

**Minutes of November 5, 2008
Mayor and Board of Aldermen**

Be it remembered that a public hearing before the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, was begun and held at 6:00 o'clock p.m. on Wednesday the 5th day of November, 2008, in the Long Beach School District Central Office, 19148 Commission Road in said City and the same being the time, date and place fixed by order of the Mayor and Board of Aldermen for holding said public hearing.

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

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

The public hearing to consider an application for ZONE CHANGE from R-1, Single Family Residential to R-O Residential Office, submitted by Tina Copeland, 340 Seal Avenue, was called to order.

* * * * *

The Clerk reported that, pursuant to that certain order of the Mayor and Board of Aldermen at a regular meeting duly held and convened on October 7, 2008, that she did cause to be published in The Sun Herald, a newspaper with a general circulation in the City of Long Beach and published in Harrison County, Legal Notice, Public Hearing, as evidenced by the Publisher's Proof of Publication.

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

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PROOF OF PUBLICATION

LEGAL NOTICE PUBLIC HEARING NOTICE IS HEREBY GIVEN that the Mayor and Board of Aldermen, Long Beach, Mississippi, will conduct a public hearing Wednesday, November 5, 2008, in the Long Beach School District Office, 19148 Commission Road, at 8:00 o'clock p.m. to consider an application for ZONING MAP CHANGE from R-1 Single Family Residential to R-2 Residential Office, 340 Seal Avenue, Tax Map Parcel 0811N-03-027.000, as submitted by the property owner, Tina Copeland.

Legal description is as follows:
A parcel of land situated and being located in the City of Long Beach, First Judicial District of Harrison County, Mississippi, and being more particularly described as:
Beginning at the Southeast corner of the North-1/2 of Lot 19 of SEAL'S SUBDIVISION in the Southwest 1/4 of the Southeast 1/4 of Section 11, Township 8 South, Range 12 West (being a point on the West margin of Seal Avenue), and from said Point of Beginning, running 00 degrees 13 minutes 14 seconds West 164.75 feet along the West margin of Seal Avenue; thence run North 89 degrees 47 minutes 14 seconds West 654.58 feet to the East line of EASTWOOD VILLAGE; thence run South 00 degrees 10 minutes 18 seconds East 20.98 feet along the East line of EASTWOOD VILLAGE; thence run South 00 degrees 47 minutes 59 seconds East 144.25 feet along the East line of EASTWOOD VILLAGE to the centerline of said Lot 19 and the North line of LENORA HEIGHTS SUBDIVISION; thence run South 89 degrees 49 minutes 39 seconds East 653.14 feet along the centerline of said Lot 19 and the North line of LENORA HEIGHTS SUBDIVISION to the West margin of Seal Avenue and the Point of Beginning. Being that same property conveyed by Glenacres, Inc. to William J. Kane and Eileen Kane by Warranty Deed dated September 29, 1992, recorded in Book 1224, Pages 630-631, Land Deed Records of Harrison County, Mississippi, First Judicial District.

The application for ZONING MAP CHANGE was approved by the Planning Commission at a public hearing duly held and convened on September 25, 2008.

The City encourages all residents, groups and organizations to contact the City if they have any questions concerning the application.

ORDERED this 7th day of October, 2008, Mayor and Board of Aldermen, Long Beach, Mississippi.
By: Rebecca E. Schrieff, City Clerk
12 ad011.15AT 1288638

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Before me, the undersigned Notary of Harrison County, Mississippi personally appeared Julie Garner who, being by me first duly sworn, did depose and say that she is a clerk of The Sun Herald, a newspaper published in the city Gulfport, in Harrison County, Mississippi, and the publication of the notice, a copy of which is hereto attached, has been made in said paper 1 times in the following numbers and on the following dates of such paper, viz:

Vol. 125 No., 9 dated 11 day of Oct, 2008
Vol. _____ No., _____ dated _____ day of _____, 20____
Vol. _____ No., _____ dated _____ day of _____, 20____
Vol. _____ No., _____ dated _____ day of _____, 20____
Vol. _____ No., _____ dated _____ day of _____, 20____
Vol. _____ No., _____ dated _____ day of _____, 20____
Vol. _____ No., _____ dated _____ day of _____, 20____

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

OCT 14 2008

Julie A. Garner
Clerk

Sworn to and subscribed before me this 13 day of October, A.D., 2008

KANDI A. BERKLEY
Notary Public, State of Mississippi
Harrison County
My Commission Expires
April 05, 2010

Kandi Berkley
Notary Public

Printer's Fee \$ 46.32
Furnishing proof of publication \$ 3.00
TOTAL..... 49.32

* *

The Clerk further reported that forty (40) notices of public hearing were sent via certified mail, return receipt requested, twenty-nine were received and eleven (11) returned unclaimed.

Alderman Holder made motion seconded by Alderman Lishen and unanimously carried to make the aforementioned certified receipts a part of the record of this public hearing, on file in the Office of the City Clerk.

* *

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Alderman Holder made motion seconded by Alderman McNary and unanimously carried to make the September 25, 2008, Planning Commission minutes a part of the record of this public hearing, on file in the Office of the City Clerk.

* * *

The Clerk reported that fees associated with this public hearing were not yet paid by the applicant and the matter would have to be addressed prior to final disposition on the application.

* * *

The Mayor recognized the applicant, Tina Copeland, 908 Beatrice Drive, Long Beach, Mississippi, who stated that the public hearing fees would be paid Thursday, November 6th.

Ms. Copeland stated that the subject property is operating under a previously granted Special Exception Use, utilizing the property as a daycare business partnership for approximately 15 years. She desires to sell the property and is requesting the zone change to Residential Office, R-O, so the property can be utilized for other purposes allowed by right in an R-O Zone. It was noted for the record that the Special Exception Use documentation was not available and the Clerk was directed to research the matter.

* * *

The Mayor opened the floor for public comments in favor of the application and no one came forward to be heard.

* * *

The Mayor opened the floor for public comments in opposition to the application, as follows:

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Marcia Kruse 19015 Redbud Dr Long Beach, MS
Statement regarding rezoning from R-1 to R-0

The Planning Commission, City officials and the Board have failed to affirmatively establish their burden of proof according to MS Code 1972 17-1-9 that the character of the neighborhood has so significantly changed as to warrant rezoning.

That rezoning this area will constitute spot zoning and historically properties adjacent to the spot zoned have decreased in value.

Rezoning will directly affect the significant drainage problem in the neighborhood—which has already resulted in flooded streets and road closures impacting the safety and general welfare, in violation of City Ordinance 344 Article 1.

The landowner factually misinformed the Planning Commission on September 25, 2008 when she stated the land had been zoned Commercial prior to purchase.

The land was zoned R-1 in 1988 when I purchased my property from John Paul Jones and verified by myself and my realtor at the Zoning Office.

The landowner has known the property was zoned R-1. She and I discussed in 1994 that it was important that the area west of the child care center remain single family residence.

The land owner did not request a rezoning after purchase; nor did she request an appeal of the rezoning in 2002 which she was entitled to do and of which she was duly informed.

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City officials, the Planning Commission and the Board have failed to support and enforce City Ordinance 344 502.1 which in part states no building, structure or part thereof shall here after be erected, constructed, reconstructed, moved or structurally altered, nor any development commenced unless in conformity with all the regulations herein specified...

The landowner is requesting a rezoning as a result of a probable financial gain—while adjacent property owners are asked to accept a probable financial loss. This situation is fundamentally unfair.

The City has consistently failed to indicate that a Child Care facility was located on the property and to take appropriate action—a mistake adjacent property owners are being asked to remedy. This is wholly inappropriate.

*

*

Nellie Abadie, 112 Mount Bass, Long Beach, Mississippi;

Walter Abadie, 112 Mount Bass, Long Beach, Mississippi;

Flora Ray, 118 Mount Bass, Long Beach, Mississippi;

John Bogner, 19011 Redbud Drive, Long Beach, Mississippi;

Myrna Jordan, 19013 Redbud Drive, Long Beach, Mississippi;

Monroe Ray, 118 Mount Bass, Long Beach, Mississippi;

Maurice Warren, Jr., 108 Mount Bass, Long Beach, Mississippi.

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* * *

The Mayor recognized Ms. Copeland for rebuttal, who stated that drainage problems, property values and other concerns expressed were matters that were beyond her control. She is requesting an official zone change in order to accommodate the existing use and to expand the use of the subject property for sale.

* * *

There being no further public comments, Alderman Holder made motion seconded by Alderman McNary and unanimously carried to close the public hearing.

* * *

Upon further discussion, it was determined that, since the property is currently operating a daycare business under a Special Exception Use, then that use would transfer to new ownership once sold, depending on the stipulations and conditions set in the granting of the Special Exception Use.

The residents present in opposition to the application for zone change stated that they have no objection to the continued operation of a daycare business on the property.

It was noted for the record that since the Special Exception Use documentation could not be located, that Ms. Copeland should file a new application for Special Exception Use.

* * *

There being no further discussion, Alderman Lishen made motion seconded by Alderman Notter and unanimously carried to deny the application for Zone Change, 340 Seal Avenue, as submitted by Tina Copeland.

The public hearing to consider the City's application for Zoning Text Change, Section 912, Home Based Business/Occupation, Comprehensive Zoning Ordinance, was called to order.

* * *

The Clerk reported that pursuant to that certain order of the Mayor and Board of Aldermen at a regular meeting duly held and convened on October 7, 2008, that she did cause to be published in The Sun Herald, a newspaper with a general circulation in the City of Long Beach and published in Harrison County, Legal Notice, Public Hearing, as evidenced by the Publisher's Proof of Publication.

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

PROOF OF PUBLICATION

LEGAL NOTICE PUBLIC HEARING NOTICE IS HEREBY GIVEN that the Mayor and Board of Aldermen Long Beach, Mississippi will conduct a public hearing, Wednesday, November 5, 2008, at 6:00 o'clock p.m. in the Long Beach School District Central Office, 19148 Commission Road, to consider its own application for ZONING TEXT CHANGE. The City of Long Beach, Mississippi, has filed an application for a zoning text change in accordance with the Comprehensive Zoning Ordinance. Applicant is requesting to change the zoning text to Article IX, Supplementary Regulations, Section 912, Home Occupation. The purpose of the change is to redefine the use of home based businesses in the City of Long Beach.

SECTION 912. HOME-BASED BUSINESS OCCUPATION.

Home-Based Business: Any business, occupation or activity undertaken for gain within a residential structure that is incidental and secondary to the use of that structure as a dwelling unit.

Home Based Business Occupation: An occupation for gain of support conducted in a dwelling unit only by members of a family residing in the dwelling unit and not including the employment of any additional persons, provided that no artists and/or offered for sale except such as may be produced by members of the family in the dwelling unit; provided, further, that the occupation is incidental to the residential use of the dwelling unit and does not utilize more than twenty-five (25) percent of the floor area, that no part of the occupation is conducted in any accessory building, that no traffic shall be generated by such home occupation in greater volume than would be normally expected in a residential neighborhood. There shall be no visible evidence of the conduct of a home occupation.

Types of Home Based Businesses:

Domestic services: A home occupation in which members of the immediate family are employed and who reside in the dwelling unit, and does not include the employment of any additional persons. Domestic services are services normally performed in or around the household by the occupants. These services can also be performed at a business location. There are no appointments or drop in clients or traffic generated beyond that normally associated with a single-family residential use. The administrative portion of the business can be performed in the confines of the principal structure. All other services performed will be completed at the client's place of residence, business or work site. Escort, errand services and other similar businesses, and any contractors operating under local or state license are strictly prohibited. No products will be manufactured or sold on the premises or at the client's work site. No bulk storage, outside storage, or use of an accessory building will be allowed. If the type of domestic service requires equipment, supplies, or a work vehicle, a site plan of the residence's property must be provided. The site plan will detail the property dimensions, abutting streets, all buildings, driveways, and proposed parking of all vehicles. The site plan will address where vehicles, equipment and supplies will be stored. The business is limited to (1) work vehicle (no greater in capacity of size and weight to a one-ton pick-up truck), and one (1) trailer (no longer than twenty-four (24)-feet). A work trailer may be parked in the rear of the property only. Storage of equipment or supplies must be kept within the confines of the work vehicle, trailer or the principal structure. No repairs of equipment or vehicles for the business will be conducted on the property. The business must comply with all other zoning and building code requirements. Examples of the type of home occupation include maid service, yard care, and gardening, and fix-it man. Such uses shall require planning commission approval.

Home Office: An accessory use in which work for compensation is undertaken, including, but not limited to receiving or initiating correspondence, such as phone calls, mail, faxes, or e-mail, preparing or maintaining business records, and word and data processing. Such uses shall be allowed by right.

Personal Instructions: Home occupation in which customers or students, visit the home by appointment only and services is provided on a one-of-one basis. No adult entertainment activities shall be allowed as a home based business occupation. Such uses shall require planning commission approval.

Sales of a specific product: A home occupation in which members of the immediate family are employed, but which offer for sale stock in trade, which is obtained from national franchise entity. Sales of products may be by delivery only or by very infrequent customer visits. Examples of this type of home occupation include Amway, Tupperware, Mary Kay Makeup and similar products. Such uses shall require planning commission approval.

The application for zoning text change was approved by the Long Beach Planning Commission at a public hearing held and convened on September 25, 2008. The City of Long Beach encourages all residents, groups and organizations to contact the City if they have any questions concerning the application.

ORDERED this 7th day of October, 2008, Mayor and Board of Aldermen, Long Beach, Mississippi.

By: /s/ signed: Rebecca E. Schurr, City Clerk, N57,adv14,TTUS 1287123

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Before me, the undersigned Notary of Harrison County, Mississippi personally appeared Julie Garner who, being by me first duly sworn, did depose and say that she is a clerk of The Sun Herald, a newspaper published in the city of Gulfport, in Harrison County, Mississippi, and the publication of the notice, a copy of which is hereto attached, has been made in said paper 1 times in the following numbers and on the following dates of such paper, viz:

- Vol. 125 No., 12 dated 14 day of Oct, 20 08
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____

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

OCT 15 2008

Julie A. Garner
Clerk

Sworn to and subscribed before me this 14 day of October, A.D., 20 08

KANDI A. BERKLEY
Notary Public, State of Mississippi
Harrison County
My Commission Expires
April 05, 2010

Kandi Berkley
Notary Public

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

Alderman Notter made motion seconded by Alderman Lishen and unanimously carried to make the September 25, 2008, Planning Commission minutes a part of the record of this public hearing, on file in the Office of the City Clerk.

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* * *

The Mayor opened the floor for public comments in favor of or opposition to the application for Zoning Text Change, Home Based Occupation/Business, and no one came forward to be heard.

* * *

There being no public comments, Alderman Holder made motion seconded by Alderman Anderson and unanimously carried to close the public hearing.

* * *

Alderman Anderson stated her intent to disconnect via telephone and reconnect later during the course of this meeting, whereupon, Alderman Anderson was absent the meeting.

* * *

After considerable discussion and debate, Alderman McNary made motion seconded by Alderman Lishen and unanimously carried to take the Zoning Text Change, Home Based Occupation/Business, under advisement for further review and consideration at the next regular meeting, November 18, 2008.

The public hearing to consider the City's application for Zoning Text Change, Set Back Line for properties adjacent to U. S. Highway 90, was called to order.

* * *

The Clerk reported that pursuant to that certain order of the Mayor and Board of Aldermen at a regular meeting duly held and convened on October 7, 2008, that she did cause to be published in The Sun Herald, a newspaper with a general circulation in the City of Long Beach and published in Harrison County, Legal Notice, Public Hearing, as evidenced by the Publisher's Proof of Publication.

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

Minutes of November 5, 2008
 Mayor and Board of Aldermen

PROOF OF PUBLICATION

LEGAL NOTICE PUBLIC HEARING
 NOTICE IS HEREBY GIVEN that the Mayor and Board of Aldermen, Long Beach, Mississippi, will conduct a public hearing, Wednesday, November 5, 2008, at 6:00 o'clock p.m. in the Long Beach School District Central Office, 18248 Commission Road, to consider its own application for ZONING TEXT CHANGE. The City of Long Beach, Mississippi, filed an application for a zoning text change in accordance with the Comprehensive Zoning Ordinance. Applicant is requesting to change the zoning text to Article III, definitions of terms and Article IX, Supplementary Regulations, Section 901. The purpose of the change is to define "Set Back Line" for properties adjacent to U.S. Highway 90 and provide for calculation of front and side yard widths and depths on property bounded by U.S. Highway 90 to be made by measuring from the northern boundary of the U.S. Highway 90 easement, and for related purposes. Amendment to Article III, Definition of Terms in this Ordinance, "SETBACK LINE". That the definition of the term "SETBACK LINE" Article III of said Ordinance No. 34, as amended; be and the same is hereby amended to read as follows: "SETBACK LINE: For all parcels except those parcels lying adjacent to or including the easement for U.S. Highway 90, the distance from the property line to the nearest point of a building, excluding uncovered porches. For parcels lying adjacent to or including the easement for U.S. Highway 90, the setback line shall be the distance from the northern boundary of the easement for U.S. Highway 90, as shown by the plats, surveys and records on file and of record in the Office of the Chancery Clerk of Harrison County, Mississippi, to the nearest point of a building, excluding uncovered porches. Amendment to Section 901, Article IX, Supplementary Regulations, Section 901 of Article IX, entitled, "Supplementary Regulations" hereby amended to read as follows: Section 901, Front yard depth, and in the case of a corner building site, side yard width shall be minimum of fifty-five (55) feet from the property line of all arterial other than U.S. Highway 90 and twenty-five (25) feet on all collectors. Such front yard depth and, in the case of a corner building site, side yard width for properties abutting U.S. Highway 90 shall be a minimum of twenty-five (25) feet from the northern boundary of the U.S. Highway 90 easement, as shown by the records, plats and surveys of U.S. Highway 90 on file and of record in the Office of the Chancery Clerk of Harrison County, Mississippi, in Gulfport, regardless of the location of any sidewalk on or adjacent to said easement. Whenever a residential use is permitted in any area classified as Commercial or Industrial, such residential use shall comply with the minimum setback restrictions provided for in an R-3 classification. If such residential use is bounded by an arterial other than U.S. Highway 90, or collector, the front and/or side yard depth shall be fifty-five (55) or twenty-five (25) feet from the property line as that required for an R-3 classification, whichever is greater. If such residential use is bounded by U.S. Highway 90, the front and/or side yard depth shall be a minimum of twenty-five (25) feet from the northern boundary of the U.S. Highway 90 easement. Whenever the boundary of a building site in C-1, C-2, or C-3 or District designates a residential building site in a Residential District, a buffer area of not less than fifteen (15) feet in width shall be provided along the property line adjoining such district and a fence or wall which forms a visual barrier shall be provided along the property line adjoining the same. The application for Zoning Text Change was approved by the Long Beach Planning Commission at public hearing duly and convened on September 25, 2008. The City encourages all residents, groups and organizations to contact the City if they have any questions concerning the application. ORDERED this 7th day of October, 2008, Mayor and Board of Aldermen, Long Beach, Mississippi. By: signed Rebecca E. Schmitt, City Clerk. N36adr14-1TUF 1287124

STATE OF MISSISSIPPI
 COUNTY OF HARRISON

Before me, the undersigned Notary of Harrison County, Mississippi personally appeared Julie Garner who, being by me first duly sworn, did depose and say that she is a clerk of The Sun Herald, a newspaper published in the city Gulfport, in Harrison County, Mississippi, and the publication of the notice, a copy of which is hereto attached, has been made in said paper 1 times in the following numbers and on the following dates of such paper, viz:

- Vol. 125 No., 12 dated 14 day of Oct, 2008
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____

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

Julie A. Garner
 Clerk

OCT 15 2008

Sworn to and subscribed before me this 14 day of October, A.D., 2008

KANDI A. BERKLEY
 Notary Public, State of Mississippi
 Harrison County
 My Commission Expires
 April 05, 2010
Kandi Berkley
 Notary Public

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

Alderman Notter made motion seconded by Alderman Holder and unanimously carried to make the September 25, 2008, Planning Commission a part of the record of this public hearing on file in the Office of the City Clerk.

The Mayor opened the floor for public comments in favor of or opposition to the application for Zoning Text Change, Set Back Line for properties adjacent to U. S. Highway 90, and no one came forward to be heard.

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Mayor and Board of Aldermen**

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There being no public comments, Alderman Holder made motion seconded by Alderman McNary and unanimously carried to close the public hearing.

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Upon discussion, action was taken as follows:

ORDINANCE NO. 559

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AMENDING ORDINANCE NO. 344, AS AMENDED, ENTITLED "THE ZONING ORDINANCE OF THE CITY OF LONG BEACH, MISSISSIPPI" AMENDING ARTICLE III, DEFINITIONS, TO DEFINE "SETBACK LINE" FOR PROPERTIES ADJACENT TO U.S. HIGHWAY 90, AND AMENDING ARTICLE IX, SUPPLEMENTARY REGULATIONS, SECTION 901, TO PROVIDE FOR CALCULATION OF FRONT AND/OR SIDE YARD WIDTHS AND DEPTHS ON PROPERTY BOUNDED BY U.S. HIGHWAY 90 TO BE MADE BY MEASURING FROM THE NORTHERN BOUNDARY OF THE U.S. HIGHWAY 90 EASEMENT, AND FOR RELATED PURPOSES.

WHEREAS, application was filed by the City of Long Beach, Mississippi, with the Planning Commission of the City of Long Beach, Mississippi, for the change in the zoning text in accordance with the Comprehensive Zoning Ordinance, being Ordinance No. 344, as amended, entitled, *Zoning Ordinance of the City of Long Beach*, to amend same and add certain provisions pertaining to setback computations and measurements for parcels of land adjacent to U.S. Highway 90; and

WHEREAS, the Long Beach Planning Commission reviewed said application and, after issuing notice of Public Hearing as required by the Long Beach Zoning Ordinance, did conduct a public hearing on said application on September 25, 2008, at 6:30 p.m. and upon conclusion of said public hearing did recommend approval of the application by the Mayor and Board of Aldermen, which recommendation included recommended changes in the requests as set forth in the application, all as reflected in the official minutes of the September 25, 2008, meeting of the Long Beach Planning Commission; and

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WHEREAS, the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, having made due investigation therefore, do now find, determine, adjudicate and declare as follows, to-wit:

a. That pursuant to legal notice published and given for the time and in the manner provided by law, the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, did meet at 6:00 p.m. on Wednesday, November 5, 2008, at the Long Beach School District Central Office at 19148 Commission Road in said City, the time, place and date fixed in said legal notice, and did conduct a public hearing at which hearing all parties interested in or opposed to the proposed zoning text changes and amendments were given an opportunity to be heard and allowed to make oral and/or written comment to such proposed changes and amendments, which proposed zoning text changes and amendments were then and there on file and had been on file during the period of said notice in the office of the City Clerk at the City Hall in said City, available for public inspection and examination by any and all parties interested in or opposed to the proposed changes and amendments, all as more particularly hereinafter set forth in this ordinance.

b. That, as a result of the aforesaid public hearing and after consideration by the Mayor and Board of Aldermen of the testimony and evidence presented and their own knowledge and familiarity with the City, the Mayor and Board of Aldermen did then find, and do now find, determine adjudicate and declare that the general welfare of the community, as well as the existing needs and development, the need to provide for clear and consistent regulation, definition and development along U.S. Highway 90, particularly in view of the newly constructed sidewalks along the north side of U.S. Highway 90, portions of which sidewalk appear to encroach upon private property north of said highway, in a manner consistent with the growth and development plan of the City of Long Beach, and a reasonable enforcement of rules and regulations

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concerning all of the same, require amendment of Ordinance No. 344, *Zoning Ordinance of the City of Long Beach, Mississippi*, as heretofore amended, by:

1. Amending Article III, entitled, "Definitions of Terms in this Ordinance" to amend the definition of the term, "Setback Line" to provide the base line for measuring same properties adjacent to U.S. Highway 90; and
2. Amending the Article IX, "Supplemental Regulations", Section 901, to provide for calculation of front and/or side yard widths and depths on property bounded by U.S. Highway 90 to be made by measuring from the northern boundary of the U.S. Highway 90 easement.

c. The proposed changes and amendments are conformance with the general intent of the Comprehensive Master Plan. NOW THEREFORE,

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

SECTION 1. Amendment of Article III, Definitions of Terms in this Ordinance, "SETBACK LINE".

That the definition of the term, "SETBACK LINE" Article III of said Ordinance No. 344, as amended, be and the same is hereby amended to read as follows:

"SETBACK LINE: For all parcels except those parcels lying adjacent to or including the easement for U.S. Highway 90, the distance from the property line to the nearest point of a building, excluding uncovered porches. For parcels lying adjacent to or including the easement for U.S. Highway 90, the setback line shall be the distance from the northern boundary of the easement for U.S. Highway 90, as shown by the plats, surveys and records on file and of record in the Office of the Chancery Clerk of Harrison County, Mississippi, to the nearest point of a building, excluding uncovered porches."

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SECTION 2. Amendment to Section 901, Article IX, "Supplemental Regulations".

Section 901 of Article IX, entitled, "Supplementary Regulations" is here by amended to read as follows:

"SECTION 901. Front yard depth, and in the case of a corner building site, side yard width shall be minimum of fifty-five (55) feet from the property line of all arterial other than U.S. Highway 90 and twenty-five (25) feet on all collectors. Such front yard depth and, in the case of a corner building site, side yard width, for properties abutting U.S. Highway 90 shall be a minimum of twenty-five (25) feet from the northern boundary of the U.S. Highway 90 easement as shown by the records, plats and surveys of U.S. Highway 90 on file and of record in the office of the Chancery Clerk of Harrison County, Mississippi, in Gulfport, regardless of the location of any sidewalk on or adjacent to said easement. Whenever a residential use is permitted in any area classified as Commercial or Industrial, such residential use shall comply with the minimum setback restrictions provided for in an R-3 classification. If such residential use is bounded by an arterial other than U.S. Highway 90, or collector, the front and/or side yard depth shall be fifty-five (55) or twenty-five (25) feet from the property line or that required for an R-3 classification, whichever is greater. If such residential use is bounded by U.S. Highway 90, the front and/or side yard depth shall be a minimum of twenty-five (25) feet from the said northern boundary of the U.S. Highway 90 easement. Whenever the boundary of a building site in C-1, C-2, or C-3 or I Districts adjoins a residential building site in a Residential District, a buffer area of not less than fifteen (15) feet in width shall be provided along the property line adjoining such district and a fence or wall which forms a visual barrier shall be provided along the property line adjoining same."

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SECTION 3. 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 4. Ordinance No. 344, as amended, entitled, *Zoning Ordinance of the City of Long Beach*, is amended as set forth hereinabove, only, to otherwise remain in full force and effect.

SECTION 5. Effective Date

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

The above and foregoing Ordinance No. 559 was introduced in writing by Alderman Holder 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 Aye
Alderman Carolyn Anderson	voted Absent, Not Voting
Alderman Allen D. Holder, Jr.	voted Aye
Alderman Joseph McNary	voted Aye
Alderman Mark Lishen	voted Aye

The question having received the affirmative vote of all the Aldermen present and voting, the Mayor declared the motion carried in the said Ordinance 559 adopted and approved this the 5th day of November, 2008.

**Minutes of November 5, 2008
Mayor and Board of Aldermen**

APPROVED:

WILLIAM SKELLIE, JR., MAYOR

ATTEST:

REBECCA E. SCHRUFF, CITY CLERK

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 6:00 o'clock p.m. on Wednesday the 5th day of November, 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 October 21, 2008.

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

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

Alderman Anderson was preliminarily absent the meeting.

The meeting was called to order and the Clerk reported that, pursuant to that order of the Mayor and Board of Aldermen, that she did cause to be published in The Sun Herald, a newspaper with a general circulation in the City of Long Beach and published in Harrison County, Legal Notice, Advertisement for Bids, "JEFF DAVIS AVENUE ROADWAY IMPROVEMENTS PROJECT", as evidenced by the Publisher's Proof of Publication.

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

Minutes of November 5, 2008
Mayor and Board of Aldermen

PROOF OF PUBLICATION

ADVERTISEMENT FOR BIDS
JEFF DAVIS AVENUE ROADWAY IMPROVEMENTS PROJECT
CITY OF LONG BEACH, MISSISSIPPI

Sealed bids will be received by the City of Long Beach, Mississippi, hereafter referred to as Owner, located at 846 Klondyke Road, Long Beach, Mississippi, 39560, until 11:00 A.M., Local Time, Monday, November 3, 2008 for supplying all labor, equipment, and materials necessary for the construction of the Jeff Davis Avenue Roadway Improvements Project.

The work generally consists of the following items:

1. Asphalt Paving with Curb & Gutter
2. Concrete and Brick Paver Sidewalks
3. Storm Drainage System
4. Water and Sewer Systems
5. Landscaping
6. Street Lighting

The above general outline of features of the work does not in any way limit the responsibility of the Contractor to perform all work and furnish all labor, equipment and materials required by the specifications and the drawings referred to therein.

Contract time shall be 540 consecutive calendar days from the effective date shown in the Notice to Proceed. Liquidated damages will be assessed in the amount of the actual costs, expenses and other losses reasonably incurred by Owner for each consecutive calendar day beyond the specified contract time.

Bidder must be qualified under Mississippi Law and show current Certificate of Responsibility issued by the Mississippi State Board of Public Contractors establishing his classification as to the value and type of construction on which he is authorized to bid.

Each Bidder shall write his Certificate of Responsibility Number on the outside of the sealed envelope containing his proposal.

Proposals shall be submitted in duplicate, a separate and deposited with the Owner prior to the hour and date hereinafter designated. No bidder may withdraw his bid within 90 days after the actual date of the opening thereof.

Each Bidder must submit with his proposal, a separate attachment stating his qualifications to perform the work. The Statement of Qualifications shall list past projects of similar size and nature, a list of references with name and telephone number, a list of key personnel who will perform the work, and other information supporting the bidder's qualifications.

Awarding public contracts to non-resident Bidders will be on the same basis as the non-resident bidder's state awards contracts to Mississippi Contractors bidding under similar circumstances. In order to ensure that Mississippi's so-called Golden Rule is followed state law requires a non-resident bidder to attach to his bid a copy of his resident state's current laws pertaining to such state's treatment of non-resident contractors.

Each bidder must deposit with his proposal, a Bid Bond or Certified Check in an amount equal to five percent of his bid, payable to the Owner, as bid security. Bidders shall also submit a current financial statement, if requested, by the Owner. The successful bidder will be required to furnish a Payment Bond and Performance Bond each in the amount of 100 percent of the contract amount.

Copies of the Instructions to Bidders, Bid Forms, Contract Drawings and Contract Specifications with the Standard Specifications for Road and Bridge Construction may be procured at the office of the Engineer, Neel-Schaffer, Inc., 772 Howard Avenue, Bloxie, MS 39530, Phone No. (228) 374-1211, Monday through Friday between the hours of 8:00 A.M. and 5:00 P.M., Local Time, upon payment of \$250.00 for each set, which will not be refunded. Checks are to be made payable to the Engineer.

The Owner hereby notifies all Bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, disadvantaged and women's business enterprises will be afforded the full opportunity to submit bids in response to this invitation, and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

SECTION 3
Section 3 of the Housing and Urban Development Act of 1962 requires that the City and contractors participating in CDBG projects give opportunities for job training and employment to low-income residents of the Section 3 area that is described below.

Section 3 requires that "to the maximum extent feasible" contracts for work in connection with Section 3 covered projects be awarded to business concerns that are located in or owned in substantial part by persons residing in the Section 3 area.

2. The Section 3 area is defined as the city limits of the City of Long Beach.

The Engineer is Neel-Schaffer, Inc., 772 Howard Avenue, Bloxie, Mississippi, 39530, Phone No. (228) 374-1211, Fax No. (228) 374-1216.

The Owner reserves the right to reject any and all bids and to waive any informalities or irregularities therein.

BY: William Skelton, Jr., Mayor
City of Long Beach, Mississippi

DATES OF PUBLICATION
October 2, 2008
October 9, 2008
L38.adv2.9.2THU 1254015

STATE OF MISSISSIPPI
COUNTY OF HARRISON

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

- Vol. 124 No., 305 dated 2 day of Oct, 2008
- Vol. 125 No., 7 dated 9 day of Oct, 2008
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____

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

[Signature]
Clerk

Sworn to and subscribed before me this 9 day of October, A.D., 2008

KANDI A. BERKLEY
Notary Public, State of Mississippi
Harrison County
My Commission Expires
April 05, 2010

[Signature]
Notary Public

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

**Minutes of November 5, 2008
Mayor and Board of Aldermen**

BIDS - JEFF DAVIS AVENUE IMPROVEMENTS PROJECT					
NOVEMBER 4, 2008 - 2:00 P.M.					
OPEN NOVEMBER 5, 2008					
PRELIMINARY BID TABULATION	CERT. RESP #	ACKNOWLEDGE ADDENDUMS			BID AMOUNT
		NO. 1	NO. 2	NO. 3	
COMPANY NAME					
Hemphill Construction Company P.O. Drawer 879 Florence, MS 39073 601-932-2060	2449	√	√	√	\$ 5,887,868.60
J Levens Builders 5098 A Avenue, Suite A - P.O. Box 779 Long Beach, MS 39560 228-83-0303	11032	√	√	√	5,680,767.75
Kappa Development & General Contr., Inc. 10480 Reichold Road Gulfport, MS 39505 228-897-1115	11582	√	√	√	6,336,639.30
Knowles Construction, Inc. 17581 Old Highway 49 Saucier, MS 39574	11798	√	√	√	4,667,717.25
Lane Construction Company of MS, Inc. P.O. Box 1437 Ocean Springs, MS 39566-1437	07628	√	√	√	5,809,255.00
SCI, Inc. 10200 Logan Cline Road Gulfport, MS 39503	04939	√	√	√	5,775,775.77
TCB Construction Co., Inc. 5913 Highway 53 Poplarville, MS 39470	08983	√	√	√	5,784,347.09

*

*

Upon discussion, Alderman Lishen made motion seconded by Alderman McNary and unanimously carried to take the aforementioned bids under advisement for review and tabulation by Craig High, Neel-Schaffer and Associates, with a recommendation at the next regular meeting, November 18, 2008.

**Minutes of November 5, 2008
Mayor and Board of Aldermen**

The Clerk reported that, pursuant to that certain order of the Mayor and Board of Aldermen, that she did cause to be published in The Sun Herald, a newspaper with a general circulation in the City of Long Beach and published in Harrison County, Legal Notice, Advertisement for Bids, "CITY HALL DEMOLITION", as evidenced by the Publisher's Proof of Publication.

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

**SECTION 901
ADVERTISEMENT FOR
BIDS
LONG BEACH CITY HALL
DEMOLITION
CITY OF LONG BEACH,
MISSISSIPPI**
Sealed bids will be received by the City of Long Beach, Mississippi, hereafter referred to as Owner, located at 645 Klondyke Road, Long Beach, Mississippi, 39560, until 11:00 A.M., Local Time, Monday, November 3, 2008, for supplying all labor, equipment, and materials necessary for the Long Beach City Hall Demolition Project. The work generally consists of asbestos abatement and demolition of two buildings: one 4,400 square foot brick building and one 6,460 square foot metal building. The concrete foundation for the existing memorial associated with the demolition area will be removed. All landscaping features will be removed in compliance with demolition plan. Location of said work is at 201 Jeff Davis Avenue, at the southeast corner of East Second Street and Jeff Davis Avenue. The above general outline of features of the work does not in any way limit the responsibility of the Contractor to perform all work, and to furnish all labor, equipment, and materials required by the specifications and the drawings referred to therein. Contract time shall be forty-five (45) consecutive calendar days from the effective date shown in the Notice to Proceed. Liquidated damages will be assessed in the amount of the actual costs, expenses and other losses reasonably incurred by Owner for each consecutive calendar day beyond the specified contract time. Bidder must be qualified under Mississippi Law and show current Certificate of Responsibility issued by the Mississippi State Board of Public Contractors establishing his classification, as to the value and type of construction of which he is authorized to bid. Each Bidder shall write his Certificate of Responsibility Number on the outside of the sealed envelope containing his proposal. Proposals shall be submitted in duplicate, sealed and deposited with the Owner prior to the hour and date hereinbefore designated. No bidder may withdraw his bid within sixty (60) days after the actual date of the opening thereof. Awarding public contracts to non-resident Bidders will be on the same basis as the non-resident bidder's state awards contracts to Mississippi Contractors bidding under similar circumstances. In order to ensure that Mississippi's so-called Golden Rule is followed state law requires a non-resident bidder to attach to his bid a copy of his resident state's current laws pertaining to such state's treatment of non-resident contractors. Each Bidder must deposit with his proposal, a Bid Bond or Certified Check in an amount equal to five percent of his bid, payable to the Owner, as bid security. Bidders shall also submit a current financial statement, if requested by the Owner. The successful bidder will be required to furnish a Payment Bond and Performance Bond each in the amount of 100 percent of the contract amount. Copies of the Instructions to Bidders, Bid Forms, Contract Drawings and Contract Specifications, with the exception of the Mississippi Standard Specifications for

Head and Bridge Construction) may be procured at the office of the Engineer, Neal-Schaffer, Inc., 833 Highway 90, Suite 13, Bay St. Louis, MS 38520, Phone No. (228) 466-5155 Monday through Friday between the hours of 8:00 A.M. and 5:00 P.M., Local Time. Plans and specifications may be examined without charge during regular business hours and may be obtained from the same office upon payment of \$75.00. This deposit will be refunded upon return of all documents in good condition within thirty (30) days of receipt of bids. No refunds will be made after the thirty (30) day period. Checks are to be made payable to the Engineer. Mississippi Standard Specifications for Road and Bridge Construction, 2004 and 1990 Edition as referred to herein, may be purchased from the Mississippi Department of Transportation. The Owner hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, all business enterprises will be afforded the full opportunity to submit bids in response to this invitation and will not be discriminated on the grounds of race, color, or national origin in consideration for an award. NOTE: Section 3 of the Housing and Urban Development Act of 1968 requires that the City and contractors participating in CDBG projects give opportunities for job training and employment to lower income residents of the Section 3 area that is described below: 1. Section 3 requires that "to the maximum extent feasible" contracts for work in connection with Section 3 covered projects be awarded to business concerns that are located in, or owned in substantial part by persons residing in the Section 3 area. 2. The Section 3 area is defined as the city limits of the City of Long Beach. The Engineer is: Neal-Schaffer, Inc., 833 Highway 90, Suite 13, Bay St. Louis, Mississippi 39520, Phone No. (228) 466-5155, Fax No. (228) 466-5156. The Owner reserves the right to reject any and all bids and to waive any informalities or irregularities therein. BY: William Skelton, Jr., Mayor City of Long Beach, Mississippi
1284024

PROOF OF PUBLICATION

STATE OF MISSISSIPPI
COUNTY OF HARRISON

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

- Vol. 124 No. 305 dated 2 day of Oct, 2008
- Vol. 125 No. 7 dated 9 day of Oct, 2008
- Vol. _____ No., _____ dated _____ day of _____, 20____
- Vol. _____ No., _____ dated _____ day of _____, 20____
- Vol. _____ No., _____ dated _____ day of _____, 20____
- Vol. _____ No., _____ dated _____ day of _____, 20____
- Vol. _____ No., _____ dated _____ day of _____, 20____

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

[Signature]
Clerk

Sworn to and subscribed before me this 9 day of

October, A.D., 2008

KANDI A. BERKLEY
Notary Public, State of Mississippi
Harrison County
My Commission Expires
April 08, 2010

[Signature]
Notary Public

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

**Minutes of November 5, 2008
Mayor and Board of Aldermen**

* * *

Alderman Anderson arrived via telephone and was present the meeting.

* * *

The Clerk further reported that ten (10) bids were properly filed, whereupon, said bids were then and there publicly opened and read aloud, as follows:

BIDS - LONG BEACH CITY HALL DEMOLITION					
NOVEMBER 3, 2008 - 11:00 A.M.					
OPEN NOVEMBER 5, 2008					
PRELIMINARY BID TABULATION COMPANY NAME	CERT. RESP. #	BID BOND	ACKNOWLEDGE ADDENDUMS		BID AMOUNT
			NO. 1	NO. 2	
ARC, Incorporated 7735 Old Birmingham Highway Cottondale, Alabama 35453	05702	√	√	√	\$ 34,676.80
D.H. Griffin Wrecking Co., Inc. Demolition & Asbestos Removal, Inc. P.O. Box 7037 - 1323 W. Nine Mile Road Pensacola, FL 32534	05097	√	√	√	132,528.50
Elite Contractors, Inc. P.O. Box 795 Ocean Springs, MS 39059	16061	√	√	√	48,782.00
Industrial Environmental Management LLC P.O. Box 936 Poplarville, MS 39470 601-795-4203	15107	√	√	√	54,465.00
J Levens Builders 5098 A Avenue - P.O. Box 779 Long Beach, MS 39560	11032	√	√	√	47,939.88
Salvage Nine 112 N. Ocean Wave Long Beach, MS 39560	11773	√	√	√	29,029.00
Southern Recycling and Demolition, Inc. P.O. Box 6271 D'Iberville, MS 39540	12860	√	√	√	35,404.00
T L Wallace Construction, Inc. P.O. Box 523 Columbia, MS 39429	3770	√	√	√	155,552.97
Twin L Construction, Inc. 8292 Firetower Road Pass Christian, MS 39571	08365	√	√	√	52,923.79
Young General Contracting 5100 Highway PP Poplar Bluff, Missouri 63901 573-785-1501	16091	√	√	√	42,315.31

****Contintental Rails & Excavting, Inc. received Nov. 3rd at 11:02 a.m.**

Upon discussion, Alderman Lishen made motion seconded by Alderman McNary and unanimously carried to take the aforementioned bids for review and

**Minutes of November 5, 2008
Mayor and Board of Aldermen**

tabulation by Craig High, Neel-Schaffer and Associates, with a recommendation at the next regular meeting, November 18, 2008.

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



Memo

To: MAYOR SKELLIE & BOARD OF ALDERMEN

From: Derrel Wilson, Project Manager *DW*

CC:

Date: 10/27/2008

Re: ANNUAL BIDS

CRUSHED LIMESTONE:

I have reviewed the bids for Crushed Limestone and find the lowest and best bidder to be Warren Paving, Inc.

BID # 1 - WARREN PAVING, INC.	\$27.00/ton
BID # 2 - JLB LEVENS BUILDERS	\$37.21/ton

NOTE: Be advised that my son, D.T. Wilson, works for Warren Paving, Inc. as an Engineer/Estimator. Although he was not directly involved in preparing the annual crushed limestone bid for Long Beach, I prefer not to make a recommendation to award a bid to his employer. I defer this decision to the Board.

HOT BITUMINOUS ASPHALT:

One bid was received from Warren Paving, Inc. for Hot Bituminous Asphalt. I recommend we reject this bid and re-advertise in an effort to attract additional bidders.

READY MIX CONCRETE:

One bid was received from Bayou Concrete, LLC for Ready Mix Concrete. I recommend we reject this bid and re-advertise in an effort to attract additional bidders.

Minutes of November 5, 2008 Mayor and Board of Aldermen

POLYETHYLENE CULVERT PIPE:

I have reviewed the bids received for the above referenced item and find that Vellano Brothers, Inc. has submitted the lowest and best bid. I recommend the bid be awarded to:

VELLANO BROTHERS, INC., 3024 Birmingham Highway, Montgomery, AL 36108

RECLAIMED CRUSHED CONCRETE:

I have reviewed the bids received for the above referenced item and find that Fuller Five Enterprises, Inc. has submitted the lowest and best bid. I recommend the bid be awarded to:

FULLER FIVE ENTERPRISES, INC. – 14500 Creosote Road, Gulfport, MS 39503

PVC SEWER PIPE & FITTINGS, WATER PIPE & FITTINGS, FIRE HYDRANTS & GATE VALVES:

I have reviewed the bids received for the above referenced items and find that Mississippi Utilities has submitted the lowest and best bid. I recommend the bid be awarded to:

MISSISSIPPI UTILITIES – 14231 Seaway Road, Gulfport, MS 39503

Minutes of November 5, 2008
Mayor and Board of Aldermen

UTILITY PARTNERS, LLC

Memo

To: REBECCA SCHRUFF, CITY CLERK
From: Derrel Wilson, Project Manager *DW*
CC:
Date: 10/27/2008
Re: BID FROM VELLANO BROTHERS, INC. FOR PVC SEWER PIPE & FITTINGS, WATER PIPE & FITTINGS, FIRE HYDRANT & GATE VALVES

I received two (2) bid packs from Vellano Brothers, Inc. for the above referenced items for FY09 annual bid. After comparing the bids, I call your attention to the following:

Page 4 of 7 - Under "meters" category, the first bid listed "No Bid" for meters. The second bid shows a bid price for all three (3) sizes listed.

Page 7 of 7 - Under PVC Fittings - Gasketed, the first bid lists a bid price of \$4.71 for 4" 22 degree. The second bid lists a bid price of \$4.17 for 4" 22 degree.

Please note that these errors are not significant enough to change the outcome of the bid selection.

1

Alderman Notter made motion seconded by Alderman Anderson and unanimously carried to accept the recommendation of Mr. Wilson as set forth above and to award the bid, Crushed Limestone, Warren Paving, Inc., as lowest and best bid.

Alderman Burton made motion seconded by Alderman Boggs and unanimously carried to accept the recommendation of the Market Position Analysis Selection Committee, as follows:

M.B. 62

PUBHEAR/REC:11.05.08

Minutes of November 5, 2008 Mayor and Board of Aldermen

MINUTES CONSULTANT SELECTION COMMITTEE

October 31, 2008
Date

RE: Planning Services

Members Present: William Skellie, Jr.
Allen D. Holder, Jr.
Richard Notter
Mark Lishen
Frank Olaiver

The Committee reviewed 1 proposals submitted for the services referenced above using the following selection criteria for evaluation:

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

The Committee members assigned points to each firm or individual based on a careful review of the content of the proposal. The following is a summary of the points assigned by each member of the Selection Committee and the total points assigned to each firm.

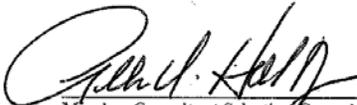
<u>Firm</u>	<u>Committee Member</u>	<u>Committee Member</u>	<u>Committee Member</u>	<u>Committee Member</u>	<u>Committee Member</u>	<u>Total Points</u>
Slaughter and Associates, PLLC	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>500</u>
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

Based upon a tabulation of points, the proposal submitted by Slaughter and Associates, PLLC, 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", the City of Long Beach, the Committee, therefore, recommends the selection of the firm of Slaughter and Associates, PLLC to perform Planning Services.



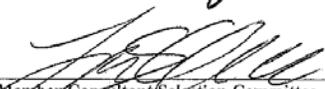
Member Consultant Selection Committee



Member Consultant Selection Committee



Member Consultant Selection Committee



Member Consultant Selection Committee



Member Consultant Selection Committee

**Minutes of November 5, 2008
Mayor and Board of Aldermen**

**RECOMMENDATION OF
CONSULTANT SELECTION COMMITTEE**

RE: Planning Services

Pursuant to 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", the City of Long Beach requested proposals for Planning Services.

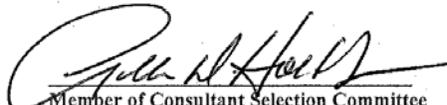
The following proposals were received in the City Clerk's Office no later than 5:00 P.M. on Thursday, October 30, 2008. The Consultant Selection Committee met on Friday, October 31, 2008, at 4:00 P.M. to review the proposals received from the following firms and/or individuals:

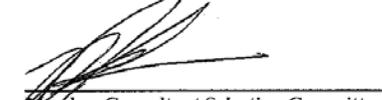
1. Slaughter and Associates, PLLC

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 this Committee to be the most advantageous to the City. We, therefore, recommend award of a contract to Slaughter and A. The firms that were evaluated are listed in order of the points assigned.

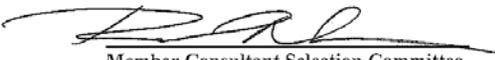
<u>Firm</u>	<u>Total Points</u>
Slaughter and Associates PLLC	<u>500</u>


Member Consultant Selection Committee


Member of Consultant Selection Committee


Member Consultant Selection Committee


Member of Consultant Selection Committee


Member Consultant Selection Committee

Minutes of November 5, 2008 Mayor and Board of Aldermen

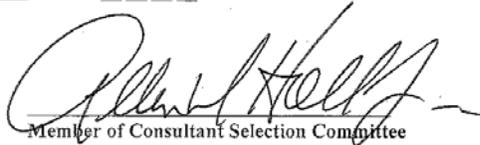
LONG BEACH, MISSISSIPPI SELECTION COMMITTEE RATING FORM

DATE: October 31, 2008

SELECTION OF: Planning Services

	<u>CRITERIA</u>	<u>MAXIMUM POINTS</u>
1.	Qualifications – Information reflecting the background, professional, and technical expertise to prepare the work.	30
2.	Experience – Information regarding experience of the firm and of the individuals to be assigned to provide the services. At a minimum, information submitted should include the following: a. The name of the City for which a Market Position Analysis was prepared by the firm or individual, the date of such plan and a description of the role the firm or individual played in the preparation of the analysis.	30
3.	Capacity for Performance (Work Force) Timely completion of the planning work is essential, to that end, each proposal must clearly identify the number and title of staff to be assigned to complete the work.	30
4.	Cost Each proposal shall include a lump sum maximum upset cost for preparation of the element of planning work requested.	10
Total Points		100

<u>NAME</u>	<u>CRITERIA</u>				<u>TOTAL POINTS</u>
	1	2	3	4	
Slaughter and Associates, PLLC	3	5	3	10	100
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____


 Member of Consultant Selection Committee

Minutes of November 5, 2008 Mayor and Board of Aldermen

LONG BEACH, MISSISSIPPI SELECTION COMMITTEE RATING FORM

DATE: October 31, 2008

SELECTION OF: Planning Services

	<u>CRITERIA</u>	<u>MAXIMUM POINTS</u>
1.	<u>Qualifications</u> – Information reflecting the background, professional, and technical expertise to prepare the work.	30
2.	<u>Experience</u> – Information regarding experience of the firm and of the individuals to be assigned to provide the services. At a minimum, information submitted should include the following: a. The name of the City for which a Market Position Analysis was prepared by the firm or individual, the date of such plan and a description of the role the firm or individual played in the preparation of the analysis.	30
3.	<u>Capacity for Performance (Work Force)</u> Timely completion of the planning work is essential, to that end, each proposal must clearly identify the number and title of staff to be assigned to complete the work.	30
4.	<u>Cost</u> Each proposal shall include a lump sum maximum upset cost for preparation of the element of planning work requested.	10
Total Points		100

<u>NAME</u>	<u>CRITERIA</u> <u>1 2 3 4</u>	<u>TOTAL POINTS</u>
<u>Slaughter and Associates, PLLC</u>	<u>30 30 30 10</u>	<u>100</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____


 Member of Consultant Selection Committee

Minutes of November 5, 2008 Mayor and Board of Aldermen

LONG BEACH, MISSISSIPPI SELECTION COMMITTEE RATING FORM

DATE: October 31, 2008

SELECTION OF: Planning Services

	<u>CRITERIA</u>	<u>MAXIMUM POINTS</u>
1.	<u>Qualifications</u> – Information reflecting the background, professional, and technical expertise to prepare the work.	30
2.	<u>Experience</u> – Information regarding experience of the firm and of the individuals to be assigned to provide the services. At a minimum, information submitted should include the following: a. The name of the City for which a Market Position Analysis was prepared by the firm or individual, the date of such plan and a description of the role the firm or individual played in the preparation of the analysis.	30
3.	<u>Capacity for Performance (Work Force)</u> Timely completion of the planning work is essential, to that end, each proposal must clearly identify the number and title of staff to be assigned to complete the work.	30
4.	<u>Cost</u> Each proposal shall include a lump sum maximum upset cost for preparation of the element of planning work requested.	10
	Total Points	100

<u>NAME</u>	<u>CRITERIA</u>				<u>TOTAL POINTS</u>
	1	2	3	4	
<u>Slaughter and Associates, PLLC</u>	---	---	---	---	<u>100</u>
_____	---	---	---	---	---
_____	---	---	---	---	---
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 Member of Consultant Selection Committee

Minutes of November 5, 2008 Mayor and Board of Aldermen

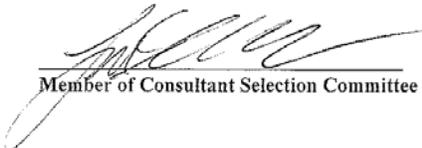
LONG BEACH, MISSISSIPPI
SELECTION COMMITTEE
RATING FORM

DATE: October 31, 2008

SELECTION OF: Planning Services

	<u>CRITERIA</u>	<u>MAXIMUM POINTS</u>
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3.	<u>Capacity for Performance (Work Force)</u> Timely completion of the planning work is essential, to that end, each proposal must clearly identify the number and title of staff to be assigned to complete the work.	30
4.	<u>Cost</u> Each proposal shall include a lump sum maximum upset cost for preparation of the element of planning work requested.	10
	Total Points	100

<u>NAME</u>	<u>CRITERIA</u> 1 2 3 4	<u>TOTAL POINTS</u>
<u>Slaughter and Associates, PLLC</u>	<u>30 30 30 10</u>	<u>100</u>
_____	-----	-----
_____	-----	-----
_____	-----	-----
_____	-----	-----
_____	-----	-----



 Member of Consultant Selection Committee

Minutes of November 5, 2008 Mayor and Board of Aldermen

CERTIFICATION

This is to certify that I, William Skellie, Jr., am a member of the Consultant Selection Committee for the Katrina Supplemental CDBG Planning Grant Project 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 that employs, 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 any of the Consultant Firms listed below:

1. Slaughter & Associates, PLLC



William Skellie, Jr.

October 31, 2008
Date

Minutes of November 5, 2008 Mayor and Board of Aldermen

CERTIFICATION

This is to certify that I Allen D. Holder, Jr., am a member of the Consultant Selection Committee for the Katrina Supplemental CDBG Planning Grant Project 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 that employs, 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 any of the Consultant Firms listed below:

1. Slaughter and Associates, PLLC



Allen D. Holder, Jr.

October 31, 2008
Date

Minutes of November 5, 2008 Mayor and Board of Aldermen

CERTIFICATION

This is to certify that I, Richard Notter, am a member of the Consultant Selection Committee for the Katrina Supplemental CDBG Planning Grant Project 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 that employs, 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 any of the Consultant Firms listed below:

1. Slaughter and Associates, PLLC


Richard Notter

October 31, 2008
Date

Minutes of November 5, 2008 Mayor and Board of Aldermen

CERTIFICATION

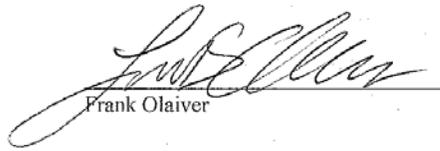
This is to certify that I, Frank Olaiver, am a member of the Consultant Selection Committee for the Katrina Supplemental CDBG Planning Grant Project for the City of Long Beach, Mississippi, and that I understand that I am prohibited by law from participating in the selection of or the award of a contract 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 that employs, 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 any of the Consultant Firms listed below:

1. Slaughter and Associates, PLLC



Frank Olaiver

October 31, 2008

Date

**Minutes of November 5, 2008
Mayor and Board of Aldermen**

CERTIFICATION

This is to certify that I, Mark Lishen, am a member of the Consultant Selection Committee for the Katrina Supplemental CDBG Planning Grant Project 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 that employs, 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 any of the Consultant Firms listed below:

- 1. Slaughter and Associates, PLLC



Mark Lishen

October 31, 2008
Date

Alderman Holder made motion seconded by Alderman Notter and unanimously carried to authorize bids, Construct New City Hall, said bids to be opened December 16, 2008.

There were no announcements, presentations, or proclamations.

**Minutes of November 5, 2008
Mayor and Board of Aldermen**

Alderman Holder made motion seconded by Alderman Boggs and unanimously carried to suspend the rules and amend the Municipal Docket to include the following: Item VIII.3.a. APPROVE MINUTES; PORT COMMISSION; November 3, 2008 (Special) Item X.2.d. DEPARTMENTAL BUSINESS; CIVIL DEFENSE – HURRICANE KATRINA; Change Order No. 3 – Force Main under Highway 90, Katrina Water & Sewer Replacement, Harbor Repairs.

Alderman Holder made motion seconded by Alderman Burton and unanimously carried to approve the regular meeting minutes of the Mayor and Board of Aldermen dated October 21, 2008, as submitted.

Alderman Boggs made motion seconded by Alderman Holder and unanimously carried to approve the October 23, 2008, Planning Commission minutes, as submitted.

Alderman Lishen made motion seconded by Alderman Holder and unanimously carried to approve the special meeting minutes of the Port Commission dated November 3, 2008, as submitted.

Alderman Holder made motion seconded by Alderman Notter and unanimously carried to approve payment of invoices as listed in Docket of Claims number 110408, inclusive of payment number 007, Flagstar Construction Company, Inc., Senior Citizen/Recreation Facility, in the amount of \$113,964.85.

The Mayor recommended that the Board of Aldermen authorize a letter to Utility Partners, LLC, stating the city's intent of non-renewal of the present contract.

After considerable discussion, Alderman Holder made motion seconded by Alderman Anderson and unanimously carried to meet in closed session to preliminarily determine whether or not to declare an executive session to discuss ongoing and prospective litigation, whereupon, the Mayor and Board of Aldermen met in closed session.

* *

The meeting resumed in open session and, based upon discussion held in closed session it was determined that there was no need to declare an executive session.

* *

**Minutes of November 5, 2008
Mayor and Board of Aldermen**

Upon further discussion, Alderman Holder made motion seconded by Alderman Anderson directing the Mayor to officially inform Utility Partners, LLC, that the city will not renew their existing public works management contract.

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

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

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

Alderman Holder made motion seconded by Alderman Anderson to extend the Proclamation of Civil Emergency, Hurricane Katrina and Hurricane Gustav; and to discontinue the state of civil emergency, Hurricane Ike.

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

* * *

There came on for consideration a request for placement of a camper trailer, 218 White Harbor Road, Jack and Lesa Prince, as follows:

Minutes of November 5, 2008
Mayor and Board of Aldermen

had been vacant since the storm. We immediately got building permits to begin repairing that home so we would have it to stay in when we are here. We have been working on it since May and are waiting for a plumber to get our plumbing cut out and rerun for 2 months. The first of this month (October) we brought our fifth wheel camper + parked it in our driveway to be able to stay in it when we are here until our house is completed. We have been hooked up to our water, sewer + electric supply since we parked it in the driveway. I was informed yesterday by a note on my door that I needed to apply for a permit so I am writing this petition so it could be applied for. I appreciate your consideration in this matter.
Thanks so much!

Sincerely,
Lesa Prince

My home address is 57 Auburndale Cove,
Jackson, Tennessee 38305.

Upon discussion, Alderman Holder made motion seconded by Alderman Boggs and unanimously carried to approve the placement of said camper trailer for a period not to exceed six (6) months, provided plans are submitted and approved, permits issued for construction and hook-up to city water and sewer.

* *

Alderman Burton returned to the open meeting.

**Minutes of November 5, 2008
Mayor and Board of Aldermen**

BUDGET MODIFICATION WORKSHEET

Recipient: City of Long Beach Contract Number: R-109-235-03-KCR

Activity	Current Budget	Proposed Budget	Change (+ -)
Application Prep.	\$ 10,000.00	\$ 10,000.00	No change
Administration	\$ 21,500.00	\$ 72,100.00	+\$ 50,600.00
Architectural/Engineering	\$ 61,788.00	\$ 99,140.00	+\$ 37,352.00
Surveying/Geotech	\$ 27,055.00	\$ 27,055.00	No change
Special Consultants	\$ 34,845.00	\$ 34,845.00	No change
Contingencies	\$ 20,000.00	\$ 66,000.00	+\$ 46,000.00
Legal	\$ 0.00	\$ 8,589.00	+\$ 8,589.00
Town Green	\$ 0.00	\$1,342,000.00	+\$ 1,342,000.00
	TOTAL	TOTAL	TOTAL
	\$ 175,188.00	\$1,659,729.00	\$1,484,541.00

Comments:

Minutes of November 5, 2008 Mayor and Board of Aldermen

Katrina Supplemental CDBG Program Budget Summary

Applicant: Long Beach – Town Green

Funding Year: _____ Grant Year: _____ Contract: # _____

Description	MDA	IDIS	Katrina CDBG	Other Funding Sources			Total
Administration							
General Administration			\$72,100.00				\$72,100.00
Application Prep.			\$10,000.00				\$10,000.00
Audit							\$ 0.00
Subtotal (A)			\$82,100.00	\$0.00	\$0.00	\$0.00	\$82,100.00
Description	MDA	IDIS	Katrina CDBG	Other Funding Sources			Total
Public Facilities							
Acquisition							\$ 0.00
Architectural/Engineering			\$99,140.00				\$99,140.00
Bridges							\$ 0.00
Construction of Public Building							\$ 0.00
Contingency			\$66,000.00				\$66,000.00
Demolition							\$ 0.00
Drainage & Flood Protection							\$ 0.00
Fire protection							\$ 0.00
Legal			\$8,589.00				\$8,589.00
Public Service							\$ 0.00
Rail							\$ 0.00
Renovation of Public Building							\$ 0.00
Sewage Pumping Station							\$ 0.00
Sewage Treatment							\$ 0.00
Sewer Line(s)							\$ 0.00
Street & Road Improvements							\$ 0.00
Water Booster Station							\$ 0.00
Water Line(s)							\$ 0.00
Water Tank							\$ 0.00
Water Treatment							\$ 0.00
Water Well							\$ 0.00
Other-Surveying/Geotech			\$27,055.00				\$27,055.00
Town Green Construction			\$1,342,000.00				\$1,342,000.00
Special Consultants			\$34,845.00				\$34,845.00
Subtotal (B)			\$1,577,629.00	\$0.00	\$0.00	\$0.00	\$1,577,629.00
Grand Total (A + B)			\$1,659,729.00	\$0.00	\$0.00	\$0.00	\$1,659,729.00

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

Minutes of November 5, 2008
Mayor and Board of Aldermen



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

520 33RD STREET, GULFPORT, MS 39507
P.O. BOX 1677, GULFPORT, MS 39502

TEL (228) 863-0867
FAX (228) 863-5232



November 5, 2008

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

**RE: Proposed Change Order No. 3 – Force Main under Hwy. 90
Katrina Water & Sewer Replacement – Harbor Repairs**

Ladies and Gentlemen:

We have attached a proposed Change Order No. 3 for the water & sewer replacement in the Long Beach Harbor. This Change Order is intended to replace the force main underneath Highway 90 which was damaged by Hurricane Katrina. It took the repair to the sewer system in the Harbor to prove that the main crossing the highway was damaged. This change order will bore a new HDPE casing underneath the highway and connect a new force main to the recently repaired sewer system on the north side of the highway. The contractor has been unable to fully complete the project because the lift stations in the Harbor all “flow” through the collapsed force main, making testing of the repaired system impossible.

Due to the time-sensitive nature of this work, we have not yet received comments back from FEMA; but we expect to receive their comments soon. Therefore, we recommend that the Board authorize the Mayor to execute the Change Order, pending further Technical Review. Upon FEMA’s technical review and the Mayor’s execution, we would immediately notify the Contractor to proceed with the work, who expects that his sub-contractor could be on-site in 1 to 2 weeks. After the directional bore under the highway is complete, we don’t expect that it would take more than a week to have a functional system, with restoration work to follow.

Sincerely,

David Ball, P.E.

DB:1770-Harbor
Enclosure

**Minutes of November 5, 2008
Mayor and Board of Aldermen**

CHANGE ORDER

No. 3

Dated 10/28/2008

Owner's Project No. _____ Engineer's Project No. 1770-Harbor

Project Katrina Water and Sewer Replacement - Harbor Repairs

Owner City of Long Beach

Contractor Onyx, Inc. Contract Date 11/20/07

Contract For Entire Project

To: Onyx, Inc. Contractor:

Your are directed to make the changes noted below in the subject contract:

Owner City of Long Beach

By _____

Date _____

Nature of the Change

1. Add contract items and quantities to construct a new force main which crosses Highway 90 and connects to a new manhole on the north side of the Highway.

Enclosures:

The changes result in the following adjustment of Contract Price and Contract Time:

Original Contract Price	<u>\$ 259,965.00</u>
Contract Price Prior to This Change Order	<u>\$ 286,276.75</u>
Net (Increase) Resulting from this Change Order	<u>\$ 44,771.70</u>
Current Contract Price Including This Change Order	<u>\$ 331,048.45</u>

**Minutes of November 5, 2008
Mayor and Board of Aldermen**

Contract Time Prior to This Change Order	_____ 139 _____	Calendar Days.
Net (Increase) Resulting From This Change Order	_____ 0 _____	Calendar Days.
Current Contract Time Including This Change Order	_____ 139 _____	Calendar Days.

The Above Changes Are Approved:

A. Garner Russell & Associates, Inc.
ENGINEER

by _____

Date _____

The Above Changes Are Accepted:

Onyx, Inc.
CONTRACTOR

by _____

Date _____

Minutes of November 5, 2008 Mayor and Board of Aldermen

PROJECT NO. 1770-Harbor

ATTACHMENT TO CHANGE ORDER NO. 3

NO.	DESCRIPTION	CURRENT CONTRACT QUANTITY	UNIT PRICE	CURRENT CONTRACT EXTENSION	QUANTITY THIS C.O.	EXTENSION THIS C.O.	REVISED CONTRACT QUANTITY	REVISED CONTRACT EXTENSION
100-A	8" WATER MAIN, PVC OR DUCTILE IRON	760 LF	\$55.00	\$39,840.00			700	\$38,500.00
100-B	DUCTILE IRON FITTINGS	1.2 TON	\$2,500.00	\$3,000.00	0.1	\$250.00	1.3	\$3,250.00
120-A	FIRE HYDRANT WITH VALVE, LESS THAN 4' BURY	4 EA	\$2,100.00	\$8,400.00			4	\$8,400.00
120-B	FIRE HYDRANT WITH VALVE, 4' TO 5' BURY	1 EA	\$2,200.00	\$2,200.00			1	\$2,200.00
120-C	FIRE HYDRANT WITH VALVE, GREATER THAN 5' BURY	1 EA	\$2,300.00	\$2,300.00			1	\$2,300.00
130-A	8" x 6" TAPPING SLEEVE WITH VALVE	1 EA	\$2,200.00	\$2,200.00			1	\$2,200.00
130-B	CONNECT TO EXISTING FITTING OR STUB	2 EA	\$500.00	\$1,000.00			2	\$1,000.00
130-C	LOCATE AND DISCONNECT EXISTING WATER MAIN	2 EA	\$250.00	\$500.00			2	\$500.00
130-D	REMOVE EXISTING FIRE HYDRANT	3 EA	\$100.00	\$300.00			3	\$300.00
140-A	8" SERVICE SADDLE	15 EA	\$50.00	\$750.00			15	\$750.00
140-B	CORPORATION STOP	15 EA	\$55.00	\$825.00			15	\$825.00
140-C	CURB VALVE W/ METER BOX	15 EA	\$12.00	\$180.00			15	\$180.00
140-D	8" SERVICE SADDLE	5 EA	\$150.00	\$750.00			5	\$750.00
140-E	8" SERVICE SADDLE	350 LF	\$70.00	\$24,500.00			350	\$24,500.00
140-F	8" SERVICE SADDLE	200 LF	\$30.00	\$6,000.00			200	\$6,000.00
200-A	8" SEWER SERVICE PIPE	5 EA	\$150.00	\$750.00			5	\$750.00
200-B	8" CLEANOUT ASSEMBLY	1 EA	\$2,000.00	\$2,000.00			1	\$2,000.00
200-C	MANHOLE, OBT CUT	1 EA	\$4,500.00	\$4,500.00			1	\$4,500.00
200-D	REHAB PUMP STATION #40	1 LS	\$16,000.00	\$16,000.00			1	\$16,000.00
200-E	REHAB PUMP STATION #40	1 LS	\$4,000.00	\$4,000.00			1	\$4,000.00
200-F	REHAB PUMP STATION #2	0 LS	\$2,500.00	\$0.00			0	\$0.00
200-G	REHAB PUMP STATION #2	0 LS	\$10,000.00	\$0.00			0	\$0.00
200-H	REHAB PUMP STATION #2	1 LS	\$2,500.00	\$2,500.00			1	\$2,500.00
200-I	REHAB PUMP STATION #2	1 LS	\$10,000.00	\$10,000.00			1	\$10,000.00
200-J	REHAB PUMP STATION #2	1 LS	\$2,500.00	\$2,500.00			1	\$2,500.00
200-K	REHAB PUMP STATION #2	100 CY	\$10.00	\$1,000.00			100	\$1,000.00
200-L	REHAB PUMP STATION #2	600 SY	\$3.00	\$1,800.00			600	\$1,800.00
200-M	REHAB PUMP STATION #2	1,750 SY	\$15.00	\$26,250.00			1,750	\$26,250.00
200-N	REHAB PUMP STATION #2	1,320 SY	\$12.00	\$15,840.00			1,320	\$15,840.00
200-O	REHAB PUMP STATION #2	200 SY	\$50.00	\$10,000.00			200	\$10,000.00
200-P	REHAB PUMP STATION #2	100 SY	\$40.00	\$4,000.00			100	\$4,000.00
200-Q	REHAB PUMP STATION #2	200 LF	\$20.00	\$4,000.00			200	\$4,000.00
200-R	REHAB PUMP STATION #2	100 LF	\$30.00	\$3,000.00			100	\$3,000.00
200-S	REHAB PUMP STATION #2	1 AGR	\$1,000.00	\$1,000.00			1	\$1,000.00
200-T	REHAB PUMP STATION #2	1 LS	\$35,000.00	\$35,000.00			1	\$35,000.00
200-U	REHAB PUMP STATION #2	1 LS	\$1,000.00	\$1,000.00			1	\$1,000.00
200-V	REHAB PUMP STATION #2	1 LS	\$5,493.55	\$5,493.55			1	\$5,493.55
200-W	REHAB PUMP STATION #2	100 LF	\$50.00	\$5,000.00			100	\$5,000.00
200-X	REHAB PUMP STATION #2	0 LF	\$45.21	\$0.00			0	\$0.00
200-Y	REHAB PUMP STATION #2	0 LF	\$258.80	\$0.00			0	\$0.00
200-Z	REHAB PUMP STATION #2	0 LF	\$25.00	\$0.00			0	\$0.00
200-AA	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-AB	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-AC	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-AD	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-AE	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-AF	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-AG	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-AH	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-AI	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-AJ	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-AK	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-AL	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-AM	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-AN	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-AO	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-AP	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-AQ	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-AR	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-AS	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-AT	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-AU	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-AV	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-AW	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-AX	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-AY	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-AZ	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-BA	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-BB	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-BC	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-BD	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-BE	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-BF	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-BG	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-BH	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-BI	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-BJ	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-BK	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-BL	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-BM	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-BN	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-BO	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-BP	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-BQ	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-BR	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-BS	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-BT	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-BU	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-BV	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-BW	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-BX	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-BY	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-BZ	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-CA	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-CB	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-CC	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-CD	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-CE	REHAB PUMP STATION #2	0 EA	\$3,750.00	\$0.00			0	\$0.00
200-CD	SEWER MANHOLE (CONSTRUCT & CONNECT TO EXIST. SEWER MAIN	1	\$44,771.70	\$44,771.70			1	\$44,771.70
200-CE	SEWER MANHOLE (CONSTRUCT & CONNECT TO EXIST. SEWER MAIN	1	\$286,276.75	\$286,276.75			1	\$286,276.75
200-CE	SEWER MANHOLE (CONSTRUCT & CONNECT TO EXIST. SEWER MAIN	1	\$325,992.45	\$325,992.45			1	\$325,992.45

Upon discussion, Alderman Notter made motion seconded by Alderman Holder and unanimously carried to accept the recommendation of Mr. Ball as set forth above, approving Change Order Number 3, Katrina Water and Sewer Replacement – Harbor Repairs Contract, Onyx, Inc., authorizing the Mayor to execute same.

Based upon the recommendation of Chief Wayne McDowell and certification by the Civil Service Commission, Alderman Burton made motion seconded by Alderman

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Notter and unanimously carried to approve Police Department personnel matters, as follows:

Reassignment, Records Clerk Stephanie Fontenot Stewart to Admin Detective, PSA-10-B, effective November 16, 2008;

Resignation Patrol Officer Bryan K. Young effective October 31, 2008, acknowledged with regret and recognition of Officer Young's years of dedicated service to the City;

Hire Patrol Officer 1st Class Clark M. Ladner, II, PS-9-B, effective November 16, 2008;

Hire Patrol Officer 1st Class Benjamin Dedwylder, PS-9-B, effective November 16, 2008.

The Mayor recognized Mr. Pat Kurtz, Gatso, USA, for a presentation on the traffic enforcement camera system.

After considerable discussion, Alderman Holder made motion seconded by Alderman Boggs and unanimously carried to take the matter under advisement.

There came on for consideration an application for beer permit, as follows:

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CITY OF LONG BEACH, MISSISSIPPI
PO BOX 929
645 KLONDYKE ROAD
LONG BEACH, MS 39560
228-863-1554 PHONE
228-865-0822 FAX
EMAIL: veronica@cityoflongbeachms.com

BEER PERMIT APPLICATION

DATE OF APPLICATION		SOCIAL SECURITY NO	
NAME: <u>Winter Garden Italian American Bistro</u>		[REDACTED]	
ADDRESS: <u>229 Klondyke</u>			
CITY, STATE, ZIP CODE: <u>Long Beach Ms</u>			
PHONE <u>784-687 4627</u>			
BUSINESS NAME <u>Sauce</u>			
IS THIS A NEW BUSINESS <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
BUSINESS ADDRESS <u>Sauce</u>			
**ADDRESS OF WHERE ALCOHOL WILL BE SOLD			
CITY, STATE, ZIP CODE: _____			
PHONE: _____			
TYPE OF BUSINESS (BE SPECIFIC) _____			

DATE OF BIRTH	SEX	WEIGHT	HEIGHT
[REDACTED]	<u>M</u>	<u>180 ?</u>	<u>5'8"</u>
EYE COLOR	HAIR COLOR	RACE	DL NUMBER
<u>BRN</u>	<u>BK</u>	<u>W</u>	[REDACTED]
SIGNATURE OF APPLICANT <u>[Signature]</u>		DATE <u>Oct. 16-08</u>	

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POLICE DEPARTMENT

228-863-7292

CITY OF LONG BEACH

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

To: Chief Wayne McDowell
Asst. Chief Don Bass

From: Det. Sgt. Brian F. Beeman

Re: Application beer permit : Joseph Gauchi
Date: October 23rd, 2008

On October 16th, 2008 Joseph Gauchi, applied for a beer permit with the City Of Long Beach MS. Mr. Gauchi supplied the City of Long Beach with her permit information, whereas a background check could be conducted.

The Long Beach Police Department, conducted record checks ,through N.C.I.C., Harrison County S.O. and all surrounding Law Enforcement Agencies with the following results. No criminal history under the supplied personal information of Joseph Gauchi was discovered. Mr. Gauchi received a improper equipment citation in October, 2007. The fine was paid.

The applicant applied for the following beer permit for Winter Garden Italian American Bistro, 229 Klondyke Road Long Beach, MS.

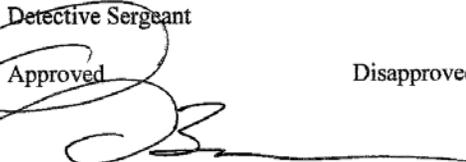
Please make consideration for this applicant.

Respectfully Submitted,


Brian F. Beeman
Detective Sergeant

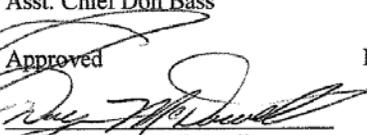
Approved

Disapproved


Asst. Chief Don Bass

Approved

Disapproved


Chief Wayne McDowell

Based upon the recommendations as set forth above, Alderman Holder made motion seconded by Alderman Notter and unanimously carried to approve the application for beer permit.

Alderman Holder made motion seconded by Alderman Anderson and unanimously carried to approve the maintenance contract, Peak Technologies, for the water bill detacher (burster), as follows:

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Maintenance Quote



PEAK Technologies
10330 Old Columbia Road
Columbia MD 21046
U S A

Sold to Party	Quotation
CITY of LONG BEACH Attn: REBECCA SCHRUFF PO BOX 929 LONG BEACH MS 39560-0929	Number/Date 950006904 / 09/08/2008 Reference no./Date Contract no./Date FS12060021 / 02/27/2008 Cust.# 1004376

Loc Code	City	State	Name Item	Monthly Total	Ext Total
CITY OF LONG BEACH	LONG BEACH	MS	1 CITY OF LONG BEACH	158.00	1,896.01
Contract Subtotal:				\$ 158.00	\$ 1,896.01
Contract Total Befor Tax:				\$ 158.00	\$ 1,896.01
Total Site Tax :				\$	\$
Contract Total After Tax:				\$ 158.00	\$ 1,896.01

For your convenience, PEAK now offers invoicing electronically. If you would like to receive your invoices via e-mail or have general inquiries, please call 1-888-ASK-PEAK.

Unless there is in place as of the invoice date a current agreement signed by both parties applicable to the type of product and/or services ordered, this invoice shall be governed exclusively by the terms and conditions located at http://www.peaktech.com/terms_and_conditions/general_terms_and_conditions.aspx

Client Signature	_____
Name/Nom	_____
Date	_____

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Maintenance Quote



PEAK Technologies
10330 Old Columbia Road
Columbia MD 21046
U S A

Sold to Party CITY of LONG BEACH Attn: REBECCA SCHRUFF PO BOX 929 LONG BEACH MS 39560-0929

Doc. no./Date
950006904 / 09/08/2008

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Item	Material Qty Conditions	Description Price	Price Unit	Value
	Ship-to party CITY OF LONG BEACH 201 JEFF DAVIS AVE LONG BEACH MS 39560-0929			
10	S9870007139 1	Serv. MOORE M385-52 DETACHER 158.00	USD	1,896.01
	VALIDITY START DATE 12/01/2008 TO 11/30/2009. Serial no.: (8387) Zone 3 9HR Resp. PPM M-F (8AM-5PM)			
Contract Subtotal:		\$ 158.00	\$	1,896.01
Contract Total Befor Tax:		\$ 158.00	\$	1,896.01
Total Site Tax :		\$	\$	
Contract Total After Tax:		\$ 158.00	\$	1,896.01

Alderman Holder made motion seconded by Alderman Burton and unanimously carried to approve the 2008-2009 Holiday Schedule, as follows:

Minutes of November 5, 2008 Mayor and Board of Aldermen

HOLIDAY SCHEDULE *

<u>2008</u>	
Tuesday, November 11 th	Closed – Veteran’s Day
Wednesday, November 26 th	Close Noon (<u>ALL</u> administrative employees taking off at noon <u>MUST</u> utilize leave or remain at work for their normal work day)
Thursday, November 27 th Friday, November 28 th	Closed-Thanksgiving Holidays
Wednesday, December 24 th	Close Noon (<u>ALL</u> administrative employees taking off at noon <u>MUST</u> utilize leave or remain at work for their normal work day)
Thursday, December 25 th Friday, December 26 th	Closed – Christmas Holidays
<u>2009</u>	
Thursday, January 1 st Friday, January 2 nd	Closed- New Year’s Day Closed-(<u>ALL</u> administrative employees taking off <u>MUST</u> utilize leave or return to work for their normal workday)
Monday, January 19 th	Closed-Martin Luther King Day Robert E. Lee Day
Monday, February 16 th	Closed-President’s Day
Monday, April 27 th	Closed-Confederate Memorial Day
Monday, May 25 th	Closed-Memorial Day
Monday, July 6 th	Closed-Observe Independence Day
Monday, September 7 th	Closed-Labor Day
Wednesday, November 11 th	Closed-Veteran’s Day
Wednesday, November 25 th	Close Noon (<u>ALL</u> administrative employees taking off at noon <u>MUST</u> utilize leave or remain at work for their normal work day)
Thursday, November 26 th Friday, November 27 th	Closed-Thanksgiving Holidays
Wednesday, December 23 rd	Close Noon (<u>ALL</u> administrative employees taking off at noon <u>MUST</u> utilize leave or remain at work for their normal work day)
Thursday, December 24 th Friday, December 25 th	Closed-Christmas Holidays

*HOLIDAYS ARE SUBJECT TO CHANGE IN ACCORDANCE WITH GOVERNOR’S PROCLAMATION

There were updates on several zoning violations, however, no formal action was required or taken.

Alderman Holder made motion seconded by Alderman Notter and unanimously carried to schedule a work session, Monday, November 24, 2008, at 6:00 p.m. to discuss the proposed transect map.

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Upon further deliberation and after considerable discussion, Alderman Holder made motion seconded by Alderman Lishen directing Ayers Saint Gross to provide a final draft of the transect map depicting T4B at one hundred feet A.B.F.E.

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

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

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

Alderman Anderson disconnected via telephone and was absent the meeting.

It was the consensus of the Mayor and Board of Aldermen to set up an angel tree at the Long Beach Public Library and adopt a nursing home for Christmas.

Appointment to the Long Beach Housing Authority was taken under advisement for further consideration at the next regular meeting, November 18, 2008.

Alderman Notter made motion seconded by Alderman Holder and unanimously carried directing the City Attorney to research the petition to vacate an easement filed by Southern Paradise, LLC.

There were no public comments regarding matters not appearing on the agenda.

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

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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 Carolyn Anderson, Ward 6

Date: _____

ATTEST:

Rebecca E. Schruoff, City Clerk