

**Minutes of August 1, 2006**  
**Mayor and Board of Aldermen**

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 first Tuesday in August, 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 Tuesday, June 20, 2006, that she did cause to be published in The Sun Herald, 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 Notter and unanimously carried to spread said Proof of Publication upon the minutes of this meeting in words and figures, as follows:

**Minutes of August 1, 2006  
Mayor and Board of Aldermen**

**PROOF OF PUBLICATION**

ADVERTISEMENT FOR BIDS  
 City of Long Beach, Mississippi  
 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 Klondyke 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., August 1, 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, Hewes 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 re-viewing the bids and investigating the qualifications of Bidders, prior to awarding of the Contract. Done by order of the Mayor and Board of Aldermen, June 20, 2006.  
 City of Long Beach, Mississippi  
 By: REBECCA SCHRUFF  
 Title: CITY CLERK  
 Z-15.ad\30.7.2fm 1065127

STATE OF MISSISSIPPI  
 COUNTY OF HARRISON

Before me, the undersigned Notary Public of Harrison County, Mississippi, personally appeared Ashley Beard 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 that 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, 270 dated 30 day of June, 2006
- Vol 122 No, 271 dated 7 day of July, 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 county for a period of more than twelve months next prior to the first publication of said notice

Commission Expires on:  
 October 15, 2007

Ashley Beard  
 Clerk

Sworn to and subscribed before me this 7 day of July, A. D., 2006

Karen Shook  
 Notary Public

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

**Minutes of August 1, 2006  
Mayor and Board of Aldermen**

The Clerk further reported that one (1) bid was properly filed, whereupon, said bid was then and there publicly opened and read aloud, as follows:

Hemphill Construction Company  
P.O. Drawer 879  
Florence, MS 39073  
Bid Amount: \$419,500.00

Upon discussion, Alderman Holder made motion seconded by Alderman Burton 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, August 15, 2006.

\*\*\*\*\*

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 Tuesday, June 20, 2006, that she did cause to be published in The Sun Herald, Legal Notice, Advertisement for Bids, "PHASE I KATRINA WATER AND SEWER REPLACEMENT", as evidenced by the Publisher's Proof of Publication.

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

**Minutes of August 1, 2006  
Mayor and Board of Aldermen**

**PROOF OF PUBLICATION**

ADVERTISEMENT FOR BIDS  
City of Long Beach, Mississippi  
The City of Long Beach, Mississippi, will receive bids for:  
PHASE I KATRINA WATER & SEWER REPLACEMENT  
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., August 1, 2006.  
Bids are invited for the furnishing of materials, labor and equipment to install new replacement water and sewer mains and appurtenances within a portion of the City of Long Beach which was devastated by Hurricane Katrina. The project is basically adjacent to U.S. Highway 90 and intersecting city streets.  
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, Hewes Avenue at 33rd Street (Post Office Box 1677), Gulfport, Mississippi 39507, upon payment of \$100.00 non-refundable fee.  
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, PHASE I KATRINA WATER & SEWER REPLACEMENT, 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, June 20, 2006.  
City of Long Beach, Mississippi  
By: REBECCA SCHRUFF  
Title: CITY CLERK  
Z-14,adv30,7,2fr  
1065124

STATE OF MISSISSIPPI  
COUNTY OF HARRISON

Before me, the undersigned Notary Public of Harrison County, Mississippi, personally appeared Ashley Benfield 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 that 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, 270 dated 30 day of June, 2006  
Vol 122 No, 277 dated 7 day of July, 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 county for a period of more than twelve months next prior to the first publication of said notice

Commission Expires on: Ashley Benfield Clerk  
October 15, 2007

Sworn to and subscribed before me this 7 day of July, A.D., 2006  
Karen Shook  
Notary Public

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

The Clerk further reported that three (3) bids were properly filed, whereupon, said bids were then and there publicly opened and read aloud as follows:

Necaise Brothers Construction Company, Inc.  
21040 Coastal Parkway  
Gulfport, MS 39503  
Bid Amount: \$1,736,456.14

Magnolia Construction Company LLC  
2654 Mission Drive  
Baton Rouge, LA 70805  
Bid Amount: \$2,250,580.10

**Minutes of August 1, 2006**  
**Mayor and Board of Aldermen**

Eutaw Construction Company, Inc.  
109 West Commerce Street  
P.O. Box 36  
Aberdeen, MS 39730  
Bid Amount: \$2,358,781.00

Upon discussion, Alderman Holder made motion seconded by Alderman Notter 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, August 15, 2006.

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There were no announcements, presentations or proclamations.

\*\*\*\*\*

Alderman Bennett made motion seconded by Alderman Burton and unanimously carried to suspend the rules and amend the Municipal Docket to include the following:

Item XI.4. NEW BUSINESS - Mississippi Department of Transportation (MDOT)  
Transportation Enhancement Program Application.

\* \* \* \* \*

Alderman Burton made motion seconded by Alderman Boggs and unanimously carried to suspend the rules and amend the Municipal Docket to include the following:

Item XI.5. NEW BUSINESS – Allen Baker, Report on Steering Committee and  
Development.

\*\*\*\*\*

Alderman Holder made motion seconded by Alderman Bennett and unanimously carried to approve the regular meeting minutes of the Mayor and Board of Aldermen dated July 18, 2006, as submitted.

\* \* \* \* \*

Due to a possible conflict of interest, Alderman Lishen was recused from the open meeting.

\* \* \* \* \*

There came on for consideration the Mayor's veto of July 20, 2006, as follows:

Minutes of August 1, 2006  
Mayor and Board of Aldermen

City of Long Beach



WILLIAM SKELLIE, JR  
MAYOR

RECEIVED JUL 20 2006  
9:50 AM - *Re*

BOARD OF ALDERMEN

Richard Bennett  
Charlie Boggs  
Richard Burton  
Allen D. Holder, Jr  
Mark Lishen  
Joe McNary  
Richard Notter

CITY CLERK  
TAX COLLECTOR  
Rebecca E. Schruoff  
  
CITY ATTORNEY  
Frank R. McCreary, III

July 20, 2006

TO: Allen D. Holder, Jr., Alderman-at-Large  
Charles Boggs, Alderman Ward 1  
Richard Notter, Alderman Ward 2  
Richard Burton, Alderman Ward 3  
Joseph McNary, Alderman Ward 4  
Mark Lishen, Alderman Ward 5  
Richard Bennett, Alderman Ward 6

RE: ACTION TAKEN BY THE BOARD OF ALDERMEN AT A RECESS MEETING DULY HELD AND CONVENED ON WEDNESDAY, JULY 5, 2006, REMANDING THE HIGH DENSITY ORDINANCE TO THE PLANNING COMMISSION TO IMMEDIATELY START THE PROCESS TO CREATE A ZONE TO ACCOMMODATE HIGH DENSITY RESIDENTIAL USES ACCORDING TO THE RULING BY JUDGE SIMPSON ON AUGUST 25, 2005.

You are hereby notified that, acting under authority and provision of Section 21-3-15, Mississippi Code 1972, as amended, I hereby veto the above referenced action. My reasons for this action follow.

Ordinances governing high density developments in the City of Long Beach have been heard twice by the Planning Commission and twice by the Mayor and Board of Aldermen with notice duly published and generous input from the public.

Following the public hearing to consider the most recent high density ordinance, no formal action was taken by the Board of Aldermen to adopt or reject the ordinance as submitted.

After several work sessions to address the high density ordinance, there is an apparent split between the Board of Aldermen regarding the issue of high density, with no compromise or resolution in sight.

The ordinances presently in force accommodate and govern high density development in the City of Long Beach and it would be in the best interest of the City to allow development to move forward under the existing Law.

THEREFORE, I veto the action as set forth above, given under my hand and signature this the 20<sup>th</sup> day of July, 2006.

William Skellie, Jr., Mayor

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

Upon discussion, Alderman Notter made motion seconded by Alderman Boggs to override the veto as set forth above.

After considerable debate and discussion regarding the need for definitive zones to protect the public and to provide information to developers, Alderman Holder made motion seconded by Alderman Bennett to call for the question on the motion to override the veto.

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

**Minutes of August 1, 2006  
Mayor and Board of Aldermen**

Alderman Richard Notter	voted	Nay
Alderman Richard Burton	voted	Nay
Alderman Charles Boggs	voted	Nay
Alderman Richard Bennett	voted	Aye
Alderman Allen D. Holder, Jr.	voted	Aye
Alderman Mark Lishen	voted	Absent, Not Voting
Alderman Joseph McNary	voted	Aye

The question having received the TIE vote of the Aldermen present and voting, the Mayor cast an AFFIRMATIVE vote and declared the motion CARRIED.

\* \* \*

The question to override the Mayor's veto 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	Absent, Not Voting
Alderman Joseph McNary	voted	Nay

The question having failed to receive the 3/5 majority vote of the Aldermen present and voting required by law to override a veto, the Mayor declared the motion NOT CARRIED and the veto sustained.

\* \* \*

There came on for consideration the matter of obtaining an independent legal opinion regarding the legality of the aforementioned veto by the Mayor.

After considerable debate and discussion, no formal action was required or taken regarding this matter.

\* \* \*

Alderman Lishen returned to the open meeting.

\*\*\*\*\*

Alderman Holder made motion seconded by Alderman Boggs to approve the July 27, 2006, Planning Commission minutes, as submitted.

\* \* \*

**Minutes of August 1, 2006  
Mayor and Board of Aldermen**

Based upon the determination that numerous residents in the area are opposed to the development of condominiums and the associated club house in their neighborhood, Alderman Notter offered substitute motion seconded by Alderman Bennett to approve the July 27, 2006, Planning Commission minutes with exception to Joseph Guaci's re-application to construct condominiums in a C-2 Zone, 229 Klondyke Road, overruling the Planning Commission action approving said application.

After considerable debate and discussion, 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	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.

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Upon clarification of harbor leases, Alderman Bennett made motion seconded by Alderman Notter and unanimously carried to approve the July 20, 2006, Port Commission minutes, as submitted.

\*\*\*\*\*

Alderman Notter made motion seconded by Alderman Boggs and unanimously carried to approve payment of invoices as listed in Docket of Claims number 080106, upon the availability of 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 Bennett and unanimously carried to approve Fire Department step increases as follows:

Firefighter 1<sup>st</sup> Class Jarred Allen, PS-9-IV, effective August 1, 2006;  
Firefighter 1<sup>st</sup> Class Kevin Dill, PS-9-III, effective August 1, 2006;  
Firefighter 1<sup>st</sup> Class Bobby Powell, PS-9-IV, effective August 1, 2006;  
Firefighter 1<sup>st</sup> Class Josh White, PS-9-III, effective August 1, 2006;

**Minutes of August 1, 2006  
Mayor and Board of Aldermen**

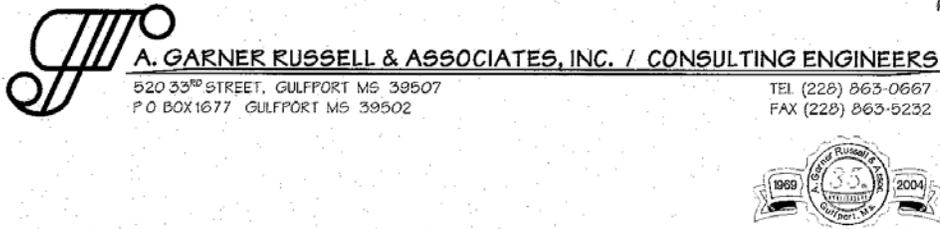
Acting Battalion Chief Tommy Stepp, PS-18-II, effective August 16, 2006;  
Firefighter 1<sup>st</sup> Class Johnathan Malley, PS-9-III, effective August 1, 2006.

\*\*\*\*\*

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.

\*\*\*\*\*

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



AGENDA

July 17, 2006

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

**Re: Final Acceptance – Repairs to White Harbor and Patton Road Wells**

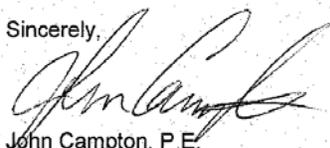
Gentlemen:

This is to advise and certify that the above referenced project has been satisfactorily completed in substantial conformance with the contract requirements. Both water wells are now restored to service.

After detailed investigation, it was determined that the pump in the Patton Road Well could be satisfactorily repaired, rather than replaced as was called for in the contract. The contractor has therefore included a credit of \$600.00 for this item. He also absorbed the cost of some other needed repairs which were not specifically called for in the contract, which we appreciate.

We recommend final settlement with the Contractor in accordance with the attached invoice, in the amount of \$15,100.00. This work was included under FEMA Project Worksheet #LB-005a.

Sincerely,

  
John Campton, P.E.

JC:lt:K314  
Enclosure

cc: Jim Cassabry

# Minutes of August 1, 2006 Mayor and Board of Aldermen



PHONE (601) 736-6347 - FAX (601) 731-1853  
1014 HIGHWAY 98 BYPASS  
COLUMBIA, MS 39429

## PUMPING TEST

DATE June 1, 2006      FORMATION Graham Ferry      COUNTY Harrison  
 WELL OBSERVED White Harbor Well      OWNER City of Longbeach  
 WELL PUMPED White Harbor Well      AVERAGE DISCHARGE N/A      BY 6" x 5" Orifice  
 RADIUS N/A      PUMP ON N/A      PUMP OFF N/A  
 M.P. N/A      STATIC WATER LEVEL 41.00

TIME	T (MINS)	T (MINS)	TAPE HELD	WETTED	WATER LEVEL		PSI	IN	GPM	
							0	69	1009	
							10	65.5	984	
							20	61	955	
							30	54.5	908	
					75		40	49	863	
							50	42.5	805	
Amps	129-121-123				69		60	37	748	
							70	31	674	
							80	23.5	590	
							90	17	510	
							100	9	372	
							110	Shut	Off	

OBSERVER C. Yancey

PAGE 1 of 1

Minutes of August 1, 2006  
Mayor and Board of Aldermen



1014 Highway 98 Bypass - Columbia, MS 39429 - (800) 221-4050  
11100 Highway 31 North - Spanish Fort, AL 36527 - (800) 592-9355  
3833 Crowley-Rayne Highway - Rayne, LA 70578 - (888) 840-6747  
1446 Plant Road - Alpine, AL 35014 (877) 264-2900

RECEIVED JUL 12 2006

ORIGINAL INVOICE

NO. R-14358

Please remit to:  
P.O. Drawer 825  
Columbia, MS 39429

Sold To	City of Longbeach	Date	June 30, 2006
Address	PO Box 929	Customer No	1226
	Longbeach, MS 39560	Job No	06M4189
Location	White Harbor Well and Patton Road Well	Purchase Order No.	00000625-00

06/14/06 Repairs to White Harbor and Patton Road Wells

As Quoted:	\$	15,700.00
Deduct for repairs only to Patton Road Well	\$	(600.00)

Total Amount Due \$ 15,100.00

THANK YOU FOR YOUR BUSINESS!!!

Accounts Over 30 Days Will Bear 1 1/2 % Service Charge (18% Annum)

**Minutes of August 1, 2006  
Mayor and Board of Aldermen**

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 settlement, Repairs to White Harbor and Patton Road Wells, authorizing payment in the amount of \$15,100.00 to Griner Drilling Service, Inc., as listed in Docket of Claims number 080106.

\*\*\*\*\*

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

*AGENDA*

 **A. GARNER RUSSELL & ASSOCIATES, INC. / CONSULTING ENGINEERS**  
520 33<sup>RD</sup> STREET, GULFPORT, MS 39507 TEL (228) 863-0667  
P O BOX 1677, GULFPORT, MS 39502 FAX (228) 863-5232



July 24, 2006

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

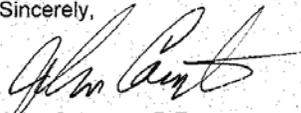
Re: **HVAC Rehabilitation for City Hall & Annex**

Gentlemen:

This is to advise and certify that the above referenced project has been satisfactorily completed in substantial conformance with the contract requirements. The project consisted of replacing the flooded outside condenser units and the cleaning and check-out of the inside air handlers, which were not flooded. All units are now in operation, although there is still some ductwork which must be replaced under a future contract (this ductwork was not included in this contract).

We recommend final settlement with this contractor, in accordance with the enclosed invoice in the amount of \$6,200.00.

Sincerely,

  
John Campton, P.E.

JC:lt:K308  
Enclosure

cc: Jim D'Orazio

**Minutes of August 1, 2006  
Mayor and Board of Aldermen**

Invoice No.

**JASON LADNER**  
**Air Conditioning, Heating, & General Maintenance**  
 20120 Lovers Lane • Long Beach, Ms. 39560  
 Residential • Commercial • Installation & Repair  
 Cell: 860-4926

CUSTOMER'S ORDER NO.		DATE 7-24-06	
SOLD TO City of Long Beach			
ADDRESS			
SHIP TO			
ADDRESS P.O. # 00000629-00			
SOLD BY	CASH	CHARGE	C.O.D. VIA
		<input type="checkbox"/> PREPAID <input type="checkbox"/> COLLECT	
QUANTITY	DESCRIPTION	PRICE	AMOUNT
1			
2	Installed outdoor		
3	A/C units and		
4	checked indoor		
5	units at Long Beach		
6	City hall, water dept.		
7	and Annex per		
8	contract		
9			
10			
11			
12			
13			
14			
ALL CLAIMS AND RETURNED GOODS MUST BE ACCOMPANIED BY THIS BILL		TAX	
		TOTAL	\$6200.00
REC'D BY _____		DATE _____	

INVOICE

Based upon the recommendation of Mr. Campton as set forth above, Alderman Notter made motion seconded by Alderman Holder and unanimously carried to approve final settlement, HVAC Rehabilitation for City Hall and Annex, authorizing payment in the amount of \$6,200.00 to Jason Ladner Air Conditioning, Heating, & General Maintenance, as listed in Docket of Claims number 080106.

\*\*\*\*\*

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

Minutes of August 1, 2006  
Mayor and Board of Aldermen

ACENDA



**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



July 24, 2006

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

Re: **HVAC Rehabilitation – Main Long Beach Library**

Gentlemen:

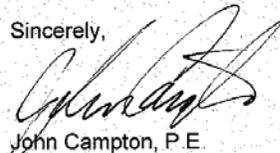
This contract is to re-activate the heating and cooling equipment to serve the main library building. The Children's Wing is served by a separate system, and that contract has previously been completed.

Bids were solicited from six local HVAC contractors, with bids due on July 12. Despite repeated inquiries, no bids were received at that time. New bids were then solicited by our friends of Mittal Steel from other firms outside the area, with the following results:

Area Sheet Metal Inc., of Hobart, IN:	\$49,900 00
Vidimos, Inc., of East Chicago, IN:	\$63,000 00
Star Service, Inc., of Mobile, AL:	\$85,460 00

These bids compare favorably with the FEMA Cost Estimates in the approved Project Worksheet, which total \$52,095. We therefore recommend an Award of Contract to Area Sheet Metal, Inc. for this project. With the completion of this project, all the buildings in the City Hall / Library Complex will be secured and climate-controlled. The only thing lacking is the interior finish work, and the replacement of the roof on the Main Library.

Sincerely,

  
John Campton, P.E.

JC:lt:K308  
Enclosure

cc: Jim D'Orazio

\\Server2\business docs\K308 Bldgs\K308C - Library\Award Library HVAC 072406 doc

Page 1 of 1

# Minutes of August 1, 2006 Mayor and Board of Aldermen

Proposal for

## "HVAC Rehabilitation for Main Long Beach Library"

MAYOR AND BOARD OF ALDERMEN  
LONG BEACH, MISSISSIPPI

Gentlemen:

Pursuant to your request for quotes, receivable until 4:00 P.M., on Monday, July 24, 2006, we \_\_\_\_\_Area Sheet Metal, Inc \_\_ (Name of Company) residing at 409 S. Shelby Street, Hobart, Indiana 46342\_\_, do hereby submit this our proposal for furnishing all labor, tools, equipment, insurance and material required to restore the Heating / Ventilation / Air Conditioning (HVAC) Systems at the Main Long Beach Public Library, located on Jefferson Davis Avenue at 3rd Street. The HVAC equipment for the newer addition at the north side of the library building (known as the Children's Wing) has previously been restored, and is not included in this contract.

### GENERAL REQUIREMENTS:

- (1) In order to be considered, all proposals should be returned to the office of the City Engineer, A Garner Russell & Associates, Inc., at 520 33rd Street, Gulfport, MS, not later than the date and time shown above. Submissions by e-mail are acceptable, if followed by signed hardcopy before issuance of Purchase Order. agrassoc@cableone.net.
- (2) Owner intends to issue a purchase order to the lowest and most qualified Contractor for this project, as provided for under State Law for procurements of construction contracts under emergency conditions.
- (3) For any proposal over \$50,000, Bidder shall indicate on the outside of the bid envelope their current and valid Certificate of Responsibility Number obtained from the State of Mississippi. If the Bidder does not have a valid Certificate of Responsibility Number and the total amount of the bid does not exceed \$50,000, then Bidder shall write on the outside of the bid envelope, "Bid does not exceed \$50,000 " Failure to comply will result in the Bid not being opened.
- (4) Contractor must furnish to the Owner proof of vehicular and public liability insurance in the amount of not less than \$1,000,000, prior to commencement of the work

## Minutes of August 1, 2006 Mayor and Board of Aldermen

- (5) Owner intends to issue a Purchase Order for this contract on July 26, 2005. Provided that this occurs, Contractor must complete all work on or prior to Thursday, August 31, 2006. In the event that issuance of the Purchase Order is delayed for any reason, the specified completion date will be recalculated as 36 days after the actual date of issuance of the Purchase Order. Owner will deduct the sum of \$500.00 from payment for each calendar day or part of day that work remains incomplete after the specified completion date.
- (6) Payment for the completed work will be made in one lump sum, after approval by the Board of Aldermen at the next Board Meeting subsequent to the completion of work. No partial payments will be allowed.
- (7) Contractor shall warrant his work against defects in materials and workmanship for a period of one year following final acceptance of the project by the City.
- (8) The price bid shall include any and all applicable taxes or fees, and shall be in full consideration of all expenses incurred in performing the work.

### Scope of Work

The intent of this contract is to bring back the HVAC systems of the Main Library Building into operation to control the climate within the building. The work includes the abandonment of some existing under-slab air ducts around the perimeter of the building, which were flooded and damaged beyond repair, and replacing these with new ducts installed in the ceilings. Required work is illustrated and noted on the accompanying drawings, and may be further summarized as follows:

- 1) Intentionally deleted
- 2) Recover existing freon charge per state and federal regulations, and remove and dispose of all units which are designated for replacement.
- 3) Four outside condensing units are to be replaced with new units, compatible with the new inside air handler unit #1 and existing inside air handler units #2 and #3. Total cooling capacity is: Unit 1: 72,300 BTU, Unit 2: 35,400 BTU, Unit 3: 210,000 BTU.

## Minutes of August 1, 2006 Mayor and Board of Aldermen

- 4) Inside air handler Unit #1 is to be replaced, complete with new thermostat and hot water heating coil and controls. Requirements for this unit are listed on attached Drawing Number 8030-01.
- 5) Remaining HVAC equipment is to be checked, serviced, and placed into operation. This includes the boiler, which provides heat for all units. Minor repairs including new replacement air filters are included in this contract. Any major existing-equipment failures detected during startup will be handled as a Change Order Item.
- 6) Install new ducts and ceiling registers as shown on attached Drawings 8030-1 and 8030-2, except that the indicated 2x4 framing and drywall around the vertical air ducts on the second floor ARE NOT required under this contract, except to the extent required to support the duct.

### SITE VISIT:

None scheduled.

**Minutes of August 1, 2006  
Mayor and Board of Aldermen**

**Proposal for  
"HVAC Rehabilitation for  
Main Long Beach Library"**

**PRICE:**

For all materials, labor, tools, and equipment to accomplish the work specified herein, a LUMP SUM AMOUNT OF:

(\$49,900.00 \_\_\_\_\_) LUMP SUM

**RESPECTFULLY SUBMITTED:**

DATE 7-24-06

FIRM NAME OF BIDDER Area Sheet Metal, Inc.

MISSISSIPPI CERTIFICATE OF RESPONSIBILITY NUMBER Less Than \$50,000 00

SIGNED BY (Name & Title) Mike Birky - General Manager

ADDRESS OF FIRM 409 S. Shelby Street, Hobart, IN 46342

CITY AND STATE Hobart, IN TELEPHONE 219-942-7700

Based upon the recommendation of Mr. Campton as set forth above, Alderman Bennett made motion seconded by Alderman Boggs and unanimously carried to award the contract "HVAC Rehabilitation for Main Long Beach Library", to Area Sheet Metal, Inc., as lowest and bid in the amount of \$49,900.00.

\*\*\*\*\*

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

# Minutes of August 1, 2006 Mayor and Board of Aldermen



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

520 83<sup>RD</sup> STREET, GULFPORT, MS 39507  
P.O. BOX 1677, GULFPORT MS 39502

TEL (228) 263-0667  
FAX (228) 263-5232



July 25, 2006

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

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

Gentlemen:

Bids were received for this project on July 18, 2006. A certified Tabulation of Bids is enclosed. As reflected on the Tabulation, neither of the two lowest bidders had a valid Certificate of Responsibility at the time of the bid opening, as is required by State Law. Construction Services of Mississippi is a new company and has never had a certificate. Technically, the bid from Construction Services should not even have been opened since there was no Certificate of Responsibility Number on the face of the bid envelope. Certainly, there is no way to award a legal contract to them.

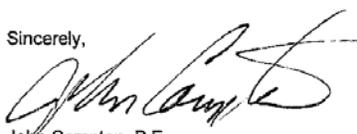
Gill's Crane Service formally held Certificate Number 12433, but it expired exactly one week before the bid date. I called the Mississippi State Board of Contractors and they confirmed that there are no provisions to get an expired certificate renewed retroactively. If an Award of Contract is made to a contractor without a valid certificate, both the Contractor and the City are considered to be in violation of the law.

All four bids exceeded the cost estimate of \$420,000 for the work which was included. At least \$60,000 of the overrun can be attributed to the special support platform which Mississippi Power Company required to support their transformer and the main power service equipment. The remaining overrun is due to market conditions.

I really can't foresee getting a significantly lower bid; but by re-advertising the project, we will at least demonstrate a good faith effort to FEMA, and will allow the two lowest bidders to make arrangements to submit a legal bid. I realize the importance of getting the harbor back into operation as soon as possible, but I have come to the conclusion that it will be in the best interest of the City to reject these bids and re-advertise this project. If the Board agrees, then I suggest the following bidding schedule:

Authorize Advertisement:	8/01/06
First Advertisement:	8/04/06
Second Advertisement:	8/11/06
Receive Bids:	9/05/06

Sincerely,

  
John Campton, P.E.

JC:lt:1775  
Enclosure

cc: Port Commission

C:\1775\Rec re 1st bids 072506 doc

Page 1 of 1

**Minutes of August 1, 2006  
Mayor and Board of Aldermen**

Page 1 of 1

5:30 P.M.

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

July 18, 2006

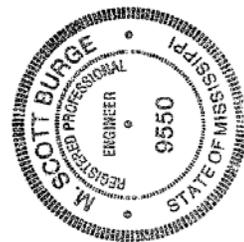
CONTRACTORS BIDDING:

ITEM NO	ITEM	PLAN QUANTITY	Construction Services of Mississippi		Gill's Crane Service		Vice Construction Co., Inc.		Twin L. Construction	
			UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
Bid Bond?			No		Yes		Yes		Yes	
Acknowledgment Addendum No. 1:			Yes		Yes		Yes		Yes	
Acknowledgment Addendum No. 2:			Yes		Yes		Yes		Yes	
Certificate of Responsibility No.			None		None		05961		08365	
1-A	DEMOLITION	1 L.S.	\$24,955.00	\$24,955.00	\$50,000.00	\$50,000.00	\$91,935.00	\$91,935.00	\$43,284.00	\$43,284.00
2-A	10" x 30" PILE	3 EA.	\$1,352.40	\$4,057.20	\$1,500.00	\$4,500.00	\$1,015.45	\$3,046.35	\$940.00	\$2,820.00
2-B	12" x 35" PILE	5 EA.	\$2,898.00	\$14,490.00	\$2,000.00	\$10,000.00	\$1,298.89	\$6,494.45	\$1,315.00	\$6,575.00
3-A	WOOD TIMBER PIER SUBSTRUCTURE	1,500 B.F.	\$9.35	\$14,025.00 *	\$40.00	\$60,000.00	\$71.66	\$107,490.00	\$27.00	\$40,500.00
4-A	WOOD PIER DECKING, 4" WIDE DECK	180 L.F.	\$86.25	\$15,525.00	\$80.00	\$14,400.00	\$100.25	\$18,045.00	\$91.00	\$16,380.00
4-B	WOOD PIER DECKING, 6" WIDE DECK	123 L.F.	\$107.81	\$13,260.63	\$90.00	\$11,070.00	\$93.00	\$11,439.00	\$137.00	\$16,851.00
4-C	WOOD PIER DECKING, 10" WIDE DECK	1,087 L.F.	\$122.19	\$134,042.43 *	\$150.00	\$164,550.00	\$86.00	\$94,342.00	\$228.00	\$250,116.00
4-D	FINGER PIER	25 EA.	\$2,516.25	\$62,906.25 *	\$3,800.00	\$95,000.00	\$2,356.00	\$58,900.00	\$2,210.00	\$55,250.00
5-A	POWER SERVICE - PIER 1	1 L.S.	\$66,760.00	\$66,760.00 *	\$89,618.00	\$89,618.00	\$96,873.00	\$96,873.00	\$97,424.00	\$97,424.00
5-B	POWER SERVICE - PIER 5	1 L.S.	\$57,446.40	\$57,446.40	\$78,659.00	\$78,659.00	\$85,028.00	\$85,028.00	\$92,544.00	\$92,544.00
5-C	DOUBLE 30A RECEPTACLE BOX WITH WIRING	43 EA.	\$3,432.00	\$147,576.00	\$2,435.65	\$104,732.95	\$2,633.00	\$113,219.00	\$3,460.00	\$148,780.00
5-D	50A/30A RECEPTACLE BOX WITH WIRING	14 EA.	\$2,112.00	\$29,568.00	\$1,985.29	\$27,794.06	\$2,150.00	\$30,100.00	\$4,740.00	\$66,360.00
5-E	100A RECEPTACLE BOX WITH WIRING	3 EA.	\$9,682.20	\$29,046.60	\$7,158.67	\$21,476.01	\$7,739.00	\$23,217.00	\$23,095.00	\$69,285.00
5-F	LIGHT ASSEMBLY	12 EA.	\$396.00	\$4,752.00	\$471.33	\$5,655.96	\$507.00	\$6,084.00	\$1,082.00	\$12,984.00
6-A	WATER DISTRIBUTION SYSTEM - PIER 1	1 L.S.	\$29,964.57	\$29,964.57	\$10,000.00	\$10,000.00	\$9,080.00	\$9,080.00	\$39,275.00	\$39,275.00
6-B	WATER DISTRIBUTION SYSTEM - PIER 5	1 L.S.	\$19,157.56	\$19,157.56	\$8,000.00	\$8,000.00	\$9,080.00	\$9,080.00	\$35,975.00	\$35,975.00
7	CHAIN LINK FENCE & GATES	1 L.S.	\$19,165.63	\$19,165.63	\$17,000.00	\$17,000.00	\$13,935.00	\$13,935.00	\$31,970.00	\$31,970.00
<b>TOTAL BID</b>				<b>\$677,298.27 *</b>		<b>\$768,855.98</b>		<b>\$776,307.80</b>		<b>\$1,026,353.00</b>

\* Engineer's Corrected Figure

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

*M. Scott Burge*  
M. SCOTT BURGE, P.E.  
CERT. NO. 9550  
July 19, 2006



Based upon the recommendation of Mr. Campton as set forth above, Alderman Bennett made motion seconded by Alderman Holder and unanimously carried to re-advertise for bids, "HURRICANE KATRINA REPAIRS - PHASE I LONG BEACH SMALLCRAFT HARBOR", according to the schedule set forth above.

\*\*\*\*\*

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

Minutes of August 1, 2006  
Mayor and Board of Aldermen

AGENDA



A. GARNER RUSSELL & ASSOCIATES, INC. / CONSULTING ENGINEERS  
520 33<sup>RD</sup> STREET, GULFPORT MS 39507 TEL (228) 863-0667  
P O BOX 1677 GULFPORT MS 39502 FAX (228) 863-5232



July 25, 2006

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

Re: **Advertise for Bids - Police Station Building Shell**

Gentlemen:

Capital Engineering has completed plans and specifications covering the exterior shell of a 50' by 200' metal building intended for use as the new Long Beach Police Station. The building is designed and specified to comply with all aspects of the 2003 I.B.C. code, including wind gusts of 140 mph. I have delivered one copy of the documents to Chief Schinker, for his review and comment.

This contract includes only the furnishing and erection of the outside shell of the building. Capital proposes to bid the concrete slab and all the interior finish work as separate contracts. This would not be my choice, but Capital feels that this will result in cost savings and also expedite the completion of the project. I yield to their judgement.

If the Board chooses to proceed, I suggest the following bidding schedule:

Authorize Advertisement:	8/01/06
First Advertisement:	8/04/06
Second Advertisement:	8/11/06
Receive Bids:	9/05/06

Sincerely,

John Campton, P.E.

JC:It:K308  
Enclosure

cc: Lou Traina, Capital Engineering

O:\K308 Bldgs\K308D - Police\Bid Sched 072506.doc

Page 1 of 1

Based upon the recommendation of Mr. Campton as set forth above, Alderman Bennett made motion seconded by Alderman Notter and unanimously carried to advertise for bids, "POLICE STATION BUILDING SHELL", according to the schedule set forth above.

\*\*\*\*\*

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

**Minutes of August 1, 2006  
Mayor and Board of Aldermen**



**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



July 27, 2006

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

**Re: Engineering Services for Harbor Repairs**

Gentlemen:

As you know, we have completed plans, specifications, and bidding documents for the first of the contracts to make repairs at the Long Beach Harbor. We have not previously taken the time to prepare a Contract Amendment to our Master Agreement to cover this work, and have therefore withheld any billing for the project.

Based upon the costs incurred on the first contract to date, it appears that engineering services for this work may be as low as 7% of the FEMA-estimated construction costs, even through the first bids received indicate that the actual construction costs will exceed the estimates by a considerable amount. We have therefore prepared the enclosed proposed Amendment Number 3 to the contract, providing for engineering services on an hourly rate basis, with total services for all contracts not to exceed \$70,000 without further authorization.

We respectfully request your approval of this Amendment, so that FEMA participation in the costs can be obtained.

Sincerely,

John Campton, P.E.

JC:ltt:1775B  
Enclosure

**Minutes of August 1, 2006  
Mayor and Board of Aldermen**

**AMENDMENT NUMBER 3 TO  
MASTER AGREEMENT BETWEEN  
CITY OF LONG BEACH  
AND  
A. GARNER RUSSELL & ASSOCIATES, INC.  
HURRICANE KATRINA PERMANENT REPAIRS  
(REPAIRS TO LONG BEACH HARBOR)**

It is agreed to undertake the following work in accordance with the provisions contained in the Master Agreement dated May 3, 2006:

**(A) DESCRIPTION OF ASSIGNMENT**

- (1) Engineer will provide all engineering services relating to a project or projects consisting of the reconstruction of the Long Beach Harbor to restore it to its condition prior to Hurricane Katrina. Services will include:
  - (a) Location surveys of the site and remaining structures, as needed to develop detailed construction plans for repairs.
  - (b) Preparation of detailed construction drawings, specifications, and bid documents, sufficient for the bidding and construction of the project, consistent with the FEMA-approved Project Worksheets. It is anticipated that the work will be divided into 3 or 4 separate contracts, in order to expedite completion of the work.
  - (c) Submission of documents necessary to obtain a permit or written waiver from the Mississippi Department of Marine Resources.
  - (d) Assist City in soliciting and receiving of competitive bids for construction.
  - (e) Provide professional oversight of the construction, including the processing of Contractor's Pay Estimates.
  - (f) Provide limited on-site resident construction inspection, sufficient to ensure that the project is constructed in accordance with the approved plans.
- (2) This Agreement does not include engineering services relating to the reconstruction of the Harbor Master Building.
- (3) The estimated construction cost of the project (per FEMA estimates) is \$950,502. It is recognized that the actual reconstruction cost will exceed this estimate.

**Minutes of August 1, 2006  
Mayor and Board of Aldermen**

**(B) PERIOD OF SERVICE**

- (1) Engineer shall plan and prosecute the work to result in a completed set of construction drawings and specifications for the first contract or phase of reconstruction within 30 days of the execution of this Amendment.
- (2) It is presently estimated that the final completion of construction of the project will be 330 days after execution of this Amendment.

**(C) BASIS OF COMPENSATION**

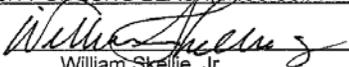
- (1) Fees for the above described services will be in accordance with the hourly rates recited on ATTACHMENT 1 to EXHIBIT C to the Master Agreement, subject to future adjust as provided for in Master Agreement.
- (2) Fees for services rendered under this Amendment will be made separate from any other project.
- (3) Total of all fees billed under this Amendment will not exceed \$70,000 without further authorization. This is based upon the attached estimate of hours. However, the amount shown under each subpart on the worksheet shall not be considered as a maximum fee for that individual subpart.

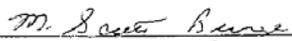
OWNER:

ENGINEER:

CITY OF LONG BEACH, MISSISSIPPI

A. GARNER RUSSELL & ASSOCIATES, INC.

By:   
William Skelle, Jr

By:   
M. Scott Burge, P.E.

Title: Mayor

Title: President

Date Signed: 08/02/06

Date Signed: 7/27/06

# Minutes of August 1, 2006 Mayor and Board of Aldermen

## CALCULATION OF UPSET AMOUNT KATRINA REPAIRS CONTRACT AMENDMENT NUMBER 3 (Repairs to Harbor)

Estimated Construction Cost: \$950,502

**For each of 4 contracts:** \$237,626

**Site Surveys:**

Position	Rate	Hours	Amount	
Senior Engineer	\$121.00		\$0.00	
Registered Engineer	\$73.50		\$0.00	
Junior Engineer	\$67.50		\$0.00	
Engineer Intern	\$50.00		\$0.00	
Sr Eng Technician	\$81.00		\$0.00	
Survey Crew Chief	\$70.50	8.0	\$564.00	
Sr. Res. Proj. Representative	\$67.50		\$0.00	
Eng. Tech III	\$60.00		\$0.00	
Eng. Tech. II	\$52.50	8.0	\$420.00	
Eng. Tech I	\$45.00		\$0.00	
CADD Tech III	\$64.50		\$0.00	
CADD Tech II	\$52.50	8.0	\$420.00	
CADD Tech I	\$40.00		\$0.00	
Administrative Assist	\$73.50		\$0.00	
Clerical	\$45.00		\$0.00	
<b>Subtotal:</b>		<b>24.0</b>	<b>\$1,404.00</b>	<b>0.6%</b>

**Design / Drafting:**

Position	Rate	Hours	Amount	
Senior Engineer	\$121.00	10.0	\$1,210.00	
Registered Engineer	\$73.50	4.0	\$294.00	
Junior Engineer	\$67.50		\$0.00	
Engineer Intern	\$50.00		\$0.00	
Sr. Eng. Technician	\$81.00		\$0.00	
Survey Crew Chief	\$70.50		\$0.00	
Sr. Res. Proj. Representative	\$67.50		\$0.00	
Eng. Tech III	\$60.00		\$0.00	
Eng. Tech. II	\$52.50		\$0.00	
Eng. Tech I	\$45.00		\$0.00	
CADD Tech III	\$64.50	10.0	\$645.00	
CADD Tech II	\$52.50	10.0	\$525.00	
CADD Tech I	\$40.00		\$0.00	
Administrative Assist	\$73.50		\$0.00	
Clerical	\$45.00		\$0.00	
<b>Subtotal:</b>		<b>34.0</b>	<b>\$2,674.00</b>	<b>1.1%</b>

## Minutes of August 1, 2006 Mayor and Board of Aldermen

**Specifications / Project Manual / Permits / Bidding:**

Position	Rate	Hours	Amount	
Senior Engineer	\$121.00	20.0	\$2,420.00	
Registered Engineer	\$73.50		\$0.00	
Junior Engineer	\$67.50		\$0.00	
Engineer Intern	\$50.00		\$0.00	
Sr. Eng. Technician	\$81.00		\$0.00	
Survey Crew Chief	\$70.50		\$0.00	
Sr. Res. Proj. Representative	\$67.50		\$0.00	
Eng. Tech III	\$60.00		\$0.00	
Eng. Tech. II	\$52.50		\$0.00	
Eng. Tech I	\$45.00		\$0.00	
CADD Tech III	\$64.50	20.0	\$1,290.00	
CADD Tech II	\$52.50	5.0	\$262.50	
CADD Tech I	\$40.00		\$0.00	
Administrative Assist	\$73.50	2.0	\$147.00	
Clerical	\$45.00	15.0	\$675.00	
<b>Subtotal:</b>		<b>62.0</b>	<b>\$4,794.50</b>	<b>2.0%</b>

**Construction Management / Inspection**

Position	Rate	Hours	Amount	
Senior Engineer	\$121.00	20.0	\$2,420.00	
Registered Engineer	\$73.50	10.0	\$735.00	
Junior Engineer	\$67.50		\$0.00	
Engineer Intern	\$50.00		\$0.00	
Sr. Eng. Technician	\$81.00		\$0.00	
Survey Crew Chief	\$70.50		\$0.00	
Sr. Res. Proj. Representative	\$67.50	10.0	\$675.00	
Eng. Tech III	\$60.00	10.0	\$600.00	
Eng. Tech. II	\$52.50		\$0.00	
Eng. Tech I	\$45.00	40.0	\$1,800.00	
CADD Tech III	\$64.50		\$0.00	
CADD Tech II	\$52.50	8.0	\$420.00	
CADD Tech I	\$40.00		\$0.00	
Administrative Assist	\$73.50	8.0	\$588.00	
Clerical	\$45.00	8.0	\$360.00	
<b>Subtotal:</b>		<b>114.0</b>	<b>\$7,598.00</b>	<b>3.2%</b>
 <b>Grand Total:</b>		<b>234.0</b>	<b>\$16,470.50</b>	<b>6.9%</b>
 <b>Grand Total for 4 contracts:</b>			<b>\$65,882</b>	

Upon discussion and clarification, Alderman Notter made motion seconded by Alderman Boggs and unanimously carried to approve the Engineering Services for Harbor Repairs Agreement, authorizing the Mayor to execute same, as set forth above.

\*\*\*\*\*

Alderman Bennett made motion seconded by Alderman Holder and unanimously carried to retain the professional services of Wolfe, McDuff & Oppie, Certified Public Accountants, for the Fiscal Year 2004-2005 audit, authorizing the City Clerk to execute the engagement agreement, as follows:

# Minutes of August 1, 2006 Mayor and Board of Aldermen



**Wolfe • McDuff & Oppie**  
CERTIFIED PUBLIC ACCOUNTANTS  
(A Professional Association)

Jesse J. Wolfe, CPA (Retired)  
Grover B. McDuff, CPA (Retired)  
Jack A. Oppie, CPA

C. Scott Rankin, CPA  
Elise A. Bourgeois, CPA  
Deloris A. Larsen, CPA  
Laura L. Baxter, CPA

3103 Pascagoula Street · Pascagoula, MS 39567 · Phone: 228-762-6343 · Fax: 228-762-4498 · www.wmcpas.com

June 28, 2006

City of Long Beach  
Long Beach, Mississippi

We are pleased to confirm our understanding of the services we are to provide to the City of Long Beach, Mississippi for the year ended September 30, 2005. We will audit the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information, which collectively comprise the entity's basic financial statements, of the City of Long Beach, Mississippi as of and for the year ended September 30, 2005. The document we submit to you will include the following supplementary information required by generally accepted accounting principles that will be subjected to certain limited procedures, but will not be audited:

1. Management's discussion and analysis
2. Budgetary comparison schedules

Also, the document we submit to you will include the following additional information that will be subjected to the auditing procedures applied in our audit of the financial statements upon which we will provide an opinion in relation to the basic financial statements:

1. Schedule of expenditures of federal awards.

#### Audit Objectives

The objective of our audit is the expression of an opinion as to whether your financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the additional information referred to in the first paragraph when considered in relation to the financial statements taken as a whole. The objective also includes reporting on—

- Internal control related to the financial statements and compliance with laws, regulations, and the provisions of contracts or grant agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- Internal control related to major programs and an opinion (or disclaimer of opinion) on compliance with laws, regulations, and the provisions of

Membership in:  
American Institute of Certified Public Accountants • Mississippi Society of Certified Public Accountants • AICPA Private Companies Practice Section  
AICPA Governmental Audit Quality Center • AICPA Center for Public Company Audit Firms • AICPA Employee Benefit Plan Audit Quality Center



# Minutes of August 1, 2006

## Mayor and Board of Aldermen

City of Long Beach, Mississippi  
Page 2

- contracts or grant agreements that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*.

The reports on internal control and compliance will each include a statement that the report is intended for the information and use of the audit committee, management, specific legislative or regulatory bodies, federal awarding agencies, and if applicable, pass-through entities and is not intended to be and should not be used by anyone other than these specified parties.

Our audit will be conducted in accordance with U.S. generally accepted auditing standards; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of OMB Circular A-133, and will include tests of accounting records, a determination of major program(s) in accordance with Circular A-133, and other procedures we consider necessary to enable us to express such an opinion and to render the required reports. If our opinion on the financial statements or the Single Audit compliance opinion is other than unqualified, we will fully discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed an opinion, we may decline to express an opinion or to issue a report as a result of this engagement.

### Management Responsibilities

Management is responsible for establishing and maintaining effective internal control and for compliance with the provisions of applicable laws, regulations, contracts, agreements, and grants. In fulfilling this responsibility, estimates and judgments by management are required to assess the expected benefits and related costs of the controls. The objectives of internal control are to provide management with reasonable, but not absolute, assurance that assets are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorizations and recorded properly to permit the preparation of financial statements in accordance with generally accepted accounting principles, and that federal award programs are managed in compliance with applicable laws and regulations and the provisions of contracts and grant agreements.

Management is responsible for making all financial records and related information available to us, including any significant vendor relationships in which the vendor has the responsibility for program compliance. We understand that you will provide us with such information required for our audit and that you are responsible for the accuracy and completeness of that information. We will advise you about appropriate accounting principles and their application and will assist in the preparation of your financial statements, including the schedule of expenditures of federal awards, but the responsibility for the financial statements remains with you. As part of our engagement, we may propose standard,

# Minutes of August 1, 2006

## Mayor and Board of Aldermen

City of Long Beach, Mississippi  
Page 3

adjusting, or correcting journal entries to your financial statements. You are responsible for reviewing the entries and understanding the nature of any proposed entries and the impact they have on the financial statements. That responsibility includes the establishment and maintenance of adequate records and effective internal control over financial reporting and compliance, the selection and application of accounting principles, and the safeguarding of assets. Management is responsible for adjusting the financial statements to correct material misstatements and for confirming to us in the representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud, or illegal acts affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud or illegal acts could have a material effect on the financial statements. You are also responsible for informing us of your knowledge of any allegations of fraud or suspected fraud or illegal acts affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the entity complies with applicable laws and regulations and for taking timely and appropriate steps to remedy any fraud, illegal acts, violations of contracts or grant agreements, or abuse that we may report. Additionally, as required by OMB Circular A-133, it is management's responsibility to follow up and take corrective action on reported audit findings and to prepare a summary schedule of prior audit findings and a corrective action plan. The summary schedule of prior audit findings should be available for our review on August 21, 2006.

As part of the audit, we will prepare a draft of your financial statements, schedule of expenditures of federal awards, and related notes. In accordance with Government Auditing Standards, you will be required to review and approve those financial statements prior to their issuance and have a responsibility to be in a position in fact and appearance to make an informed judgment on those financial statements. Further, you are required to designate a qualified management-level individual to be responsible and accountable for overseeing our services.

### **Audit Procedures—General**

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (a) errors, (b) fraudulent financial reporting, (c) misappropriation of assets, or (d) violations of laws or governmental

# Minutes of August 1, 2006

## Mayor and Board of Aldermen

City of Long Beach, Mississippi  
Page 4

regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse. As required by the Single Audit Act Amendments of 1996 and OMB Circular A-133, our audit will include tests of transactions related to major federal award programs for compliance with applicable laws and regulations and the provisions of contracts and grant agreements. Because an audit is designed to provide reasonable, but not absolute assurance and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements or noncompliance may exist and not be detected by us. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or major programs. However, we will inform you of any material errors and any fraudulent financial reporting or misappropriation of assets that comes to our attention. We will also inform you of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. We will include such matters in the reports required for a Single Audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to matters that might arise during any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will also require certain written representations from you about the financial statements and related matters.

### **Audit Procedures—Internal Controls**

In planning and performing our audit, we will consider the internal control sufficient to plan the audit in order to determine the nature, timing, and extent of our auditing procedures for the purpose of expressing our opinions on the City of Long Beach, Mississippi's financial statements and on its compliance with requirements applicable to major programs.

We will obtain an understanding of the design of the relevant controls and whether they have been placed in operation, and we will assess control risk. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Tests of controls relative to the financial statements are required only if control risk is assessed below the maximum level. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

# Minutes of August 1, 2006

## Mayor and Board of Aldermen

City of Long Beach, Mississippi  
Page 5

As required by OMB Circular A-133, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to OMB Circular A-133.

An audit is not designed to provide assurance on internal control or to identify reportable conditions. However, we will inform the governing body or audit committee of any matters involving internal control and its operation that we consider to be reportable conditions under standards established by the American Institute of Certified Public Accountants. Reportable conditions involve matters coming to our attention relating to significant deficiencies in the design or operation of the internal control that, in our judgment, could adversely affect the entity's ability to record, process, summarize, and report financial data consistent with the assertions of management in the financial statements. We will also inform you of any nonreportable conditions or other matters involving internal control, if any, as required by *Government Auditing Standards* and OMB Circular A-133.

### **Audit Procedures—Compliance**

Our audit will be conducted in accordance with the standards referred to in the section titled Audit Objectives. As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the City of Long Beach, Mississippi's compliance with applicable laws and regulations and the provisions of contracts and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

OMB Circular A-133 requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with applicable laws and regulations and the provisions of contracts and grant agreements applicable to major programs. Our procedures will consist of the applicable procedures described in the OMB Circular A-133 *Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of the City of Long Beach, Mississippi's major programs. The purpose of those procedures will be to express an opinion on the City of Long Beach, Mississippi's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to OMB Circular A-133.

### **Audit Administration, Fees, and Other**

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents selected by us for testing.

# Minutes of August 1, 2006

## Mayor and Board of Aldermen

City of Long Beach, Mississippi  
Page 6

At the conclusion of the engagement, we will complete the appropriate sections of and sign the Data Collection Form that summarizes our audit findings. We will provide twenty-five (25) copies of our reports to the City; however, it is management's responsibility to submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditors' reports, and a corrective action plan) along with the Data Collection Form to the designated federal clearinghouse and, if appropriate, to pass-through entities. The Data Collection Form and the reporting package must be submitted within the earlier of 30 days after receipt of the auditors' reports or nine months after the end of the audit period, unless a longer period is agreed to in advance by the cognizant or oversight agency for audits. At the conclusion of the engagement, we will provide information to management as to where the reporting packages should be submitted and the number to submit.

The audit documentation for this engagement is the property of Wolfe, McDuff, & Oppie, P.A. and constitutes confidential information. However, pursuant to authority given by law or regulation, we may be requested to make certain audit documentation available to the State Auditor's Office or a federal or state grantor agency. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Wolfe, McDuff, & Oppie, P.A. personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of three years after the date the auditors' report is issued or for any additional period requested by the State Auditor's office, or a federal or state agency. If we are aware that a federal awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the party contesting the audit finding for guidance prior to destroying the audit documentation.

We expect to begin our audit on approximately August 21, 2006 and to issue our reports no later than September 21, 2006. Our fee for these services will be at our standard hourly rates plus out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc.) except that we agree that our gross fee, including expenses, will not exceed \$18,000. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes 30 days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is

**Minutes of August 1, 2006  
Mayor and Board of Aldermen**

City of Long Beach, Mississippi  
Page 7

necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

*Government Auditing Standards* require that we provide you with a copy of our most recent external peer review report and any letter of comment. Our 2002 peer review report accompanies this letter.

We appreciate the opportunity to be of service to the City of Long Beach, Mississippi and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Sincerely,

*Wolfe McDuff & Oppie*  
Wolfe, McDuff, & Oppie, P.A.  
Certified Public Accountants

RESPONSE:

This letter correctly sets forth the understanding of the City of Long Beach, Mississippi.

By: *Renee Duff*  
Title: *City Clerk*  
Date: *08/02/06*

# Minutes of August 1, 2006 Mayor and Board of Aldermen



Postlethwaite & Netterville

A Professional Accounting Corporation  
Associated Offices in Principal Cities of the United States  
www.pncpa.com

To the Owner of  
Wolfe, McDuff & Oppie, PA  
and the SEC Practice Section Peer Review Committee

We have reviewed the system of quality control for the accounting and auditing practice of Wolfe, McDuff & Oppie, PA (the firm) in effect for the year ended June 30, 2002. A system of quality control encompasses the firm's organizational structure and the policies adopted and procedures established to provide it with reasonable assurance of complying with professional standards. The elements of quality control are described in the Statements on Quality Control Standards issued by the American Institute of Certified Public Accountants (the AICPA). The design of the system, and compliance with it, are the responsibilities of the firm. In addition, the firm has agreed to comply with the membership requirements of the SEC Practice Section of the AICPA Division for CPA firms (the Section). Our responsibility is to express an opinion on the design of the system, and the firm's compliance with that system and the Section's membership requirements based on our review.

Our review was conducted in accordance with standards established by the Peer Review Committee of the Section and included procedures to plan and perform the review that are summarized in the attached description of the peer review process. Our review would not necessarily disclose all weaknesses in the system of quality control or all instances of lack of compliance with it or with the membership requirements of the Section since it was based on selective tests. Because there are inherent limitations in the effectiveness of any system of quality control, departures from the system may occur and not be detected. Also, projection of any evaluation of a system of quality control to future periods is subject to the risk that the system of quality control may become inadequate because of changes in conditions, or that the degree of compliance with the policies and procedures may deteriorate.

In our opinion, the system of quality control for the accounting and auditing practice of Wolfe, McDuff & Oppie, PA, in effect for the year ended June 30, 2002, has been designed to meet the requirements of the quality control standards for an accounting and auditing practice established by the AICPA, and was complied with during the year then ended to provide the firm with reasonable assurance of complying with professional standards. Also, in our opinion, the firm complied during that year with the membership requirements of the Section in all material respects.

A handwritten signature in cursive script, appearing to read 'Postlethwaite &amp; Netterville'.

Baton Rouge, Louisiana  
December 19, 2002

8550 United Plaza Blvd, Suite 1001 • Baton Rouge, LA 70809 • Tel: 225.922.4600 • Fax: 225.922.4611

**Minutes of August 1, 2006  
Mayor and Board of Aldermen**

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The Clerk reported that the public hearing before the Long Beach Planning Commission regarding the request for zoning map change submitted by Hampton House LLC, contained an error in the public notice. The public hearing has been rescheduled for August 10, 2006.

Alderman Notter made motion seconded by Alderman Holder and unanimously carried to reschedule the public hearing set for September 5, 2006, before the Mayor and Board of Aldermen once the matter is heard by the Planning Commission and resubmitted to the Mayor and Board of Aldermen.

\*\*\*\*\*

**ORDINANCE NO. 526**

**AN ORDINANCE CREATING THE LONG BEACH YOUTH COMMISSION AND RELATED ISSUES THEREOF**

**WHEREAS**, it is the duty of the municipal government of Long Beach, Mississippi to provide adequate representation for all its citizens, including youth, through commissions, elections, and appointments. Public participation is important to any municipal government, and equal representation of all its citizens is necessary and proper for public input, and an informed and involved citizenry. Therefore, based upon these principles, this ordinance furthers the work of public input and participation by extending representation to the youth of Long Beach, Mississippi through a Long Beach Youth Commission.

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

**Section 1: Creation of the Long Beach Youth Commission**

This ordinance hereby creates the Long Beach Youth Commission as an official commission of the City of Long Beach, MS.

**Section 2: Youth Commission Membership**

- (a) The Commission shall consist of members selected, through an application and interview process, and appointed by the Mayor and Board of Aldermen. There shall be no more than five members per grades 9 through 12. All members of this Commission must live in the Long Beach School District.
- a. No member of this Commission shall be compensated for his or her service.
  - b. All members must take an oath of office, swearing [or affirming] to uphold the duties of their office, and the Constitution of Mississippi and of the United States of America.
  - c. The Commission shall notify the Board of Aldermen of any vacancies on the Commission, after which the Board shall have thirty (30) days to fill the vacancy.
  - d. The Board of Aldermen can, through amendment to this ordinance, alter the size of the Commission by expanding or reducing its membership.

**Minutes of August 1, 2006**  
**Mayor and Board of Aldermen**

- (b) The term of office for each member shall be one year. If a vacancy occurs prior to the expiration of a term, an appointment shall be made by the Board of Aldermen for the remainder of the un-expired terms. Commissioner's terms shall commence on the first Tuesday after the first Monday in August, unless otherwise noted, and officers shall assume responsibilities once elected by the Commission.
- (c) The Commission shall appoint from its members a Chairman, a Vice Chairman, and a Secretary to serve one (1) year terms.
- (d) A simple majority of the members of the Commission shall constitute a quorum for the transaction of business; provided however, no such action shall be taken which is binding upon the Commission unless concurred in by not less than an absolute majority of all members comprising the Commission.

**Section 3: Responsibilities of the Youth Commission**

- (a) The Commission shall hold meetings at least monthly at locations within the city of Long Beach, and at times it may designate in its official minutes.
- (b) The powers and duties of the Commission are of an advisory nature and the Commission shall not have any powers or duties which conflict with or supersede the powers and duties of the Mayor and Board of Aldermen. The Commission has the authority, as they pertain to youth and youth-related issues, to make formal recommendations, requests, and the like to the Board of Aldermen. All such recommendations shall be made in writing and submitted to the Mayor and Board of Aldermen as part of the official minutes of the meeting of the commission. However, these recommendations shall not be enforced nor entered into the city records unless they are passed and approved by the Board of Aldermen.
- (c) Additionally, the City of Long Beach (including- but not limited to- the Mayor, Board of Aldermen, City Administrative Officer, and department heads) can request the Commission to give advice and make recommendations concerning the needs of the youth of the community.
- (d) The Commission shall adopt a set of rules to expedite business at its meetings. The rules and procedures established may be amended from time to time but only upon written notice to all members that a proposed amendment shall be acted upon in a specific meeting. An absolute majority of the Commission shall be required for the approval of any amendment to the established rules and procedures. All rules and procedures shall not conflict with the ordinance herein that has created the said Commission.
- (e) By July 1 of each year, the Commission shall submit to the Mayor and Board of Aldermen a written report of its activities for the previous year and an annual plan of work for the ensuing year.
- (f) Each member of the commission shall perform a minimum of five (5) hours of community service per month. The hours will be documented and verified.

**Section 4: Amendments, Severability and Publicity \*\***

- (a) Amendments: If the Commission feels that this ordinance needs to be amended, they may make said recommendations for amendments to the Board of Aldermen and the Board of Aldermen may amend said ordinance. Amendments to this ordinance shall take affect on the commencement of the Commission's new term, unless otherwise stated or by law provided.
- (b) Severability: Should any section, clause, paragraph, provision, or part of this ordinance for any reason be held invalid or unconstitutional by any court or

**Minutes of August 1, 2006**  
**Mayor and Board of Aldermen**

competent jurisdiction, this act shall not affect the validity of any other section, clause, paragraph, provision, or part of this ordinance. All provisions of this ordinance shall be considered separate provisions, and completely severable from all other portions.

- (c) Publicity: The Municipal Clerk is instructed to publish this ordinance one time in the Sun Herald and to obtain proof of publication thereof. The Municipal Clerk's office is also instructed to publicize the creation of this commission through the local Senior High Schools and media outlets (print, television, and radio).

\*\*

**Section 5: EFFECTIVE DATE**

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

The above and foregoing Ordinance No. 526 was introduced in writing by Alderman Bennett who moved its adoption. Alderman Bennett seconded the motion to adopt the Ordinance, and after a 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 Richard Burton	voted Aye
Alderman Charles A. Boggs	voted Aye
Alderman Richard Bennett	voted Aye
Alderman Allen D. Holder	voted Aye
Alderman Mark E. Lishen	voted Aye
Alderman Joseph McNary	voted Aye

The question having received the affirmative vote of a all the Aldermen present and voting, the Mayor declared the motion carried and the said Ordinance adopted and approved this, the 1<sup>st</sup> day of August, 2006.

APPROVED:

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

ATTEST:

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

\*\*\*\*\*

**Minutes of August 1, 2006  
Mayor and Board of Aldermen**

Due to a possible conflict of interest, Alderman Boggs was recused from the open meeting.

\* \* \*

Alderman Notter made motion seconded by Alderman Burton to reduce permit fees to one-half (1/2) the present amount or Eight Hundred Dollars (\$800.00), whichever is the greater amount, for property owners of single family residences (R-1) who owned their properties on August 29, 2005, and whose homes were 100% destroyed by Hurricane Katrina.

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	Absent, Not Voting
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.

\* \* \*

Alderman Boggs returned to the open meeting.

\*\*\*\*\*

No formal action was required or taken at this time regarding Non-Conforming Use Properties Prior to Hurricane Katrina.

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# Minutes of August 1, 2006 Mayor and Board of Aldermen

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**Minutes of August 1, 2006  
Mayor and Board of Aldermen**

Building Department Requirements, PE Stamped Drawings for Residential Buildings Less than 10,000 Square Feet, was taken under advisement for further review and consideration at the next regular meeting, August 15, 2006.

\*\*\*\*\*

Alderman Bennett made motion seconded by Alderman Holder and unanimously carried to approve the consulting agreement, Brian Dee Dove, authorizing the Clerk to execute same, as follows:

**CONSULTING AGREEMENT  
Between  
The City of Long Beach, Mississippi and Brian Dee Dove  
July, 17, 2006**

This is a proposal is for consulting services by Brian Dee Dove (Consultant) for The City of Long Beach, Mississippi (The City). The Consultant will provide technical assistance to the Building and Fire Official of The City in the form of plan review services for code compliance as detailed in Section 106.3 and 106.3.1 of the International Building Code – 2003 Edition (IBC). The Scope of the plan review for this proposal is compliance with the 2003 International Building Code – 2003 Edition for selected projects for The City. No other services are proposed or authorized. Consultant's Building Plan Review Fee for these services are to be determined from the following formula:

$$\$0.00125 \times TFA \times ICCVD = \text{Plan Review Fee}$$

Where:

TFA = Total Sum of all Floor Area,  
ICCVD = Square Foot Construction Cost from ICC's Current Building Valuation Data for the Construction and Occupancy Type.

The following system reviews even though referenced or reproduced in the IBC are not included in the above Scope of Review or fees and Code Review for compliance with these documents will involve additional fees as indicated:

- Mechanical – 2003 International Mechanical Code = 25% of Building Plan Review Fee.
- Electrical – 2002 NFPA 70 – National Electrical Code = 25% of Building Plan Review Fee.
- Plumbing – 2003 International Plumbing Code = 25% of Building Plan Review Fee.
- Fire Sprinkler – 2002 NFPA 13, 2003 International Fire Code – "Installation of Fire Sprinkler Systems" = \$0.02 X Total Sum of all Floor Area.
- Fire Alarm Systems – 2002 NFPA 72, 2003 International Fire Code – "National Fire Alarm Code" = \$0.02 X Total Sum of all Floor Area.

Minimum Plan Review Fee for any Building or System = \$550.00

Consultant's duties are to the Building and Fire Official of The City only and Consultant is not responsible for enforcement or interpretation of Building, Fire or any other Codes or Standards, or any Ordinances, Laws or Standards adopted by The City or any other laws in the State of Mississippi. The Consultant is not responsible for any services beyond delivery of the Plan Review Report as noted below. Reliance on information in the Plan Review Report is at The City's risk.

Brian Dee Dove  
119 Eugene Drive, Gulfport, Mississippi 39503  
misterdee@cableone.net

Cell: 228-324-9646

**Minutes of August 1, 2006  
Mayor and Board of Aldermen**

CONSULTING AGREEMENT  
Between  
The City of Long Beach, Mississippi and Brian Dee Dove  
July, 17, 2006

The Consultant will provide The City with invoices on forms approved by The City to be processed and paid within 30 Business Days of receipt of the Plan Review Report. This agreement is an "At Will" agreement.

City's Responsibilities: Provide The Consultant with one original copy of all standards, codes and ordinances and references adopted by them. Provide the Consultant with two complete sets of construction documents for review as required in Section 106 of The International Building Code - 2003 Edition. These documents are not returnable. A Request Letter shall accompany the construction documents clearly identifying the project to be reviewed and any additional systems or codes to be included in the review as noted above.

Consultant's Responsibilities: The Consultant will return one Plan Review Report in letter format to the Building Official or Fire Official as appropriate within 30 business days of receipt of Approval of Fees and complete construction documents. Business days are defined as days The City is normally open for business.

Signature: 	Date: 08/01/06
---	-------------------

Attachment: Resume

Brian Dee Dove  
119 Eugene Drive, Gulfport, Mississippi 39503  
misterdee@cableone.net      Cell: 228-324-9646

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Page 2 of 2

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Alderman Bennett made motion seconded by Alderman Holder and unanimously carried approving the Mississippi Department of Transportation (MDOT) Transportation Enhancement Program Application and authorizing submission of same, as follows:

# Minutes of August 1, 2006 Mayor and Board of Aldermen

JUL-31-2006 MON 04:45 PM Gulf Regional Plan. Com.

FAX NO. 228 864 1149

P. 03



**TRANSPORTATION ENHANCEMENT  
PROGRAM APPLICATION**

1. Project Number: \_\_\_\_\_ (to be completed by MDOT) If Earmarked?:  Exempt  Non-Exempt

2. Date: \_\_\_\_\_ 3. County: \_\_\_\_\_

4. Applicant: \_\_\_\_\_ (Local Public Agency)

5. Contact Person: \_\_\_\_\_ (Technical/Administrative) 6. Phone: \_\_\_\_\_

7. Address: \_\_\_\_\_

8. Project Location: \_\_\_\_\_

9. Project Description: \_\_\_\_\_

10.  Has the Project been selected by the MDOT for the Transportation Enhancement Program?

11. Special Match Credit Program or Special Project Category (Select only one (a or b) or neither):

a.  Participation in MDOT Special Match Credit Program is requested. MDOT Procedure must have been followed by the LPA for any Consultant Selection. PE and Design, ROW and Other Costs paid by the LPA are eligible for consideration in the Special Match Credit Program for Transportation Enhancement Projects. For all other categories of projects only ROW and Other Costs paid by the LPA are eligible for consideration. LPAs within MPO areas must follow MPO policy on Special Match Credit Program participation.

b.  Project is not eligible for MDOT Special Match Credit Program but is one of the Special Project Categories allowing up to 100% Federal funds with no local match, e.g. intersection signal projects, some safety projects, etc.

12. Estimated Project Cost and Project Funding:

ESTIMATED PROJECT COST	TOTAL	CONSTRUCTION PROJECT FUNDING *	
PE and Design Costs to be paid by LPA		Available LPA Federal Aid Funds	
Right-of-Way (ROW) Costs to be paid by LPA		WITHOUT SPECIAL MATCH CREDIT	
Other Costs to be paid by LPA		Federal Share	0.00    0%
<b>Sub-total PE &amp; ROW to be paid by LPA</b>	<b>0.00</b>	Local Share	<b>0.00    0%</b>
<b>Construction Costs</b>		<b>Total</b>	<b>0.00    0%</b>
Construction Engineering (5% Const. Cost)	0.00	* - Actual funding and special match credit will be determined by the MDOT Contract Administration Division after the receipt of bids based upon the eligibility of project work for federal aid participation and the available LPA allocation of federal aid funds.	
Testing (5% Const. Cost)	0.00		
Contingency (5% Const. Cost)	0.00		
<b>Sub-total Construction Cost</b>	<b>0.00</b>		
<b>TOTAL PROJECT COST</b>	<b>0.00</b>		

13. SUBMITTED BY:

Applicant: William Shelton (Signature) Title: \_\_\_\_\_ (Mayor, Pres. Board Supervisors, Agency Head)

Printed/Typed Name: \_\_\_\_\_

14. APPROVED BY:

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

(Signature)

MDOT Planning Division PAR Form September 16, 2005

# Minutes of August 1, 2006

## Mayor and Board of Aldermen

### Benefits of Proposed Project:

The benefits of this project will enhance the quality of life around the city of Long Beach, Mississippi by providing alternative modes of transportation. Public support for this project and future planned projects has been very positive. Projected demand of these facilities is heavy from potential users such as walkers, joggers bicyclist and handicap accessible.

- The advantage of building bike trails by the canals with bike lanes to connect them is that the trail would give children and adults a nature trail that would connect a large area of the city. Almost every neighborhood would be able to get to the path .
- Access to the new proposed sportsplex that is being built at the west end of Canal # 2.
- The entrance to the trail on canal # 1 would be close to the high school and middle school.
- In public surveys, citizens of the community listed other uses such as to utilize the area for school group studies, the use of GPS units to learn about geography.
- The trail could also provide service project ideas
- Promote tourism and economic development.
- Clearly serve as transportation link for bicyclist and pedestrians.

### **Public Support**

Sixty-six percent of high school student, and 72% of the adults surveyed voted to have a nature trail along the canals.

See attached Survey and letters of support.

## Survey Results for Question #4

Which of the following would be the best place for bike riders and walkers?

(Note: Some of those surveyed voted for more than one option.)

Responses	Elementary Students	Middle School Students	High School Students	Adults	Totals
Bike Lanes	23/150 15%	7/45 16%	12/53 23%	25/85 29%	20%
Nature Trail by Canals	89/150 59%	30/45 67%	35/53 66%	61/85 72%	65%
Sidewalks	45/150 30%	12/45 27%	14/53 26%	5/85 6%	23%

Minutes of August 1, 2006  
Mayor and Board of Aldermen

## Survey Results for Question #5

If there were nature trails along the canals,  
how could they be used?

- By school and scout groups to study nature
- For running, walking, and biking
- For geography study (GPS Units)
- For measuring distances (math)
- For fun
- To spend time with your children
- Hide and seek
- Walking dogs
- Quiet place to study
- 4-Wheelers/Dirt Bikes
- To get to and from school
- Picnics
- Quiet time/To escape from everything for a little while
- If there were benches, older people could enjoy, too.
- Coaches could use for players to run
- Fundraisers-Walk miles for money
- 4-H groups, Church groups
- Bird watching
- Walking babies in strollers
- Science classes could collect leaves/Label trees and bushes
- Measure rainfall/Watching water levels of the canals
- Reading books on warm afternoons
- College student classes

**Minutes of August 1, 2006  
Mayor and Board of Aldermen**

4. Which of the following would be the best place for bike riders and walkers?  
(Note: Many of those surveyed voted for more than one option.)

Responses	Elementary Students	Middle School Students	High School Students	Adults	Totals
Bike Lanes	23/150 15%	30/45 16%	35/53 23%	61/85 29%	20%
Nature Trail by the Canals	89/150 59%	30/45 67%	35/53 66%	61/85 72%	65%
Sidewalks	45/150 30%	12/45 27%	14/53 26%	5/85 6%	23%

5. If there were nature trails along the canals, how could they be used?

- By school and scout groups to study nature
- For running, walking, and biking
- For geography study (GPS Units)
- For measuring distances (math)
- For fun
- To spend time with your children
- Hide and seek
- Walking dogs
- Quiet place to study
- 4-Wheelers/Dirt Bikes
- To get to and from school
- Picnics
- Quiet time/To escape from everything for a little while
- If there were benches, older people could enjoy, too.
- Coaches could use for players to run
- Fundraisers-Walk miles for money
- 4-H groups, Church groups
- Bird watching
- Walking babies in strollers
- Science classes could collect leaves/Label trees and bushes
- Measure rainfall/Watching water levels of the canals
- Reading books on warm afternoons
- College student classes

Minutes of August 1, 2006  
Mayor and Board of Aldermen



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Jim Love, Vice President  
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Loyd Sharp  
David Spector  
Cheryl Thompson

March 22, 2005

Mrs. Carol Paola  
W J Quarles Elementary School  
111 Quarles Street  
Long Beach, MS 39560

Dear Mrs. Paola and members of the 5<sup>th</sup> Grade Discovery Class,

Enclosed please find this quarter's newsletter for the Land Trust for the Mississippi Coastal Plain. The newsletter features an article about Mrs. Foster's class, and I thought you might enjoy reading it.

I hope that the Project Citizen presentation was successful. Please keep me informed of the progress of your bike path project. I have talked to the Turkey Creek Steering Committee about your project. They would be interested in learning about the students' idea for trails. Would the students be able to present their ideas to the Committee? If so, our next meeting is April 18, 2005, and I could check to see if they could be part of the meeting.

Sincerely,

Judy Steckler

P.O. Box 245 BILOXI, MISSISSIPPI 39533 PH: 228-435-9191 WWW.LTMCP.ORG  
JUDY STECKLER, DIRECTOR

# Minutes of August 1, 2006 Mayor and Board of Aldermen

**Survey Results for Question #4**  
 Where do you think would be the best place to  
 bike riders and walkers  
 (Note: Some of those surveyed voted for more than one option)

Responses	Elementary Students	Middle School Students	High School Students	Adults	Totals
Bike Lanes	23/150 15%	7/45 16%	12/53 23%	25/85 29%	20%
Nature Trail by Canals	89/150 59%	30/45 67%	35/53 66%	61/65 72%	65%
Side paths	45/150 30%	12/45 27%	14/53 26%	5/85 6%	23%

**Survey Question #5: If there were nature trails along the canals, how could they be used?**

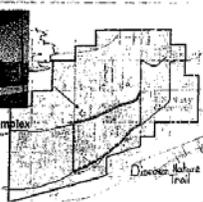


- By school & Scout groups to study nature
- Running, walking, biking
- Learn about GPS
- Family time/Picnics
- Quiet time
- Bird watching
- Study trees/make leaf collections for school

- Skating, skateboarding
- Team exercise-
- Fun runs
- Measuring distances for school math lessons
- Walking dogs and strolling babies
- Service projects for adults and kids... keeping it trash free
- Service projects... planting flowers... keeping it beautiful



**Our New Long Beach Sportsplex**

What ours will be like: Three Rivers Complex

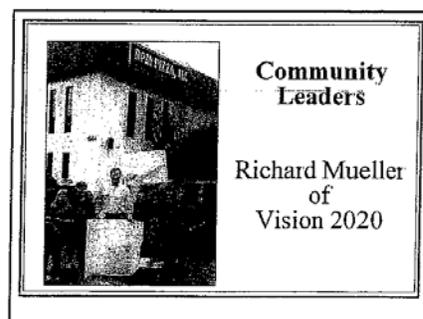
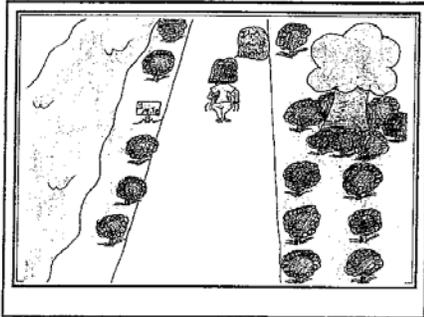


**Cost for 4 Miles: \$500,000**

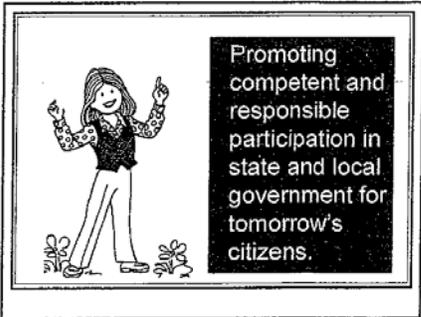
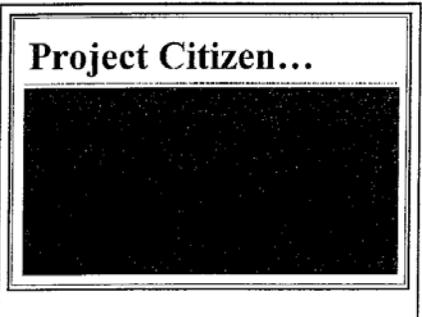
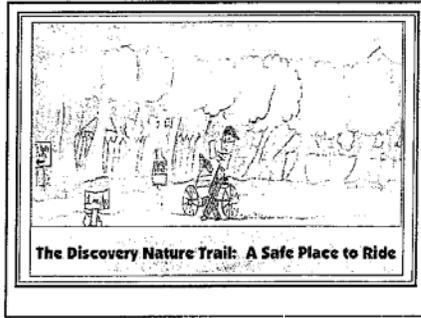
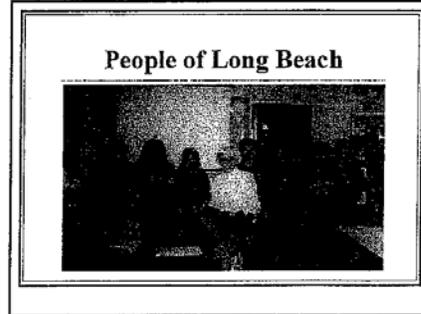
PROJECT COSTS	FEDERAL	OTHER	TOTAL
Preliminary Engineering and Design Cost:	\$8,000.00	\$2,000.00	\$10,000.00
Right of Way Cost:	\$	\$5,000.00	\$5,000.00
Construction Cost:	\$80,000.00	\$20,000.00	\$100,000.00
<b>SUBTOTAL:</b>	<b>\$88,000.00</b>	<b>\$27,000.00</b>	<b>\$115,000.00</b>
Contingency (10%)	\$8,800.00	\$2,700.00	\$11,500.00
<b>GRAND TOTAL:</b>	<b>\$96,800.00</b>	<b>\$29,700.00</b>	<b>\$126,500.00</b>

From application filed in 2002 by Long Beach for a 1 mile non-motorized track

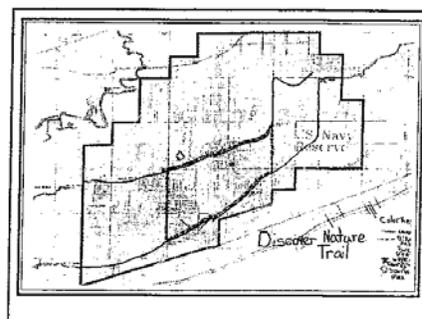
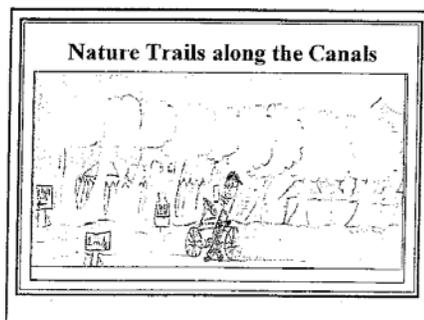
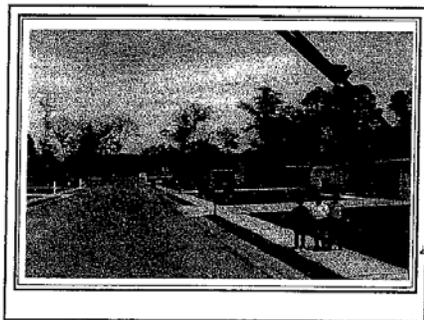
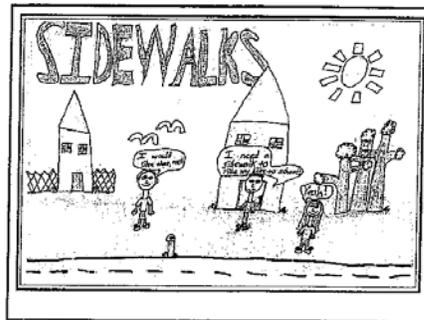
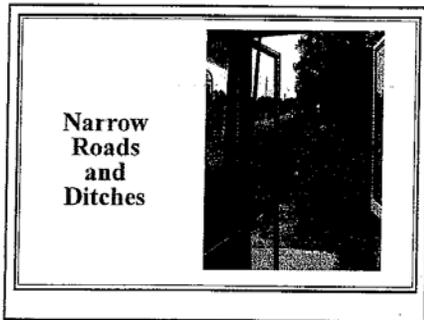
**Minutes of August 1, 2006  
Mayor and Board of Aldermen**



Minutes of August 1, 2006  
Mayor and Board of Aldermen

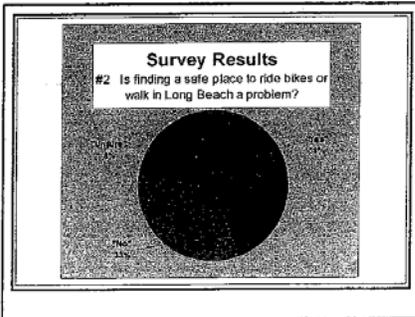
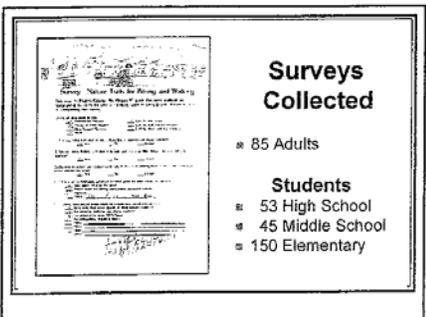
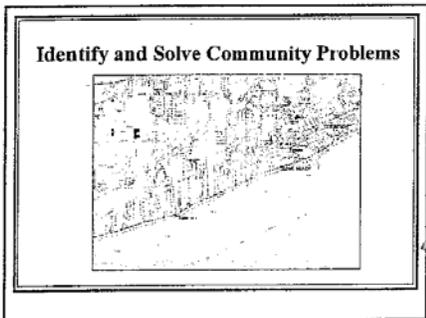
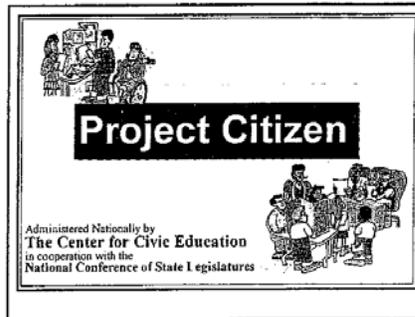
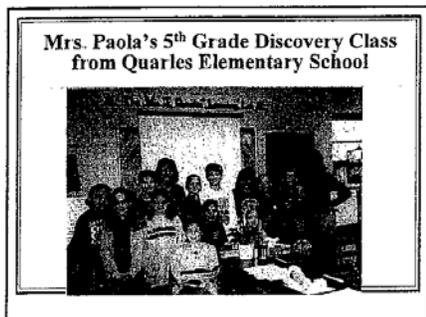


Minutes of August 1, 2006  
Mayor and Board of Aldermen

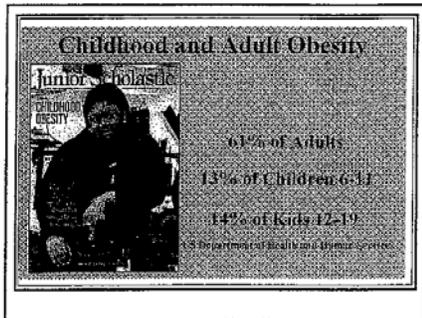


Minutes of August 1, 2006  
Mayor and Board of Aldermen

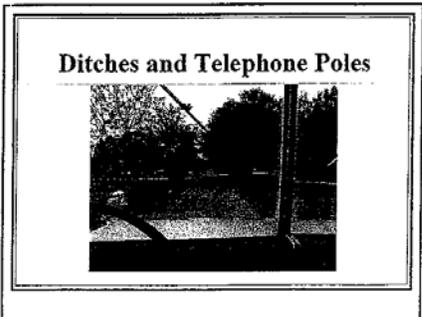
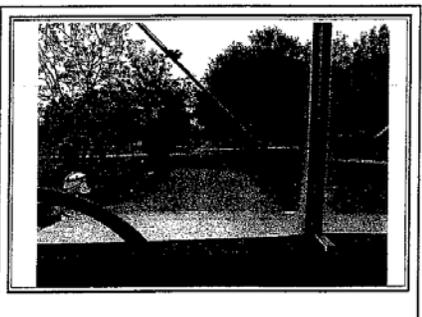
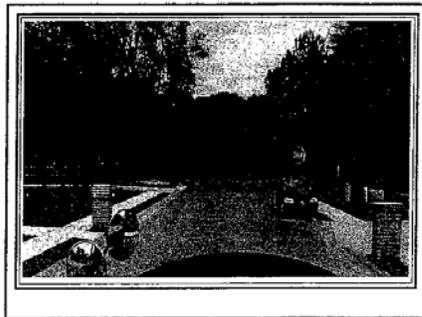
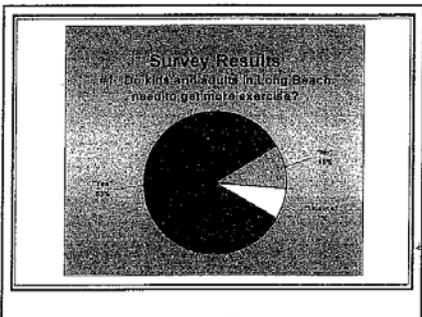
Power Point Presentation - for Land Trust,  
Water Board, Mayor, and Aldermen



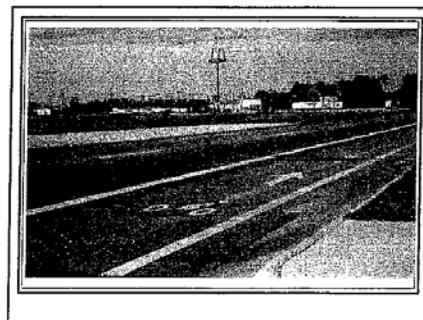
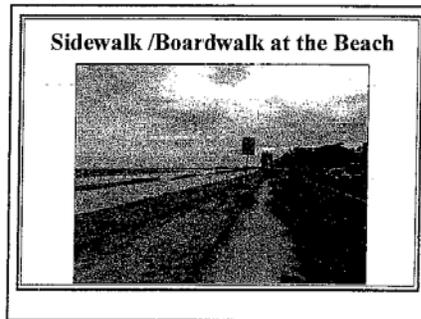
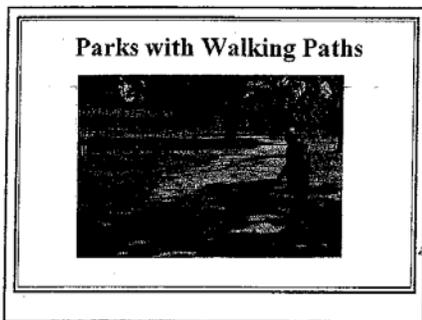
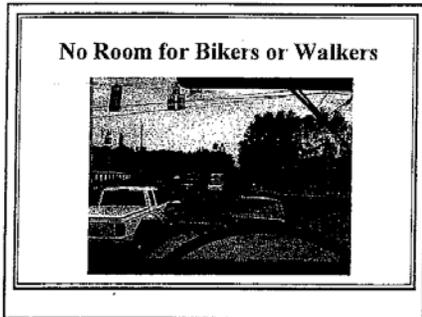
Minutes of August 1, 2006  
Mayor and Board of Aldermen



"Childhood obesity has risen to a point that it can be considered a modern day epidemic."  
Duke University



**Minutes of August 1, 2006  
Mayor and Board of Aldermen**



Minutes of August 1, 2006  
Mayor and Board of Aldermen

W. J. Quarles Elementary  
111 Quarles Street  
Long Beach, MS 39560  
January 21, 2005

Dear Ms. Steckler,

Thank you for your help with our bike path we're trying to build on canal number two. I learned that all the hand-made canals were made for water to go through to help prevent floods. I also learned that Bayhead Swamp is a place where water can go, but it gets real swampy when it gets there.

We have gone to walk part of the canal to see what it was like and to see if there is enough room for the bike path. Mayor Skellic gave us this idea and to try to make it work. We went walking along the canal with our principal, some firemen and Mr. Brown. It was muddy, slippery and very hard to walk on.

Can you give us a letter of support so we can have a few

Minutes of August 1, 2006  
Mayor and Board of Aldermen

people to agree with us about  
putting sidewalks along one of the  
canals. Thank you for all your  
help.

Sincerely, David and  
Mrs. Paola's fifth  
grade Discovery  
Class.

# Minutes of August 1, 2006 Mayor and Board of Aldermen

March 2, 2005

Mrs. Paola 5<sup>th</sup> grade Discovery Class  
111 Quarles Street  
Long Beach, MS 39560

Dear Mrs. Paola and Students:

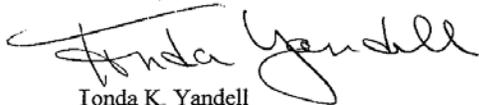
I learned to ride a bike at the age of 6 just as most kids do. I was so excited when my parents surprised me with my new blue bike and thrilled when I finely mastered the balancing act of riding. It's a memory that I will carry with me always. But as I grew older I turned in my bike for a car and now as hard as I try I can't even remember what happened to my once treasured bike, but what I didn't forget was how to ride, we never do you know. Now, fifty-two years later I find that not only do I still remember how to ride but now have a passion and appreciation for biking that has become a part of my life.

It was just a little over one year ago a group of my friends and I decided to start riding bikes. Most of us bought new bikes some used the ones found stored away. We started out thinking that would just be another fun thing to do. Boy were we right, during the past year we have spent many fun rides together as a group. Two of us in the group are now so passionate about cycling that we both bought better, faster bikes and are ride every chance we get. Over the period of one year we each have totaled over 3000 miles. The 3000 miles on a bike was easy, the hard part was finding a safe place to ride.

About the only relatively safe place to ride in Long Beach is in our Industrial Park and even that can be dangerous. So, with no safe bike paths, trails or bike lanes in Long Beach we are force to haul our bikes over 75 miles to Hattiesburg Longleaf Trace or Tammany Trace in Louisiana and we're not the only ones. If people could see how many bike rider, walkers, runners and joggers there are taking advantage of these trails they would be amazed. The Trace parking lots are always filled with all types of bike carriers and the trails are busy with families, cycling groups, and individuals from all over just to ride, walk or run in a safe, user friendly environment. I personally can't think of a more fun, healthier way to spend time outdoors than riding or walking a nature trail.

My sincerest thanks to you Mrs. Paola's and your 5<sup>th</sup> grade Discovery students for all your research and hard work to help make all of us aware of how important and beneficial a nature trail would be to the city of Long Beach. I wish you luck in accomplishing your goals.

Sincerely,



Tonda K. Yandell  
Avid Cyclist

Minutes of August 1, 2006  
Mayor and Board of Aldermen

*City of Long Beach*



*Richard Bennett*  
Alderman – Ward 6

1-23-05

I would like to take this time to let you know how proud I am of you and your Discovery Class. The Walk/Bike Path Project is a very important project that will benefit many people in our community. Your research and hard work will help our neighborhood grow into a better place to live and play. Thank you for the opportunity to spend time with your class. It is an honor and privilege that you asked for my input and research in your project. Please let me know if you need any assistance or need any questions answered.

Sincerely,

*Richard Bennett*

Richard Bennett



P.S. Enc

29

# Minutes of August 1, 2006

## Mayor and Board of Aldermen

### Environmental Review:

Potential environmental concerns will be addressed according to all local, state and federal environmental laws, regulations and requirements for this project. The Mississippi Department of Transportation's environmental from ENV-160 will be completed as required.

The project area will parallel several city streets and may impact some wetlands: however, all mitigation measure required by local, state and federal requirements will be taken.

The projects will not have any adverse air pollution impact and is not believed to adversely any cultural resources hazardous waste sites, threatened or endangered species, water quality or any publicly owned parks, recreation areas or wildlife. If any of these are found to impact during the design process, all the necessary steps required by local state and federal agencies will be taken.

The underground and utility poles will be relocated and the coordination to accomplish these relocation will be handled during the project phase.

# Minutes of August 1, 2006 Mayor and Board of Aldermen

## **Transportation Enhancement Program**

### **1. Proposed Project**

We believe the policy that would best deal with the problem of having a safe place to ride bikes or walk in Long Beach is to build non motorized nature trails on the easements along Canal #1 and # 2 for biking and walking. A bike trail lane along Klondyke and Beatline Roads to connect to the paths along the canals. The trails would be 6 feet wide and about 4.5 miles long.

The Vision 20/20, a group of citizens who are trying to make Long Beach a better place to live, have studied and supported bike paths around the city for the past five years. During that time they have coordinated with city to apply for grants at this time after the devastation of Hurricane Katrina the city of Long Beach is reaching out for all resources to rebuild the community.

# Minutes of August 1, 2006 Mayor and Board of Aldermen

## MEMORANDUM OF UNDERSTANDING:

### MEMORANDUM OF UNDERSTANDING

The government entity of \_\_\_\_\_, Mississippi, (hereinafter referred to as the APPLICANT) for the purpose of committing to the agreed conditions under which the APPLICANT may utilize special Federal Surface Transportation Program *Transportation Enhancement* Funds provided by the *Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)* and subsequent acts hereby agrees to the following:

**WHEREAS**, it is understood that conditions presented herein are general in nature with details and specific requirements contained in the MDOT Standard Operating Procedures and the Federal Highway Administration (herein after referred to as the FHWA) Federal aid Program Guide; and **WHEREAS**, the APPLICANT proposes to construct, reconstruct or improve a facility utilizing the *Transportation Enhancement* Funds provided by the SAFETEA-LU and subsequent acts as allocated to the MDOT; and

**WHEREAS**, the MDOT has allocated *Transportation Enhancement* Funds to be used throughout the State of Mississippi and intends to allocate additional *Transportation Enhancement* Funds as these funds become available; and

**WHEREAS**, the allocated *Transportation Enhancement* Funds may be used for funding approved projects using the maximum allowable funding ratio unless full participation would result in an amount greater than the MDOT has uncommitted and available at which time the Federal participation will be reduced accordingly so that the total construction cost of the project will not be exceeded.

**NOW THEREFORE**, the APPLICANT agrees that for the attached project application the APPLICANT will:

- **ARTICLE I:** After notification that the project has been approved by the Transportation Commission, execute the General Agreement.
- **ARTICLE II:** After receipt of the executed General Agreement, follow procedures outlined the Project Development Manual for Local Public Agencies for the development of the project. This manual is located at <http://www.gomdot.com/localgov/planning/pdm/manual.htm>
- **ARTICLE III:** Execute a Facilities Ownership and Use Policy that would allow the APPLICANT to maintain and operate or provide for the maintenance and operation of the completed project. Do not permit any changes to be made which would affect traffic and/or traffic control at the completed improvement without the prior approval of the MDOT. Do not permit any changes to be made to the completed improvement which would alter the approved definition of the facility as a *Transportation Enhancement* Project without the prior approval of the MDOT. Acceptable changes must be in conformance with current standards and with provisions of the Manual on Uniform Traffic Control Devices for Streets and Highways and American Association of State Highway and Transportation Officials (AASHTO.) The APPLICANT understands that failure to fulfill this responsibility in regard to maintenance of the improvement, its operation or regulation will disqualify the APPLICANT from receiving any *Transportation Enhancement* Funds until such

**Minutes of August 1, 2006  
Mayor and Board of Aldermen**

JUL-31-2006 MON 04:45 PM Gulf Regional Plan. Com. FAX NO. 228 864 1149

P. 05

time as the deficiencies are corrected to the satisfaction of the MDOT and the FHWA, and if the deficiencies are not corrected the APPLICANT may be required to reimburse the MDOT for all project cost.

- **ARTICLE IV:** Be required to acknowledge the Mississippi Department of Transportation and the Federal Highway Administration for their participation in the project in any news releases or other promotional material for the project. The project sponsor should also notify the External Affairs Division of MDOT of any ceremonies related to the opening of the facility. A plaque or sign identifying the FHWA and MDOT as providing funding for the project will be required.
- **ARTICLE V:** Assume all responsibility for and save the MDOT harmless from any suits, action or claims of any character, brought for any injuries or damages received or sustained by any person, persons or property, growing out of any action or omission to act in the conduct of this work.

IN WITNESS WHEREOF, the parties have affixed their signatures on the 1<sup>ST</sup> day of AUGUST, 2006, Minute Book 55, Page 599 thereof.

APPLICATION OF, (LONG BEACH) LOCATED IN THE COUNTY OF HARRISON, State of Mississippi,

\_\_\_\_\_  
TITLE: MAYOR

WILLIAM SKELLIE, JR  
(Typed Name: Agency Head, OR Mayor, OR President Board of Supervisors)

ATTEST Richard Schuff, City Clerk  
CLERK (Signature)

**Minutes of August 1, 2006**  
**Mayor and Board of Aldermen**

\*\*\*\*\*

The Mayor recognized Allen Baker who reported on developer's favorable response to the master plan, smart codes during a tour of Harrison County and specifically in Long Beach. No formal action was required or taken regarding this matter.

\*\*\*\*\*

Alderman Bennett left the meeting.

\*\*\*\*\*

The Mayor recognized City Attorney Frank McCreary who submitted documents pertaining to easements for the Long Beach Water Management District for review. No formal action was required or taken at this time.

\*\*\*\*\*

There came on for discussion the matter of a COMPLAINT TO VACATE PART OF PLAT filed by THE THREE AMIGOS, LLC. After considerable discussion, Alderman Holder made motion seconded by Alderman Notter and unanimously carried directing the City Engineer and OPTECH to review the complaint for recommendation to the Mayor and Board of Aldermen at a later date.

\*\*\*\*\*

There came on for consideration a matter of ongoing litigation and discussion was held to determine whether or not declare an executive session.

Alderman Holder made motion seconded by Alderman Boggs 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	Absent, Not Voting
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.

**Minutes of August 1, 2006**  
**Mayor and Board of Aldermen**

\*

\*

The meeting resumed in open session, and based upon information obtained and action taken in executive session, there was no further action 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 Notter and unanimously carried to adjourn until the next regular meeting in due course.

\*\*\*\*\*

APPROVED:

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

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

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

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

\_\_\_\_\_  
Alderman Joseph McNary, Ward 4

\_\_\_\_\_  
Alderman Mark Lishen, Ward 5

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

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

ATTEST:

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