

Minutes of December 4, 2007
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 December, 2007, 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., Richard Notter, Richard Burton, Joseph McNary, Mark Lishen, City Clerk Rebecca E. Schruff and City Attorney Frank R. McCreary, III.

Alderman Charles Boggs and Richard Bennett were absent the meeting.

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

The meeting was called to order and there came on for consideration the minutes of the Planning Consultant Selection Committee, as follows:

Minutes of December 4, 2007 Mayor and Board of Aldermen

MINUTES PLANNING CONSULTANT SELECTION COMMITTEE

RE: City of Long Beach

Members Present: William Skellie, Jr. Allen Holder, Jr.
Frank Olaiver Tony Van Court
Richard Bennett

The Committee reviewed two (2) proposals submitted for the services referenced above using the following rating criteria for evaluation:

<u>Criteria</u>	<u>Maximum Points</u>
Qualifications	30
Experience	30
Capacity for Performance (Work Force)	30
Cost	<u>10</u>
Total Points	100

The Committee members assigned points to each firm or individual based on a careful review of the content of each proposal.

<u>Committee Member</u>	<u>Firm</u>	<u>Total Points</u>
<u>GEORGE L. BASS</u>	<u>Slaughter & Assoc. PLLC</u>	<u>100</u>
<u>Richard Bennett</u>	<u>Slaughter & Assoc.</u>	<u>100</u>
<u>Frank Olaiver</u>	<u>Slaughter & Assoc.</u>	<u>100</u>
<u>William Skellie</u>	<u>Slaughter & Assoc.</u>	<u>100</u>
<u>Tony VanCourt</u>	<u>SLAUGHTER & ASSOCIATES, PLLC</u>	<u>100</u>

Based upon the tabulation of points, the proposal submitted by Slaughter received the highest number of points.

Pursuant to the HUD regulation entitled "Uniform Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments", said regulation being referred to as the "Common Rule" and the Selection and Procurement Procedures for the City of Long Beach, Mississippi, the Committee, therefore, recommends the selection for the firm of SLAUGHTER & ASSOC. PLLC to perform Administrative Services.

Richard Bennett
Member Consultant Selection Committee

William Skellie
Member Consultant Selection Committee

Frank Olaiver
Member Consultant Selection Committee

George L. Bass
Member Consultant Selection Committee

Tony Van Court
Member Consultant Selection Committee

Minutes of December 4, 2007 Mayor and Board of Aldermen

RECOMMENDATION OF PLANNING CONSULTANT SELECTION COMMITTEE

RE: City Planning Consultant Services

Pursuant to Katrina Supplemental CDBG Program HUD regulation entitled "Uniform Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Tribal Governments; said regulation being referred to as the "Common Rule", Long Beach, Mississippi, requested proposals for the City Planning Consulting Services.

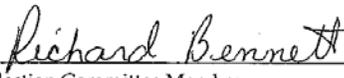
The following proposals were received in the City Clerk's Office no later than 5:00 p.m., Tuesday, November 20, 2007. The Selection Committee met on Monday, November 26, 2007, at 3:00 p.m. to review the proposals received from the following firms and/or individuals.

Slaughter & Associates, PLLC
Urban Planning Consultants
P.O. Box 2401
Oxford, MS 38655

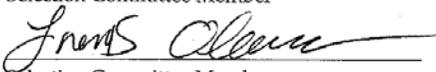
N-Y Associates, Inc.
Consulting Engineers and Planners
178 Main Street
Biloxi, Mississippi 39530-3830

Each Committee member assigned points to each proposal based on the content of the proposal. The firm receiving the highest number of points is deemed by the Committee to be the most advantageous to the City. We, therefore, recommend award of a contract to Slaughter & Associates, Inc. The Firms that were evaluated are listed in order of the points assigned.

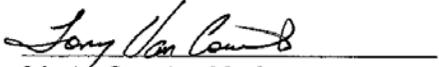
<u>Firm</u>	<u>Total Points</u>
Slaughter & Associates, PLLC	500
N-Y Associates, Inc.	394



Richard Bennett
Selection Committee Member



James Alcorn
Selection Committee Member



Tony Van Court
Selection Committee Member



William Miller
Selection Committee Member



Douglas Bass
Selection Committee Member

**Minutes of December 4, 2007
Mayor and Board of Aldermen**

CERTIFICATION

This is to certify that I, Tony Van Court, am a member of the "Planning Consultant Selection Committee for the Katrina Supplemental CDBG Program" for the City of Long Beach, Mississippi, and that I understand that I am prohibited by law from participating in the selection of or the award of a contract to a professional if a conflict of interest exists. Such a conflict would arise when

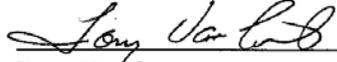
- a. The employee, officer or agent;
- b. Any member of his immediate family;
- c. His or her partner, or
- d. An organization which employ, or is about to employ, any of the above

has a financial or other interest in the firm selected for award.

I have no conflict of interest in the selection of the Planning Consultants listed below:

N-Y Associates, Inc.
Consulting Engineers and Planners
178 Main Street
Biloxi, Mississippi 39530-3830

Slaughter & Associates, PLLC
Urban Planning Consultants
P.O. Box 2401
Oxford, MS 38655



Tony Van Court

11/26/07
Date

Minutes of December 4, 2007 Mayor and Board of Aldermen

LONG BEACH, MISSISSIPPI PLANNING CONSULTANT SELECTION COMMITTEE

DATE: November 26, 2007

SELECTION OF: City Planning Services

	<u>CRITERIA</u>	<u>MAXIMUM POINTS</u>
1. EXPERIENCE: With similar planning work specifically including preparation of Comprehensive Plans, Zoning Ordinances and Maps, Subdivision Regulations, Architectural Design Standards		30
2. QUALIFICATIONS: Educational background, knowledge, professional and technical expertise in performing similar projects and to perform the planning work in this project.		30
3. CAPACITY FOR PERFORMANCE: The capacity to complete the work in a proper and timely manner given the current workload and staff of the proposals.		30
4. COST: The proposed cost of performing the planning work requested in this request for proposals.		<u>10</u>
TOTAL POINTS		100

<u>NAME</u>	<u>CRITERIA</u>				<u>TOTAL POINTS</u>
	1	2	3	4	
<u>Slaughter & Associates, PLLC</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>10</u>	<u>100</u>
<u>NY Associates, Inc</u>	<u>20</u>	<u>30</u>	<u>30</u>	<u>0</u>	<u>80</u>
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

Minutes of December 4, 2007
Mayor and Board of Aldermen

CERTIFICATION

This is to certify that I, Frank Olaiver, am a member of the "Planning Consultant Selection Committee for the Katrina Supplemental CDBG Program" for the City of Long Beach, Mississippi, and that I understand that I am prohibited by law from participating in the selection of or the award of a contract to a professional if a conflict of interest exists. Such a conflict would arise when

- a. The employee, officer or agent;
- b. Any member of his immediate family;
- c. His or her partner, or
- d. An organization which employ, or is about to employ, any of the above

has a financial or other interest in the firm selected for award.

I have no conflict of interest in the selection of the Planning Consultants listed below:

N-Y Associates, Inc.
Consulting Engineers and Planners
178 Main Street
Biloxi, Mississippi 39530-3830

Slaughter & Associates, PLLC
Urban Planning Consultants
P.O. Box 2401
Oxford, MS 38655



Frank Olaiver

11/28/07
Date

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LONG BEACH, MISSISSIPPI PLANNING CONSULTANT SELECTION COMMITTEE

DATE: November 26, 2007

SELECTION OF: City Planning Services

	<u>CRITERIA</u>	<u>MAXIMUM POINTS</u>
1.	EXPERIENCE: With similar planning work specifically including preparation of Comprehensive Plans, Zoning Ordinances and Maps, Subdivision Regulations, Architectural Design Standards	30
2.	QUALIFICATIONS: Educational background, knowledge, professional and technical expertise in performing similar projects and to perform the planning work in this project.	30
3.	CAPACITY FOR PERFORMANCE: The capacity to complete the work in a proper and timely manner given the current workload and staff of the proposals.	30
4.	COST: The proposed cost of performing the planning work requested in this request for proposals.	10
	TOTAL POINTS	100

<u>NAME</u>	<u>CRITERIA</u> 1 2 3 4	<u>TOTAL POINTS</u>
<u>SLAUGHTER & ASSOCIATES</u>	<u>30 30 30 10</u>	<u>100</u>
<u>DY ASSOCIATES</u>	<u>20 20 30 0</u>	<u>70</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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CERTIFICATION

This is to certify that I, Richard Bennett, am a member of the "Planning Consultant Selection Committee for the Katrina Supplemental CDBG Program" for the City of Long Beach, Mississippi, and that I understand that I am prohibited by law from participating in the selection of or the award of a contract to a professional if a conflict of interest exists. Such a conflict would arise when

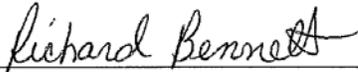
- a. The employee, officer or agent;
- b. Any member of his immediate family;
- c. His or her partner, or
- d. An organization which employ, or is about to employ, any of the above

has a financial or other interest in the firm selected for award.

I have no conflict of interest in the selection of the Planning Consultants listed below:

N-Y Associates, Inc.
Consulting Engineers and Planners
178 Main Street
Biloxi, Mississippi 39530-3830

Slaughter & Associates, PLLC
Urban Planning Consultants
P.O. Box 2401
Oxford, MS 38655



Richard Bennett

11-26-07
Date

**Minutes of December 4, 2007
Mayor and Board of Aldermen**

CERTIFICATION

This is to certify that I, George Bass, am a member of the "Planning Consultant Selection Committee for the Katrina Supplemental CDBG Program" for the City of Long Beach, Mississippi, and that I understand that I am prohibited by law from participating in the selection of or the award of a contract to a professional if a conflict of interest exists. Such a conflict would arise when

- a. The employee, officer or agent;
- b. Any member of his immediate family;
- c. His or her partner, or
- d. An organization which employ, or is about to employ, any of the above

has a financial or other interest in the firm selected for award.

I have no conflict of interest in the selection of the Planning Consultants listed below:

N-Y Associates, Inc.
Consulting Engineers and Planners
178 Main Street
Biloxi, Mississippi 39530-3830

Slaughter & Associates, PLLC
Urban Planning Consultants
P.O. Box 2401
Oxford, MS 38655



George Bass

11-26-07
Date

Minutes of December 4, 2007 Mayor and Board of Aldermen

LONG BEACH, MISSISSIPPI PLANNING CONSULTANT SELECTION COMMITTEE

DATE: November 26, 2007

SELECTION OF: City Planning Services

	<u>CRITERIA</u>	<u>MAXIMUM POINTS</u>
1. EXPERIENCE: With similar planning work specifically including preparation of Comprehensive Plans, Zoning Ordinances and Maps, Subdivision Regulations, Architectural Design Standards		30
2. QUALIFICATIONS: Educational background, knowledge, professional and technical expertise in performing similar projects and to perform the planning work in this project.		30
3. CAPACITY FOR PERFORMANCE: The capacity to complete the work in a proper and timely manner given the current workload and staff of the proposals.		30
4. COST: The proposed cost of performing the planning work requested in this request for proposals.		<u>10</u>
TOTAL POINTS		100

<u>NAME</u>	<u>CRITERIA</u>				<u>TOTAL POINTS</u>
	1	2	3	4	
<u>SLAUGHTER & ASSOC., PLLC</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>10</u>	<u>100</u>
<u>NY ASSOCIATES, INC</u>	<u>20</u>	<u>25</u>	<u>30</u>	<u>5</u>	<u>80</u>
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

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Mayor and Board of Aldermen**

CERTIFICATION

This is to certify that I, William Skellie, Jr., am a member of the "Planning Consultant Selection Committee for the Katrina Supplemental CDBG Program" for the City of Long Beach, Mississippi, and that I understand that I am prohibited by law from participating in the selection of or the award of a contract to a professional if a conflict of interest exists. Such a conflict would arise when

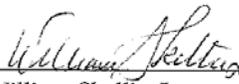
- a. The employee, officer or agent;
- b. Any member of his immediate family;
- c. His or her partner, or
- d. An organization which employ, or is about to employ, any of the above

has a financial or other interest in the firm selected for award.

I have no conflict of interest in the selection of the Planning Consultants listed below:

N-Y Associates, Inc.
Consulting Engineers and Planners
178 Main Street
Biloxi, Mississippi 39530-3830

Slaughter & Associates, PLLC
Urban Planning Consultants
P.O. Box 2401
Oxford, MS 38655



William Skellie, Jr.



Date

Minutes of December 4, 2007 Mayor and Board of Aldermen

LONG BEACH, MISSISSIPPI PLANNING CONSULTANT SELECTION COMMITTEE

DATE: November 26, 2007

SELECTION OF: City Planning Services

	<u>CRITERIA</u>	<u>MAXIMUM POINTS</u>
1.	EXPERIENCE: With similar planning work specifically including preparation of Comprehensive Plans, Zoning Ordinances and Maps, Subdivision Regulations, Architectural Design Standards	30
2.	QUALIFICATIONS: Educational background, knowledge, professional and technical expertise in performing similar projects and to perform the planning work in this project.	30
3.	CAPACITY FOR PERFORMANCE: The capacity to complete the work in a proper and timely manner given the current workload and staff of the proposals.	30
4.	COST: The proposed cost of performing the planning work requested in this request for proposals.	<u>10</u>
	TOTAL POINTS	100

<u>NAME</u>	<u>CRITERIA</u>				<u>TOTAL POINTS</u>
	1	2	3	4	
<u>Slaughter & Assoc.</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>10</u>	<u>100</u>
_____	<u>27</u>	<u>27</u>	<u>28</u>	<u>0</u>	<u>82</u>

* * * * *

Based upon the recommendation of the selection committee as set forth above, Alderman Holder made motion seconded by Alderman Notter and unanimously carried to award the proposal, Planning Consultant Services, Fringe Area Study, to Slaughter and Associates, PLLC, as lowest and best proposal.

* * * * *

There came on for consideration a letter with attachment from Assistant Fire Chief Mike Brown, as follows:

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Mayor and Board of Aldermen**

LONG BEACH FIRE DEPARTMENT

Assistant Chief Mike Brown

*645 Klondyke Road
Long Beach MS 39560*

*Phone(228) 863-7292
Fax (228) 868-0070*

To: Becky Schruff, City Clerk
Fr: Assistant Chief Mike Brown
Dt: 11/30/2007
Re: Fire Truck Bid

Becky,

Please accept Sunbelt Fire Apparatus's bid for the purchase of the 2008 Fire Truck. This was the only bid that was received within the deadline and the specifications meet all the Long Beach Fire Department's requirements. If you have any questions concerning this matter please call me.

Thank You,


Mike Brown

CC: File
Chief George Bass

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Official Bid Form

Name: Long Beach Fire Department Date: 11/20/07 Time 5:30 p.m.
Address: P.O. Box 929
 Long Beach, Ms 39560

We are pleased to submit the following bid for one (1) or more

E-One Class "A" Commercial Pumper Fire Apparatus mounted on a Freightliner M2 Chassis
with all items and equipment per published specifications.

\$ 208,499.00 each, (Figure Price), excluding federal, state and local taxes.

\$ 5,535.00 Electronic Federal-Q Siren mounted in front bumper.

The following questionnaire shall be completed by the bidder with the understanding that false or misleading information will be grounds for rejection of your bid.

Delivery shall be made in 90 to 120 Calendar Days After receipt of chassis.

Bid includes prepaid delivery of the vehicle(s) to Long Beach, MS

Terms of Payment: Payment due upon delivery and acceptance

	YES	NO
Has the bidder taken any exceptions to the specifications?	X	
Are all deviations from specifications explained as required by these specifications?	X	
Is the required bid bond included with the bid?	X	
Will the bidder provide the 100% Performance and Payment Bond if requested by the buyer?	X	
Is an original \$25,000,000.00 Product Liability Certificate Enclosed which lists the buyer as Certificate Holder?	X	
Has the bidder provided a detailed proposal in compliance with these specifications?	X	
Has the bidder complied with all specified warranties?	X	
Has the bidder provided all EVT and ISO9001 certificates as required?	X	

Selling Company Name: Sunbelt Fire, Inc.

Manufacturer: E-One, Inc.

Address: 8050 McGowin Drive

City, State, Zip Code Fairhope, AL 36532

Signature: *Neil Clark* Title: Territory Manager
 Neil Clark

* * *

Based upon the recommendation from Chief Brown as set forth above, Alderman Notter made motion seconded by Alderman Burton and unanimously carried to award the bid, "ONE (1) E-ONE CLASS "A" COMMERCIAL PUMPER FIRE APPARATUS MOUNTED ON A FREIGHTLINER M2 CHASSIS" to Sunbelt Fire, Inc., as lowest and best bid in the total amount of \$208,499.00. It was noted for the record that the alternate bid for "ONE (1) FEDERAL-Q SIREN MOUNTED IN FRONT BUMPER", in the amount of \$5,535.00, was rejected.

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There came on for consideration a letter from Derrel Wilson, Project Manager, Utility Partners, LLC, as follows:



Memo

To: MAYOR SKELLIE & BOARD OF ALDERMEN
From: Derrel Wilson, Project Manager *Derrel*
CC:
Date: 11/29/2007
Re: ANNUAL BIDS

CRUSHED LIMESTONE:

610 Gradation: I have reviewed the bids for 610 Gradation Limestone and find the lowest bid to be Warren Paving, Inc., Gulfport, Mississippi.

825-A or 825-B Gradation: I have reviewed the bid received for 825-A and 825-B Gradation Limestone and find that Vulcan Materials Company has submitted the lowest and best bid. I recommend the City award the bid to Vulcan Materials Company, 4127 Eaton Road, Long Beach, Mississippi.

CRUSHED CONCRETE:

I have reviewed the bids received for Crushed Concrete and find that both vendors, J & S Excavation, Inc. and Warren Paving, Inc., have submitted an identical bid of \$20.00 per ton. Both vendors appear to be equally capable of providing this material and the Public Works Department can easily utilize both.

Please be advised that my son, D.T. Wilson, works for Warren Paving, Inc. as Engineer/Estimator and has some involvement in bid preparation. I do not expect this to be a conflict since the City received "sealed bids"; however, I defer this decision to the Board and City Attorney. I have not made a recommendation on the bid items involving Warren Paving until this issue is addressed. In addition, Warren Paving was awarded the bid to provide Hot Mix Asphalt to the City of Long Beach but we have delayed any purchase for the same reason outlined above.

Based upon the recommendation of Mr. Wilson, Alderman Holder made motion seconded by Alderman Notter and unanimously carried to award the bid, "CRUSHED LIMESTONE 610 GRADATION", to Warren Paving, Inc., as lowest and best bid and "CRUSHED LIMESTONE 825-A OR 8250B GRADATION", to Vulcan Materials Company as lowest and best bid.

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After considerable discussion, Alderman Holder made motion seconded by Alderman Lishen and unanimously carried to award the bid, "CRUSHED CONCRETE", to Warren Paving, Inc., as lowest and best bid.

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



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

520 33RD STREET, GULFPORT, MS 39507
P.O. BOX 1677, GULFPORT, MS 39602

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



November 30, 2007

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

**RE: Site Preparation
EDA Grant - Elevated Tank & Well**

Gentlemen:

We recently requested written proposals for the Site Preparation Work at the Elevated Tank & Well site between Marcie and Markham Drives. This work requires clearing and grubbing at the site along with the clearing and grubbing of the access road to the site. We requested prices from six local contractors and received written proposals back from three of them. SCI proposed to perform the work for \$21,800; Twin L proposed \$44,250; while Onyx proposed \$73,762.50. The price from SCI is both the low bid and the only bid meeting the state requirements for purchases less than \$25,000; and we have attached their price proposal hereto. In the interest of meeting the construction schedule required by EDA, we therefore recommend award of this contract to SCI by authorizing the City Clerk to issue a Purchase Order in the amount of their bid. If you concur with this recommendation, we will notify the Contractor to proceed with the work as soon as the Purchase Order is issued and will handle what limited inspection will be required by this work. Thank you for your consideration in this matter.

Sincerely,

David Ball, P.E.

DB:1812
Enclosure

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MUST BE SUBMITTED AS
PART OF BID PACKAGE

PROPOSAL FOR

**"SITE PREPARATION FOR THE ELEVATED TANK & WELL"
EDA INVESTMENT NO. 04-79-05870**

MAYOR AND BOARD OF ALDERMEN
LONG BEACH, MISSISSIPPI

Gentlemen:

Pursuant to your request for quotes, receivable until 4:00 PM, on Thursday, November 29, 2007, we SCI, Inc. (Name of Company) residing at 10200 Logan Cline Road, Gulfport, Ms. do hereby submit this our proposal for furnishing of labor, tools, equipment, and all materials, and services needed to perform the Site Preparation work at the site designated in the Drawings, generally located just south of the CSX Railroad, between Markham Drive and Marcie Drive.

GENERAL REQUIREMENTS:

- (1) All proposals for the work must conform with the full requirements of these specifications, including all special requirements covered in the "EDA - Supplemental General Conditions" herein, and all other sections. Bidder agrees to comply with all applicable local, state and federal laws and regulations, and with all requirements which are set forth herein.
- (2) 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. Completed proposals may be returned via facsimile (228-863-5232), mail, or hand-delivery. Upon approval of the issuance of a Purchase Order, the signed proposal of the successful low bidder shall be considered as a Contract between the City and the Contractor.
- (3) The US Department of Commerce Economic Development Administration is providing partial funding for this project.
- (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.
- (5) Proposals should include a 5% Bid Security in accordance with the Information for Bidders.
- (6) Failure of the contractor to commence work under the terms of this contract within 10 calendar days from the purchase order issue date shall be justification for the cancellation of the contract without penalty to either party. It is expected that the Purchase Order will be issued by December 5, 2007.
- (7) All work under this contract must be fully completed within 30 calendar days from the date when Owner notifies Contractor of the issuance of a purchase order. If

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Mayor and Board of Aldermen**

contractor fails to complete the work within this time without cause or reason satisfactory to Owner, the payment for the completed work shall be reduced by the sum of fifty dollars (\$50) for each and every calendar day for which the work remained incomplete after expiration of the allowed time.

- (8) 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.
- (9) 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.
- (10) 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.

CONSTRUCTION REQUIREMENTS:

- (1) Per the Technical Specifications

PRICE:

Bidder proposes to furnish all labor, tools, equipment, and minor materials needed to perform the Site Preparation work at the site designated in the Drawings, in accordance with the requirements of the Technical Specifications and at the following prices:

(BID ITEM 1): ITEM 10A – SITE PREPARATION WORK
Twenty one thousand three hundred dollars
and 00/100 cents (\$ 21,300.00) LUMP SUM

(BID ITEM 2): ITEM 10B – SITE SIGN
Five hundred dollars and 00/100 cents
(\$ 500.00) LUMP SUM

TOTAL AMOUNT OF BID (BID ITEM 1 + BID ITEM 2): (\$ 21,800.00)

RESPECTFULLY SUBMITTED:

DATE November 29, 2007

FIRM NAME OF BIDDER SCI, Inc.

SIGNED BY (Name & Title) David Shackelford, President

ADDRESS OF FIRM 10200 Logan Cline Road

CITY AND STATE Gulfport, Ms 39503 TELEPHONE (228)896-9093

Based upon the recommendation of Mr. Ball as set forth above, Alderman Burton made motion seconded by Alderman Holder and unanimously carried to award the "Site Preparation, EDA Grant – Elevated Tank & Water Well Contract", to SCI, Inc., in the amount of \$21,800.00, contingent upon securing a clear title on the property and authorizing Mr. Ball to request a time extension on the grant. The matter will be reviewed for additional consideration at the next regular meeting, December 18, 2007.

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Alderman Holder made motion seconded by Alderman Burton and unanimously carried authorizing the Clerk to advertise for bids, "MUNICIPAL DEPOSITORY", said bids to be opened January 15, 2008.

Alderman Holder made motion seconded by Alderman Lishen and unanimously carried authorizing the Clerk to advertise for bids, "SENIOR CITIZEN FACILITY, & RECREATION FACILITY", said bids to be opened January 15, 2008.

Alderman Holder made motion seconded by Alderman Notter and unanimously carried authorizing the Clerk to advertise for bids, "REMOVAL OF TEMPORARY SEWER SYSTEM", said bids to be opened January 2, 2008.

The Mayor recognized representatives of the VFW Eddie Blake Memorial Post #3937, who awarded employees of the month, November, 2007, as follows:

Warrants Officer Glenn Courier – Police Department

Firefighter 1st Class Jared Allen – Fire Department

Water Department Clerk Armetrice Johnson – Utility Partners, LLC (Public Works)

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

VIII.1. APPROVE DOCKET OF CLAIMS NUMBER(S) – 120407 – Add Two (2) Invoices; Utility Partners, LLC, Invoice Number 120107, in the Amount of \$61,391.92; and Ramada Inn, Pearl, MS, in the Amount of \$220.00, Lodging for Chief Wayne McDowell to Attend Mandatory Training.

IX.1. MAYOR'S OFFICE – School Board Attorney James C. Simpson, Jr., REF; Harper McCaughan Elementary School Property; and Holiday Closing, Senior Citizens Center.

Alderman Holder made motion seconded by Alderman Burton and unanimously carried to approve the public hearing, regular meeting and closed/executive session minutes of the Mayor and Board of Aldermen dated November 20, 2007, as submitted.

There came on for consideration the November 8, 2007, Planning Commission minutes and action was taken as follows:

**Minutes of December 4, 2007
Mayor and Board of Aldermen**

Alderman Holder made motion seconded by Alderman Lishen and unanimously carried to approve said minutes with exception to action taken approving the application for ZONING CHANGE from R-4 Residential Farm and C-2 General Commercial to PUD Mixed Use Standards, Castine Pointe Development, as requested by Jared Rieke, in order to schedule a public hearing before the Mayor and Board of Aldermen.

* * *

Alderman Holder made motion seconded by Alderman Notter and unanimously carried to schedule a public hearing, Tuesday, January 15, 2008, at 5:30 p.m. to consider the application for ZONING CHANGE from R-4 Residential Farm and C-2 General Commercial to PUD Mixed Use Standards, Castine Pointe Development, as requested by Jared Rieke.

Alderman McNary made motion seconded by Alderman Holder and unanimously carried to approve payment of invoices as listed in Docket of Claims number 120407, inclusive of additional invoices to Utility Partners, LLC, Invoice Number 120107, in the Amount of \$61,391.92; and Ramada Inn, Pearl, MS, in the Amount of \$220.00, Lodging for Chief Wayne McDowell to Attend Mandatory Training.

Alderman Notter made motion seconded by Alderman McNary and unanimously carried to approve the Holiday Closing, Senior Citizens Center, December 17, 2007 – January 7, 2008, stipulating that employees must utilize annual leave during this time.

The Mayor recognized School Board Attorney James C. Simpson, Jr., regarding the Harper McCaughan Elementary School property, Jeff Davis Avenue. Attorney Simpson provided copies of excerpts from the deed executed by Harper McCaughan quit claiming the property to the Town of Long Beach for use as public school property. He explained the course of events regarding Separate School Districts and the absence of a “revertor clause” in the deed. FEMA has requested that the School District obtain a quit claim deed from the City for the aforesaid property in order to secure the funding necessary to rebuild the Harper McCaughan Elementary School destroyed in Hurricane Katrina and to proceed with the acquisition of easements to the City for parking as part of the downtown revitalization.

Minutes of December 4, 2007
Mayor and Board of Aldermen

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Upon further discussion, Alderman Holder made motion seconded by Alderman Notter to meet in closed session to preliminarily determine whether or not to declare an executive session.

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	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 closed session.

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The meeting resumed in open session and based upon discussion held and information obtained in closed session, Alderman Holder made motion seconded by Alderman McNary 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 potential litigation in two (2) separate matters.

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	Absent, Not Voting
Alderman Allen D. Holder, Jr.	voted	Aye
Alderman Mark Lishen	voted	Absent, Not Voting (Recused)
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.

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**Minutes of December 4, 2007
Mayor and Board of Aldermen**

The meeting resumed in open session and, due to a possible conflict of interest, Alderman Lishen was recused from the open meeting. Based upon discussion held and action taken in executive session, further action was taken, as follows:

Alderman Holder made motion seconded by Alderman Notter and unanimously carried authorizing the Mayor and City Clerk to execute a Quit Claim Deed to the Long Beach School District for the Harper McCaughan Elementary School property, Jeff Davis Avenue.

* * *

Alderman Lishen returned to the open meeting.

Alderman Holder 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.

Code Enforcement Officer Ken Price will address several blighted and unsafe buildings left exposed since Hurricane Katrina.

Alderman Notter made motion seconded by Alderman Holder and unanimously carried to approve the 12 month term operating lease renewal addendum, ModSpace, as follows:

Minutes of December 4, 2007 Mayor and Board of Aldermen

Dec 06 2007 11:05PM MODSPACE
DEC. 6. 2007 11:04AM CITY OF LONG BEACH

2514438790
NO. 323 P. 2

OPERATING LEASE RENEWAL ADDENDUM

CUSTOMER & LEASE INFORMATION:

Customer Name:	The City of Long Beach.	Expiring Lease Number:	232652
Customer Number:	723049	Expiring Lease Rate:	\$700 per month
Contact Name:	Stacey Dohl	P.O. /Project Name:	
Contact Telephone:		Delivery Location:	201 Alexander Road

Per [unclear] No.

LEASE RENEWAL OPTIONS:

Please indicate your lease renewal term and rate preference by selecting a standard term below or writing in your custom term, initialing your selection below, signing and faxing this form to ModSpace at (251) 443-8790.

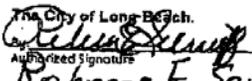
INITIALS	TERM	RATE
	Month-To-Month	\$889 per month
<i>Re</i>	12 Months -or select between 13 to 23 months- <u>12</u> Months	\$764 per month
	24 Months -or select between 25 to 35 months- _____ Months	\$735 per month
	36 Months -or select between 37 to 60 months- _____ Months	\$735 per month

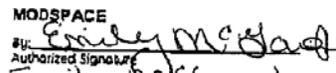
This Addendum will serve to amend the terms, conditions and provisions of the above referenced Lease Agreement including all exhibits, attachments and modifications previously made (the "Lease") by and between ModSpace, and The City of Long Beach. ("Customer").

Now, therefore, in consideration of the Equipment, the Lease and other good and valuable consideration the sufficiency of which is hereby acknowledged the parties hereby agree to the following:

1. ModSpace and Customer hereby agree to extend the term of the Lease commencing from 10/09/07 (the "Revised Commencement Date") for the number of months selected above, and Customer agrees to pay Modspace the corresponding Rent indicated above. The absence of, or Customer's failure to issue, a renewal purchase order will not eliminate or alter the Customer's obligations under the Lease or this Addendum.
2. The rates for tear down and return freight previously agreed to in lease number 232652 are no longer applicable, all future tear down and return freight charges will be billed at the prevailing rate at the time of final lease termination.
3. The undersigned represents that they are fully authorized to enter into this Addendum with Modspace.
4. Except as expressly set forth herein, all other terms, conditions and provisions of the Lease will remain the same. In the event of any conflict between the terms, conditions and provisions of the Lease and this Addendum, then this Addendum shall prevail.

ACCEPTANCE:

The City of Long Beach.

 Authorized Signature
 Rebecca E. SCHMITT
 Print Name
 City Clerk 12/16/07
 Title
 cityclerk@cityoflongbeach.ms.com
 Email

MODSPACE

 Authorized Signature
 Emily McCaugh
 Print Name
 Territory Mgr. 12/16/07
 Title Date

Minutes of December 4, 2007 Mayor and Board of Aldermen

Dec 06 2007 11:05PM MODSPACE

2514438790

p. 3



LEASE AGREEMENT NO.: 232652
RENEWAL AGREEMENT NO.: 010540
ACCOUNT NO.: 781126
CUSTOMER NO.: 723049

RETURN EQUIPMENT TO ModSpace:

MOBILE
5350 RANGELINE ROAD
MOBILE
AL 36619
Telephone: 251-443-8784
1-800-523-7918
Fax: 251-443-8790

**For Your
Records*

Modular Space Corporation, a Delaware corporation ("ModSpace") hereby leases the equipment specified below (the "Equipment") to:

The City of Long Beach.
PO BOX 929
LONG BEACH
MS 39560
Customer Contact: Stacey Dahl
Telephone: 228-863-1558
Fax: 228-863-1558
P.O. #: Provided by Customer

The Equipment will be located at (subject to Section 4 on attached page):

201 Alexander Road
LONG BEACH
MS 39560

Customer hereby leases Equipment from ModSpace for a minimum period of 12 months (the "Minimum Lease Period") from the start of the lease term in accordance with the terms and conditions of this Lease Agreement including the terms and conditions set forth on the attached page (this "Lease"). Rental month is defined as a thirty-day period.

Customer agrees to pay ModSpace without demand and in advance the monthly rental and other charges on the due dates set forth in this Lease. This lease is hereby renewed as of the 9th day of November, 2007.

Unit	Class	Width	Length	Serial No.	Monthly	Weekly	Daily	Insurance Value
068017	MULT	12'	70'	39621A	\$382.00	\$87.91	\$12.56	\$4,741
068018	MULT	12'	70'	39621B	\$382.00	\$87.91	\$12.56	\$4,741

ONE TIME CHARGES	
RETURN DELIVERY	
BUILDING RETURN* (Qty: 1 at \$7,000.00)	\$7,000.00
RETURN FUEL SURCHARGE* (Qty: 1 at \$10.00)	\$10.00
DISMANTLING	
UNBLOCK* (Qty: 1 at \$2,800.00)	\$2,800.00
Total	\$9,810.00
Sales Tax(One Time)	\$0.00
Grand Total(OneTime)	\$9,810.00

MONTHLY CHARGES	
COMPLEX	\$764.00
RENTAL	
STEPS (Qty: 2 at \$37.50)	\$75.00
Total	\$839.00
Monthly Property Tax	\$0.00
Sales Tax(Monthly Lease Items)	\$0.00
Grand Total(Monthly)	\$839.00

** Billed at Termination

DAILY: \$25.12
WEEKLY: \$175.82

#Tax rates will vary with delivery address. Taxes are subject to change by tax authorities without notice.

No agent, employee or representative of ModSpace has any authority to make any representation or warranty concerning the Equipment that is not specifically included in this Lease. Unless specifically identified in this Lease, this Lease supersedes all prior negotiations, proposals and documents. This Lease will not be subject to any additional provision that may be contained in the Customer's purchase order, although Customer's purchase order number may be used by the parties as a convenient reference for invoicing purposes.

All tie-downs are quoted in dirt or shell, asphalt or concrete would be considered extra labor and price for this service would be additional.

Customers is responsible for a level compact and accessible site.

Used equipment is sold on an as-is-basis.

All new equipment carries a one year warranty from date of manufacturing.

Customer is responsible for compliance with local zoning and permitting requirements.

Customer is responsible for providing an insurance certificate naming ModSpace as additional insured and loss payee or we can provide a damage waiver and optional liability insurance. Fee noted on quote..

If electrical prices are itemized and quoted, the price includes supplying wiring from main distribution panel (supplied by the customer) to 100 amp subpanel on the trailer not to exceed 25' from distribution panel. Additional work would be reflective in the price.

Cleaning charges to apply should unit not be returned with floors stripped and waxed, charge not to exceed 150.00 per floor.

Block, Level and Tie-down price includes plying 8 to 10 foot with dry stack piers and anchoring 10' to 11' on center. Maximum height of 24" from i-beam to ground

Minutes of December 4, 2007 Mayor and Board of Aldermen

There came on for consideration a letter with attachment from Gary L. Dunn, RA, NCARB, President, Dunn and Associates, P.A., as follows:



1981 - 2006 . 25th Anniversary

29 November 2007

Honorable William Skellie, Jr., Mayor
City of Long Beach
645 North Klondyke Road
Long Beach, MS 39560

Re: Repairs and Retrofit to
Fire Station Number 3
Johnson Road
Long Beach, MS 39560

Dear Mayor Skellie:

In accordance with the Agreement Between Owner and Architect, dated 17 Aug 2007, we have started the Verification and Validation Phase for the above referenced project. In order to complete this phase of our services we have requested a copy of the existing construction drawings, but have been informed that none are available.

Therefore, Dunn & Associates will have to perform additional services in accordance with Article 3 Additional Services, Sub-Article 3.4 Optional Additional Services, paragraph 3.4.6 "Provide services to investigate existing conditions or facilities or to make measured drawings thereof." We request authorization to proceed with the additional services for the following Lump Sum Additional Fee.

<u>Discipline</u>	<u>Rate</u>	<u>Quantity</u>	<u>Unit</u>	<u>Computed Fee</u>
Principal	\$110.00	1.5	Hr	\$ 165.00
Project Designer	\$ 85.00	8	Hr	\$ 680.00
CAD Technician	\$ 70.00	8	Hr	\$ 560.00
			Total	\$1,405.00

We respectfully await your authorization to proceed with the Additional Services.

Respectfully submitted,
Dunn & Associates, P.A.

A handwritten signature in black ink, appearing to read "Gary L. Dunn".

Gary L. Dunn, RA, NCARB
President

cc: George Bass, Fire Chief City of Long Beach
David Ball, P.E. c/o A. Garner Russell & Assoc., Inc.

Architecture • Planning • Project Management
450 East Pass Road, Suite 108 Gulfport, Mississippi 39507 228-896-1859 Fax 228-897-2415

**Minutes of December 4, 2007
Mayor and Board of Aldermen**



1981 - 2006 . 25th Anniversary

29 November 2007

Honorable William Skellie, Jr., Mayor
City of Long Beach
645 North Klondyke Road
Long Beach, MS 39560

Re: Repairs and Retrofit to
Fire Station Number 1
Johnson Road
Long Beach, MS 39560

Dear Mayor Skellie:

In accordance with the Agreement Between Owner and Architect, we are proceeding with the Verification and Validation Phase for the above referenced project. During a progress review meeting on 2 Nov 2007 with George Bass and David Ball our Project Designer (Christine McCummins) was informed that the MEMA Project Worksheet for Fire Station No. 1 has been revised, and would be provided to Dunn & Associates. Christine has sent several e-mails to David Ball and George Bass, since the progress meeting, requesting the revised PW. but as of this date we have not received the revised MEMA PW for Fire Station No. 1.

In order to complete the Verification and Validation Phase of our services we need to be provided with the revised PW indicating the revised Scope of Repairs and available funding. We would appreciate your assistance in obtaining the aforementioned revised MEMA Project Worksheet.

Respectfully submitted,
Dunn & Associates, P.A.

A handwritten signature in black ink, appearing to read "Gary L. Dunn", with a long horizontal flourish extending to the right.

Gary L. Dunn, RA, NCARB
President

cc: George Bass, Fire Chief City of Long Beach
David Ball, P.E. c/o A. Garner Russell & Assoc., Inc.

Architecture • Planning • Project Management
450 East Pass Road, Suite 108 Gulfport, Mississippi 39507 228-896-1859 Fax 228-897-2415

Alderman Holder made motion seconded by Alderman Notter and unanimously carried to approve the authorization to proceed with additional services, as set forth above.

Alderman Burton made motion seconded by Alderman Holder and unanimously carried to approve the temporary placement of a trailer until February 1, 2008, 108 Sea Pine, as requested by Shirley M. Seymour Rominger, owner, for her son, Robert Seymour.

M.B. 59
REG:12.04.07

Minutes of December 4, 2007 Mayor and Board of Aldermen

The Mayor recognized Building Official Earl Levens to discuss FEMA Base Flood Elevations. Mr. Levens provided information regarding same, however, no formal action was required or taken.

Alderman Holder made motion seconded by Alderman Lishen and unanimously carried to approve the service agreement, Peak Technologies, authorizing the City Clerk to execute same, as follows:

Contract renewed - KH12060021

Remit To: Peak Technologies, Inc.
P.O. Box 2600 (S-4555)
Philadelphia, PA 19178-4555

Pa



QUOTE SUMMARY

Customer Number		Quote Number		Revision / Policy Number		PO Number	
90039200		KH38010100		01 185015041			
Coverage 1		Coverage 2		Coverage 3		Period Of Coverage	
STANDARD						12/01/2007 - 11/30/2008	
Inv By Site	Deposit Amt	Initial Fee	Cancel Fee	Cancel Notice	QF Valid To	Price Cap	Price Lt
no	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	12/01/07	N 0.00 %	
Quote Type		Billing Type		Invoice Every		Quote Total	
RENEWAL		Prepaid		12 Mths		\$ 1,896.00	

Bill To: ATTN: REBECCA SCHRUFF
CITY of LONG BEACH
PO BOX 929
LONG BEACH, MS 39560-0929

Site	Name	City	State	Items	Monthly Total	Ext
900392D0	LONG BEACH/CITY OF	LONG BEACH	MS	1	158.00	1.8
Quote Subtotal:					158.00	1.8
Quote Adjustments:					0.00	
Quote Total Before Tax:					158.00	1.8
Total Site Taxes:					0.00	
Quote Adjustment Tax:					0.00	
Quote Total After Tax:					158.00	1.8

* = Revised Or Newly Entered Items

Site: 900392D0

Line#/Asset#	Part No	Period Of Coverage	Version	Qty	Month Price	Ext
*000000000000	ZVCMPSM335-52 SN# 8387	12/01/2007 - 11/30/2008		1	158.00	1.8
MOORE M385-52 DETACHER					H/W	
Site Subtotal:					158.00	1.8
Price Adjustments:					0.00	
Site Total Before Tax:					158.00	1.8
TAX Amount 250470390 7.00%:					0.00	
Site Total After Tax:					158.00	1.8

Site Summary:

LONG BEACH/CITY OF
PO BOX 929
201 JEFF DAVIS AVENUE
LONG BEACH, MS 39560-0929

For Billing Inquiries, please call 1-800-950-6372.
We Accept Visa, Mastercard, and American Express.

Minutes of December 4, 2007 Mayor and Board of Aldermen

Remit To: Peak Technologies, Inc.
P.O. Box 8500 (S-4853)
Philadelphia, PA 19178-4855

Page 2



QUOTE SUMMARY

Customer Number	Quote Number	Date	Quote Total
5039200	QH08010100	8/2/2007	\$ 1,856.00

This quote is an offer for sale conditioned upon Customer's acceptance of the Peak Terms and Conditions for Hardware Maintenance and Support Services located at the following web address ("Terms and Conditions"):

http://www.peaktech.com/terms_and_conditions/service_terms_and_conditions.aspx (Rev. 0307)

Customer agrees that the Terms and Conditions exclusively govern and control the rights of the parties such that any purchase order or other writing Customer may submit to Peak shall only be for Customer's convenience. Any additional or differing terms, whether or not materially different, set forth in any communication from the Customer are hereby expressly rejected.

By signature below, the parties hereby indicate their acceptance of the Terms and Conditions as the governing agreement for the services.

CUSTOMER

PEAK TECHNOLOGIES, INC.

By: *Rebecca E. Schmitt*

By: *Laura Shier*

Name: Rebecca E. Schmitt

Name: Laura Shier

Date: Dec 4, 2007

Date: 12-6-07

QUOTE

For Billing Inquiries, please call 1-800-950-6372.
We Accept Visa, Mastercard, and American Express.

**Minutes of December 4, 2007
Mayor and Board of Aldermen**

ORDINANCE NO. 549

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AMENDING ORDINANCE NO. 488, ENTITLED, "THE CITY OF LONG BEACH ANIMAL CONTROL ORDINANCE" PROVIDING THE APPLICABLE COURT TO BE THE CITY OF LONG BEACH MUNICIPAL COURT, ELIMINATE PROVISIONS PROHIBITING CRUELTY TO ANIMALS AND RABIES VACCINATIONS WHICH ARE PRE-EMPTED BY STATE STATUTE, ADDING PROHIBITION OF NOXIOUS ODORS, TO PROHIBIT MISTREATMENT OF ANIMALS AND PROVIDE PENALTIES THEREFORE, TO REQUIRE OWNERS OF DOGS RUNNING AT LARGE TO PAY IMPOUNDMENT COSTS, TO INCREASE THE PENALTY FOR DANGEROUS DOGS RUNNING AT LARGE, TO ALLOW FOR REDUCTION OF PENALTIES FOR NEUTERED NON-DANGEROUS DOGS RUNNING AT LARGE IF SAME ARE NEUTERED, TO LIMIT THE NUMBER OF ADULT DOGS AND CATS KEPT ON ANY ONE RESIDENTIAL PREMISES, TO PROVIDE FOR PROCEDURE TO IDENTIFY AND CLASSIFY DOG AS DANGEROUS DOG, TO DECLARE UNLAWFUL AND ESTABLISH PENALTY TO OWNER OF DANGEROUS DOG WHICH ATTACKS OR INJURES PERSON OR ANIMAL, AND, AND FOR RELATED PURPOSES.

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

That Ordinance No. 488, "The City of Long Beach Animal Control Ordinance" contains provisions which are pre-empted by state statute, which provisions should be eliminated from said ordinance, and the public health and safety of the community requires that said Ordinance No. 488 should be amended so that:

1. Mistreatment of Animals should be defined, prohibited and properly penalized;
2. Owners of dogs should be prohibited from allowing noxious odors to emanate from the premises where their dog or dogs are kept;
3. The number of adult dogs and cats kept on a single residential premises should be limited;
4. Owners of dogs found to be running at large should be required to pay costs and expenses of impoundment, including but not limited to cost of medical care to such dog;
5. The definition of dangerous dogs should be clarified, the procedure for such classification should be provided, and penalties for dogs classified as dangerous dogs which attack and/or injure persons or animals should be enhanced; and

Minutes of December 4, 2007
Mayor and Board of Aldermen

6. Owners of dogs running at large should be encouraged to have same neutered.

Now Therefore,

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

SECTION 1. That Section 1, entitled "DEFINITIONS" of Ordinance No. 488 of the City of Long Beach, Mississippi, is hereby amended to read as follows:

"Section 1: DEFINITIONS

The following words, when used in this ordinance, shall have the following meanings ascribed to them unless a different meaning clearly appears from the context:

- a) ANIMAL. One or more vertebrates other than a human being.
- b) ANIMAL CONTROL OFFICER. The person or persons designated by the city of Long Beach to represent and act for the city of Long Beach, Mississippi, in the investigation of cruelty to animals, impoundment of animals, the controlling of animals running at large, and as otherwise required in this ordinance.
- c) ANIMAL SHELTER. Any publicly owned and/or non-profit establishment operated for the purpose of housing, maintaining, and/or boarding any lost, abandoned, or abused animals.
- d) AT LARGE. Any animal shall be deemed to be at large when not on a leash, cord or chain, or behind a fence or enclosure.
- e) DANGEROUS DOG. Any animal that constitutes a physical threat to humans or to other animals because of the following:
 - 1) Has at any time bitten, attacked, or endangered, or has inflicted severe injury on a human being; or
 - 2) Has at any time severely injured or killed a domestic animal while off the owner's property; or
 - 3) Has at any time been used for the purpose of dog fighting, or is a dog trained for dog fighting; or
 - 4) Has at any time, when unprovoked, chased or approached a person on property other than that of the owner in a menacing fashion or apparent attitude of attack, where

Any of the above actions are attested to in a sworn statement by one or more persons and dutifully investigated by an animal control officer.

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Mayor and Board of Aldermen

- f) DOGHOUSE. An enclosed structure with a roof and appropriate dimensions for the breed and size of the dog.
- g) HEALTH OFFICER. A licensed physician or veterinarian appointed or designated by the Board of Aldermen to have charge and control of the work of protecting and preserving the public health.
- h) INHUMAN TREATMENT. Any treatment to any animal which deprives the animal of necessary sustenance, including proper food and clean water, sanitary conditions, protection from weather, proper veterinary medical care, adequate exercise or any treatment of any animal such as overloading, overworking, tormenting, beating, mutilating, teasing, or poisoning or other abnormal treatments as may be determined by:
 - 1) A licensed health officer; or
 - 2) An authorized law enforcement officer; or
 - 3) An animal control officer; or
 - 4) A cruelty officer appointed by the Humane Society of South Mississippi and approved by the Board of Aldermen of the City of Long Beach; or
 - 5) The Municipal Court of the City of Long Beach.
- i) KENNEL. Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats.
- j) LIVESTOCK. All domesticated animals, including but not limited to, horses, cows, mules, goats, sheep and pigs.
- k) NECESSARY MEDICAL ATTENTION. Medical treatment for illness, injury, disease, excessive parasitism or malformed or overgrown hoof.
- l) OWNER. Any person over the age of eighteen (18) years of age, or any firm, corporation or organization who or which owns, manages, harbors, maintains, or controls an animal. For the purpose of this ordinance, an animal shall be deemed to be harbored or maintained if it is fed and/or sheltered for five (5) or more consecutive days. If the animal is owned by a person under the age of eighteen (18), that person's parent or guardian shall be the owner.
- m) PERSON. Any individual, firm, association, syndicate, partnership, or corporation.
- n) PROPER ENCLOSURE FOR A DANGEROUS DOG. A securely enclosed and locked pen or structure, suitable to prevent the entry of small children and designed to prevent and suitable to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top to prevent the dog from escaping over, under, or through the structure and shall also provide proper shelter. Secure confinement inside the residence shall qualify as a proper enclosure.
- o) RABIES VACCINATION. An injection of the United States Department of Agriculture approved rabies vaccine administered at the prescribed intervals of

Minutes of December 4, 2007
Mayor and Board of Aldermen

time necessary to prevent the animal receiving the vaccination from becoming infected with rabies by a licensed veterinarian or other competent and trained person granted a permit to administer the vaccine by the state board of health.

- p) **SANITARY CONDITION.** Space free from health hazards including excessive animal waste, overcrowding of animals, noxious odors emanating beyond the boundaries of the property of the animal or animals' owner, or other conditions that endanger the animal's health. This definition does not include a condition resulting from a customary and reasonable practice pursuant to farming or animal husbandry.
- q) **SHELTER.** Adequate protection from the elements and weather conditions suitable for the age, species and physical condition of the animal so as to maintain the animal in a state of good health. Shelter for livestock includes structures or natural features such as trees or topography. Shelter for a dog shall include one or more of the following:
- 1) The resident of the dog's owner.
 - 2) A doghouse that is an enclosed structure with a roof and of appropriate dimensions for the breed and size of the dog. The doghouse shall be in the shade during the months of April through October and shall have dry bedding.
 - 3) A structure, including but not limited to, a garage, barn, or shed that is sufficiently insulated and ventilated to protect the dog from exposure to extreme temperatures or, if not sufficiently insulated and ventilated, contains a doghouse as provided under subparagraph (q)(2) of this section that is accessible to the dog.
- r) **STATE OF GOOD HEALTH.** Freedom from disease and illness, and in a condition of proper body weight and temperature for the age and species of the animal, unless the animal is undergoing appropriate treatment.
- s) **WILD ANIMALS.** All non-domesticated animals, including but not limited to lions, tigers, bears, apes, monkeys, foxes, baboons, skunks, raccoons, opossums, squirrels and coyotes."

SECTION 2. That Section 2, entitled "CRUELTY TO ANIMALS" of Ordinance No. 488 of the City of Long Beach, Mississippi, is hereby amended to change the title of same to "MISTREATMENT OF ANIMALS", and is amended to read as follows:

"Section 2. MISTREATMENT OF ANIMALS

The purpose of this section is to prevent mistreatment of animals. In implementing the section, enforcement officers are encouraged to educate the public on requirements of this section and, when appropriate, to seek voluntary resolution of violations.

A person commits the crime of mistreatment of animals if the person:

Minutes of December 4, 2007
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- a) administers poison to an animal, exposes an animal to poison with the intent that it be consumed, mutilates, including, but not limited to the docking of tails or cropping of ears of an animal by other than a licensed veterinarian;
- b) owns, possesses, uses, trains, buys, sells, offers to buy or sell, import, or export an animal for fighting or baiting or as a target to be shot at as a test of skill in marksmanship;
 - 1) acts as a judge or spectator at events of animal fighting;
 - 2) permits any such acts of fighting to be done on a premises under his or her care or control;
- c) intentionally harasses an animal owned or engaged by a police department or public agency of the state of Mississippi or any of its political subdivisions;
- d) intentionally harasses a guide or leader dog;
- e) fails to provide adequate sanitary shelter and conditions, clean water, sufficient food, exercise and necessary medical attention as is required in order to maintain an animal in a state of good health;
- f) abandons an animal or causes an animal to be abandoned, in any place, without making provisions for the animal's adequate care, unless premises are temporarily vacated for the protection of human life during a disaster. An animal that is lost by an owner or custodian while traveling, walking, hiking or hunting shall not be regarded as abandoned under this section when the owner or custodian has made a reasonable effort to locate the animal. A person is not deemed to have abandoned an animal if he processes it into an animal shelter during the shelter's normal working hours.
- g) willfully or negligently allows any animal, including one which is aged, diseased, maimed, hopelessly sick, disabled, or non-ambulatory, to suffer unnecessary neglect, torture or pain;
- h) houses a live animal as bait or lure in a race, game or contest;
- i) strikes an animal with a motor vehicle and makes no reasonable attempt to notify an animal control officer of the accident;
- j) tethers a dog to a stationary object while the dog is on the owners property, on the property of the dog owner's landlord, or on the property of the person having possession, charge, custody or control of such dog. All dogs must either be:
 - 1. Kept in a fenced yard with adequate space to exercise of at least 100 square feet per dog; or
 - 2. Kept in a residence. If the dog is kept in a residence, the owner of such dog or the person having possession, charge, custody or control of such dog shall be required to make arrangements for the daily exercise of the dog; or

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3. Placed on a tether provided that it is at least ten feet in length and is attached to a pulley or trolley mounted on a cable which is at least ten feet in length and mounted no more than seven feet above ground level and which shall weigh no more than 10% of the dog's body weight. Tethers shall be located so that they cannot become entangled with other objects. Collars used to attach a dog to a tether shall not be of the choke type.

- k) Tethers a dog at an unoccupied house, barn or property;
- l) Leaves an animal unattended in a motor vehicle, when such action is harmful or potentially harmful to such animal. In the event the owner of such vehicle is not available and cannot be found or refuses to prevent or said harm or reasonably potential harm from continuing, the animal control officer, or police officer shall be authorized to remove said animal from such vehicle by utilizing any reasonable method of removal. Any animal so removed from a vehicle may be impounded at the animal shelter once notice has been prominently posted on said vehicle notifying the owner or custodian that said animal has been seized. Upon such seizure of such animal, the owner of the seized animal shall be personally served with notice of such seizure, if possible. The owner of every animal so impounded shall pay all costs of impoundment before release of such owner's impounded animal."

SECTION 3. That Section 5, entitled "CONTROL OF ANIMALS" of Ordinance No. 488 of the City of Long Beach, Mississippi, is hereby amended to read as follows:

"Section 5. CONTROL OF ANIMALS

- a) It shall be unlawful for any person to permit any animal to run at large within the city limits of Long Beach, Mississippi.
 - 1) An animal is deemed to be running at large when not on a leash, lead, cord or chain or behind a fence or enclosure, or under the control of a competent person.
 - 2) An animal is deemed to be running at large if it enters upon the property of a person or entity other than that of the animal's owner without the permission of the owner of that property.
 - 3) A dog that is participating in a hunt with the owner or custodian in attendance, has an owner identification tag, is currently vaccinated for rabies, and is wearing a rabies tag is not to be considered as an animal running at large.
- b) An animal control officer may seize or cause to have seized any animal whose owner is found to be in violation of subsection a) of this section and impound or cause to have impounded such animal in a designated animal shelter. Upon seizure of an animal, the Long Beach Police Department shall serve notice upon the owner of the animal, if possible, and shall post prominently a notice to the owner or custodian to inform such person that the animal has been seized. Such notice shall contain a description of the animal seized, the date seized, the name of the Long Beach Police Department as the law enforcement agency seizing the

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animal, and the name and address of the animal shelter where the animal is impounded. The owner of such animal may, within five days (holding period) from the date that the animal was impounded, claim his animal from the shelter upon paying all costs of such sheltering and medical treatment to such animal incident to such sheltering, or may, within such five day time period, request a hearing before the Long Beach Municipal Court to determine whether or not such animal was lawfully seized. If the animal is not reclaimed by the owner by the end of the holding period, and if no hearing is requested within the aforesaid five day time period, the animal may be humanely disposed of by sale, adoption, or euthanasia.

- c) Before any animal is released to its owner, all citations shall be paid to the City of Long Beach, together with all impoundment costs incurred for the impoundment of such animal, including but not limited to veterinarian care, housing and feeding provided by or at the instance of the animal shelter.
- d) Proof of current rabies vaccination shall be provided before release of any seized animal from the animal shelter. If no proof of current rabies vaccination is produced, the animal shall be vaccinated for rabies at the expense of its owner before the animal is released.
- e) The penalties for an animal running at large are:
 - 1) for animals other than “dangerous dogs” as described in Section 8, hereafter:
 - a. First offense, rabies tag on the animal - \$25.00 fine
 - b. Subsequent offenses, rabies tag on the animal - \$50.00 fine
 - 2) for dogs determined prior to being found to be running at large to be “dangerous dogs” as described in Section 8, hereafter, the penalty shall be as follows:
 - a. First offense - \$500.00 fine
 - b. Second or subsequent offense - animal shall be confiscated by the Court, and after notice and hearing as provided in Section 5(b), above, such animal shall be euthanized as provided in Section 14 of this Ordinance.
- f) The penalties provided in sub-section e), above, shall be levied and paid in addition to those costs described in subsection 5(c), above.
- g) All penalties for animals other than “dangerous dogs” found to be running at large and which have not been neutered shall be suspended if the owner chooses to have the animal neutered at a reduced charge at the animal shelter. There shall be no such suspension of fine for any animal found to be running at large which is neutered at the time of seizure, or for any animal determined to be a “dangerous dog” prior to its seizure.”

SECTION 4. That Section 6, entitled “RABIES VACCINATION OF DOMESTICATED ANIMALS” of Ordinance No. 488 of the City of Long Beach, Mississippi, is hereby amended to delete the provisions of same pertaining to rabies

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vaccinations and to change the title of same to "MAXIMUM NUMBER OF ADULT DOGS AND CATS" and is amended to read as follows:

"Section 6. MAXIMUM NUMBER OF ADULT DOGS AND CATS.

There shall be no more than three (3) dogs and three (3) cats over the age of six (6) months kept or housed at any residential premises within the City of Long Beach at any one time."

SECTION 5. That Section 7, entitled "IMPOUNDMENT AND RECOVERY OF ANIMALS" of Ordinance No. 488 of the City of Long Beach, Mississippi, is hereby amended to read as follows:

"Section 7. IMPOUNDMENT AND RECOVERY OF ANIMALS

- a) Any dog, cat, other animal or fowl caught, picked up or impounded while running at large by an animal control officer shall be forthwith turned over to a designated animal shelter. Notice shall be posted and served upon the owner as provided in Section 5(b), above, and the owner shall be entitled to request and be granted a hearing as provided in said Section 5(b). Any impounded animal may be reclaimed by its owner within 5 days of impoundment upon the payment of the costs incurred in its seizure, impoundment, keeping and medical treatment during impoundment, the payment of any fine, and upon showing proof of current rabies vaccination.
- b) The animal control officer, in the course of his duties of investigation of cases in which animals have bitten persons or other animals shall, if possible, notify the owner of such event. In the event that the owner of the animal has proof of current rabies vaccination, the animal control officer may:
 - 1) Require that the animal be surrendered to the animal control officer to be placed in the animal shelter in a separate kennel for a period of not less than 10 days; or
 - 2) Require that the animal be surrendered to the animal control officer to be placed with the owner's veterinarian for observation for a period of not less than 10 days

In the event the owner of the animal has no proof that the animal has been vaccinated for rabies within the prior 12 months, or within the period required by the Mississippi Department of Health, to the bite incident, the animal must be surrendered to the animal control officer and must be impounded at the animal control shelter for a period of not less than 10 days.

- c) Any animal suspected by the animal control officer of having rabies shall be subject to impoundment and observation at the animal shelter for a period of not less than 10 days.
- d) Any animal found to be infected with rabies shall be forthwith destroyed in as humane a manner as possible, under the circumstances, but neither it, nor any

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suspected to be infected with rabies shall be destroyed in such a manner that damages the head of the animal.

- e) All costs associated with any impoundment as detailed in this section shall be paid by the owner before the animal may be released."

SECTION 6. That Section 8, entitled "DANGEROUS DOGS" of Ordinance No. 488 of the City of Long Beach, Mississippi, is hereby amended to read as follows:

"Section 8. DANGEROUS DOGS

- a) An animal control officer shall conduct an investigation into reported incidents involving dogs that may be dangerous and, if possible, interview the owner and shall require sworn affidavits from individuals desiring to have a dog classified as dangerous.
- b) After the investigation, the animal control officer shall make an initial determination as to whether there is sufficient cause to classify the dog as dangerous. Written notification of the initial determination that the dog should be classified as a dangerous dog shall be sent to the owner by registered mail. The owner may, within seven calendar days from his or her receipt of the said notification of initial determination, file in the office of the Clerk of the Municipal Court of the City of Long Beach, Mississippi, a written request for hearing before the Municipal Court of the City of Long Beach. If request for such hearing is timely filed, such hearing shall be conducted as soon as possible, but not more than twenty-one nor less than five calendar days after filing of the request for hearing by the owner. If the owner fails to timely file his or her request for hearing, the Court may consider the initial determination of the officer and the basis therefor and make final determination as to whether or not such dog should be classified as a dangerous dog at any time after the expiration of the time for filing such request for hearing.
- c) During the period of the investigation as described in subsection 8(a) and 8(b) the dog shall be confined in a Proper Enclosure for a Dangerous Dog, as defined in Section 1(n) pending a resolution of the investigation, or must be surrendered to an animal control officer for immediate impoundment in the animal shelter, where it will be held in a separate kennel. All costs of housing the dog, together with all expenses of medical treatment of the dog provided during such impoundment, shall be paid by the owner before the dog will be released.
- d) No dog that is the subject of a dangerous dog investigation may be relocated, nor shall its ownership be transferred pending the outcome of the investigation unless the relocation or ownership transfer is for the purpose of placing the dog in a proper enclosure for dangerous dogs. Animal control shall be notified in the event that such dog is relocated.
- e) A dog shall not be declared dangerous if the threat, injury, or damage was sustained by a person, who, at the time, was unlawfully on the property, or was tormenting, abusing, or assaulting the dog or its owner or a family member. No dog may be declared dangerous if the dog was protecting or defending a human

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being within the immediate vicinity of the dog from an unjustified attack or assault.

- f) If the Municipal Court of the City of Long Beach determines that the dog should be classified as a dangerous dog, the owner must:
- 1) Keep the dog in a proper enclosure for a dangerous dog;
 - 2) Post the property with clearly visible warning signs at all entry points and on the dog's enclosure that informs both children and adults of the presence of a dangerous dog on the property;
 - 3) Place a permanent identification on the dog, such as an electronic chip;
 - 4) Walk the dog only if muzzled and restrained on a leash rated to withstand the weight and strength of the dog, and only if under the control of a competent adult physically capable of controlling the dog. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration. The owner may exercise the dog without a muzzle or leash in an area that is securely fenced, that does not have a top, if the dog remains within his sight and only when persons in his immediate household or persons eighteen years of age or older are allowed in the enclosure when the dog is present;
 - 5) When transporting a dangerous dog, carefully restrain the dog within the vehicle and post warning signs in or on the vehicle; and
 - 6) Immediately notify the Long Beach Police Department if the dog:
 - a. Is loose or unconfined;
 - b. Has bitten a human being or attacked another animal; or
 - c. Is sold, given away, dies, or is moved to another address. If sold or given away, the new owner shall be given a copy of this Ordinance and a copy of the Final Determination that the dog is a dangerous dog, and such new owner shall comply with all the requirements of this section.
- g) It shall be unlawful for the owner of a dog that has been declared dangerous to allow such dog to attack or cause sever injury to or death of a human being, and if a dog that has been declared dangerous, without provocation, attacks and causes severe injury to or death of a human being, the owner of the dog shall be guilty of a misdemeanor and upon conviction, shall be punished by imprisonment in the Harrison County Jail for not more than six (6) months, or required to pay a fine in the amount of \$1,000.00, or both.
- h) It shall be unlawful for the owner of a dog that has been declared dangerous to allow such dog to attack or cause sever injury to or death of another animal, and if a dog that has been declared dangerous, without provocation, attacks and causes severe injury to or death of another animal, the owner of the dog shall be guilty of a misdemeanor and upon conviction, shall be punished by imprisonment in the Harrison County Jail for not more than sixty (60) days, or required to pay a fine in the amount of not less than \$500.00 nor more than \$1,000.00, or both.
- i) If a dog that has been declared dangerous, without provocation, attacks and causes severe injury to or death of a human being or an animal, the dog shall be

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immediately confiscated by the animal control officer, held for ten business days, and thereafter euthanized in an expeditious manner.

- j) During the ten business days the owner may appeal to the Municipal Court of the City of Long Beach the decision of the animal control officer to euthanize the dog, which appeal shall be perfected by filing written notice of appeal in the office of the Clerk of said Court within said ten business days and by posting bond in an amount to be determined by the Court to be sufficient to pay all costs associated with impounding the dog subject of the appeal from the date of its seizure through the date final decision is rendered. The hearing shall be held not more than fourteen days nor less than five days after the request for hearing is filed. A decision shall be rendered not more than fourteen days after the request for hearing is filed..”

SECTION 7. That Section 9, entitled “DISTURBING THE PEACE” of Ordinance No. 488 of the City of Long Beach, Mississippi, is hereby amended to change the title of said section to “DISTURBING THE PEACE - DOGS” and is amended to read as follows:

“Section 9. DISTURBING THE PEACE - DOGS

- a) It shall be unlawful for any owner or person to possess, own, keep or harbor within the corporate limits of the City of Long Beach any dog which whines, yells, howls or barks excessively so as to disturb the peace of any family or inhabitant of the City.
- b) It shall be unlawful for any owner of person having the possession, charge, custody or control of any dog to permit or allow the same to create a disturbance or to become a nuisance in the city of Long Beach, Mississippi, by reason of nauseous odor, filthy conditions, the breeding of flies, mosquitoes, insects and other pests, or by being on the property of a person or persons other than the owner or person having the care, custody or control of the dog, damaging public or private property, or upsetting garbage cans.
- c) The penalties for disturbing the peace under this Ordinance are:
- 1) First Offense - fine in the amount of \$100.00
 - 2) Second Offense - fine in the amount of \$250.00
 - 3) Third and Subsequent Offenses - Fine in the amount of \$500.00”

SECTION 8. That Section 13, entitled “PENALTIES” of Ordinance No. 488 of the City of Long Beach, Mississippi, is hereby amended to read as follows:

“Section 13. PENALTIES

- a) A conviction of Mistreatment of Animals shall be punishable by a sentence of incarceration in the Harrison County Jail for a term of not more than six (6) months or a fine of not more than \$1,000.00, or both.
- b) In addition to any other sentence the Court may impose, the Court may require a

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defendant convicted of a violation of one or more provisions of Section 3 of this Ordinance to:

- 1) Forfeit any right to the animal subjected to mistreatment, and to forfeit any right to any other animal under his or her care, custody or control;
 - 2) Repay the reasonable costs incurred by any person, municipality, agency or animal shelter for providing care for the animal prior to judgment. If the Court does not order a defendant to pay all of the applicable costs and expenses incurred, or orders only a partial payment, it shall state on the record the reasons for that action;
 - 3) Forfeit any right to own, possess or care for any animal for a period which the Court deems appropriate;
 - 4) Participate in available animal cruelty prevention programs or educational programs, or both, or obtain psychiatric or psychological counseling; and
 - 5) Permit periodic unannounced visits for a period of up to two years by a humane officer to inspect the care and condition of any animal permitted by the Court to remain in the care, custody or possession of the defendant. Such period may be extended by the Court upon motion made by the City.
- d) Upon an order of forfeiture of an animal under this section or Section 2 of this Ordinance, the Court shall order custody of the animal remanded to a humane society or other individual deemed appropriate by the Court, for further disposition in accordance with accepted practices for humane treatment of animals. A transfer of rights under this section constitutes a transfer of ownership, and shall not constitute or authorize any limitation upon the right of the humane society, individual or other entity to whom rights are granted to dispose of the animal in a humane matter as set out in this title."

SECTION 9. Ordinance No. 488 of the City of Long Beach, Mississippi, is amended as set forth above, only, to remain otherwise in full force and effect.

SECTION 10. REPEAL OF INCONSISTENT ORDINANCES.

Any ordinances or provisions of any code of the City which are in conflict with or contrary to the provisions of this Ordinance are, to the extent of such conflict, repealed.

SECTION 11. SEVERABILITY

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

SECTION 12. Effective Date

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It being necessary and in the best interests of the public health, safety and welfare, and to provide the necessary resources to provide continuing plan/document review concerning the construction of buildings and structures within the City of Long Beach, Mississippi, and the immediate preservation of public health, safety and welfare requiring it, this Ordinance shall take effect and be in force from and after its adoption; but notice shall nevertheless be given as provided by law, and this Ordinance shall be enrolled in the Ordinance Book of the City as by law provided.

The above and foregoing Ordinance No. 549 was introduced in writing by Alderman Lishen who moved its adoption. Alderman Notter seconded the motion to adopt the Ordinance, and after discussion, no member of the Board of Aldermen having requested the Ordinance to be read by the City Clerk, and the question being put to a roll call vote, the result was as follows:

Alderman Richard Notter	voted Aye
Alderman Richard Burton	voted Aye
Alderman Charles A. Boggs	voted Absent, Not Voting
Alderman Richard Bennett	voted Absent, Not Voting
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 majority of the Aldermen present and voting, the Mayor declared the motion carried and the said Ordinance adopted and approved this the 4th day of December, 2007.

APPROVED:

BILLY SKELLIE, JR., MAYOR

ATTEST:

REBECCA E. SCHRUFF, CITY CLERK

On-line water payments and credit/debit payments setup, water department, were taken under advisement for consideration at the next regular meeting, December 18, 2007.

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The Ronald Jefferson property was discussed in executive session previously during the course of this meeting.

ORDINANCE NO. 550

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AMENDING SECTIONS 26, 30, 35 AND 38 OF ORDINANCE NO. 230, AS PREVIOUSLY AMENDED, ESTABLISHING A CONTINGENCY ACCOUNT, PROVIDING FOR COLLECTION AND DEPOSIT OF CONTINGENCY FUNDS, ADOPTING A NEW WATER AND SEWER RATE CALCULATION SHEET, REVISING THE AMOUNT OF LATE FEES TO BE CHARGED ON DELINQUENT ACCOUNTS, AND OTHER RELATED PURPOSES

WHEREAS, the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, having made due investigation, do now find as follows:

1. That the costs of providing municipal water and sewerage services to the customers of the Combined Waterworks and Sewer Department have now increased and that those increased costs do now require that the water and sewer user fees presently assessed and charged by the City be increased and that the costs of managing and collecting delinquent accounts has increased and the delinquency fees should be increased and set at a flat rate, that such increase is necessary for the general health, welfare, safety and convenience of the citizens of the City of Long Beach and to pay the costs of providing such municipal water and sewerage services.

2. That in order to improve the City's ability to supply necessary water to businesses and residences within the City and to achieve an improved rating of its water system from the Mississippi Department of Health under the Capacity Development Program developed in accordance with the revised Federal Safe Water Drinking Act it is necessary to further increase the water user fees presently assessed and charged by the City by an amount necessary to assure that water system revenues exceed water system expenditures by ten per cent (10%), to be shown on statements for water service as

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“contingency fund; to establish a special fund to be known as the City of Long Beach Reserve Fund, and to establish separate municipal interest bearing account for such reserve fund, all in accordance with the provisions of MCA §21-35-22, for the deposit of all revenues collected by such contingency fund levy; that the interest earned on such contingency funds so deposited to be credited to the said municipal reserve fund; and that the expenditures from such reserve fund to be made only as provided by aforesaid MCA §21-35-22

Now therefore,

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

SECTION 1. Rate Calculation Sheets.

The User charges for water and sewer service within the corporate limits of the City of Long Beach shall be based upon the formulas and calculation sheets attached hereto as Appendix “A”. This Appendix “A” shall replace the equivalent Appendix “A” which was attached to Ordinance No. 450 of the City of Long Beach, which Ordinance No. 450 amended Ordinance No. 230, as previously amended. The user charges calculated according to this new APPENDIX “A” shall be applied to all water and sewer services billed for by the City on and after January 1, 2008. Notice of the adoption of these new user charges and the effective date thereof shall be given by United States Mail addressed to each user at his, her or its last known address.

SECTION 2. Amending Subsection (c), entitled, “Late charge”, of Section 35, entitled, “Due date of bills for water and sewer service, of Ordinance No. 230 of the City of Long Beach, Mississippi, as previously amended.

Subsection (c), entitled “Late charge of Section 35 of Ordinance No. 230 of the City of Long Beach, Mississippi, be, and said subsection (c) is hereby amended to read as follows:

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“(c) Late charge. If any bill for water and/or sewer service be not paid on or prior to the due date thereof, a late charge of \$10.00 per month shall be added thereto until the same has been paid.”

SECTION 3. Amending Section 38, entitled “Disposition of Money Collected by Superintendent” of Ordinance No. 230 of the City of Long Beach, Mississippi, as previously amended.

Section 38, entitled “Disposition of Money Collected by Superintendent” of Ordinance No. 230 of the City of Long Beach, Mississippi, is hereby amended to read as follows:

“SECTION 38. Disposition of Money Collected by Superintendent.

(A) All monies collected by the superintendent shall be paid over daily to the city treasurer, who shall give his/her receipt for the same and distribute such monies into the proper funds required to be kept by the city under the terms of any outstanding loan agreement, any ordinance providing for the issuance and delivery of revenue bonds in connection with the waterworks and sewer system, and subsection (B) of this section.

(B) There is hereby established the City of Long Beach Reserve Fund, as authorized by MCA §21-35-22, for which fund the City Clerk is directed to open a special interest bearing bank account, into which account all revenues collected by that part of the Water User Charges collected and attributable to that portion of such user charges designated as “Contingency Fund” shall be deposited, and into which account all interest earned on the City’s reserve fund shall be deposited. Expenditures may be made from the City of Long Beach Reserve Fund only as provided by MCA §21-35-22.”

SECTION 4. Severability, Savings Clause.

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If any section, subsection, sentence, clause or phrase of this Ordinance, or the application thereof to any person or circumstance, shall be held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining provisions or application of this ordinance which can be given effect without the invalid or constitutional provision or application; and to that end, the provisions of this ordinance are hereby declared to be severable.

SECTION 5. Captions.

The captions and catch phrases to each section or subsection of this Ordinance are intended solely for easy reading and reference; and such captions and/or catch phrases shall not be construed or interpreted to alter or change the meaning of any provision in any such section or subsection.

SECTION 6. Effective Date.

The City of Long Beach, Mississippi, having heretofore entered into an Interlocal Cooperation Agreement with and the creation of the Harrison County Wastewater Management District and in order to protect the public health and safety of the community and the users of services furnished by the Combined Waterworks and Sewer Department of said City, and in order to comply with clean water standards and rules and regulations of the Environmental Protection Agency of the United States of America concerning the use of water and treatment of wastes as set out in 40 CFR 35.3140 and other applicable regulations, this ordinance shall take effect and be in full force from and after its adoption; all for the immediate preservation of order and of the public health and safety; nevertheless notice of the adoption of this ordinance shall be given and the same enrolled in the Ordinance as provided by law.

The above and foregoing Ordinance No. 550 was introduced in writing by Alderman Holder who moved its adoption. Alderman Burton seconded the motion to

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adopt the Ordinance, and after discussion, no member of the Board of Aldermen having requested the Ordinance to be read by the City Clerk, and the question being put to a roll call vote, the result was as follows:

Alderman Richard Notter	voted Aye
Alderman Richard Burton	voted Aye
Alderman Charles A. Boggs	voted Absent, Not Voting
Alderman Richard Bennett	voted Absent, Not Voting
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 majority of the Aldermen present and voting, the Mayor declared the motion carried and the said Ordinance adopted and approved this the 4th day of December, 2007.

APPROVED:

BILLY SKELLIE, JR., MAYOR

ATTEST:

REBECCA E. SCHRUFF, CITY CLERK

Appendix "A"

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CALCULATION OF WATER & SEWER RATES FOR CITY OF LONG BEACH

Expenses are from adopted FY 2008 Budget (Does not include Solid Waste)
(with adjustments to reflect restructured DWI/SRF payments)

	TOTAL	WATER	SEWER	STP	DEBT
DISTRIBUTE COSTS:					
PERSONNEL COSTS	45,158	22,579	22,579	0	0
SUPPLIES	85,748	42,874	42,874	0	0
OTHER CHARGES AND SERVICES					
O & M Operating Contract	1,219,382	609,691	609,691	0	0
Utilities	202,090	101,045	101,045	0	0
Administrative Charge	205,000	102,500	102,500	0	0
Engineering Fees	49,000	45,000	4,000	0	0
Vehicle/Equipment & Maintenance	20,378	10,189	10,189	0	0
Water System Maintenance	57,243	57,243	0	0	0
Sewer System Maintenance	100,000	0	100,000	0	0
Insurance	48,360	24,180	24,180	0	0
Miscellaneous Costs	10,062	5,031	5,031	0	0
TOTAL OTHER CHARGES	1,911,515	954,879	956,636	0	0
PUMP & MOTOR REPLACEMENT					
Book Value:	1,000,000	237,997	762,003	0	0
x .0724	72,400	17,231	55,169	0	0
DEBT SERVICE					
1969 Revenue Bonds (P & I)	0	0	0	0	0
1987 W&S G.O. Bonds (P & I)	0	0	0	0	0
1999 W&S G.O. Bonds (P & I)	0	0	0	0	0
1992 W&S G.O. Bonds (P & I)	42,705	0	0	0	42,705
Pay Agent Fees	1,750	0	0	0	1,750
SRF C280802-01	325,136	0	0	0	325,136
SRF C280802-02	37,617	0	0	0	37,617
SRF C280802-03	72,858	0	0	0	72,858
SRF C280802-04	40,354	0	0	0	40,354
DWI H280 008-01	18,516	0	0	0	18,516
DWI H280 008-02	27,545	0	0	0	27,545
DWI H280 008-03	68,525	0	0	0	68,525
CAP Loan (SE Water Improvements)	55,208	0	0	0	55,208
CAP Loan (Beafline Road Sewer Ext)	19,974	0	0	0	19,974
TOTAL DEBT SERVICE	710,188	0	0	0	710,188
DEFICIT FROM PREVIOUS YEARS	248,822	124,411	124,411	0	0
SEWAGE TREATMENT SYSTEM					
O & M Costs	619,586	0	0	619,586	0
Debt Service Costs	129,474	0	0	0	129,474
Deficit from Previous Years	0	0	0	0	0
TOTAL STP COST + DEFICIT	749,060	0	0	619,586	129,474
CAPITAL EXPENDITURES:					
Contingency Fund	250,000	125,000	125,000	0	0
Equipment/Fire Hydrants	39,000	33,000	6,000	0	0
	289,000	158,000	131,000	0	0
TOTAL COSTS:	4,111,891	1,319,974	1,332,669	619,586	839,662

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	TOTAL	WATER	SEWER	STP	DEBT
REVENUE:					
Tax Receipts Dedicated to Wastewater (SRF)	0	0	n/a*	n/a*	0
Interest Income	0	0	0	0	0
Transfer from General Fund	0	0	n/a*	n/a*	0
Industrial Waste Surcharge	0	0	0	0	0
Connection Fees	30,000	18,500	11,500	0	0
Delinquent Charges	32,500	16,250	16,250	0	0
Misc. Revenue	15,000	7,500	7,500	0	0
User Fees	4,171,973	1,359,467	1,324,072	631,578	856,456
Less Discounts (1163 x \$4.00 x 12)	(55,344)	(55,344)	0	0	0
TOTAL BILLING REQUIRED:	4,194,129	1,346,373	1,359,322	631,978	856,456

* n/a denotes that EPA Regulations prohibit allocation of tax funds for these items

2% UNCOLLECTABLE ALLOWANCE:	(82,238)	(26,399)	(26,653)	(12,392)	(16,793)
TOTAL REVENUE GENERATED:	4,111,891	1,319,974	1,332,669	619,586	839,662

BASE FLOW (Reported in 1,000 gal/year)

		ACTUAL	w/ MIN
METERED FLOW			
Water Meter Flow (w/ & w/o/ 8,333 gal min)		62,900	106,875
Sewer Meter Flow		0	0
TOTAL METERED FLOW		62,900	106,875
NON-METERED FLOW			
	# UNITS	FLOW	
Residential Water & Sewer	4,934	100	493,400
Water Only	0	100	0
Sewer Only	0	100	0
Senior & Disabled Water & Sewer	1,153	90	103,770
TOTAL UNMETERED FLOW		597,170	597,170
TOTAL ANNUAL BASE FLOW:		660,070	704,045

USER CHARGE RATES:

	WATER	SEWER	STP	DEBT	TOTAL
User Charge Rate = "BILLINGS REQ'D" / "TOTAL ANNUAL BASE FLOW"	1.93	2.01	0.96	1.22	6.12
	8.333 K minimum on water & sewer debt				
FOR UNMETERED CUSTOMERS:					
Single Family Residential (per mo.)					
= User Charge Rate x	8.333	\$16.08	\$16.75	\$8.00	\$10.17
Senior & Disabled Class (per mo.)	7.500	\$14.48	\$15.08	\$7.20	\$9.15

SAMPLE CALCULATIONS FOR TYPICAL CUSTOMERS:

	CONSUMP	UNITS	OLD	NEW	% INC	\$INC
Non-metered Residential			\$40.00	\$51.00	27.5%	11.00
Minimum Commercial	0	1	\$26.42	\$26.25	-0.6%	(0.17)
Very Small Commercial	3	1	\$31.31	\$35.16	12.3%	3.85
Small Commercial	20	1	\$96.00	\$122.40	27.5%	26.40
Medium Commercial	150	1	\$720.00	\$918.00	27.5%	198.00
Large Commercial	382	1	\$1,833.80	\$2,337.84	27.5%	504.24
Small Apartment Complex	37	12	\$377.30	\$424.88	12.6%	47.58
Medium Apartment Complex	150	42	\$1,353.08	\$1,547.96	14.3%	194.00
Large Apartment Complex	1,110	200	\$7,092.42	\$8,545.49	20.5%	1,454.07

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ORDINANCE NO. 551

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AMENDING SECTION 8 OF ORDINANCE NUMBER 363, TO INCREASE THE MINIMUM FEES TO BE CHARGED AND COLLECTED FOR COLLECTION AND DISPOSAL OF ASHES, GARBAGE, RUBBISH, TRASH AND WASTES, PROVIDING FOR THE EXEMPTION FROM CITY SOLID WASTE CHARGES FOR COMMERCIAL CUSTOMERS WHO HAVE CONTRACTS WITH PRIVATE SOLID WASTE COLLECTION CONTRACTORS, ESTABLISHING A FLAT MONTHLY FEE FOR DELINQUENT ACCOUNTS, AND FOR RELATED PURPOSES.

WHEREAS, the City of Long Beach, Mississippi, by contract with the Harrison County Utility Authority, provides for the collection, recycling and disposal of solid waste including garbage, ashes, rubbish, refuse and other debris accumulating from commercial establishments, apartments and residences within the corporate limits of the City; and

WHEREAS, the Mayor and Board of Aldermen of the City do now find that the costs of solid waste collection, recycling and disposal have now increased and that those increased costs do now require that the solid waste fee presently assessed and charged by the City be increased and that such increase is necessary for the general health, welfare, safety and convenience of the citizens of the City of Long Beach and to pay the costs of providing such waste collection and disposal services; and

WHEREAS, certain commercial establishments within the City of Long Beach have executed separate private contracts with licensed solid waste collection and disposal companies and should not be required to pay charges to the City of Long Beach for such services not provided by the City. Now therefore,

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

SECTION 1. That Section 8, entitled "Minimum fees, rates, taxes." of Ordinance No. 363, is hereby amended to read as follows:

"Section 8. Minimum fees, rates, taxes.

(a) Residences. All persons residing in any residence, single rooms having or allowing kitchen or food preparation and serving facilities, and all other types of abodes, residences and residential units, except as hereinafter provided, located within the City are hereby assessed, charged and required to pay a minimum fee of \$12.00 per dwelling unit per calendar month on or before the 10th day of each month following the effective date of this Ordinance for the Municipal Collection Service herein established.

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(b) Apartment Houses. All persons owning or leasing duplexes, triplexes, and apartment houses having four (4) or fewer housing units located within the corporate limits of the City of Long Beach are hereby assessed, charged and required to pay a minimum fee of \$12.00 per livable housing unit per calendar month on or before the 10th day of each month,(whether the housing unit is physically occupied or not), following the effective date of this Ordinance for the Municipal Collection Service herein established. Such fee will be charged to the owner thereof when such building is served by only one water meter. Garbage containers shall be grouped in a location accessible to the garbage truck.

Apartment complexes having more than four living units will not be serviced under the municipal solid waste collection contract. The owners of these apartment complexes must individually contract with a licensed solid waste collection and disposal service, and may apply for an exemption from municipal solid waster charges, as provided hereinafter.

(c) Mobile Home Parks. The owners of mobile home parks, having a plot of ground upon which two (2) or more mobile homes intended for the dwelling or sleeping of humans are located, shall be charged and billed for solid waste collection service in the same manner in which owners of apartment buildings are billed as set forth in the preceding subsection (b), such fee to be based upon the number of livable housing units present on the site, whether those units are physically occupied or not. The limitation as to four (4) living units will not apply in the case of mobile home parks. Placement of garbage containers shall conform with the rules and regulations adopted by the Harrison County Utility Authority.

(d) Business and Commercial Property.

Municipal solid waste collection and disposal service will be provided to any business or commercial establishment which generates not more than five (5) containers

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of 35 gallons capacity not more than 60 pounds in weight, per twice weekly pickup. The owners of any business which generate more solid waste than said five (5) containers of 35 gallons capacity not more than 60 pounds in weight, per twice weekly pickup shall individually contract with a licensed solid waste collection and disposal service, and may apply for an exemption from municipal solid waste charges, as provided for hereinafter.

Unless exempted as provided for in this ordinance, each and every commercial establishment, including hotel, restaurant, retail outlet and other business and institution shall be assessed, charged and required to pay a minimum fee of \$12.00 per calendar month, as a solid waste collection fee. The time and manner of billing and the enforcement of payment of the solid waste collection rates herein shall be as set forth in subparagraph (e), below. Delinquent payment or failure to pay such commercial solid waste collection fees shall result in the same penalty and require the same procedure for reinstatement as that provided by subparagraph (g) below.

All rubbish which accumulates from commercial establishments, such as boxes, cartons and crates, shall be collapsed before storing in rubbish containers and all boxes, cartons and crates which have not been so collapsed prior to the arrival of the removal trucks shall be left by said trucks.

(e) Billing. The above levied fees shall be charged and collected by and through the Utility Department of the City of Long Beach by adding said charges of \$12.00, or the applicable charges set forth in sub-sections (a), (b), (c) and (d), as the case may be, to each and every monthly utility bill issued by the City on and after January 1, 2008, for so long as such water and/or sewage customer may remain on the utility books of the City, unless the particular customer has applied for, qualified for, been issued and holds an exemption from charges pursuant to the terms and provisions of this ordinance. Such fees so billed shall be paid to the Utility Department. Except as otherwise

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provided in this Ordinance for any individual or firm being granted and holding an exemption pursuant to the terms and provisions of this ordinance, each person in the City is required to use the service made available herein, and shall be responsible for fees assessed and charged whether such service is used or not.

In the event there should be any person or entity who or which has an accumulation of solid waste and who or which falls within any of the classifications set forth in subparagraphs (a), (b), (c) or (d), above, but who or which is receiving no utility service in his, her or its name from the City, such person or entity shall nevertheless be charged the said \$12.00 fee to be billed through the Utility Department of the City.

All sums collected under this ordinance as solid waste collection and disposal fees shall be paid into the General Fund of the City.

(f) Advance Payments. Any customer receiving garbage service from the City of Long Beach may deposit funds with the City as a prepayment of future charges. Prepayments will be credited to the customer's account, but will not entitle customer to any price discount, and all future billings will be applied at rates which are in effect at the time the billings are made, and not at the rate which is in effect at the time when the prepayment is placed on deposit.

(g) Delinquencies. Every account shall be due and payable on or before the 10th day of the month following issuance of the statement for same, and if not paid by such time, shall be delinquent. A late charge of \$10.00 per month shall be added to every delinquent account until same is paid. In addition to its other remedies herein, the City may resort to legal proceedings for the collection of delinquent accounts, together with its costs and attorneys fees.

(h) Taxes. Having entered into the Local Cooperation Agreement with the Harrison County Utility Authority, and being obligated to pay its share of the expenses thereof, the Governing Body of the City shall be, and is hereby authorized to levy taxes

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to pay the expenses of the collection services hereby established in the event the fees collected as above set out are insufficient to make up such payments.”

SECTION 2. There is hereby added to Ordinance No. 363, the following section:

“SECTION 8A. Service by Private Solid Waste Collection Services.

Any customer classified under this ordinance as an apartment house, mobile home park, or business and commercial property, shall have the option of declining solid waste collection service by the City of Long Beach, provided such customer executes a written contract with a licensed solid waste collection service, which shall remove all solid waste from the customer’s property at a frequency of not less than once per week.

To remain exempt from city solid waste collection charges under this ordinance, each customer desiring to decline service must submit a copy of his, her or its current solid waste disposal contract to the city water and sewer billing office, not later than July 1 of each year. The period of service specified in the contract must extend at least through July 1 of the following year. Newly established business may claim an exemption from city solid waste collection charges for the remainder of the year until the next July 1 deadline, upon submission of evidence of the date when the business was licensed by the City of Long Beach, together with a copy of his, her or its solid waste collection contract.

All business and commercial establishments qualifying as provided for herein shall be exempted from the payment of solid waste fees to the City of Long Beach, and shall remain exempt unless and until the customer requests that city serve be provided, or until the customer fails to submit the required evidence of continued qualification.”

SECTION 3. Validity. Should any portion of this Ordinance be declared invalid, such action shall not affect the validity of the remaining portion thereof.

SECTION 4. Effective Date.

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The City of Long Beach, Mississippi, having heretofore entered into an Interlocal Cooperation Agreement with the Harrison County Utility Authority and in order to protect the public health and safety of the community and the users of services furnished by the City, this ordinance shall take effect and be in full force from and after its adoption; all for the immediate preservation of order and of the public health and safety; nevertheless notice of the adoption of this ordinance shall be given and the same enrolled in the Ordinance Book as provided by law.

The above and foregoing Ordinance No. 551 was introduced in writing by Alderman Holder who moved its adoption. Alderman Burton seconded the motion to adopt the Ordinance, and after discussion, no member of the Board of Aldermen having requested the Ordinance to be read by the City Clerk, and the question being put to a roll call vote, the result was as follows:

Alderman Richard Notter	voted Aye
Alderman Richard Burton	voted Aye
Alderman Charles A. Boggs	voted Absent, Not Voting
Alderman Richard Bennett	voted Absent, Not Voting
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 majority of the Aldermen present

and voting, the Mayor declared the motion carried and the said Ordinance adopted and approved this the 4th day of December, 2007.

APPROVED:

BILLY SKELLIE, JR., MAYOR

ATTEST:

REBECCA E. SCHRUFF, CITY CLERK

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Based upon the recommendation of Alderman Bennett, Alderman Lishen made motion seconded by Alderman Holder and unanimously carried to appoint David Marks to the Long Beach Recreational Advisory Board to fill the unexpired term of Jamie Harvey, Present-Oct/2009.

Alderman Burton made motion seconded by Alderman Notter and unanimously carried authorizing the City Attorney to obtain an Attorney General's opinion regarding the legality of the DMR sub-local agreement in view of the indemnification clause.

There being no further business to come before the Mayor and Board of Aldermen at this time, Alderman Notter made motion seconded by Alderman Burton 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. Schruff, City Clerk