated at \$37,000,000.

A formal Grant Application is due by October 14, 2006. In order to receive maximum points for selection, the application must emphasize how the proposed projects will protect and preserve the coastal environment, and conform with existing environmental conservation management plans. The DMR staff recommended that the City employ a grant writer who is familiar with the program requirements and the existing conservation management plans.

One such person is Mrs. Leah Bray, who is associated with Eco-Logic Restoration Services LLC. I met with Mrs. Bray together with Alderman Bennett and Port Commission Phil Kies, and I believe that we were all impressed with her qualifications. She is ready and willing to assist with the two CIAP applications and promises that she can meet the deadline. She has provided the enclosed Proposal for Services, which I hereby recommend for approval.

It is Chairman Kies' intention to ask the Port Commission to agree to fund the cost of this application from available Tidelands Grant funds.

Sincerely,

John Campton, P.E.

JC:lt:1129  
Enclosure

cc: Port Commission

O: 1129\CEIP Grant Writing Prop 091506.doc

Page 1 of 1

# Minutes of September 19, 2006 Mayor and Board of Aldermen

09/15/2006 10:58 2288635232

AGR ASSOC

PAGE 03

## Proposal for grant-writing services: City of Long Beach

Eco-Logic Restoration Services is qualified and proposes to perform services for the City of Long Beach as an independent contractor (see attached Contractor's brochure and resume). The grant-writing projects for which Eco-Logic will provide services shall fall within our stated mission and philosophy. The Coastal Impact Assistance Program (CIAP) is of particular interest to our proposal to the City of Long Beach. Eco-Logic proposes to perform grant-writing services for the City as described below:

- a. project discovery: the contractor will speak with City staff and others to fully understand the scope of work for which the City seeks grant funding as well as the project's proposed budget including cash and/or in-kind services available to serve as matching funds.
- b. grant research: the contractor will research government funding programs and identify those most in line with the City's project goal, objectives and timeline.
- c. grant writing: prepare a conceptual draft of grant proposal for discussion with City staff. Incorporate findings and finalize a draft for City review. Prepare final grant proposal including appendices and enclosures and deliver to City staff for signature.

For these services, Eco-Logic is charge an hourly rate of \$45.00 per hour. Associates to work on these tasks for the City of Long Beach are:

Leah Bray, Environmental Scientist,  
Cynthia Ramseur, Compatible Development Specialist

Payment to Eco-Logic will be made upon acceptance by the City of the final grant proposal and 30 days from receipt of invoice from us. The rate of pay will be \$45.00 per billable hour NOT TO EXCEED 40 hours. Eco-Logic's Federal EIN # is 65-1260894.

The City also agrees to pay mileage at current federal rate for up to 4 trips to Long Beach to discuss the project and transfer data.

The Mayor recognized Port Commission President Phil Kies, who stated that he is requesting the City's consent to hire the grant writers as set forth above, upon approval by the Port Commission.

After considerable discussion, Alderman Holder made motion seconded by Alderman Lishen and unanimously carried recommending that the Port Commission engage the services of Leah Bray, Environmental Scientist and Cynthia Ramseur, Compatible Development Specialist, Eco-Logic Restoration Services, LLC, to assist with two Federal Coastal Impact Assistance Program (CIAP) applications.

**Minutes of September 19, 2006**  
**Mayor and Board of Aldermen**

\*\*\*\*\*

The Mayor and Board of Aldermen took up the matter of amendment of the municipal budget for the City for the fiscal year ending September 30, 2006, and for related purposes. After a discussion of the subject, Alderman Bennett offered and moved the adoption of the following resolution:

A RESOLUTION AND ORDER BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AMENDING THE MUNICIPAL BUDGET FOR THE SAID CITY FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2006, APPROPRIATING AND CONFIRMING APPROPRIATIONS FOR SAID AMENDED BUDGET, TRANSFERRING FUNDS TO ACCOUNTS WHERE NEEDED, AND RELATED PURPOSES.

WHEREAS, the Mayor and Board of Aldermen (the "Governing Body") of the City of Long Beach, Mississippi (the "Municipality"), having made due investigation therefore, do now find, determine and adjudicate and declare as follows:

A. Acting under and by virtue of the Municipal Budget Law of the State of Mississippi, being MCA §21-35-1, et seq., the Governing Body on September 6, 2005, did adopt a certain resolution of record in Minute Book 54 at pages 25 to 28 thereof of the official minutes of the Governing Body, approving and adopting the Municipal Budget for the Municipality for the fiscal year beginning October 1, 2005, and ending September 30, 2006, and appropriating funds for said Budget.

B. That the aforesaid Budget, including, among other funds, funds reflected on Exhibit "A" thereto, which funds included, among other accounts, the accounts shown on Exhibit "A" for each respective fund.

C. That the Governing Body is advised, and it affirmatively appears at this time that the various funds and accounts shown in Exhibit "A" attached hereto contain the balances reflected therein, and certain funds and accounts contain sums in an amount which remain unexpended and which sums are not needed nor expected to be needed for the purpose or purposes for which appropriated in said Budget.

D. That during the aforesaid fiscal year, and by virtue of several unanticipated circumstances, revenues of certain funds and accounts have been less than the sums

**Minutes of September 19, 2006  
Mayor and Board of Aldermen**

anticipated, to the extent that such funds and accounts are, the Governing Body does believe, reasonably expected to need funds as depicted on Exhibit "A" hereto prior to the end of the fiscal year 2005-2006.

E. That under MCA §31-35-25, the Governing body of the Municipality for the reasons therein stated is authorized and empowered, in its discretion, to transfer such surplus funds or any part thereof to any other fund or funds or account or accounts where needed, by order to effect such entered upon their minutes, but no expenditure shall be made of any fund for any purpose other than that for which the levy producing such funds was made.

F. The Municipal Budget for fiscal year, 2005-2006, as hereby revised and amended and the appropriations herein contained will not result in the expenditure of any money for a purpose different from that for which the tax was levied.

G. The Municipal Budget for the fiscal year, 2005-2006, and the appropriations therein contained, to be effected by transfer of sums as therein set out, all as is set forth in the Amendment (Revised Budget) attached to this resolution and order, should be finally adopted and approved and the transfers made by order of the Governing Body.

**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. The Amendment of the Municipal Budget for the Municipality for the fiscal year beginning October 1, 2005, and ending September 30, 2006, and the transfer hereby ordered and anticipated revenues for said fiscal year, shall be and said Amendment to the Municipal Budget is hereby approved and adopted and the following funds shall be transferred to the following funds or accounts:

See Exhibit "A" attached hereto and incorporated herein.

**Minutes of September 19, 2006**  
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SECTION 2. The amounts, respectively, in Section 1, hereinabove in the aforesaid Amendment to the Municipal Budget for fiscal year 2005-2006, set forth as anticipated revenues as authorized to be expended, be, and the same hereby are, appropriated for the purposes and in the amounts hereinabove set forth, as and for the Amended Municipal Budget appropriations of revenues and expenditures made and to be made for the Municipality for the fiscal year beginning October 1, 2005 and ending September 30, 2006.

SECTION 3. All orders and resolutions of the Governing Body of the Municipality in conflict with the provisions of this resolution and order shall be, and the same are hereby, modified, amended and repealed to the extent of such conflict.

SECTION 4. This resolution and order shall take effect and be in force from and after its adoption.

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

Alderman Richard Notter	voted Aye
Alderman Richard Burton	voted Aye
Alderman Charles Boggs	voted Aye
Alderman Richard Bennett	voted Aye
Alderman Allen D. Holder, Jr.	voted Aye
Alderman Mark Lishen	voted Aye
Alderman Joseph McNary	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 adopted and approved this the 19<sup>th</sup> day of September, 2006.

APPROVED:

\_\_\_\_\_  
WILLIAM "BILLY" SKELLIE, JR., MAYOR

ATTEST:

\_\_\_\_\_  
REBECCA E. SCHRUFF, CITY CLERK

**Minutes of September 19, 2006  
Mayor and Board of Aldermen**

EXHIBIT "A"

**CITY OF LONG BEACH, MISSISSIPPI  
BUDGET AMENDMENTS  
FISCAL YEAR 2005-2006 (09/30/06)**

<b><u>REVENUE</u></b>	<b>ADOPTED</b>	<b>AMENDED</b>	<b>DIFFERENCE</b>
<b><u>GENERAL FUND</u></b>	<b><u>BUDGET</u></b>	<b><u>BUDGET</u></b>	<b><u>+ OR (-)</u></b>
PROPERTY TAX	4,047,826	3,746,346	(301,480)
SALES TAX	1,485,000	1,551,471	66,471
INTEREST	24,000	93,905	69,905
DONATIONS	-	439,594	439,594
INSURANCE PROCEED	-	631,791	631,791
EMERGENCY HURRICANE DEBT	-	2,631,859	2,631,859
LEAP GRANT	-	3,000,000	3,000,000
FEDERAL POLICE AID	-	1,948,154	1,948,154
FHWA	-	1,629,561	1,629,561
FEMA/MEMA	-	<u>22,297,454</u>	<u>22,297,454</u>
<b>TOTAL AMENDMENTS- REVENUE</b>	<b>5,556,826</b>	<b>37,970,135</b>	<b>32,413,309</b>
<b><u>EXPENSE</u></b>			
<b><u>GENERAL FUND</u></b>			
MUNICIPAL COURT	418,979	463,435	44,456
HURRICANE KATRINA	-	<u>30,000,000</u>	<u>30,000,000</u>
<b>TOTAL AMENDMENTS- EXPENSE</b>	<b>418,979</b>	<b>30,463,435</b>	<b>30,044,456</b>

\*\*\*\*\*

The Mayor recognized Glenn Mueller, Chairman, Long Beach Steering Committee, for a presentation of the Long Beach, Mississippi Concept Plan, August, 2006. Mr. Mueller introduced Dhiru Thandani, Architect, Ayers/Saint/Gross, Architects and Planners, who provided additional information and explanations regarding the plan. The Mayor and Board of Aldermen expressed their appreciation to everyone involved for their hard work and dedication.

After considerable discussion, Alderman Boggs made motion seconded by Alderman Notter and unanimously carried to accept the concept plan and transmit to the Planning Commission for review and action.

\*

\*

**Minutes of September 19, 2006  
Mayor and Board of Aldermen**

Alderman Lishen made motion seconded by Alderman Notter and unanimously carried authorizing the Mayor to forward a letter to the Mississippi Development Authority apprising them that the final product, Long Beach Concept Plan, was presented, approving release of payment for professional services to Ayers/Saint/Gross, Architects and Planners.

\*\*\*\*\*

Item X.2. UNFINISHED BUSINESS, Jocelyn Turnbough-Vacate Easement, English Village Subdivision, was removed from the agenda at this time upon the request of Mitchell Turnbough.

\*\*\*\*\*

Alderman Boggs made motion seconded by Alderman Notter and unanimously carried to schedule a work session, Tuesday, October 17, 2006, at 5:00 o'clock p.m. to discuss Robert's Rules of Order.

\*\*\*\*\*

The agreement by and between the City of Long Beach and the Humane Society of South Mississippi was taken under advisement for further consideration at the next regular meeting, October 3, 2006.

\*\*\*\*\*

Item X.5. UNFINISHED BUSINESS, Request for Water and Sewer-SJS Development, was removed from the agenda at this time upon the request of SJS Development.

\*\*\*\*\*

Due to road hazards and above ground temporary sewer pipes, Alderman Holder made motion seconded by Alderman Boggs to temporarily reduce the speed limit on Magnolia Street from 30 m.p.h. to 25 m.p.h. until such time as road conditions improve.

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

Alderman Richard Notter	voted Nay
Alderman Richard Burton	voted Aye
Alderman Charles Boggs	voted Aye
Alderman Richard Bennett	voted Aye
Alderman Allen D. Holder, Jr.	voted Aye
Alderman Mark Lishen	voted Aye
Alderman Joseph McNary	voted Aye

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

\*\*\*\*\*

Discussion was held regarding the KaBOOM Playground Community Partner Agreement and Recreation Director Bob Paul reported that the City and the Long Beach Civic Association petitioned for playground equipment to be placed at the West Railroad Park. It was determined that KaBOOM is searching for a "Funding Partner" for the project.

\*\*\*\*\*

Discussion was held regarding ditch cleaning, parks and loud music. No formal action was required or taken, however, it was determined that the Police Department issued several citations for loud music.

\*\*\*\*\*

Alderman McNary will work in conjunction with the Mayor to notify residents on Merinda Lane, Gandy Circle, and Mount Bass that pre-Katrina projects have been suspended until such time as funding becomes available.

\*\*\*\*\*

There came on for consideration a request submitted by Dan Miller, 305 Church Avenue, as follows:

**Minutes of September 19, 2006  
Mayor and Board of Aldermen**

**Long Beach Lodge  
305 Church Avenue  
Long Beach, Ms 39560  
(228) 363-0268 (228) 363-0300**

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

9/7/06

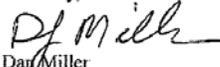
Mayor and board of Aldermen;

Dan and Gina Miller, co-owners of the property at 305 Church Avenue and previously operated as the Westchester Personal Care Home, hereby request relief from the billing for water consumption during the billing cycle from 7/3/06 to 8/3/06. Our normal bill since the storm has averaged less than \$50/month but the bill for this month was \$1,002.86.

During this billing cycle a landscaper installed a small area of new sod on our property and advised that we should keep it completely saturated for the first week. During this week we water the grass 24/7, not realizing what the impact on our water bill would be.

Knowing this to be true, most of the water that we consumed last month simply soaked into the ground and was not processed through the sewer plant. We request that the total charges for sewer, sewer treatment, and sewer debt be reduced to \$30.00, which is more than a normal month for our business, and that total of the bill be \$292.53. This amount covers the water that we used during the month and the amount of water that actually went through the sewer treatment plant.

We are a small business struggling to put things back together in our town and we humbly request your understanding and cooperation in this matter.

Sincerely,  
  
Dan Miller  
Long Beach Lodge

After considerable discussion, the City Attorney was directed to research the matter to determine whether or not the City could legally reduce the charges for water and sewer as requested.

\*\*\*\*\*

Steve Nicosia addressed the Mayor and Board of Aldermen and requested that public comments be included on the agenda for regular business meetings. No formal action was required or taken.

\*\*\*\*\*

**Minutes of September 19, 2006  
Mayor and Board of Aldermen**

There came on for consideration the matter of including public comments on the agenda for regular business meetings.

After considerable debate and discussion, Alderman Boggs made motion seconded by Alderman Notter to include limited public comments on the agenda for regular business meetings and to provide a form to be completed by persons requesting to make public comments.

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

Alderman Richard Notter	voted Aye
Alderman Richard Burton	voted Aye
Alderman Charles Boggs	voted Aye
Alderman Richard Bennett	voted Nay
Alderman Allen D. Holder, Jr.	voted Nay
Alderman Mark Lishen	voted Nay
Alderman Joseph McNary	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 came on for consideration reduction in building permit fees for residents impacted by Hurricane Katrina.

After considerable debate and discussion, Alderman Notter made motion seconded by Alderman Burton to reduce building permits Two Hundred Fifty Dollars (\$250.00) for residents one-hundred percent (100%) destroyed by Hurricane Katrina for a period of six (6) months in order to offer incentive for rebuilding and stimulate economic development.

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

Alderman Richard Notter	voted Aye
Alderman Richard Burton	voted Aye
Alderman Charles Boggs	voted Aye
Alderman Richard Bennett	voted Nay
Alderman Allen D. Holder, Jr.	voted Nay
Alderman Mark Lishen	voted Nay
Alderman Joseph McNary	voted Nay

The question having received the NEGATIVE vote of a majority of the Aldermen present and voting, the Mayor declared the motion NOT CARRIED.

**Minutes of September 19, 2006  
Mayor and Board of Aldermen**

\*\*\*\*\*

The Mayor recognized the City Attorney for his report and discussion was held to preliminarily determine whether or not to declare an executive session.

Alderman Holder made motion seconded by Alderman Notter to meet in executive session for the transaction of public business, to-wit: to discuss with and seek the legal advice and counsel of the City Attorney regarding ongoing litigation.

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

Alderman Richard Notter	voted Aye
Alderman Richard Burton	voted Aye
Alderman Charles Boggs	voted Aye
Alderman Richard Bennett	voted Aye
Alderman Allen D. Holder, Jr.	voted Aye
Alderman Mark Lishen	voted Aye
Alderman Joseph McNary	voted Aye

The question having received the affirmative vote of all the Aldermen present and voting, the Mayor declared the motion carried, whereupon, the Mayor and Board of Aldermen met in executive session.

\* \*

The meeting resumed in open session and based upon information obtained and action taken in executive session, no formal action was required or taken in open session.

\*\*\*\*\*

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

\*\*\*\*\*

**Minutes of September 19, 2006  
Mayor and Board of Aldermen**

APPROVED:

\_\_\_\_\_  
Alderman Allen D. Holder, Jr., At-Large

\_\_\_\_\_  
Alderman Charles A. Boggs, Ward 1

\_\_\_\_\_  
Alderman Richard Notter, Ward 2

\_\_\_\_\_  
Alderman Richard Burton, Ward 3

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Alderman Joseph McNary, Ward 4

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Alderman Mark Lishen, Ward 5

\_\_\_\_\_  
Alderman Richard Bennett, Ward 6

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Rebecca E. Schruff, City Clerk