

**Minutes of January 2, 2008**  
**Mayor and Board of Aldermen**

Be it remembered that a recess meeting of the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, was begun and held at 5:30 o'clock p.m. on the 2<sup>nd</sup> day of January, 2008, at the Long Beach School District Central Office, 19148 Commission Road, in said City and the same being the time, date and place fixed by order of the Mayor and Board of Aldermen recessing the meeting from December 18, 2007. There were present and in attendance on said Board and at the meeting the following named persons: Mayor William Skellie, Jr., Aldermen Charles Boggs, Richard Notter, Joseph McNary, Richard Bennett, City Clerk Rebecca E. Schruff, and City Attorney Frank R. McCreary, III.

Aldermen Richard Burton, Mark Lishen and Allen D. Holder, Jr., were absent the meeting.

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

\*\*\*\*\*

The meeting was called to order and Alderman Notter made motion seconded by Alderman Bennett and unanimously carried to adopt Minute Book Number 60 as the next consecutive official minute book of the Mayor and Board of Aldermen.

\*\*\*\*\*

Bid opening, "REMOVAL OF TEMPORARY SEWERS", was postponed until the next regular meeting, January 15, 2008.

\*\*\*\*\*

There came on for consideration the matter of awarding "TREE BIDS" and a letter from Recreation Director Robert J. Paul, as follows:

**Minutes of January 2, 2008  
Mayor and Board of Aldermen**

**City of Long Beach**



Wednesday, January 02, 2008

Re: Advertisement for tree bids ordered November 7, 2007 by city of Long Beach Mayor and Board of Aldermen

To Whom It May Concern:

The bidders all assure that they will deliver listed trees during January and provide trees with a one year warranty that meet specifications of the American Association of Nurseryman's American Standard for Nursery Stock. Therefore, the low bidder, Heritage Nursery and Landscape of Jackson is recommended.

Sincerely,



Robert J. Paul  
Director, Parks and Recreation Department

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

Based upon the recommendation of Mr. Paul as set forth above, Alderman Bennett made motion seconded by Alderman Notter and unanimously carried to award the tree bid to the lowest and best bidder, Heritage Nursery and Landscape, Jackson, Mississippi, in the amount of \$21,532.00.

\*\*\*\*\*

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

Ron Jamison – Utility Partners, LLC (Public Works)

M.B. 60

REC:01.02.08

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Lieutenant Mark Scafide – Fire Department

Police Officer 1<sup>st</sup> Class Kenneth Lassabe – Police Department

\*\*\*\*\*

There were no amendments to the Municipal Docket.

\*\*\*\*\*

Alderman Notter made motion seconded by Alderman McNary and unanimously carried to approve the regular meeting minutes of the Mayor and Board of Aldermen dated December 18, 2007, as submitted.

\*\*\*\*\*

Final acceptance, Oak Haven Subdivision, was taken under advisement until the next regular meeting, January 15, 2008.

\* \* \* \* \*

Alderman McNary made motion seconded by Alderman Notter and unanimously carried to approve the recess meeting and executive session minutes of the Planning Commission dated December 20, 2007, with exceptions and additional action as follows:

There came on for consideration an appeal filed by David Clayton, Construction Manager, Strategic Restaurants (Burger King), as follows:

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-21-2007 09:57A FROM:

TO:12288650822

P.1/2

RECEIVED DEC 2 1 2007

**LETTER OF APPEAL for Strategic Restaurants**  
310 East Beach Road  
Long Beach, Ms.

City Clerk's Office,

Other food competitors will have much larger road signs than we are allowed by the Planning and Zoning Board. As stated by one Board member at the variance meeting, Waffle House and McDonald's have "Thumbed their nose" at our sign ordinance. Apparently the Planning and Zoning Board cannot enforce their ordinance and have the large road signs removed. Strategic Restaurants immediately removed their 65' road sign as requested by the Planning and Zoning Board prior to rebuilding. We did this in good faith to work with the City of Long Beach to reduce the huge, unneeded road signs on the beach.

We have requested a road sign height of 25'. This cannot compete with the 60' McDonald's road sign, but we feel that 25' is sufficient to notice our restaurant, slow down, and safely turn into our entry drive. Please note that our set back from the front curb is 332.70', visibility of our building is not the best. Also, at the request of the Planning and Zoning Board we painted our building a soft color so that it would blend into the area.

The sign column will be fully enclosed as requested making it a monument sign. We were originally informed that we needed only to calculate the actual face of the road sign, we have a total face of 78 square feet, the City of Long Beach allows 60 square feet. We were informed that the reader board under the sign face did not count toward the actual square footage for a sign permit. The reader board advertises special prices to attract customers into our restaurant. At the variance hearing all of the sign face and reader board were calculated together requiring us to ask for a variance of 98 square feet.

Recap: We need an additional 10' of height and 98 square feet of sign face. Strategic Restaurants has worked in good faith with FEMA, the State of Mississippi and the City of Long Beach. We followed and exceeded all codes during the rebuilding process to insure that we would be a good example for future business's to rebuild in Long Beach. However, we know that the Planning and Zoning Board has not interpreted the sign ordinance, or enforced the sign ordinance in a manner that is fair to all business's rebuilding on the beach.

Thank you for your time and consideration regarding this matter.

With kind regards,

David Clayton  
Construction Manager  
Strategic Restaurants



79777 Hwy.21  
Bush, LA 70431  
c: 985.774.1104  
f: 985.886.9448  
dclayton@strategicrestaurants.com

David Clayton  
Construction Manager



**Minutes of January 2, 2008  
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DEC-21-2007 09:57A FROM: TEL-21-200(FRI) UT:34 NOJIS SIGNS TO:12288650822 (PHX)3185406(51) P.2/2 P.UU1/UU1  
 MAY.06'2005 13:29 228-865-0822 LONG BEACH CITY HALL #0564 P.001/001

**City of Long Beach** 945-246-9444



**SIGN APPLICATION**

NAME: Burger King # 7930 DATE: 11-5-07  
 ADDRESS: 310 East Main Street, Long Beach, MS

MAP PARCEL # \_\_\_\_\_  
 ZONING DISTRICT (CIRCLE ONE) R-1, R-2, R-3, R-4, C-1, C-2, C-3 R-0

Pylon = SIZE 10' WIDTH 10' DEPTH OAH=25' (78.5A)

TYPE: SPECTACULAR, (Pylon GROUND) WALL, MARQUEE SEINGLE, ROOF, PROJECTING:

TOTAL VALUATION \$15,000.00

CONTRACTOR Kais & Sons Signs Inc. SIGNATURE Charles A. Kais

COMMENTS:  
IN STALL A direct burial pylon sign. The Burger King sign measures 10'x10' (78.5A), The message board measures 4'x10' (40A) AT 25' OAH.

BUILDING OFFICIAL \_\_\_\_\_

FEES \_\_\_\_\_

Post-It® Fax Note	7671	Date	1/6	# of pages	1
To	122700	From			
Co./Dept	Kais Signs	Co./City of Long Beach			
Phone #		Phone #	318-8631554		
Fax #	318-316 6761	Fax #			

**Minutes of January 2, 2008  
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**Becky**

---

**From:** David Clayton [dclayton@strategicrestaurants.com]  
**Sent:** Thursday, December 27, 2007 8:28 PM  
**To:** cityclerk@cityoflongbeachms.com  
**Subject:** road sign

**Attachments:** BK 7930 Pylon Sign \_ 1.JPG



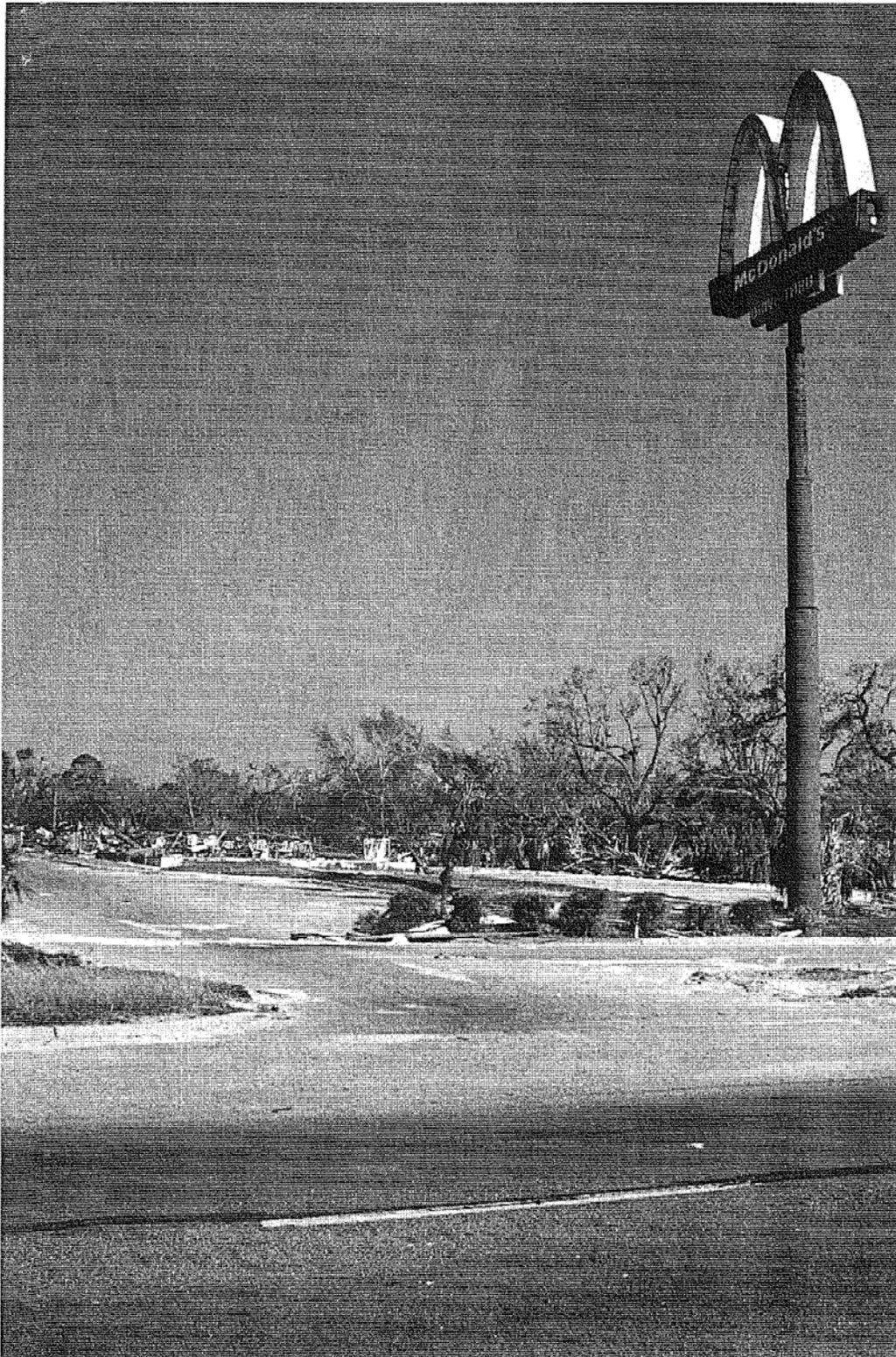
BK 7930 Pylon Sign  
\_ 1.JPG (21...

Attached is a photo of our Burger King road sign after the storm. Please note the condition of our sign as compared to other road signs allowed to remain and be reused. Please print and attach a copy of this photo to the Letter of Appeal regarding our road sign. Also, please copy Mayor Skellie for his records.  
Thank you and have a great New Year.  
David Clayton  
Construction Manager  
Strategic Restaurants

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Upon discussion, Alderman McNary made motion seconded by Alderman Boggs and unanimously carried to schedule a public hearing on the aforesaid appeal, Tuesday, February 5, 2008, at 5:00 o'clock p.m. It was noted for the record that two (2) additional hearings are scheduled for February 5<sup>th</sup> and the Clerk was authorized to close the Municipal Docket dated February 5, 2008, and directed to include only approval of minutes and Docket of Claims on the agenda.

\*

\*

**Minutes of January 2, 2008  
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There came on for consideration an appeal filed by Peggy Joyce Blakeney, as follows:

12/29/2007 15:12 2288635278

DEUTSCH KERRIGAN

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**DK&S**  
DEUTSCH,  
KERRIGAN  
& STILES

Victor J. Franckiewicz, Jr.  
Counselor at Law  
Admitted in Mississippi and Louisiana

RECEIVED JAN 02 2008  
*-R-  
9:20 AM*

P.O. Box 4048  
Gulfport, MS 39502  
2510 14<sup>th</sup> Street, Suite 1001  
Gulfport, MS 39501  
(228) 864-0161 Main  
(228) 863-6278 Fax

franckiewicz@dkslaw.com  
www.dkslaw.com

December 28, 2007

**VIA FAX: 228-863-1558**  
**and**  
**FIRST CLASS MAIL**

Ms. Rebecca Schruff  
City Court Clerk  
City of Long Beach  
P.O. Box 929  
Long Beach, MS 39560

**Re: Opposition to Planning Commission Recommendation  
Conchetta L. Favre/Jerry's Lawnmower Rezoning Application  
DKS File: 00824-00001**

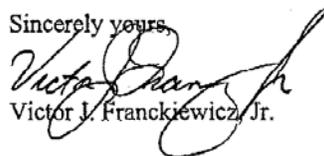
Dear Ms. Schruff:

Enclosed please find Peggy Joyce Blakeney's petition and appeal opposing the December 20, 2007 recommendation of the Long Beach Planning Commission to approve Conchetta L. Favre's most recent application for a zoning amendment.

On behalf of Mrs. Blakeney, I request that this matter be set for a hearing before the Board of Aldermen, with proper notice, as required by law.

If you have any questions concerning this matter, please do not hesitate to contact me.

Sincerely yours,

  
Victor J. Franckiewicz, Jr.

VJF/kt  
Encl.

cc: James C. Simpson, Esq. (w/encl.)  
Eric D. Wooten, Esq. (w/encl.)  
Ms. Veronica Howard (w/encl.)

Deutsch, Kerrigan & Stiles, L.L.P.  
New Orleans • Monroe • Gulfport

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DEUTSCH KERRIGAN

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**BEFORE THE BOARD OF ALDERMAN  
CITY OF LONG BEACH, HARRISON COUNTY, MISSISSIPPI  
IN RE: ZONING AMENDMENT APPLICATION BY CONCHETTA L. FAVRE**

**PETITION AND APPEAL OPPOSING REZONING**

Peggy Joyce Blakeney, appearing through undersigned counsel, opposes the application of Conchetta L. Favre, dated October 20, 2007, recommended for approval by the Long Beach Planning and Zoning Commission on December 20, 2007. In opposition to the zoning amendment, she respectfully presents the following:

1. In an application dated October 20, 2007, Conchetta L. Favre requested reclassifying a portion of Lot 3, and all of Lots 4, 5, and 6, from R-1 Residential to C-2 Highway Commercial. Mrs. Favre alleged that there is an error in the zoning map adopted by the City of Long Beach in 2002.

2. On December 20, 2007, the Long Beach Planning Commission considered Mrs. Favre's application at a hearing called for that purpose. Mrs. Blakeney, through counsel, presented evidence and argument in opposition to the application, including exhibits, all of which are incorporated in this petition by reference. At the conclusion of the hearing, the Planning Commission recommended approving the application.

3. There is no error in the current zoning of the subject property. The application submitted by Mrs. Favre erroneously relies on the 1990 metes and bounds description of the relevant zoning districts as the basis for her argument of "error."

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DEUTSCH KERRIGAN

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4. As to Lots 4 and 5, the status of these lots as R-1 Residential was finally determined by the Circuit Court of Harrison County in an Amended Order dated November 20, 2007 in Docket No. A2041-2006-00213, which order reversed and rendered the earlier decision of the City of Long Beach to rezone Lots 4 and 5 as C-2.

5. Further as to Lots 4 and 5, even if the City of Long Beach could legally consider Mrs. Favre's application at all, it may not do so until waiting at least one year from the Circuit Court's reversal of the rezoning, pursuant to Section 1306.2 of the Long Beach Zoning Ordinance.

6. Peggy Blakeney owns Lots 19-24 of Block 3, Model Home Subdivision, Long Beach, Mississippi which are on the opposite side of Willow Lane from the Favre property that is the subject of the proposed zoning amendment. Mrs. Blakeney's property comprises the entire one hundred sixty (160) feet on the opposite street frontage of the Favre property contemplated by Miss. Code Ann. § 17-1-17, and therefore exceeds the 20% ownership threshold in that statute. Pursuant to Miss. Code Ann. § 17-1-17, Mrs. Blakeney invokes the 3/5 majority vote requirement for the City of Long Beach to approve the proposed change. She further and additionally invokes the 2/3 majority vote requirement in Section 1306.1 of the Long Beach Zoning Ordinance.

7. Considering the foregoing, Peggy Joyce Blakeney requests the Board of Alderman of the City of Long Beach (1) to note her opposition to and protest of this zoning amendment recommended by the Planning Commission at its December 20, 2007 meeting; (2) to decline to consider any amendment to the zoning for Lots 4 and 5 on the grounds that such zoning has already been determined; (3) to set a hearing as to the remainder of the area

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DEUTSCH KERRIGAN

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proposed for rezoning at which Mrs. Blakney may present evidence in opposition to the amendment after proper notice as required by law; and (4) ultimately to deny Mrs. Favre's application for rezoning.

Respectfully submitted this the 28<sup>th</sup> day of December, 2007.



**Victor J. Franckiewicz, Jr. (MSB 0642)  
Abner C. Oglesby (MSB 101632)  
DEUTSCH, KERRIGAN & STILES, LLP  
2510 14<sup>th</sup> Street, Suite 1001  
Gulfport, MS 39501  
Telephone: (228) 864-0161  
Facsimile: (228) 863-5278  
Attorneys for  
PEGGY JOYCE BLAKENEY**

Blakney to Bd of Aldermen Appeal Petition (12-20-07 PC Decision)\_12-20-07.wpd

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12/29/2007 15:12

2288635278

DEUTSCH KERRIGAN

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**FAX**

<b>To:</b>	Ms. Rebecca Schruff City Court Clerk City of Long Beach	<b>Fax:</b>	(228) 863-1558 or (228) 865-0822
<b>From:</b>	Victor J. Franckiewicz, Jr.	<b>Ext:</b>	101
<b>Date:</b>	December 28, 2007	<b>Pages:</b>	5
<b>Re:</b>	Petition and Appeal Opposing Rezoning Conchetta L. Favre/Jerry's Lawnmower Rezoning Application	<b>File No.:</b>	00824-00001

NOTES/COMMENTS:

Attached is Peggy Joyce Blakeney's petition and appeal opposing the December 20, 2007 recommendation of the Long Beach Planning Commission to approve Conchetta L. Favre's most recent application for a zoning amendment.

2510 14<sup>th</sup> Street, Suite 1001 • Gulfport, MS 39501 • (228) 864-0161 • Fax (228) 863-5278  
www.dkslaw.com

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Upon discussion, Alderman McNary made motion seconded by Alderman Boggs and unanimously carried to schedule a public hearing on the aforesaid appeal, Tuesday, February 19, 2008, at 5:30 p.m.

\*\*\*\*\*

After considerable discussion, Alderman Notter made motion seconded by Alderman Boggs and unanimously carried to approve the December 20, 2007, Port Commission minutes, as submitted.

\*\*\*\*\*

**Minutes of January 2, 2008  
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There came on for consideration a letter with attachments from City Engineer David Ball, as follows:



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

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

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



December 14, 2007

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

**RE: Emergency Repairs to E. First Street Well**

Gentlemen:

This is to advise and certify that the above referenced project has been satisfactorily completed in substantial accordance with the Contract requirements. Public Works has inspected the work and report that the well is functioning normally and that all work is done. We therefore recommend settlement with the Contractor in accordance with the enclosed invoice in the amount of \$22,000.

Sincerely,

David Ball, P.E.

DB:539  
Enclosure

**Minutes of January 2, 2008  
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1014 Highway 98 Bypass - Columbia, MS 39429 - (800) 221-4098  
 11100 Highway 31 North - Spanish Fort, AL 36527 - (800) 592-9355  
 3833 Crowley-Rayne Highway - Rayne, LA 70578 - (888) 840-6747  
 1446 Plant Road - Alpine, AL 35014 (877) 264-2900

**ORIGINAL INVOICE  
No. R- 15666**

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

Sold To	City of Long Beach	Date	December 12, 2007
Address	Public Works	Customer No.	1226
	PO Box 929	Job No.	07M4467
	Long Beach, MS 39560	Purchase Order No.	00001448-00

DATE	DESCRIPTION	AMOUNT
10/30/07	Emergency repairs to East First Street Water Well.  As Quoted:	\$ 22,000.00
<b>THANK YOU FOR YOUR BUSINESS!!!</b>		
Accounts Over 30 Days Will Bear 1 1/2 % Service Charge (18% Annum)		
		<b>Subtotal \$ 22,000.00</b>
		<b>Tax \$ -</b>
		<b>Total Due \$ 22,000.00</b>

**Minutes of January 2, 2008  
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PHONE (601) 736-6347 FAX (601) 731-1853  
1014 HIGHWAY 98 BYPASS  
COLUMBIA, MS 39429

**PUMPING TEST**

DATE October 30, 2007 FORMATION Graham Ferry COUNTY Harrison  
WELL OBSERVED East First Street OWNER City of Long Beach  
WELL PUMPED East First Street AVERAGE DISCHARGE \_\_\_\_\_  
RADIUS \_\_\_\_\_ PUMP ON \_\_\_\_\_ BY 8" x 6" Orifice  
M.P. \_\_\_\_\_ PUMP OFF \_\_\_\_\_ STATIC \_\_\_\_\_

TIME	T (MINS.)	T (MINS.)	TAPE HELD	WETTED	WATER LEVEL		PSI	IN	GPM
							130	Shut	Off
							110	7.5	446
							100	19.5	699
							90	29	844
							80	36	931
							70	43	1012
							65	47.5	1062
							60	51	1100
							50	58.5	1175
							40	66.5	1250
							30	74.5	
							20	82	
							10	90	

OBSERVER G. Weatherford & M. Wilson

PAGE 1 of 1

Based upon the recommendation of Mr. Ball, Alderman Bennett made motion seconded by Alderman McNary and unanimously carried to approve final settlement in the amount of \$22,000.00, Griner Drilling Service, Inc., Emergency Repairs to East First Street Water Well, as set forth above.

\*

\*

Alderman Bennett made motion seconded by Alderman Notter and unanimously carried to approve payment of invoices as listed in Docket of Claims number 010108, noting for the record that said docket includes the allotment to Harrison County Soil and Water Conservation District in the amount of \$2,500.00.

M.B. 60

REC:01.02.08

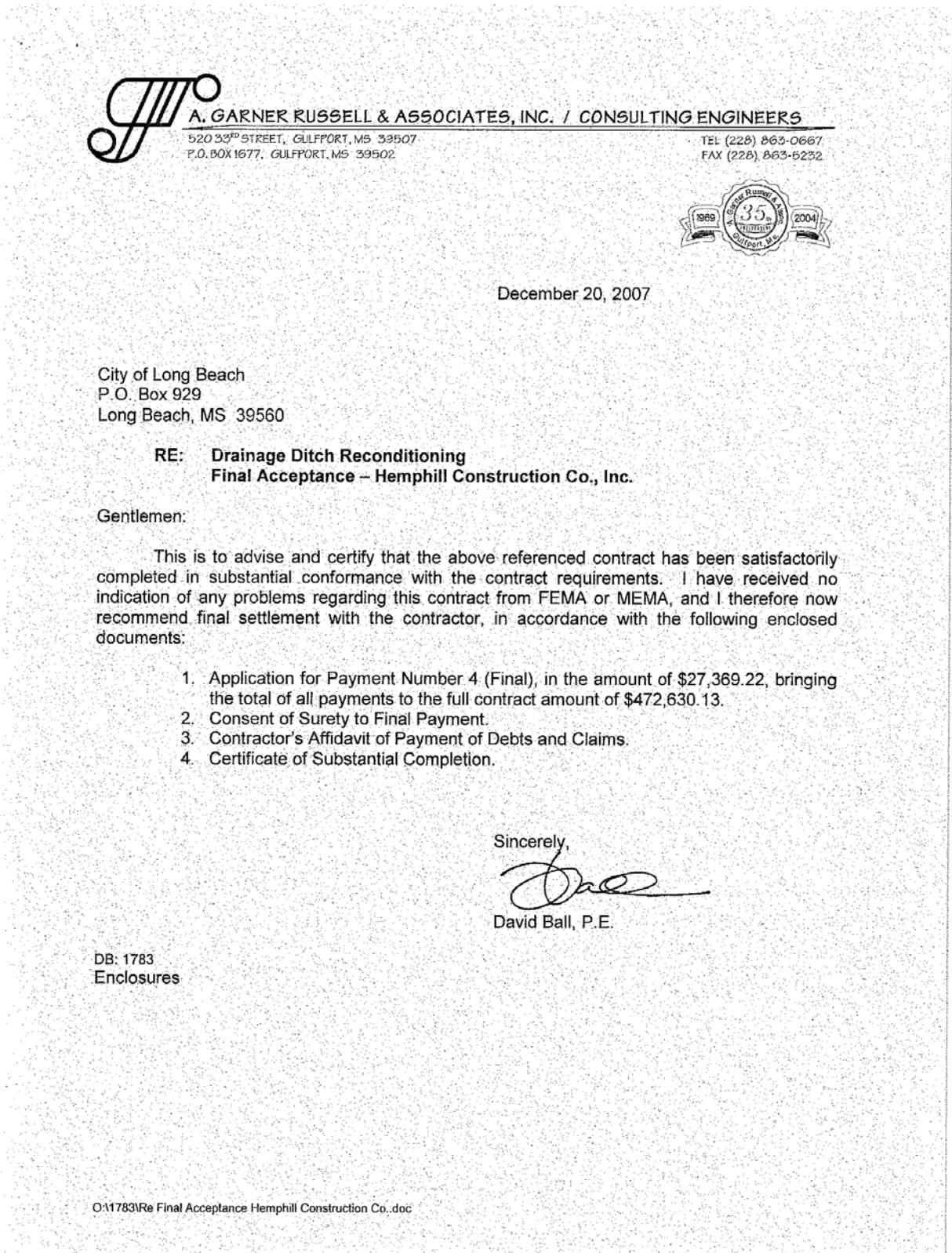
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Alderman Bennett made motion seconded by Alderman Notter and unanimously carried to extend the Proclamation of Civil Emergency – Hurricane Katrina, to protect and preserve the public health and safety of the community.

\*\*\*\*\*

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



# Minutes of January 2, 2008 Mayor and Board of Aldermen

## APPLICATION FOR PAYMENT NO. 4 Final

To: City of Long Beach (OWNER)  
 Contract for Drainage Ditch Reconditioning Dated: 02/07/07  
 OWNER'S Project No. \_\_\_\_\_ ENGINEER'S Project No. 1783  
 For Work accomplished through the date of: 11/16/2007

ITEM	CONTRACTOR'S Schedule of Values			Work Completed	
	Unit Price	Quantity	Amount	Quantity	Amount
COMPLETED WORK					\$472,630.13
STORED MATERIALS					\$0.00
TOTAL					\$472,630.13
(Orig. Contract)	\$560,477.50				
C. O. No. 1	(\$87,847.37)				
C. O. No. 2					

Accompanying Documentation:	GROSS AMOUNT DUE.....	\$ 472,630.13
_____	LESS 0% RETAINAGE.....	\$ 0.00
_____	AMOUNT DUE TO DATE.....	\$ 472,630.13
_____	LESS PREVIOUS PAYMENTS.....	\$ 445,260.91
_____	AMOUNT DUE THIS APPLICATION.....	\$ 27,369.22

CONTRACTOR'S Certification:  
 The undersigned CONTRACTOR certifies that (1) all previous progress payments received from OWNER on account of Work done under the Contract referred to above have been applied to discharge in full all obligations of CONTRACTOR incurred in connection with Work covered by prior Applications for Payment numbered 1 thru 3 inclusive; and (2) title to all materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to OWNER at time of payment free and clear of all liens, claims, security interests and encumbrances (except such as covered by Bond acceptable to OWNER).

Dated 12/18 20 07 HEMPHILL CONSTRUCTION CO., INC.  
 CONTRACTOR  
 By: [Signature]

ENGINEER'S Recommendation:  
 This Application (with accompanying documentation) meets the requirements of the Contract Documents and payment of the above AMOUNT DUE THIS APPLICATION is recommended.  
 Dated 12/18 20 07 A. GARNER RUSSELL & ASSOCIATES, INC.  
 ENGINEER  
 By: [Signature]

# Minutes of January 2, 2008 Mayor and Board of Aldermen

ATTACHMENT TO PAY ESTIMATE NO.

4 Final

ITEM NO.	ITEM DESCRIPTION	CURRENT CONTRACT QUANTITY	UNIT PRICE	CURRENT CONTRACT AMOUNT	PREVIOUS QUANTITY	PREVIOUS EXTENSION	QUANTITY THIS EST.	EXTENSION THIS EST.	QUANTITY TO DATE	EXTENSION TO DATE
1-A	Ditch Debris Removal	2,366.8	C.Y. \$10.35	\$24,392.88	2273.4	\$23,529.69	83.4	\$863.19	2366.8	\$24,392.88
1-B	Roadside Ditch Grading and Shaping	18,923	L.F. \$7.75	\$146,653.25	19692	\$151,838.00	(669.00)	(5,184.75)	18923	\$146,653.25
1-C	Easement Ditch (SMALL) Grading and Shaping	18,462	L.F. \$8.75	\$161,542.50	19456	\$167,490.00	6	\$52.50	18462	\$161,542.50
1-D	Easement Ditch (LARGE) Grading and Shaping	4,284	L.F. \$11.75	\$50,337.00	4482	\$52,428.50	(178.00)	(2,081.50)	4284	\$50,337.00
1-E	Fill Material	158	C.Y. \$7.50	\$1,185.00	126	\$945.00	32	\$240.00	158	\$1,185.00
1-F	Hydromulching (seeding)	6.75	Acro \$2,000.00	\$13,500.00	3.81	\$7,620.00	2.94	\$5,880.00	6.75	\$13,500.00
1-G	Rip-Rap Slope Protection	431.7	S.Y. \$65.00	\$28,060.50	391.7	\$25,460.50	40	\$2,600.00	431.7	\$28,060.50
23-A	Maintenance of Traffic	1	L.S. \$24,500.00	\$24,500.00	0.95	\$23,175.00	0.05	\$1,325.00	1	\$24,500.00
24-A	Storm Water Management	1	L.S. \$5,000.00	\$5,000.00	0.95	\$4,750.00	0.05	\$250.00	1	\$5,000.00
24-B	Silt Fences	7,412	L.F. \$2.00	\$14,824.00	7,412	\$14,824.00	0	\$0.00	7,412	\$14,824.00
24-C	Wattles	57	L.F. \$5.00	\$285.00	57	\$285.00	0	\$0.00	57	\$285.00
24-D	Erosion Checks	50	EACH \$7.00	\$350.00	50	\$350.00	0	\$0.00	50	\$350.00
TOTAL WORK COMPLETED				\$472,630.13	\$488,695.69		\$3,934.44		\$472,630.13	

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**CONSENT OF  
SURETY COMPANY  
TO FINAL PAYMENT**

OWNER   
ARCHITECT   
CONTRACTOR   
SURETY   
OTHER

*AIA DOCUMENT G707*

FEDERAL INSURANCE COMPANY BOND NO. 8204-27-01

PROJECT: Drainage Ditch Reconditioning  
TO (Owner) ARCHITECT'S PROJECT NO.:  
City of Long Beach  
P O Box 929 CONTRACT FOR: SAME AS ABOVE  
Long Beach MS 39560 CONTRACT DATE: February 7, 2007

In accordance with the provisions of the Contract between the Owner and the Contractor as indicated above, the  
(here insert name and address of Surety Company)

**FEDERAL INSURANCE COMPANY**  
15 Mountain View Road  
Warren, New Jersey 07061-1615

SURETY COMPANY

on bond of (here insert name and address of Contractor)

**Hemphill Construction Co, Inc.**  
P O Drawer 879  
Florence, Mississippi 39073

CONTRACTOR

hereby approves of the final payment to the Contractor, and agrees that final payment to the Contractor shall not relieve  
the Surety Company of any of its obligations to (here insert name and address of Owner)

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

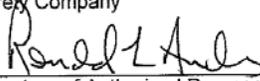
OWNER

as set forth in the said Surety Company's bond.

IN WITNESS WHEREOF,  
the Surety Company has hereunto set its hand this 3 day of December, 2007.

**FEDERAL INSURANCE COMPANY**

Surety Company

  
Signature of Authorized Representative

Ronald L. Andrews

Title: Attorney In Fact

NOTE: This form is to be used as a companion document to AIA DOCUMENT G706, CONTRACTOR'S AFFIDAVIT OF PAYMENT OF  
DEBTS AND CLAIMS, Current Edition

CONSENT OF SURETY COMPANY TO FINAL PAYMENT, APRIL 1970 EDITION, AIA ©  
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ONE PAGE

FORM 15-10-87 (ED. 4-77)

# Minutes of January 2, 2008 Mayor and Board of Aldermen



**Chubb  
Surety**

**POWER  
OF  
ATTORNEY**

**Federal Insurance Company  
Vigilant Insurance Company  
Pacific Indemnity Company**

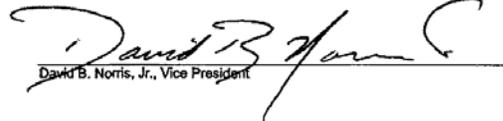
**Attn: Surety Department  
15 Mountain View Road  
Warren, NJ 07059**

Know All by These Presents, That **FEDERAL INSURANCE COMPANY**, an Indiana corporation, **VIGILANT INSURANCE COMPANY**, a New York corporation, and **PACIFIC INDEMNITY COMPANY**, a Wisconsin corporation, do each hereby constitute and appoint **Ronald L. Andrews and Susan G. Loflin of Vicksburg, Mississippi**-----

each as their true and lawful Attorney- In- Fact to execute under such designation in their names and to affix their corporate seals to and deliver for and on their behalf as surety thereon or otherwise, bonds and undertakings and other writings obligatory in the nature thereof (other than bail bonds) given or executed in the course of business, and any instruments amending or altering the same, and consents to the modification or alteration of any instrument referred to in said bonds or obligations.

In Witness Whereof, said **FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY** have each executed and attested these presents and affixed their corporate seals on this **24th** day of **July, 2007**

  
Kenneth C. Wendel, Assistant Secretary

  
David B. Norris, Jr., Vice President

STATE OF NEW JERSEY  
County of Somerset ss.

On this **24th** day of **July, 2007** before me, a Notary Public of New Jersey, personally came Kenneth C. Wendel, to me known to be Assistant Secretary of **FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY**, the companies which executed the foregoing Power of Attorney, and the said Kenneth C. Wendel, being by me duly sworn, did depose and say that he is Assistant Secretary of **FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY** and knows the corporate seals thereof, that the seals affixed to the foregoing Power of Attorney are such corporate seals and were thereto affixed by authority of the By- Laws of said Companies; and that he signed said Power of Attorney as Assistant Secretary of said Companies by like authority; and that he is acquainted with David B. Norris, Jr., and knows him to be Vice President of said Companies; and that the signature of David B. Norris, Jr., subscribed to said Power of Attorney is in the genuine handwriting of David B. Norris, Jr., and was thereto subscribed by authority of said By- Laws and in deponent's presence.

Notarial Seal



**STEPHEN B. BRADT**  
Notary Public, State of New Jersey  
No. 2321097  
Commission Expires Oct. 25, 2009

  
Notary Public

### CERTIFICATION

Extract from the By- Laws of **FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY**:

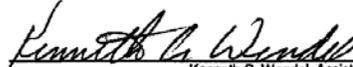
"All powers of attorney for and on behalf of the Company may and shall be executed in the name and on behalf of the Company, either by the Chairman or the President or a Vice President or an Assistant Vice President, jointly with the Secretary or an Assistant Secretary, under their respective designations. The signature of such officers may be engraved, printed or lithographed. The signature of each of the following officers: Chairman, President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Assistant Secretaries or Attorneys- In- Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached."

I, Kenneth C. Wendel, Assistant Secretary of **FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY** (the "Companies") do hereby certify that

- (i) the foregoing extract of the By- Laws of the Companies is true and correct,
- (ii) the Companies are duly licensed and authorized to transact surety business in all 50 of the United States of America and the District of Columbia and are authorized by the U.S. Treasury Department; further, Federal and Vigilant are licensed in Puerto Rico and the U.S. Virgin Islands, and Federal is licensed in American Samoa, Guam, and each of the Provinces of Canada except Prince Edward Island; and
- (iii) the foregoing Power of Attorney is true, correct and in full force and effect.

Given under my hand and seals of said Companies at Warren, NJ this **December 3, 2007**



  
Kenneth C. Wendel, Assistant Secretary

IN THE EVENT YOU WISH TO NOTIFY US OF A CLAIM, VERIFY THE AUTHENTICITY OF THIS BOND OR NOTIFY US OF ANY OTHER MATTER, PLEASE CONTACT US AT ADDRESS LISTED ABOVE, OR BY Telephone (908) 903- 3493 Fax (908) 903- 3656  
e-mail: surety@chubb.com

**Minutes of January 2, 2008  
Mayor and Board of Aldermen**

P.O. Drawer 879  
Florence, MS 39073-0879



Phone: 601-932-2060  
Fax: 601-932-2550

Municipal & Public Works Construction

Heavy & Highway Construction

**LABOR AND MATERIAL WARRANTY**

December 3, 2007

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

RE: Drainage Ditch Reconstruction

Hemphill Construction Company, Inc. hereby certifies that all work on the above referenced project has been completed in accordance with the Contract Documents and is not defective. If any work is found to be defective within one (1) year of November 14, 2007 we will correct it as per the Contract Documents.

HEMPHILL CONSTRUCTION COMPANY, INC.

A handwritten signature in black ink, appearing to read "Timothy G. Temple".

Timothy G. Temple  
Vice President

*The difficult we do immediately, the impossible takes a little longer!*

**Minutes of January 2, 2008  
Mayor and Board of Aldermen**

**AFFIDAVIT OF  
CONTRACTOR'S RELEASE OF LIENS**

To: City of Long Beach, MS P.O. Box 929 Long Beach, MS	Date: 12/03/07  Project: Drainage Ditch Reconstruction
--------------------------------------------------------------	--------------------------------------------------------------

The undersigned, pursuant to the Contract Documents, hereby certifies that, to the best of his knowledge and belief, except as listed below, the Releases or Waivers of Lien attached hereto include the contractor, all subcontractors, all suppliers of material and equipment, and all laborers or servicemen who have or may have liens against any property of the Owner arising in any manner out of the performance of the work on the project referenced above.

EXCEPTION: (If none, write "None". If required by the Owner or Local Public Agency, the Contractor shall furnish bond satisfactory to the Owner for each exception.) "NONE"

**CONTRACTOR:** Hemphill Construction Co., Inc.

**ADDRESS:** P. O. DRAWER 879

FLORENCE, MS 39073

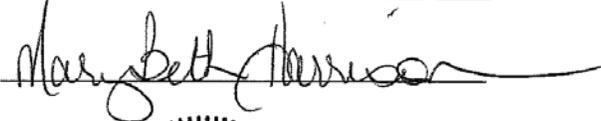
**SIGNED BY:** \_\_\_\_\_



**TITLE:** Vice President

Subscribed and sworn before me this 3rd day of December, 2007.

Notary Public: \_\_\_\_\_



My Commission Expires: \_\_\_\_\_



**Minutes of January 2, 2008  
Mayor and Board of Aldermen**

CERTIFICATE OF SUBSTANTIAL COMPLETION

DATE OF ISSUANCE 11/30/2007

OWNER City of Long Beach  
CONTRACTOR Hemphill Construction Co., Inc.  
Contract: Drainage Ditch Reconditioning  
Project: \_\_\_\_\_

OWNER's Contract No. \_\_\_\_\_ Engineer's Project No. 1783

This Certificate of Substantial Completion applies to all Work under the Contract Documents or to the following specified parts thereof

To City of Long Beach  
OWNER

And To Hemphill Construction Co., Inc.  
CONTRACTOR

The Work to which this Certificate applies has been inspected by authorized representatives of OWNER, CONTRACTOR and ENGINEER, and that Work is hereby declared to be substantially complete in accordance with the Contract Documents on

11/13/2007  
DATE OF SUBSTANTIAL COMPLETION

A tentative list of items to be completed or corrected will be provided under separate cover. This list may not be all-inclusive, and the failure to include an item in it does not alter the responsibility of CONTRACTOR to complete all the Work in accordance with the Contract Documents. The items in the tentative list shall be completed or corrected by CONTRACTOR within 30 days of the above date of Substantial Completion.

EJCDC No. 1910-8-D (1996 Edition)  
Prepared by the Engineers' Joint Contract Documents Committee and endorsed by The Associated General Contractors of America and the Construction Specifications Institute.

**Minutes of January 2, 2008  
Mayor and Board of Aldermen**

The responsibilities between OWNER and CONTRACTOR for security, operation, safety, maintenance, heat, utilities, insurance and warranties and guarantees shall be as follows:

OWNER: \_\_\_\_\_  
\_\_\_\_\_

CONTRACTOR: One year warranty  
\_\_\_\_\_  
\_\_\_\_\_

The following documents are attached to and made a part of this Certificate:

Punchlist

\_\_\_\_\_

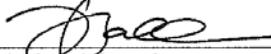
This certificate does not constitute an acceptance of Work not in accordance with the Contract Documents nor is it a release of Contractor's obligation to complete the Work in accordance with the Contract Documents.

\_\_\_\_\_

Executed by ENGINEER on 12/18/07  
Date

David Ball, P.E.

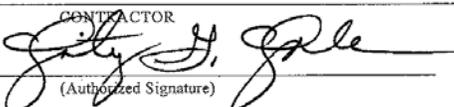
ENGINEER

By:   
(Authorized Signature)

CONTRACTOR accepts this Certificate of Substantial Completion on \_\_\_\_\_  
Date

Hemphill Construction Co., Inc.

CONTRACTOR

By:   
(Authorized Signature)

OWNER accepts this Certificate of Substantial Completion on \_\_\_\_\_  
Date

Mayor Skellie

OWNER

By: \_\_\_\_\_  
(Authorized Signature)

**Minutes of January 2, 2008  
Mayor and Board of Aldermen**

Hemphill Construction- Punch list  
Job # 1783  
11/30/2007

1. Ditch near USM campus has 4"-6" reels/washes which require dressing and grassing.
2. Grassing required in some areas of Bear Bayou.
3. Blockage in easement ditch near Markham.
4. Remove silt fence from pipe inlets.
5. Severe erosion at easement ditch near 20075 Lovers Ln.
6. Equipment ruts on lawn at Lovers Ln.
7. Easement Ditch near Wisteria requires grassing and mulching in spots.
8. Repair silt fence at Lovers Ln , Commission Rd to Canal #1, and others spots.

Based upon the recommendation of Mr. Ball, Alderman Notter made motion seconded by Alderman Bennett and unanimously carried to approve Final Acceptance in the amount of \$27,369.22, Hemphill Construction Company, Inc., Drainage Ditch Reconditioning contract, all as set forth above.

\*\*\*\*\*

There came on for consideration a letter with attachments from Police Chief Wayne McDowell, as follows:

Minutes of January 2, 2008  
Mayor and Board of Aldermen

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228-863-7292



**POLICE DEPARTMENT**

CITY OF LONG BEACH

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

Date: December 20, 2007

To: Mayor Skellie  
Board of Alderman

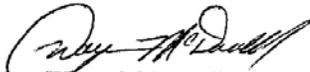
RE: Funding Request for Essential Items for New Police Station

As you are aware we are nearing the completion date for the new police station. I am pleased to say that the building appears to be better built than I anticipated and the police department as a whole is appreciative of having such an excellent building. Since the city had to use the insurance money from the contents of the police station to continue overall city operations after Hurricane Katrina we are faced with a challenge to obtain all needed items for the building with only the \$31,000 from FEMA. Therefore, I would like to make each of you abreast of a few needed items that are essential for our operations, which appropriations were not slotted for; in hope that you may allocate funding from donated city hurricane relief funds for these items.

The main priority item needed is a shelving storage unit for our evidence vault, since we must keep some evidence according to state law for up to 75 years. This unit is a set of collapsible shelving that maximizes the space in the vault. The total price off of state bid for this unit is \$14,275. This item would have to be purchased prior to occupancy do to security of evidence and having to move everything twice and as soon as possible since it takes 4 to 6 weeks from order date to be installed.

The next priority would be a multi evidence storage container, which allows officers to secure evidence, including a separate refrigerated section for blood, until the evidence tech can log each item into the evidence vault. Currently we are using old lockers to secure such items. The total price off of state bid for this item is \$6,345.

Thank you for any and all assistance.

  
Wayne McDowell  
Chief

# Minutes of January 2, 2008 Mayor and Board of Aldermen

## Other applications

HDMS systems are ideal for many other applications including storing ammunition for ballistics testing, storing case files and records, clothing and uniform storage, and housing general office supplies.

These systems can be equipped with touch-pad access for sensitive areas and may be tied into office fire alarm and security systems.

When you add it all together, there really is no comparison. Spacesaver is the industry leader in HDMS systems. Their design experts have delivered their promise to you, to protect and preserve the chain of custody for evidence handling, so law enforcement can better deliver on their promise to protect and serve the public.

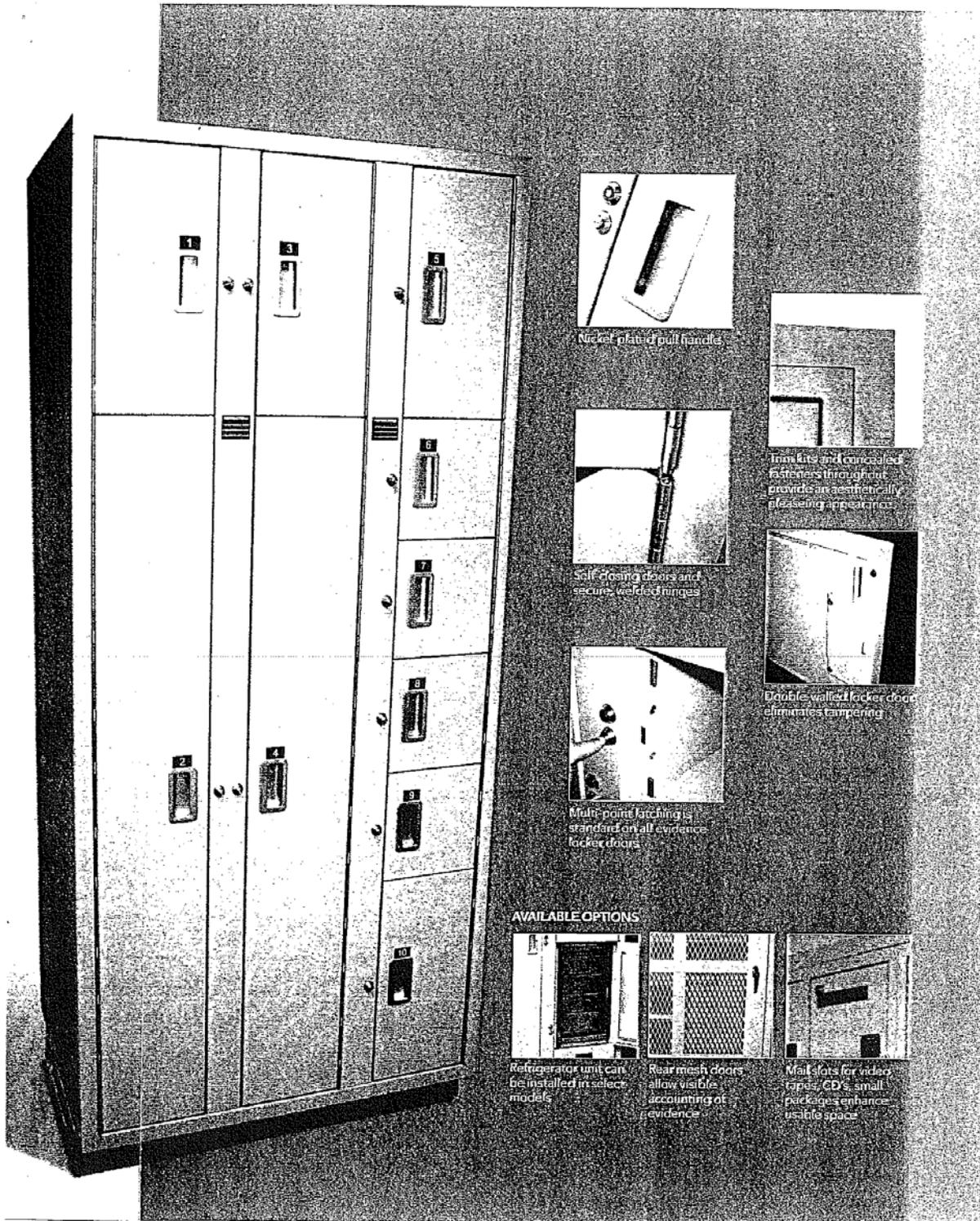


In the ballistics lab, a mechanical-assist HDMS system store virtually every kind of ammunition known. The unit features eight-inch-deep custom shelves, versus traditional shelf sizes, to conserve space.

To maximize the use of limited space, an Eclipse Powered System uses narrow shelves to store pistols and wider shelves to store rifles at headquarters.



Minutes of January 2, 2008  
Mayor and Board of Aldermen



Based upon the recommendation of Chief McDowell as set forth above, Alderman Notter made motion seconded by Alderman Bennett and unanimously carried authorizing the expenditure with funding out of the City of Long Beach Disaster Relief and Recovery Fund.

\*\*\*\*\*

Alderman Bennett made motion seconded by Alderman Notter and unanimously carried to accept the resignation of Mrs. Joanna Hudson from the Long Beach Tree Board effective December 31, 2007, with regret.

**Minutes of January 2, 2008**  
**Mayor and Board of Aldermen**

\*\*\*\*\*

The City Attorney reported that the City of Pass Christian has filed an application for annexation, naming the City of Long Beach as an interested party due to geographical proximity.

Alderman Bennett made motion seconded by Alderman Notter and unanimously carried authorizing the Mayor to execute a waiver regarding same.

\*\*\*\*\*

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

\*\*\*\*\*

APPROVED:

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

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

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

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

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

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

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

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

ATTEST:

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