

Minutes of December 16, 2008
Mayor and Board of Aldermen

Be it remembered that a regular meeting of the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, was begun and held at the Long Beach School District Central Office, 19148 Commission Road, in said City at 6:00 o'clock p.m. it being the third Tuesday in December, 2008, and the same being the time, date and place fixed by Laws of Mississippi and Ordinance of the City of Long Beach for holding said meeting.

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

Alderman Richard Notter was out of town and absent the meeting; City Clerk Rebecca E. Schruoff was absent the meeting due to illness.

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

The meeting was called to order and Alderman Holder made motion seconded by Alderman Boggs and unanimously carried to adopt Minute Book 63 as the next consecutive official Minute Book of the Mayor and Board of Aldermen.

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 21, 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 Harrison County; The Clarion-Ledger published in Hinds County, Mississippi; The Press-Register, published in Mobile County, Alabama; The Times-Picayune, published in Orleans Parish, Louisiana; Legal Notice, Advertisement for Bids, "RECONSTRUCT FISHING PIERS, LONG BEACH SMALLCRAFT HARBOR", as evidenced by the Publishers' Proofs of Publication.

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

Minutes of December 16, 2008
 Mayor and Board of Aldermen

PROOF OF PUBLICATION

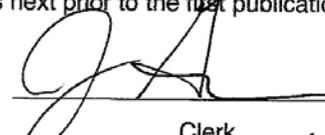
ADVERTISEMENT FOR BIDS
 City of Long Beach, Mississippi
 The City of Long Beach, Mississippi, will receive bids for: Reconstruct Fishing Piers - Long Beach - Smaller Craft Harbor.
 at the Office of the City Clerk, Temporary City Hall on Kandyke Road, Long Beach, Mississippi, during normal office hours at any time prior to the designated bid date, or at the temporary meeting place, at Long Beach School District Office on Commission Road at 6:00 P.M. on the designated date for the bid opening. Bids will be publicly opened and read aloud at the regular meeting of the Board of Aldermen at 6:00 P.M., Tuesday, December 2, 2008. Bids are invited for the reconstruction of two fishing piers located just outside the Long Beach Smaller Craft Harbor basin, to the condition which existed prior to Hurricane Katrina.
 Contract Documents, including Drawings and Technical Specifications, are on file at the Office of City Clerk, at City Hall, Long Beach, Mississippi. Plans and Specifications may be obtained at the office of A. Garner Russell & Associates, Inc., Consulting Engineers, Hewes Avenue at 5th Street (Post Office Box 1677), Gulfport, Mississippi 39507, upon payment of a \$50.00 non-refundable fee.
 A certified check or bank draft payable to the order of City of Long Beach, Mississippi, negotiable U.S. Government bonds (at par value), or a satisfactory Bid Bond executed by the Bidder and an acceptable surety licensed under the laws of the State of Mississippi, in an amount equal to five percent (5%) of the total bid for City of Long Beach, Reconstruct Fishing Piers - Long Beach - Smaller Craft Harbor, shall be submitted with each bid.
 For bids exceeding \$50,000 Bidder must indicate his Certificate of Responsibility Number on outside of sealed proposal as required by Mississippi Law. For bids not exceeding \$50,000, Bidder must indicate his Certificate Number, or else write clearly "Bid does not exceed \$50,000."
 The City of Long Beach, Mississippi, reserves the right to consider the following relevant factors in addition to the contract price in determining the lowest and best bid: Bidder's skill and business judgment; his experience and his facilities for carrying out the contract; his previous conduct under other contracts and the quality of previous work, as well as his pecuniary ability, honesty, and integrity.
 The City also reserves the right to reject any or all bids or to waive any informalities in the bidding.
 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.
 Bids may be held by the City of Long Beach, Mississippi, for a period not to exceed ninety (90) days from the date of the opening of bids for the purpose of reviewing the bids and investigating the qualifications of Bidders, prior to awarding of the Contract.
 Done by order of the Mayor and Board of Aldermen, October 21, 2008.
 City of Long Beach, Mississippi
 By: SBECKY SCHRUFF
 Title: CITY CLERK
 P42,adv27,3,2MON 1289818

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 2 times in the following numbers and on the following dates of such paper, viz:

- Vol. 125 No., 25 dated 27 day of Oct, 2008
- Vol. 125 No., 32 dated 3 day of Nov, 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.


 Clerk
 Sworn to and subscribed before me this 4 day of Nov, A.D., 2008

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

 Notary Public

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

Minutes of December 16, 2008
Mayor and Board of Aldermen

PROOF OF PUBLICATION
THE STATE OF MISSISSIPPI
HINDS COUNTY

PERSONALLY appeared before me, the undersigned notary public in and for Hinds County, Mississippi,

GLORIA WEAKLEY

an authorized clerk of THE CLARION-LEDGER, a newspaper as defined and prescribed in Sections 13-3-31 and 13-3-32, of the Mississippi Code of 1972, as amended, who, being duly sworn, states that the notice, a true copy of which is hereto attached, appeared in the issues of said newspaper as follows:

10/27/2008
11/3/2008

Size: 631 words / 2.00 col. x 84.00 lines
Published: 2 time(s)
Total: \$150.82

Signed *Gloria Weakley*
Authorized Clerk of
The Clarion-Ledger

SWORN to and subscribed before me on 11/3/2008.

Ann Middeke
Notary Public
ANN MIDDEKE

Notary Public State of Mississippi at Large. Bonded thru
Notary Public Underwriters

(SEAL)



PASTE PROOF HERE

2288631556A
CITY OF LONG BEACH,
0200184092
Reconstruct Fishing Piers

City of Long Beach, Mississippi
The City of Long Beach, Mississippi, will receive bids for:
**Reconstruct Fishing Piers
Long Beach Smallcraft Harbor**
at the Office of the City Clerk, Temporary City Hall on
Londyke Road, Long Beach, Mississippi, during normal
office hours at any time prior to the designated bid date, or
at the temporary meeting place at Long Beach School
District Office on Commission Road at 6:00 P.M. on the
designated date for the bid opening. Bids will be publicly
opened and read aloud at the regular meeting of the
Board of Aldermen at 6:00 P.M., Tuesday, December 2,
2008.
Bids are invited for the reconstruction of two fishing piers
located just outside the Long Beach Smallcraft Harbor
basin, to the condition which existed prior to Hurricane
Katrina.
Contract Documents, including Drawings and Technical
Specifications, are on file at the Office of City Clerk, at City
Hall, Long Beach, Mississippi.
Plans and Specifications may be obtained at the office of
A. Garner Russell & Associates, Inc., Consulting
Engineers, Hewes Avenue at 3rd Street (Post Office Box
1677), Gulfport, Mississippi 39507, upon payment of a
\$50.00 non-refundable fee.
A certified check or bank draft payable to the order of City
of Long Beach, Mississippi, negotiable U.S. Government
bonds (at par value), or a satisfactory Bid Bond executed
by the Bidder and an acceptable surety licensed under the
laws of the State of Mississippi, in an amount equal to five
percent (5%) of the total bid for City of Long Beach,
Reconstruct Fishing Piers - Long Beach Smallcraft Harbor,
shall be submitted with each bid.
For bids exceeding \$50,000 Bidder must indicate his
Certificate of Responsibility Number on outside of sealed
proposal as required by Mississippi Law. For bids not
exceeding \$50,000, Bidder must either indicate his
Certificate Number, or else write clearly "Bid does not
exceed \$50,000."
The City of Long Beach, Mississippi, reserves the right to
consider the following relevant factors in addition to the
contract price in determining the lowest and best bid:
Bidder's skill and business judgment, his experience and
his facilities for carrying out the contract, his previous
conduct under other contracts and the quality of previous
work, as well as his pecuniary ability, honesty, and
integrity. The City also reserves the right to reject any or
all bids or to waive any informalities in the bidding.
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.
Bids may be held by the City of Long Beach, Mississippi,
for a period not to exceed ninety (90) days from the date
of the opening of bids for the purpose of reviewing the bids
and investigating the qualifications of Bidders, prior to
awarding of the Contract.
Done by order of the Mayor and Board of Aldermen,
October 21, 2008.
City of Long Beach, Mississippi
By: S/BECKY SCHRUFF
Title: CITY CLERK
October 27, 2008, November 3, 2008
©200184092-01

Minutes of December 16, 2008
Mayor and Board of Aldermen

PRESS-REGISTER

LEGAL AFFIDAVIT

Account Number: 1057428

Name: CITY OF LONG BEACH MISSISSIPPI

Period Ending: 11/03/08

Sale Rep: Laura Lenoir

Billing Inquiries Please Call: (251) 219-5405 or
(251) 219-5421

CITY OF LONG BEACH MISSISSIPPI
ATTN ACCOUNTS PAYABLE
P.O. BOX 929
LONG BEACH, MS 39560

- Press - Register
Lock Box 1712
Mobile, AL 36633-1712

START DATE	END DATE	AD NUMBER	P.O. NUMBER / DESCRIPTION	SAU SIZE	BILLED UNITS	TIMES RUN	AMOUNT
10/27	11/03	I01414559-10272008	RECONSTRUCT FISHING/ADVERTISEMENT FOR BIDS	536 Words	536	2	359.12

Mecia Carlson being sworn, says that she is bookkeeper of Press-Register which publishes a daily newspaper in the City and County of Mobile, State of Alabama: and attached notice appeared in the issue of

Press-Register 10/27/2008, 11/3/2008

2008

FOR QUESTIONS CONCERNING THIS AFFIDAVIT,
PLEASE CALL MECIA CARLSON AT (251) 219-5418.
YOU CAN PLACE A LEGAL NOTICE BY EMAIL OR FAX:
LEGALS@PRESS-REGISTER.COM OR FAX# (251) 219-5037

ADVERTISEMENT FOR BIDS

The City of Long Beach, Mississippi, reserves the right to consider the following relevant factors in addition to the contract price in determining the lowest and best bid: Bidder's skill and business judgment, his experience and his facilities for carrying out the contract, his previous conduct under other contracts, and the quality of previous work, as well as his pecuniary ability, honesty, and integrity. The City also reserves the right to reject any or all bids or to waive any informalities in the bidding.

Reconstruct Fishing Piers Long Beach Smallcraft Harbor at the Office of the City Clerk Temporary City Hall or Klondyke Road, Long Beach, Mississippi, during normal office hours of any time prior to the designated bid date, or at the temporary meeting place at Long Beach School District Office on Commission Road at 6:00 P.M. on the designated date for the bid opening. Bids will be publicly opened and read aloud at the regular meeting of the Board of Aldermen at 6:00 P.M. Tuesday, December 2, 2008.

Bids are invited for the reconstruction of two fishing piers located just outside the Long Beach Smallcraft Harbor basin, to the condition which existed prior to Hurricane Katrina.

Contract Documents, including Drawings and Technical Specifications, are on file at the Office of City Clerk, at City Hall, Long Beach, Mississippi.

Plans and Specifications may be obtained at the office of A. Garner Russell & Associates, Inc., Consulting Engineers, 4005 Avenue at 32nd Street (Post Office Box 1677), Gulfport, Mississippi 39507, upon payment of a \$50.00 non-refundable fee.

A certified check or bank draft payable to the order of City of Long Beach, Mississippi, negotiable U.S. Government bonds (at par value), or a satisfactory Bid Bond executed by the bidder and an acceptable surety licensed under the laws of the State of Mississippi, in an amount equal to five percent (5%) of the total bid for City of Long Beach, Reconstruct Fishing Piers - Long Beach Smallcraft Harbor, shall be submitted with each bid.

For bids exceeding \$50,000 Bidder must indicate his Certificate of Responsibility Number or outside of sealed proposal as required by Mississippi Law. For bids not exceeding \$50,000, Bidder must either indicate his Certificate Number, or else write clearly "Bid does not exceed \$50,000."

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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.

Bids may be held by the City of Long Beach, Mississippi, for a period not to exceed ninety (90) days from the date of the opening of bids for the purpose of reviewing the bids and investigating the qualifications of Bidders, prior to awarding of the Contract.

Done by order of the Mayor and Board of Aldermen, October 21, 2008.

City of Long Beach, Mississippi
By: S/BECKY SCHRUFF
Title: CITY CLERK

PRESS REGISTER
OCT. 27, NOV. 3, 2008

TOTAL: 359.12

Minutes of December 16, 2008
Mayor and Board of Aldermen

ADVERTISEMENT FOR BIDS
City of Long Beach, Mississippi
The City of Long Beach, Mississippi
will receive bids for:
Reconstruct Fishing Piers
Long Beach Smalcraft Harbor

at the Office of the City Clerk,
Temporary City Hall on Klondyke
Road, Long Beach, Mississippi,
during normal office hours at any
time prior to the designated bid
date, or at the temporary meeting
place at Long Beach School Dis-
trict Office on Commission Road at
6:00 P.M. on the designated date
for the bid opening. Bids will be
publicly opened and read aloud at
the regular meeting of the Board of
Aldermen at 6:00 P.M., Tuesday,
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Bids are invited for the reconstruc-
tion of two fishing piers located
just outside the Long Beach
Smalcraft Harbor basin, to the
condition which existed prior to
Hurricane Katrina.

Contract Documents, including
Drawings and Technical Specifica-
tions, are on file at the Office of
City Clerk, at City Hall, Long
Beach, Mississippi.

Plans and Specifications may be
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at 3rd Street (Post Office Box
1677), Gulfport, Mississippi 39507,
upon payment of a \$50.00 non-
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A certified check or bank draft pay-
able to the order of City of Long
Beach, Mississippi, negotiable
U.S. Government bonds (at par
value), or a satisfactory Bid Bond
executed by the bidder and an ac-
ceptable surety licensed under the
laws of the State of Mississippi, in
an amount equal to five percent
(5%) of the total bid for City of
Long Beach, Reconstruct Fishing
Piers - Long Beach Smalcraft
Harbor, shall be submitted with
each bid.

For bids exceeding \$50,000 Bid-
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not exceed \$50,000."

The City of Long Beach, Mississip-
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dition to the contract price in deter-
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Bidder's skill and business judg-
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ous work, as well as his pecuniary
ability, honesty, and integrity. The
City also reserves the right to re-
ject any or all bids or to waive any
irregularities in the bidding.

Awarding public contracts to non-
resident bidders will be on the
same basis as the non-resident
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Bids may be held by the City of
Long Beach, Mississippi, for a pe-
riod not to exceed ninety (90) days
from the date of the opening of
bids for the purpose of reviewing
the bids and investigating the
qualifications of bidders, prior to
awarding of the Contract.

Done by order of the Mayor and
Board of Aldermen, October 21,
2008.
City of Long Beach, Mississippi

The Times-Picayune
WARD AVENUE, NEW ORLEANS, LOUISIANA 70140-1097 TELEPHONE (504) 826-3206

**Exhibit A
Attached**

By: SBECKY SCHRUFF
Title: CITY CLERK

State of Louisiana

Parish of Orleans

City of New Orleans

Personally appeared before me, a Notary in and for the
parish of Orleans, Robert J. Chiasson who deposes and
says that he is the Accounts Receivable Manager, of The
Times-Picayune Publishing Corporation, a Louisiana
Corporation, Publishers of The Times-Picayune, Daily and
Sunday, of general circulation; doing business in the City
of New Orleans and the State of Louisiana, and that the
attached **BIDS - PROPOSAL**

Re: Advertisement bids for City of Long Beach, MS, will
receive bids for: Reconstruct Fishing Piers Long Beach

Advertisement of City of Long Beach Mississippi

PO Box 929
Long Beach, MS 39560

Was published in The Times-Picayune

3800 Howard Ave
New Orleans, LA 70125

On the following dates October 27, November 3, 2008

Robert Chiasson

Sworn to and subscribed before me this
3rd Day of November, 2008

Charles A. Ferguson, Jr.
Notary Public

My commission expires at my death.
Charles A. Ferguson, Jr.

Notary identification number 23492

I attest that the copy attached hereto as
"Exhibit A" is a true and correct copy
of the advertisement published in The
Times Picayune on these dates.

The Clerk further reported that seven (7) bids were properly filed, whereupon,
said bids were then and there publicly opened and read aloud, as follows:

**Minutes of December 16, 2008
Mayor and Board of Aldermen**

Reconstruct Fishing Piers - Harbor					
Open Bids: 12/16/08					
Preliminary Tabulation of Bids (Under Advisement for Official Review and Tabulation)					
CONTRACTOR NAME	Cert. of Resp.	Bid Bond	ADM NO. 1	ADM NO. 2	TOTAL BID
J. E. Borries, Inc. 16701 Highway 57 Vancelee, MS 39565	09360	√	√	√	\$ 226,356
Bay South Limited, Inc. P.O. Box 250 Saraland, AL 36571	09864	√	√	√	\$ 122,867
Vice Construction Company, Inc. 9712 Highway 63 Moss Point, MS 39562	05961	√	√	√	\$ 159,576
Parnell Construction Co. of Jackson Co. P.O. Box 5144 Vancelee, MS 39565	15986	√	√	√	\$ 144,250
Antill Pipeline Construction Co. Inc. P.O. Box 3897 Houma, Louisiana 70361	08376	√	√	√	\$ 588,900
Innovative Builders, Inc. 10750 Highway 603 Bay St Louis, MS 39520	13482	√	√	√	\$ 198,163
Twin Construction, Inc. 8292 Firetower Road Pass Christian, MS 39571	08365	√	√	√	\$ 200,224

*

*

Upon discussion, Alderman Holder made motion seconded by Alderman Boggs and unanimously carried to take the aforementioned bids under advisement for review and tabulation by the City Engineer with a recommendation at the next regular meeting, January 6, 2009.

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

M.B. 63

REG:12.16.08

Minutes of December 16, 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) 863-0667
FAX (228) 863-5232



December 16, 2008

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

**RE: Advertisement Schedule
Marcie Drive Well & Marcie Drive Elevated Water Tank (2nd Bid)**

Ladies and Gentlemen:

As you are aware, the bids recently received for the referenced work came in well above the approved grant budget. We have attached a Certified Tabulation of the Bids. The Mayor, along with SMPDD and myself, have been urgently working toward finding additional funds to perform the work. EDA now advises that we may be able to perform only a part of the project, but they recommend that we take new bids for the work.

I have not yet been able to speak with EDA's representative for the project, so I am not exactly aware of the reasoning behind a second bid process. Furthermore, I do not expect that we will receive better prices by bidding the projects again. Therefore, I suggest that the Board authorize us to re-advertise both projects and receive completely new bids, pending further confirmation from EDA that we cannot use the bids already received. However, I also suggest that the Board not officially reject the bids received on November 18 until we receive such confirmation from EDA. Separate Board action at a later meeting may be required to officially reject the previous Bids.

If you agree with the above plan, we recommend the following schedule for receipt of bids:

Authorize Advertisement:	December 16, 2008
First Advertisement:	January 9, 2009
Second Advertisement:	January 16, 2009
Receive Bids:	February 17, 2009

Sincerely,

David Ball, P.E.

DB:1812

O:\1812\ReAdvert Schedule Well & Tank 121608.doc

Page 1 of 1

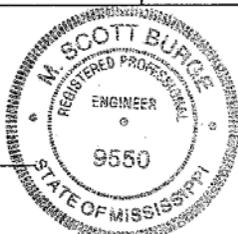
Minutes of December 16, 2008 Mayor and Board of Aldermen

TABULATION OF BIDS							Page 1 of 1
CITY OF LONG BEACH							
MARCIE DRIVE WELL							
EDA INVESTMENT NO. 04-79-05870							
November 18, 2008							
CONTRACTORS BIDDING:			Griner Drilling Service, Inc.		Layne Central, a division of Layne Christensen Company		
Certificate of Responsibility No.?			01837		00181		
Acknowledgment Addendum No. 1:			Yes		Yes		
Acknowledgment Addendum No. 2:			Yes		Yes		
Debarment/Non-Collusion Certification:			Yes		Yes		
Bid Bond?			Yes		Yes		
	ITEM	PLAN QUANTITY	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	
1	SITE PREPARATION & STORMWATER CONTROL	1 L.S.	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	
2-A	TEST HOLE	1 EA.	\$300,000.00	\$300,000.00	\$130,000.00	\$130,000.00	
2-B	DEVELOP TEST WELL & OBTAIN SAMPLE	1 EA.	\$40,000.00	\$40,000.00	\$50,000.00	\$50,000.00	
3-A	16 INCH WELL CASING, CEMENTED INTO PLACE	1,700 L.F.	\$123.50	\$209,950.00	\$80.00	\$136,000.00	
3-B	10 INCH WELL SCREEN INCLUDING GRAVEL PACK	100 L.F.	\$300.00	\$30,000.00	\$130.00	\$13,000.00	
3-C	PUMP COLUMN ASSEMBLY INCLUDING COLUMN PIPE AND SHAFT	100 L.F.	\$100.00	\$10,000.00	\$100.00	\$10,000.00	
3-D	ALL OTHER WORK ASSOCIATED WITH PRODUCTION WELL NOT INCLUDED IN ITEMS 3-A	1 L.S.	\$17,000.00	\$17,000.00	\$328,891.00	\$328,891.00	
3-E	AUXILIARY POWER GENERATOR	1 L.S.	\$61,740.00	\$61,740.00	\$60,000.00	\$60,000.00	
4	WELL HOUSE STRUCTURE	1 L.S.	\$106,550.00	\$106,550.00	\$98,000.00	\$98,000.00	
5	WELL CONTROL SYSTEM	1 L.S.	\$124,300.00	\$124,300.00	\$80,000.00	\$80,000.00	
6-A	CRUSHED LIMESTONE DRIVE	631 S.Y.	\$56.00	\$35,336.00	\$59.00	\$37,229.00	
6-B	CHAIN LINK FENCE AND GATE	355 L.F.	\$27.00	\$9,585.00	\$16.00	\$5,680.00	
6-C	MISCELLANEOUS SITE WORK	1 L.S.	\$24,800.00	\$24,800.00	\$40,000.00	\$40,000.00	
TOTAL BID				\$1,009,261.00	\$1,028,800.00		

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

M. Scott Burge

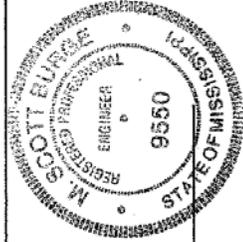
M. Scott Burge, P.E.
Cert. No. 9550
November 19, 2008



**Minutes of December 16, 2008
Mayor and Board of Aldermen**

Page 1 of 1

TABULATION OF BIDS		CITY OF LONG BEACH		MARCIE DRIVE ELEVATED WATER TANK		EDA INVESTMENT NO. 04-79-05870		November 18, 2008	
CONTRACTORS BIDDING:		Caldwell Tanks, Inc.		Phoenix Fabricators and Erectors, Inc.		04099		07521-SC	
Certificate of Responsibility No.?		Yes		Yes		Yes		Yes	
Acknowledgment Addendum No. 1:		Yes		Yes		Yes		Yes	
Acknowledgment Addendum No. 2:		Yes		Yes		Yes		Yes	
Acknowledgment Addendum No. 3:		Yes		Yes		Yes		Yes	
Debarment/Non-Collusion Certification:		Yes		Yes		Yes		Yes	
Bid Bond?		Yes		Yes		Yes		Yes	
	ITEM	PLAN QUANTITY	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	
1	SITE PREPARATION & STORMWATER CONTROL	1 L.S.	\$2,000.00	\$2,000.00	\$4,000.00	\$4,000.00	\$4,000.00	\$4,000.00	
2	500,000 GALLON ELEVATED WATER TANK & FOUNDATION	1 L.S.	\$1,083,951.50	\$1,083,951.50	\$1,260,541.00	\$1,260,541.00	\$1,260,541.00	\$1,260,541.00	
3-A	8" WATER PIPE	100 L.F.	\$46.00	\$4,600.00	\$85.00	\$8,500.00	\$85.00	\$8,500.00	
3-B	16" WATER PIPE	86 L.F.	\$80.00	\$6,800.00	\$145.00	\$12,325.00	\$145.00	\$12,325.00	
3-C	DUCTILE IRON FITTINGS	2,071 TON	\$3,500.00	\$7,248.50	\$12,150.00	\$25,162.65 *	\$12,150.00	\$25,162.65 *	
4-A	8" VALVE	2 EA.	\$925.00	\$1,850.00	\$1,500.00	\$3,000.00	\$1,500.00	\$3,000.00	
4-B	12" VALVE	2 EA.	\$2,300.00	\$4,600.00	\$2,600.00	\$5,200.00	\$2,600.00	\$5,200.00	
4-C	16" VALVE	1 EA.	\$5,700.00	\$5,700.00	\$9,000.00	\$9,000.00	\$9,000.00	\$9,000.00	
4-D	8"x8" TAP WITH VALVE	1 EA.	\$3,500.00	\$3,500.00	\$4,000.00	\$4,000.00	\$4,000.00	\$4,000.00	
4-E	FIRE HYDRANT WITHOUT VALVE	1 EA.	\$1,750.00	\$1,750.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	
5	WATER SERVICE	1 EA.	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00	
6	TANK PAINTING & MARKINGS	1 L.S.	\$110,000.00	\$110,000.00	\$103,000.00	\$103,000.00	\$103,000.00	\$103,000.00	
7	SITEWORK	1 L.S.	\$7,000.00	\$7,000.00	\$37,000.00	\$37,000.00	\$37,000.00	\$37,000.00	
8-A	MODIFICATIONS TO EXISTING ALTITUDE VALVE AT JOHNSON ROAD TANK	1 L.S.	\$6,500.00	\$6,500.00	\$7,000.00	\$7,000.00	\$7,000.00	\$7,000.00	
8-B	REPLACE EXISTING ALTITUDE VALVE AT NICHOLSON AVENUE TANK	1 L.S.	\$20,000.00	\$20,000.00	\$22,000.00	\$22,000.00	\$22,000.00	\$22,000.00	
TOTAL BID				\$1,266,000.00	\$1,504,228.65 *	\$1,504,228.65 *	\$1,504,228.65 *	\$1,504,228.65 *	



* Engineer's Corrected Figure
 I HEREBY CERTIFY THAT THIS IS A TRUE
 AND CORRECT TABULATION OF BIDS.

M. Scott Burge

M. Scott Burge, P.E.
 Cert. No. 9550
 November 19, 2008

Upon discussion, Alderman Boggs made motion seconded by Alderman Anderson and unanimously carried to accept the recommendation of Mr. Ball, as set forth above.

Alderman Boggs made motion seconded by Alderman Holder and unanimously carried to authorize advertisement for bids, HURRICANE KATRINA NORTHERN BULKHEAD REPAIRS – PHASE VIII – SMALLCRAFT HARBOR”, said bids to be opened February 3, 2009.

Minutes of December 16, 2008 Mayor and Board of Aldermen

Alderman Holder made motion seconded by Alderman Boggs and unanimously carried to authorize advertisement for bids, "HURRICANE KATRINA PAVING REPAIRS – PHASE VI – SMALLCRAFT HARBOR", said bids to be opened February 3, 2009.

The Mayor opened the floor for public comments pertaining to items appearing on the agenda, as follows:

PUBLIC COMMENTS PERTAINING TO MATTERS ON THE AGENDA ONLY		
<p>NOTE: All comments shall be directed to the Chairman (Mayor).</p> <p>Comments of a personnel nature regarding individual members of the Governing Authority (Mayor and Board of Aldermen), City Staff and/or Personnel, disruptive comments or improper actions will not be permitted.</p> <p>Public Comments will be limited to a total of ten (10) minutes and limited to a maximum of two (2) minutes per person.</p> <p>Except as otherwise directed by the Chairman (Mayor), Public Comments will not be permitted before or after the allotted time. Disruption of the regular business meeting will be cause for removal from the public meeting.</p>		
NAME / ADDRESS / TELEPHONE	AGENDA ITEM NO.	AGENDA ITEM SUBJECT MATTER
1 <i>Jerry R. Wint 401 Lakeview Long Beach, MS 3864-6687</i>	<i>IX</i>	<i>Minutes of Mayor & Board</i>
2 <i>MARCIA KRUSE 19015 REDBUD DR L.B.</i>	<i>MAYOR</i>	<i>POLICIES FOR REC BOARD</i>
3		
4		
5		
6		
7		
8		
9		
10		

City of Long Beach, Mississippi
Mayor and Board of Aldermen Meeting
Date: _____

**Minutes of December 16, 2008
Mayor and Board of Aldermen**

There were no amendments to the Municipal Docket.

There came on for consideration the regular meeting and closed/executive session minutes of the Mayor and Board of Aldermen dated December 2, 2008.

* * * * *

Alderman Holder made motion seconded by Alderman Boggs, for discussion, to approve said minutes. Extensive discussion was held regarding action taken/not taken in regards to the appointment of Glenn Mitchell to the Long Beach Housing Authority and sworn affidavits disputing the accuracy of the minutes as submitted.

After considerable discussion and debate, Alderman Holder withdrew his motion to approve the minutes as submitted.

* * * * *

Upon continued discussion, Alderman Boggs made motion seconded by Alderman Holder and unanimously carried to approve the regular meeting and closed/executive session minutes of the Mayor and Board of Aldermen dated December 2, 2008, [Reference Minute Book 62, Page 556] with additions and changes to the regular meeting minutes to read as follows:

* * * * *

Upon further discussion, Alderman Notter made motion seconded by Alderman Boggs to appoint Glenn Mitchell to the Long Beach Housing Authority to fill the unexpired term of E.E. Porter [Present – April, 2011].

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

<i>Alderman Richard Notter</i>	<i>voted</i>	<i>Aye</i>
<i>Alderman Richard Burton</i>	<i>voted</i>	<i>Aye</i>
<i>Alderman Charles Boggs</i>	<i>voted</i>	<i>Aye</i>
<i>Alderman Carolyn Anderson</i>	<i>voted</i>	<i>Nay</i>
<i>Alderman Allen D. Holder, Jr.</i>	<i>voted</i>	<i>Absent, Not Voting</i>
<i>Alderman Mark Lishen</i>	<i>voted</i>	<i>Nay</i>
<i>Alderman Joseph McNary</i>	<i>voted</i>	<i>Nay</i>

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

* * * * *

**Minutes of December 16, 2008
Mayor and Board of Aldermen**

After considerable discussion, Alderman McNary made motion seconded by Alderman Anderson to receive applications for the vacated position on the Long Beach Housing Authority.

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

<i>Alderman Richard Notter</i>	<i>voted</i>	<i>Nay</i>
<i>Alderman Richard Burton</i>	<i>voted</i>	<i>Nay</i>
<i>Alderman Charles Boggs</i>	<i>voted</i>	<i>Nay</i>
<i>Alderman Carolyn Anderson</i>	<i>voted</i>	<i>Aye</i>
<i>Alderman Allen D. Holder, Jr.</i>	<i>voted</i>	<i>Absent, not voting</i>
<i>Alderman Mark Lishen</i>	<i>voted</i>	<i>Aye</i>
<i>Alderman Joseph McNary</i>	<i>voted</i>	<i>Aye</i>

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

* * *

Upon further discussion, Alderman Boggs made motion seconded by Alderman Burton to include the sworn affidavits disputing the accuracy of the December 2, 2008, regular meeting minutes as a part of the minutes of this meeting.

* * *

Upon continued discussion, Alderman Holder offered substitute motion seconded by Alderman Anderson **not** to include the aforementioned sworn affidavits as a part of the minutes of this meeting.

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

Alderman Richard Notter	voted	Absent, Not Voting
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.

There came on for consideration the special meeting and closed/executive session minutes of the Mayor and Board of Aldermen dated December 9, 2008.

**Minutes of December 16, 2008
Mayor and Board of Aldermen**

Upon discussion of the closed/executive session minutes, Alderman Boggs made motion seconded by Alderman Burton to include the Police Department's administrative report referred to in the aforesaid minutes as a part of the record of those minutes, citing Mississippi Code § 25-41-11.

* * *

Upon further discussion, Alderman Anderson offered substitute motion seconded by Alderman Holder to accept the special meeting and closed/executive session minutes of the Mayor and Board of Aldermen dated December 9, 2008, as written with no inclusion of the Police Department's administrative report.

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

Alderman Richard Notter	voted	Absent, Not Voting
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 Boggs and unanimously carried to approve the December 11, 2008, Planning Commission minutes with exception to action taken approving an application for Zone Map Change from a Planned Unit Development (PUD) Recreational Vehicle to Planned Unit Development (PUD) Single-Family MEMA Cottage Village for property located on 28th Street submitted by TSA Group LLC; and to schedule a public hearing Tuesday February 3, 2009, at 6:00 o'clock p.m. to consider same.

There came on for consideration the Recreation Board minutes dated December 4, 2008, and the Mayor recognized Dewayne Bush, President, to answer questions and provide additional information regarding the new recreation procedures and policies.

There being no further discussion, Alderman Holder made motion seconded by Alderman Anderson and unanimously carried to approve said minutes as submitted.

Minutes of December 16, 2008 Mayor and Board of Aldermen

Alderman Anderson made motion seconded by Alderman Holder and unanimously carried to approve payment of invoices as listed in Docket of Claims number 121608 inclusive of payment number 008 to Flagstar Construction in the amount of \$251,066.00 for the Long Beach Senior Citizen and Recreation Facility.

There came on for consideration the Mayor's Report, as follows:

The Mayor submitted a proposal for furnishing engineering services to design a hurricane shelter (safe room) to be located on the Long Beach Police Department property submitted by Capital Engineering, as follows:



CAPITAL ENGINEERING, LLC
6933 Indianapolis Blvd.
Hammond, IN 46324
USA

Telephone: 219-844-1984
Fax: 219-845-9902

December 15, 2008

Mayor Billie Skellie
City of Long Beach, Mississippi
P. O. Box 929
Long Beach, MS 39560

Subject: Police Station Complex
Hurricane Shelter
Engineering Services
Proposal #14262-1

Dear Mayor Skellie:

In accordance with your request, SNC Lavalin/Capital Engineering (SLCE) is pleased to present this proposal on furnishing the Engineering Services required to design a hurricane shelter to be located on the Long Beach Police Department Property. Based on verbal instructions, and the FEMA grant worksheet, we have outlined this proposal as follows:

1. **Scope of Work by SLCE**

The scope of work by SNC Lavalin/Capital Engineering is to consist of the following:

- a. Phase 1 – Cost Estimate.
 - The phase 1 cost estimate is to be developed based on a requirement of approximately 1000 square feet of usable space in the shelter. Bathrooms, mechanical equipment rooms, electrical equipment rooms, and storage areas are to be in addition to the 1000 square feet of usable space.
 - The Phase 1 cost estimate is to be developed using Means Building Construction Cost Data, for building square ft. costs. Additionally, specialized mechanical and electrical equipment (i.e. generators, water supplies, etc.) are to be included.
- b. Phase 2 – Preliminary and Final Design Phases.
 - The Phase 2 engineering services are to include the preliminary and final design phases of the project.
 - The preliminary design phase is to consist of developing a floor plan and elevations of the proposed structure for approval by the City or its representatives.
 - The final design phase is to consist of developing construction drawings, specifications, equipment and material descriptions required for the construction of the shelter.
 - The final design phase is to include developing a request for proposal from construction contractors, and a recommendation for placement based on an evaluation of the bids.

**Minutes of December 16, 2008
Mayor and Board of Aldermen**



2. Basis of Compensation

Based on the above scope of work, we estimate the following compensation for engineering services.

- a. Phase 1 Estimated Fee: \$2,900
- b. Phase 1 Estimated Man-hours: 30
- c. Phase 2 Estimated Fee: \$34,100
- d. Phase 2 Estimated Man-hours: 360
- e. We have included an estimated \$3,000 in travel expenses in the phase 2 estimated fee for 3 trips for one engineer to Long Beach. We have included one trip to review preliminary drawings, one trip to review the final design documents and drawings, and one trip for the award of the contract to the successful bidder.

3. Contract Structure

We propose that the agreement for the performance of professional engineering services to the City be structured as an amendment to the original contract for the engineering services for the design of the Police Station.

The terms of the original contract would be in effect except for the rate structure which would be modified as shown on the attached billing rate sheet.

3. Scope of Work by Others

In an effort to reduce the overall cost of the project, and in accordance with the format used on the previous contract for the police station, we propose that the construction inspections and on site project and construction management services be performed by the project manager currently on site managing other projects for the City. Compensation for these services is to be provided by others.

Therefore, we have not included time or travel expenses for on sight project management, foundation inspections, rough mechanical inspections, rough electrical inspections, or final inspections in our estimated fee. If these services are required by SNC Lavalin/Capital Engineering, we will provide a proposal at a later date.

We appreciate the opportunity to submit this proposal. Should you have any questions, or require additional information, please do not hesitate to contact us.

Sincerely,


Louis A. Traina
Engineering Manager

Cc: J. D'Orazio

Upon discussion, Alderman Boggs made motion seconded by Alderman Anderson and unanimously carried to approve the Phase 1 estimated fees in the amount of \$2,900.00 as set forth above.

The Mayor submitted a letter from Isaiah Edwards, Chairman, Long Beach Housing Authority, as follows:

**Minutes of December 16, 2008
Mayor and Board of Aldermen**

RECEIVED DEC 10 2008

**LONG BEACH HOUSING AUTHORITY
P. O. BOX 418 LONG BEACH, MS 39560
Phone:(228) 863-8256 Fax:(228) 864-9938**

December 5, 2008

Mayor Billy Skellie, Board of Alderpersons,
and City Attorney
P.O. Box 929
Long Beach, Mississippi 39560

Dear Mayor Skellie, Board of
Alderpersons and City Attorney:

It is our understanding that action was taken at the meeting on Tuesday night in regard to the removal of Mr. E. E. Porter as a member of the Board of Commissioners for the Housing Authority. We respectfully request that we be furnished a copy of this as it is spread on the minutes along with the City's written procedure and the legal precedent for removing a commissioner from any board on which he has been appointed. You may fax it to us at 228-864-9938 or mail it to the post office box listed on this letterhead.

It is also our understanding that a recommendation for a replacement was not acted upon and that the Aldermen wanted to have more names for consideration before taking action on this matter. We would like to send you a letter prior to the next meeting with a recommendation to be considered to fill this slot. Anyone considered should be able to work with the current Board of Commissioners and be an asset to the Housing Authority Board of Commissioners and Staff.

We would like to thank you in advance for your consideration in this matter.

Yours truly,

Board of Commissioners
Long Beach Housing Authority



Isiah Edwards, Chairman

ld

*

*

Upon review of said letter, Alderman Holder made motion seconded by Alderman Lishen to reconsider action taken at the December 2, 2008, meeting [Reference Minute Book 62, Pages 554-556, inclusive] vacating the position of E. E. Porter on the Long Beach Housing Authority and to reconsider action taken to seek applications to fill the position.

*

*

Minutes of December 16, 2008 Mayor and Board of Aldermen

Upon discussion, Alderman Boggs offered substitute motion seconded by Alderman Burton to **not** delay the vacating of Mr. Porter's seat and to seek an Attorney General's Opinion as to whose authority it is to declare a vacancy in view of the person's inability to participate and he does not reside in the area specified.

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

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

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

* * *

There came on for consideration the original motion to reconsider action taken at the December 2, 2008, meeting [Reference Minute Book 62, Pages 554-556, inclusive] vacating the position of E. E. Porter on the Long Beach Housing Authority and to reconsider action taken to seek applications to fill the position; the question being put to a roll call vote by the Mayor, the result was as follows:

Alderman Richard Notter	voted	Absent, Not Voting
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 majority of the Aldermen present and voting, the Mayor declared the motion carried.

* * *

Upon further discussion, Alderman Holder made motion seconded by Alderman Lishen to rescind all actions taken at the December 2, 2008, meeting pertaining to the Long Beach Housing Authority [Reference Minute Book 62, Pages 554-556, inclusive]; to

**Minutes of December 16, 2008
Mayor and Board of Aldermen**

rescind vacating the position of E. E. Porter on the Long Beach Housing Authority; and to rescind action taken to seek applications to fill the position.

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

Alderman Richard Notter	voted	Absent, Not Voting
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.

* * * * *

Upon continued discussion, Alderman Holder made motion seconded by Alderman Lishen and unanimously carried directing the City Attorney to obtain an Attorney General's Opinion to determine who has the authority to declare a vacancy on the Long Beach Housing Authority.

* * * * *

Based upon the recommendation of Harbor Master Calvin Poupart and certification by the Civil Service Commission, Alderman Lishen made motion seconded by Alderman Burton and unanimously carried to acknowledge the retirement of Harbor Guard Les Knighten, effective December 31, 2008.

* * * * *

Alderman Holder made motion seconded by Alderman Lishen and unanimously carried to extend the Proclamation of Civil Emergency, Hurricane Katrina and Hurricane Gustav.

* * * * *

Alderman Holder made motion seconded by Alderman Lishen and unanimously carried to approve Police Department personnel matters, as follows:

Step Increase, Patrol Officer Melissa Peterson, PS-IX-Basic, retro-effective November 1, 2008;

Step Increase, Dispatcher Paul Reed, PS-II, retro-effective November 16, 2008;

Step Increase, Dispatcher Rachel Corrin, PS-II, retro-effective November 16, 2008;

Reassignment Dispatch Supervisor Donna McArthur, PS-8-IV, effective January 1, 2009;

Minutes of December 16, 2008 Mayor and Board of Aldermen

Reassignment Records Clerk Cynthia Bolton, CSA-3-I, effective January 1, 2009;

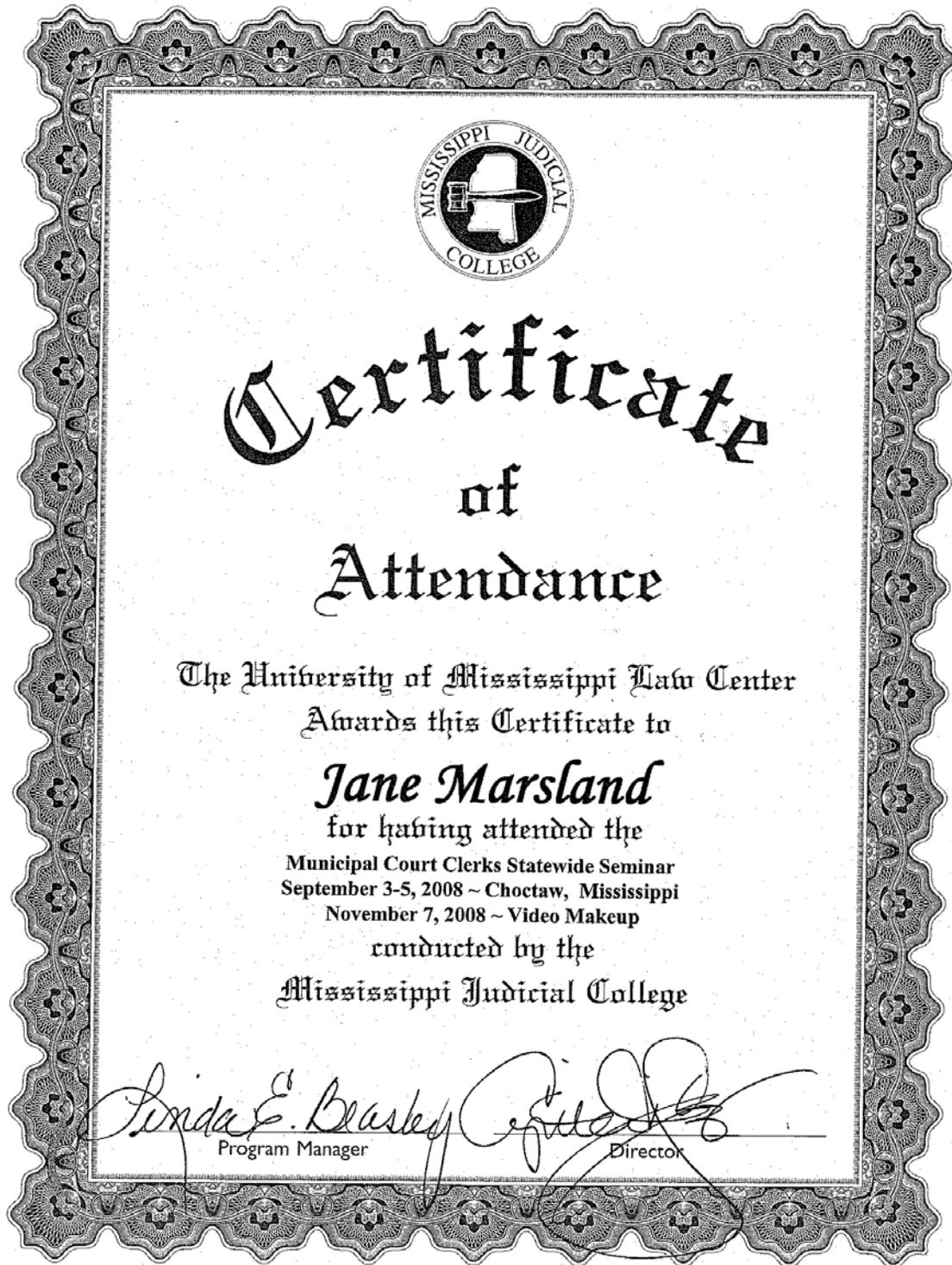
Alderman McNary made motion seconded by Alderman Holder and unanimously carried to approve the Police Department unmarked vehicle list, as follows:

Long Beach Police Department Vehicle Inventory 2008 Unmarked

Veh. #	Year	Make/Model	Vin#	Tag#	Markings
1	04	Ford Free Star Van	2FMZA57625BA23938	200HBF 10/08	UM
2	03	Ford Crown Victoria	2FAFP71W43X139562	417HXA10/08	UM
3	08	Ford Expedition	1FMFK15598LA40016	HCF753 10/09	UM
4	08	Ford Expedition	1FMFK15508LA40017	HCF798 10/09	UM
9	03	Ford Crown Victoria	2FAFP71W23X139561	HAD20110/08	UM
13	05	Yamaha Kodiak 400 4 X 4 ATV	5Y4AJ15Y75A006389	NONE	UM
14	05	Yamaha Kodiak 400 4 X 4 ATV	5Y4AJ15Y45A008407	NONE	UM
24	01	Chevy Impala	2G1WF55K519286444	HAC64610/08	UM
25	08	Dodge Durango	1D8HD48208F135168	KAC779 5/09	UM
26	00	Chevy Impala Deadlined	2G1WF55K4Y9305463		UM
27	00	Chevy Impala	2G1WF52K7Y9297153	HAC61510/08	UM
35	00	Ford Expedition	1FMRU1562YLA76498	229HXA10/08	UM
45	99	Ford Taurus	1FAFP52U7XG227454	HAC60510/08	UM
46	02	Ford Expedition	1FMPU16LX2LA95979	HAC62310/08	UM
75	03	Ford Crown Victoria	2FAHP71W63X215422	KAC317 5/09	UM
78	04	Ford Expedition	1FMPU15L34LB58893	HBH146 5/09	UM
80	05	Ford Crown Victoria	2FAFP71W05X104598	HAD245 5/09	UM
82	05	Ford Taurus	1FAFP53U95A297486	HBG805 5/09	UM
83	05	Ford Taurus	1FAFP53U85A295261	HBG828 5/09	UM
84	93	Ford Ranger	1FTCR10A6PPA97708	HAD22310/08	UM

**Minutes of December 16, 2008
Mayor and Board of Aldermen**

Alderman Holder made motion seconded by Alderman McNary and unanimously carried to spread the Certificate of Attendance, Municipal Court Clerk, upon the minutes of this meeting in words and figures, as follows:



Alderman Boggs made motion seconded by Alderman McNary and unanimously carried to approve additional flood insurance for Library contents, required by FEMA, as follows:

Minutes of December 16, 2008 Mayor and Board of Aldermen

Excess Flood Insurance Application

 App #: xs_95148 Type: NEW POLICY Date: 11/19/2008 Time: 09:51:14 AM	Insured: CITY OF LONG BEACH LIBRARY Phone: 228-863-1556 Email: cityclerk@cityoflongbeachms.com Mailing Address: P O BOX 929 City, State Zip: LONG BEACH, MS 39560 County: HARRISON	First Mortgage: _____ Loan#: _____ Address: _____ City, State Zip: _____
	Property Address: 209 JEFF DAVIS AVE City, State Zip: LONG BEACH, MS 39560 County: HARRISON Primary Flood Ins. Carrier: AMERICAN BANKERS Policy Number: AB00007211 Primary Bld. Coverage: _____ Primary Content Coverage: \$500,000 Effective Dates: 08/09/2008 to 08/09/2009	Agent Name: PEGGY CROSBY Agency Name: SAWYERFOSTER INSURANCE Address: 14110 AIRPORT ROAD City, State Zip: GULFPORT, MS 39503 Phone: 228 864-1550 Fax :228 868-3457 E-mail: pcrosby@sfig.net Surplus Lines Broker: SWBC Contact Name: TODD MYERS Address: 9311 SAN PEDRO, SUITE 600 City, State Zip: SAN ANTONIO, TX 78216 Phone: 866-679-5782 Fax: 210-477-7789 Tax ID: _____

PLEASE CHECK ALL THAT APPLY:

Commercial: OTHER Flood Zone: C Length of Time Insured has Occupied: 43 YEARS No. of Floors (incl. Basement): 2 Basement: NO Enclosure: NO Construction: MASONRY Distance from source of flooding: 3000 FEET Have there been any flood losses to this location? NO Please describe. Include bldg/conts loss amounts: Comments: FEMA is requiring this coverage. Commercial Contents:	Describe: CITY LIBRARY Year Built: 1965 Under Construction: NO PRE-FIRM: _____ Elev. Difference: _____ On pilings: NO Use: NONE Describe source of flooding: Gulf of Mexico Skidded or shelved: _____ Height contents raised off of floor: _____ Telephone: 228-863-1556 Primary Coverage Limit Requested XS Coverage Limit Building 100% RCV: \$ _____ \$ _____ \$ _____ Contents 100% ACV: \$1,096,498 \$500,000 \$596,498 Annual Business Income: \$ _____ \$ _____ \$ _____ <i>Business Income Deductible is 100k per occ</i>
---	---

Proposed Effective Date: 11/26/2008

Residential risks must be insured to a total of 80% of the building RCV or the maximum limit available, whichever is less. Coverage will be effective on the proposed effective date shown above or five (5) days after this application (with premium payment) has been date-stamped by the appointed broker and accepted by the Underwriter, WHICHEVER IS LATER. ACCEPTANCE OF THIS APPLICATION DOES NOT BIND THE UNDERWRITERS TO COMPLETE THIS INSURANCE. This application will be made part of the Insurance Policy. The undersigned warrant the truthfulness of this information, which will be material in the event of a claim under the policy. Any misrepresentation or concealment herein could void the coverage. SWBC reserves the right to cancel coverage upon receipt of an unsatisfactory inspection report or any other information relating to the property which does not meet our underwriting requirements. The underlying coverage must be written at maximum limits. Coverage hereunder will cease if the underlying coverage lapses or is cancelled or non-renewed.

AGENT SIGNATURE: _____ DATE: _____
 INSURED SIGNATURE: *Rebecca Schrupf, City Clerk* DATE: *12/16/08*

SWBC ~ P.O. Box 795027 ~ San Antonio, Texas 78279-5027 ~ 1-866-679-5782 ~ Fax: 210-477-7789 ~
www.swbcexcessflood.com/

Minutes of December 16, 2008 Mayor and Board of Aldermen

EXCESS FLOOD INSURANCE QUOTATION

RE: CITY OF LONG BEACH LIBRARY
Property Location: 209 JEFF DAVIS AVE
LONG BEACH, MS 39560

Date NOVEMBER 20, 2008

Mandatory TRIA Terrorism Coverage Offer.

The insured may purchase coverage for excess flood loss due to acts of terrorism as defined by TRIA.

TRIA Terrorism Coverage - Additional Premium	\$178.95
Surplus Lines Taxes and Fees	\$16.46
TOTAL AMOUNT DUE:	\$195.41

POLICYHOLDER DISCLOSURE NOTICE OF TERRORISM INSURANCE COVERAGE

You are hereby notified that under the Terrorism Risk Insurance Act of 2002, effective November 26, 2002, that you now have a right to purchase insurance coverage for losses arising out of acts of terrorism, as defined in Section 102(1) of the Act. The term "act of terrorism" means any act that is certified by the Secretary of the Treasury, in concurrence with the Secretary of State, and the Attorney General of the United States - to be an act of terrorism; to be a violent act or an act that is dangerous to human life, property, or infrastructure; to have resulted in damage within the United States, or outside the United States in the case of an air carrier or vessel or the premises of a United States mission; and to have been committed by an individual or individuals acting on behalf of any foreign person or foreign interest, as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.

YOU SHOULD KNOW THAT COVERAGE PROVIDED BY THIS POLICY FOR LOSSES CAUSED BY CERTIFIED ACTS OF TERRORISM IS PARTIALLY REIMBURSED BY THE UNITED STATES UNDER A FORMULA ESTABLISHED BY FEDERAL LAW. UNDER THIS FORMULA, THE UNITED STATES PAYS 90% OF COVERED TERRORISM LOSSES EXCEEDING THE STATUTORILY ESTABLISHED DEDUCTIBLE PAID BY THE INSURER(S) PROVIDING THE COVERAGE. THE PREMIUM CHARGED FOR THIS COVERAGE IS PROVIDED BELOW AND DOES NOT INCLUDE ANY CHARGES FOR THE PORTION OF THE LOSS COVERED BY THE FEDERAL GOVERNMENT UNDER THE ACT.

<input type="checkbox"/>	I hereby elect to purchase coverage for acts of terrorism for a prospective premium, including taxes and fees.
--------------------------	--

<input checked="" type="checkbox"/>	I hereby elect to have coverage for acts of terrorism excluded from my policy. I understand that I will have no coverage for losses arising from acts of terrorism.
-------------------------------------	--


Policyholder/Applicant's Signature

Rebecca E. SCHREFF
Print Name

12/16/08
Date

Lexington Insurance Company
Insurer

Policy Number

Southwest Business Corporation * P.O. Box 795027 San Antonio, TX 78279-5027
Ph (866) 679-5782 * Fax: (210) 477-7789 * www.swbcexcessflood.com

XSQT45 029998LEXQT59907011502

Page 2 of 2

Minutes of December 16, 2008 Mayor and Board of Aldermen

EXCESS FLOOD INSURANCE QUOTATION

Quote Prepared By: _____ Phone: (800) 527-0066 Ext _____ NOVEMBER 20, 2008
QUOTE VALID FOR 30 DAYS

Agent: SAWYERFOSTER INSURANCE **Surplus Lines Broker:** Southwest Business Corporation
 14110 AIRPORT ROAD 9311 San Pedro, Suite 600
 GULFPORT, MS 39503 San Antonio, TX 78216

Phone: (228) 864-1550 EXT. **Phone:** (800) 527-0066
Fax: (228) 868-3457 EXT. **Fax:** (210) 525-0021

E-mail: _____
RE: CITY OF LONG BEACH LIBRARY
 Property Location: 209 JEFF DAVIS AVE
 LONG BEACH, MS 39560

Insurer: Lexington Ins. Company, through Coverholder Southwest Business Corporation, San Antonio, TX

Property Type: COMMERCIAL Flood Zone: C Number of Floors: 2 Post Firm: N
 Building RCV: \$0 Contents ACV: \$1,096,498

Coverage Type: Excess Flood Insurance Policy Term: 1 Year

<u>Premium Calculation:</u>	<u>Limit of Coverage</u>	<u>Premium</u>
Building:	\$0	\$0.00
Contents:	\$596,498	\$3,579.00
Additional Living Expense:	\$0	\$0.00
BI/EE:	\$0	\$0.00
Base Premium Subtotal:		\$3,579.00
Policy Fee:		\$35.00
Brokers Filing Fee:		\$0.00
Inspection Fee:		\$0.00
State Surplus Lines Taxes and Fees:		\$332.64
TOTAL ANNUAL PREMIUM:		\$3,946.64

Please note the following:

1. This quote is subject to verification or adjustment by the Insurer.
2. State surplus lines taxes and fees will be filed by Southwest Business Corporation.
3. The insured must carry underlying flood coverage at the maximum limits available.
4. Minimum earned premium is 25% of premium or \$500, whichever is greater, with the exception of builders risk properties, which are 100% fully earned.
5. Policy fee, inspection fee, and TRIA premium are fully earned.
6. No coverage is bound at this point. Binding of coverage is subject to receipt of:
 - * Completed application, signed by the Insured and Agent
 - * Copy of underlying flood insurance policy declarations page(s)
 - * Net due to SWBC
 - * Satisfactory inspection of property (if required)
 - * Insurer's approval
 - * TRIA form completed and signed
7. The deductible for BI coverage is as follows:
 - * \$1 million or greater: \$100,000
 - * Less than \$1 million: \$ 50,000

Thank you for allowing us to quote this risk. Please note that no binding authority is conveyed to any agent.

Southwest Business Corporation * P.O. Box 795027 San Antonio, Texas 78279-5027
 Ph (866) 679-5782 * Fax (210) 477-7789 * www.swbcexcessflood.com

XSQT49 019998LEXQT59907011501

Page 1 of 2

There was no action required or taken regarding auto-bill pay, Water Department, at this time.

There was no action required or taken regarding the Waffle House sidewalk and the matter was removed from the agenda.

**Minutes of December 16, 2008
Mayor and Board of Aldermen**

Alderman McNary made motion seconded by Alderman Holder and unanimously carried to approve Senior Citizens' Center holiday closing schedule, as follows:

December 9, 2008

TO: Mayor and Board of Aldermen

REF: Senior Citizen Holiday Closing Schedule

Please accept this as my formal request to close the Senior Citizen Center Monday, December 22, 2008, thru Friday, January 2, 2009.

The majority of our senior citizens are spending the holidays with family and friends.

The employees will utilize their accrued vacation time for the holiday closing.

Thanking you in advance for your consideration.

Sincerely,

Brenda Trehern
Senior Citizen Coordinator

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

Minutes of December 16, 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) 863-0667
FAX (228) 863-5232



December 12, 2008.

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

RE: Emergency Repairs to FHWA Roads

Ladies and Gentlemen:

I have attached a sample letter and diagram regarding the types of encroachments on FHWA roads in Long Beach. MDOT intends to perform Emergency Repairs to several of our FHWA roads, specifically Railroad Street, Klondyke, Beatline, the west end of Pineville Road, Cleveland Avenue, a portion of E. Old Pass Road, Commission Road, and Daugherty Road. MDOT officials advise us that we will not be able to proceed with construction of the project until all the right-of-way is free of encroachments as detailed in the sample letter and the diagram.

We are currently working on preparing a list of these encroachments on the affected roads and respectfully request that you authorize the Mayor to sign and send letters similar to the sample to each of the property owners with an encroachment on the right-of-way. Obviously, this action may disturb the affected property owners; however, the City and its citizens stand to lose a significant investment in our streets if we are not able to remove or modify these encroachments. We appreciate your attention to this matter.

Sincerely,

David Ball, P.E.

DB:1816
Enclosures

**Minutes of December 16, 2008
Mayor and Board of Aldermen**

CITY LETTER HEAD

Date

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John Q. Public
Business Name if Applicable
Address
Address

Dear Mr. Public ,

A consideration for receipt of Federal Aid Funds used in the construction of Highways is that your City keep the Right-Of-Way of such Highways free of encroachments.

This is to advise you that you have (1) portable sign, (1) permanent sign, (1) Masonary Mailbox, illegal parking procedures of customers on R. O. W., illegal drives on Street name. The exact location and nature of encroachments is shown on the attached sheet.

Pursuant to §65-1-169 of the Mississippi Code of 1972, as amended, the Mississippi State Highway Departments intends to remove these encroachments, unless, within forty-five (45) days from the date this notice is mailed, the encroachments are voluntarily removed by you or you institute a civil action in any court of competent jurisdiction with respect to the proposed removal of this encroachment by the City.

Failure to take action on your part within the statutory period allowed will result in immediate further action being taken by the City and may result in a judgment against you for any costs incurred by the City in accomplishing the removal or termination of this encroachment.

Thank you for your earliest attention to this matter.

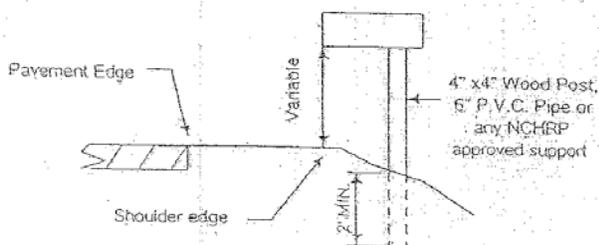
Sincerely yours,

Enclosure
CONFIDENTIALITY NOTICE This e-mail and any files or attachments may contain confidential and privileged information.

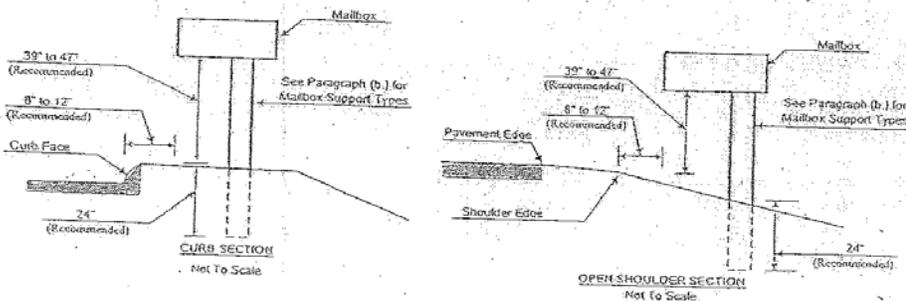
Minutes of December 16, 2008 Mayor and Board of Aldermen

The special notes or paragraphs are as follows:

1. If a mailbox is to be placed on highway right of way, it shall meet the following requirements:
 - (a) Mailbox materials and size shall conform to the requirements of the United States Postal Service.
 - (b) Mailbox supports must be 4" x 4" maximum wood, 6" diameter PVC pipe, or any mailbox support meeting the safety standards provided for in the National Cooperative Highway Research Program (NCHRP) Report Number 350.
 - (c) Mailbox is to be installed vertically at the edge of the shoulder and with the post/support 42" - 48" above the shoulder edge or at a height specified by the local United States Postal carrier.
 - (d) Cross Sectional View of Roadway at Mailbox Location



The applicant accepts the responsibility for the safety of the traveling public and his/her workers and agrees to furnish, place, and maintain traffic control devices, if required, in accordance with Part VI of the Manual of Uniform Traffic Control Devices (MUTCD), Current Edition, as a minimum. A special traffic control plan is included in this application if special traffic control details are required.



Mississippi Department of Transportation S.O.P. No. MND-94-03-01-600

Upon discussion, Alderman Anderson made motion seconded by Alderman Burton and unanimously carried authorizing the Mayor to send letters to property owners as set forth above.

The Mayor recognized City Attorney Frank McCreary for his report and action was taken as follows:

* * *

**Minutes of December 16, 2008
Mayor and Board of Aldermen**

Alderman Boggs made motion seconded by Alderman Holder and unanimously carried to approve the Property Damage Release, as follows:

9856243354

FARA

01:13:50 p.m.

10-21-2008

6/6

CLAIM NO.: 921683

PROPERTY DAMAGE RELEASE

KNOW ALL MEN BY THESE PRESENTS:

That the Undersigned, being of lawful age, for sole consideration of Eighteen Hundred Thirty-One Dollars and 45/XX (\$1,831.45/XX), to be paid to City of Long Beach, do hereby and for my heirs, executors, administrators, successors and assigns release, acquit and forever discharge RPM Pizza, LLC, Dominos Pizza and their driver, Constance Skaggs, Catlin, Inc. and FARA Insurance Services, and his agents, servants, successors, heirs, executors, administrators and all other persons, firms, corporations, associations or partnerships of and from any and all claims, actions, causes of action, demands, rights, damages, costs, loss of service, expenses and compensation whatsoever, which the undersigned now has or which may hereafter accrue on account of or in any way growing out of any and all known and unknown, foreseen and unforeseen property damage and the consequences thereof resulting or to result from the occurrence on or about the 3rd day of February, 2008, at or near Long Beach, MS, except any rights or causes of action for personal injury which may be claimed.

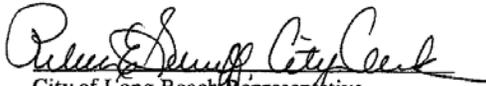
It is understood and agreed that this settlement is the compromise of a doubtful and disputed claim, and that the payment made is not to be construed as an admission of liability on the part of the party or parties hereby released, and that said releasees deny liability therefore and intend merely to avoid litigation and by their peace.

The undersigned further declare(s) and represent(s) that no promise, inducement or agreement not herein expressed has been made to the undersigned, and that this Release contains the entire agreement between the parties hereto, and that the terms of this Release are contractual and not a mere recital.

THE UNDERSIGNED HAS READ THE FOREGOING RELEASE AND FULLY UNDERSTANDS IT.

Signed this 16th day of December, 2008.

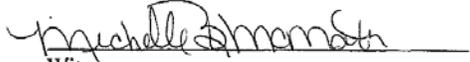
CAUTION: READ BEFORE SIGNING BELOW


City of Long Beach Representative

12/16/08
Date


Witness

12/14/08
Date


Witness

12/14/08
Date

Any person who knowingly presents a false or fraudulent claim for payment of a loss is subject to criminal and civil penalties.

Minutes of December 16, 2008 Mayor and Board of Aldermen

9856243354

FARA

01:12:19 p.m.

10-21-2008

2/6

Sep. 25. 2008 3:50PM LONG BEACH POLICE DEPT

No. 9026 P. 2

09/10/2008 at 11:33 AM
26467

Job Number: 1493

DAURO'S AUTO REPAIR, INC.
P.O. Box 657
109 N. Ocean Wave
Long Beach, MS 39560
(228)868-8388 Fax: (228)868-8420



SUPPLEMENT OF RECORD 1 WITH SUMMARY

Written By: CHRISTINE RIDDLE 08/11/2008 03:10 PM
Adjuster: PO#1007 POLICE DEPA

Insured: LONG BEACH POLICE DEPT
Owner: LONG BEACH POLICE DEPT
Address:

Claim #VIN# 136357
Policy #
Deductible:
Date of Loss:
Type of Loss:
Point of Impact:

Day:
Evening:

Inspect DAURO'S AUTO REPAIR, INC.
Location: P.O. Box 657
109 N. Ocean Wave
Long Beach, MS 39560

Business: (228)868-8388

Insurance VIN# 136357
Company:

Days to Repair

2008 FORD CROWN VICTORIA POLICE 8-4.6L-FI 4D SED Int:
VIN: 2FAPP71V18X136357 Lic: Prod Date: Odometer:

Air Conditioning	Rear Defogger	Tilt Wheel
Body Side Moldings	Dual Mirrors	Clear Coat Paint
Power Steering	Power Brakes	Power Windows
Power Locks	Power Driver Seat	Power Mirrors
AM Radio	FM Radio	Stereo
Search/Seek	Anti-Lock Brakes (4)	Driver Air Bag
Passenger Air Bag	4 Wheel Disc Brakes	Cloth Seats
Bucket Seats	Automatic Transmission	Overdrive

NO.	OP.	DESCRIPTION	QTY	EXT. PRICE	LABOR	PAINT
1		FENDER				
2*	Rpr	RT Fender			5.0	2.8
3		Add for Clear Coat				1.1
4		FRONT DOOR				
5*	Rpr	RT Outer panel w/o keyless			6.5	2.2
6		Overlap Major Adj. Panel				-0.4
7		Add for Clear Coat				0.4
8	Repl	RT Reveal molding	1	119.25	0.5	
9	R&I	RT Belt w'strip			0.3	
10*	R&I	RT Body side mldg 2 1/2" wide molding brown			0.5	
11	R&I	RT Mirror assy w/o heated glass			0.5	
12	R&I	RT Handle, outside black			0.6	

Minutes of December 16, 2008 Mayor and Board of Aldermen

9856243354

FARA

01:12:44 p.m. 10-21-2008

3/6

Sep. 25. 2008 3:50PM LONG BEACH POLICE DEPT

No. 9026 P. 3

09/10/2008 at 11:33 AM
26467

Job Number: 1495



SUPPLEMENT OF RECORD 1 WITH SUMMARY
2008 FORD CROWN VICTORIA POLICE 8-4.6L-FI 4D SED Int:

NO.	OP.	DESCRIPTION	QTY	EXT.	PRICE	LABOR	PAINT
13		REAR DOOR					
14*	Rpr	RT Door shell w/o long wheel				6.0	2.2
15		Overlap Major Adj. Panel					-0.4
16		Add for Clear Coat					0.4
17*	Rpr	RT Body side midg 3 1/4" molding w/o long wheel				0.5	0.6
18	R&I	RT Belt w'strip w/o long wheelbase				0.3	
19	R&I	RT Handle, outside black				0.6	
20	R&I	RT Belt w'strip w/o long wheelbase				0.2	
21#	Rpr	REMOVE DECALS				1.0	
22#	Subl	Hazardous Waste Disposal	1		5.00	T	
23		FRONT BUMPER					
24		Blnd Bumper cover					1.4
Subtotals -->						124.25	22.5 10.3

Parts		119.25
Body Labor	22.5 hrs @ \$ 42.00/hr	945.00
Paint Labor	10.3 hrs @ \$ 42.00/hr	432.60
Paint Supplies	10.3 hrs @ \$ 32.00/hr	329.60
Sublet/Misc.		5.00
SUBTOTAL		\$ 1831.45
GRAND TOTAL		\$ 1831.45
ADJUSTMENTS:		
Deductible		0.00
CUSTOMER PAY		\$ 0.00
INSURANCE PAY		\$ 1831.45

Minutes of December 16, 2008 Mayor and Board of Aldermen

9856243354

FARA

01:13:04 p.m.

10-21-2008

4/6

Sep. 25. 2008 3:50PM LONG BEACH POLICE DEPT

No. 9026 P. 4

09/10/2008 at 11:33 AM
26467

Job Number:



SUPPLEMENT OF RECORD 1 WITH SUMMARY
2008 FORD CROWN VICTORIA POLICE 8-4.6L-FI 4D SED Int:

Estimate based on MOTOR CRASH ESTIMATING GUIDE. Unless otherwise noted all items are derived from the Guide DR2JA03, CCC Data Date 07/01/2008, and the parts selected are OEM-parts manufactured by the vehicle Original Equipment Manufacturer. OEM parts are available at OE/Vehicle dealerships. OPT OEM (Optional OEM) or ALT OEM (Alternative OEM) parts are OEM parts that may be provided by or through alternate sources other than the OEM vehicle dealerships. OPT OEM or ALT OEM parts may reflect some specific, special, or unique pricing or discount. OPT OEM or ALT OEM parts may include "Blemished" parts provided by OEM's through OEM vehicle dealerships. Asterisk (*) or Double Asterisk (**) indicates that the parts and/or labor information provided by MOTOR may have been modified or may have come from an alternate data source. Tilde sign (~) items indicate MOTOR Not-Included Labor operations. Non-Original Equipment Manufacturer aftermarket parts are described as AM, Qual Repl Parts or Comp Repl Parts which stands for Competitive Replacement Parts. Used parts are described as LKQ, Qual Recy Parts, RCY, or USED. Reconditioned parts are described as Recond. Recored parts are described as Recore. NAGS Part Numbers and Benchmark Prices are provided by National Auto Glass Specifications. Labor operation times listed on the line with the NAGS information are MOTOR suggested labor operation times. NAGS labor operation times are not included. Pound sign (#) items indicate manual entries. Some 2006 vehicles contain minor changes from the previous year. For those vehicles, prior to receiving updated data from the vehicle manufacturer, labor and parts data from the previous year may be used. The Pathways estimator has a complete list of applicable vehicles. Parts numbers and prices should be confirmed with the local dealership.

CCC Pathways - A product of CCC Information Services Inc.

Minutes of December 16, 2008 Mayor and Board of Aldermen

9856243354

FARA

01:13:32 p.m.

10-21-2008

5/6

Sep. 25. 2008 3:50PM LONG BEACH POLICE DEPT

No. 9026 P. 5

09/10/2008 at 11:33 AM
26467

Job Number: 1457



SUPPLEMENT OF RECORD 1 WITH SUMMARY
2008 FORD CROWN VICTORIA POLICE 8-4.6L-FI 4D SED Int:

NO.	OP.	DESCRIPTION	QTY	EXT.	PRICE	LABOR	PAINT
----- DELETED ITEMS -----							
1		FRONT LAMPS					
2*	Repl RT	Side marker lamp w/police pkg.	1		-199.07	Incl.	
15	R&I RT	R&I trim panel				-0.4	
25#	Subl	Mask for Overspray	1		-5.00 T		
27#	Subl	Four Wheel Alignment	1		-70.00 T		M
29	R&I	R&I bumper cover				-1.9	
Subtotals ==>					-274.07	-2.3	0.0

Parts	-199.07
Body Labor	-2.3 hrs @ \$ 42.00/hr -96.60
Sublet/Misc.	-75.00
SUBTOTAL	
	\$ -370.67
TOTAL SUPPLEMENT AMOUNT	
	\$ -370.67
NET COST OF SUPPLEMENT	
	\$ -370.67

Estimate	2202.12	CHRISTINE RIDDLE
Supplement S01	-370.67	CHRISTINE RIDDLE
Job Total		
	\$ 1831.45	

INSURANCE PAY \$ 1831.45

4

There came on for consideration a Notice of Claim filed by S. Pucheu, LLC, as follows:

**Minutes of December 16, 2008
Mayor and Board of Aldermen**

Me. J.
12/15/08

Johnson Law Practice, PLLC
R. Hayes Johnson, Jr.
Attorney at Law

Via Certified Mail, Return Receipt Requested, or by Personal Service

**NOTICE OF CLAIM PURSUANT TO MISSISSIPPI TORT CLAIMS ACT;
MISS. CODE, ANN. §11-46-11 (1972), AS AMENDED**

December 10, 2008

Phil Kies, chairman
Long Beach Port and Harbor Commission
City of Long Beach, Mississippi
P.O. Box 929
Long Beach, MS 39560

Hon. Mayor Billie Skellie
City Clerk Rebecca Schruff
City of Long Beach, Mississippi
P.O. Box 929
Long Beach, MS 39560

Re: Our client: S. Pucheu, LLC, d/b/a Steve's Marina Restaurant

Sirs:

This letter shall serve as a notice of claims under the Mississippi Tort Claims Act, Miss. Code Ann. §11-46-11 (1972) (as amended). Claimants are S. Pucheu, LLC, and S. Pucheu Holdings, LLC. Potential defendants/tortfeasors are the Long Beach Port and Harbor Commission, (hereinafter, "the Commission"), through its chairman, Phil Kies; and the City of Long Beach, Mississippi, ("the City"), through its mayor, William Skellie, Jr.

The Commission and City have illegally attempted to cancel the Claimants' lease on the Long Beach Harbor, and refused to accept monthly rent paid by the Claimants. The Claimants dispute the actions of the Commission/City, and demand that the situation be resolved.

Claimants seek damages of not less than \$2 million, legal and equitable remedies, injunctive and declaratory relief. They allege negligent and intentional torts, breach of contract, and violation of state and federal civil rights. Claimants seek costs and attorney's fees.

R. Hayes Johnson, Jr.* (MSB #10697)

(228) 388-9316-office/(228) 388-4433-facsimile

P.O. Box 717, Long Beach, MS 39560

Email: rhavesji@aol.com/cafahev@aol.com

2462 Pass Road, Biloxi, MS 39531

(*Also licensed in AL, AR, FL)

Minutes of December 16, 2008

Mayor and Board of Aldermen

BACKGROUND: FACTS UPON WHICH CLAIMS ARE BASED

Claimants are S. Pucheu, LLC, and S. Pucheu Holdings, LLC, both of which are Mississippi limited liability companies, whose sole members are Steve Pucheu and Shandell Pucheu. At all pertinent times, the claimants were corporate residents of Harrison County, Mississippi, and whose collective address was/is 8283 Jennifer Lane, Long Beach, MS 39560. Claimants can be served with process through their attorneys, Johnson Law Practice, PLLC, P.O. Box 717, Long Beach, MS 39560; 2462 Pass Road, Biloxi, MS 39531.

Beginning in February, 2001, S. Pucheu, LLC, became a sublessee of the Long Beach Port and Harbor Commission, in a chain of leases dating from 1986. S. Pucheu, LLC, renewed its sublease in 2006.

In April, 2007, S. Pucheu, LLC, and S. Pucheu, Holdings, LLC, entered a Lease Assignment, Release and Indemnification Agreement, whereby S. Pucheu Holdings, LLC, assumed all rights and responsibilities of S. Pucheu, LLC, and all prior leaseholders and sublessees. The Long Beach Port and Harbor Commission approved the agreement.

PERTINENT TERMS OF LEASES

Some lease provisions pertinent to this dispute are:

1. [I]n case of ... destruction of any ... building ..., lessee shall at its own expense promptly repair and restore the same to a condition as good or better than that which existed prior to such ... destruction. §10(b) of original lease;
2. If during the term of this Sublease the Subleased Premises shall be ... destroyed ..., Sublessee shall ... rebuild the same.... §7.1(A) of S. Pucheu, LLC, sublease;
3. [P]lans and specifications for any improvements constructed by Lessee shall be approved by Lessor, prior to actual construction. Lessor shall not unreasonably withhold approval. §9(d) of original lease;
4. Lessee shall not be in default of this Lease Agreement ... except upon the following conditions: ... Lessee has failed to make diligent efforts to cure the default within a reasonable time if the default cannot be cured within the said sixty (60) days; §16 and 16(3)(b) of original lease;
5. Lessor shall not permit, allow or authorize any person, business, corporation or other business entity or proprietor or lessee to manufacture and sell ice in the Long Beach Harbor.... §24 of original lease;
6. Lessor shall not permit, allow or authorize any person, business, corporation or other business entity or proprietor or lessee to buy and sell seafood in the Long Beach Harbor.... §25 of original lease.

Minutes of December 16, 2008 Mayor and Board of Aldermen

LEASES REQUIRE TENANT TO REBUILD STRUCTURE

The subject property is a restaurant site located on the Long Beach Harbor, where claimants operated Steve's Marina Restaurant.

On Aug. 29, 2005, Hurricane Katrina destroyed all improvements on the property.

The combined terms of the leases require Claimants to "promptly" rebuild a structure "as good or better" than the one destroyed. A Lessee must make "diligent efforts" to cure any default within a "reasonable time" after it is determined that default has occurred.

COMMISSION – NOT PUCHEU – IS IN DEFAULT

Here, the Claimants have not defaulted on the leases.

Rent and taxes have been paid on time, and Claimants have been diligent in maintaining the leasehold site and communicating with the Commission and city about post-Katrina recovery and plans.

In a city that only now is re-establishing basic services, and has yet to tear down its destroyed City Hall, it cannot be said that Claimants have not been "prompt" in recovering from Katrina. Further, other Long Beach leaseholders have so far failed to rebuild their pre-Katrina structures, and have not been declared to have breached their leases.

Claimants have not stopped working on proposals for building, financing, insuring and operating a business on the harbor – "diligent efforts" by any definition.

After Katrina, Claimants renewed their sublease, paid rent, cleaned up hurricane debris, negotiated the buyout of the sublessor, and prepared to build a restaurant.

But for 2½ years post-Katrina, neither the Harbor nor the city made adequate improvements or repairs that would allow the claimants to re-establish a business on the Long Beach Harbor. At a time when the public was begging for new businesses to open in the area, infrastructure remained destroyed or severely damaged, utilities were not in place, and the Long Beach Harbor was not functional for business. In other words, the Commission and the city caused the loss of business to claimants and others.

During this time, both the Harbor and the city trespassed on claimants' leasehold, allowing unauthorized dumping of heavy hurricane debris and rubble in large piles on the restaurant site. The site was unsafe and unusable. No action was taken for months after claimants complained to the Harbor and city.

The Commission also violated terms of the claimants' lease, allowing other tenants to conduct business that is the exclusive domain of claimants.

Minutes of December 16, 2008 Mayor and Board of Aldermen

These trespasses and violations lasted into 2008, and continue.

In mid-2007, in an ongoing effort to return to the harbor, claimants retained prominent local architects to design a new Steve's Marina Restaurant for the harbor. On Sept. 20, 2007, claimants and their attorney appeared before the Port Commission to present tentative plans and specifications for a new restaurant.

On Oct. 18, 2007, the Port Commission voted to "not accept the preliminary plans" provided by claimants. Claimants subsequently received a letter from the commission's attorney relaying the decision. This decision by the Commission was outside the bounds of the Commission's authority in the lease or the law.¹

By late 2007, the growing regional and national economic and insurance crisis closed the window on immediate beachfront construction. Although the lease technically would allow construction of a sub-standard structure – comparable to the one destroyed – neither claimants nor the Commission would be interested in such a building.²

Early in 2008, claimants purchased and renovated a restaurant site on Airport Road in Gulfport, Mississippi, and opened a restaurant at that site in May, 2008.

Opening of the new location caused Commission members and staff to get upset, leading to the Commission's issuance, in July, 2008, of a "Notice of Default." In that notice, the Commission demanded that claimants appear before the Commission, produce detailed financial information, and otherwise perform duties not within the Commission's power to require.

Pucheu could not attend the meeting set by the Commission, but he responded through counsel, explaining to the Commission his continuing efforts to rebuild and return to Long Beach.

In September, 2008, the Commission issued a "Notice of Termination of Lease," purporting to cancel claimants' leasehold interests on the Harbor because of an alleged failure to cure default or diligently attempt to do so. Subsequently, the City of Long Beach returned claimants' rent check.

The Commission and city spread on their public minutes the findings of default and termination, thereby defaming claimants and causing immediate harm through their financiers

¹The Commission is not a building or planning authority, and has no ability to approve or disapprove construction, environmental and other aspects of any project. Its authority is limited only to aesthetics and basic site requirements.

²The Commission could not oppose such a substandard building, since it would replicate the lost structure. But no such structure would meet the most basic modern requirements for construction, safety or elevation. It probably would also jeopardize the city's participation in the FEMA flood insurance program.

**Minutes of December 16, 2008
Mayor and Board of Aldermen**

and others.

AMOUNT OF MONEY DAMAGES SOUGHT

The Claimants' leasehold interest, assuming the return of the regional economy, is likely worth \$2 million or more during the remaining terms of the leases. This is a valuable asset that the Commission is attempting to take without adequate compensation – a violation of Claimants' constitutional rights.

OFFER TO SETTLE

By this letter, the claimants make an offer to settle this matter prior to litigation on the following terms: Commission's withdrawal of its Notice of Default and Notice of Termination of Lease, with notation of such withdrawal made on the public minutes; and City's acceptance of all rents due, and agreement that no rent is in arrears.

If the matter is not immediately settled, Claimants will seek injunctive and declaratory relief, and assert state and federal legal and equitable claims against the Commission and the city. Per the lease and applicable state and federal law, Claimants also will seek additional damages, costs and fees.

Sincerely Yours;

JOHNSON LAW PRACTICE, PLLC


R. Hayes Johnson, Jr.

cc: Steve Pucheu
Bryan Vonder Bruegge, Esq.
Frank McCrary, Esq.

R. Hayes Johnson, Jr.* (MSB #10697) (228) 868-5444-office/(228) 868-5499-facsimile

P.O. Box 717, Long Beach, MS 39560 Email: rhayesi@aol.com/cafahev@aol.com

2218 18th St., Ste. B, Gulfport, MS 39501 Page 5 of 15 (Also licensed in AL, AR, FL)

Upon discussion, Alderman Holder made motion seconded by Alderman Anderson and unanimously carried authorizing the City Attorney to meet with the Port Attorney regarding this matter and to forward the Notice of Claim to the city's insurance carrier.

There came on for consideration a Complaint to Confirm Tax Title filed by William L. and Laura L. Fennell.

**Minutes of December 16, 2008
Mayor and Board of Aldermen**

Upon discussion, Alderman Burton made motion seconded by Alderman McNary and unanimously carried directing the City Attorney to research the matter and report back.

There was no action required or taken on the Notice of Appeal filed by Glenn Mitchell.

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

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

APPROVED:

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

Alderman Charles A. Boggs, Ward 1

Alderman Richard Notter, Ward 2

Alderman Richard Burton, Ward 3

Alderman Joseph McNary, Ward 4

Alderman Mark Lishen, Ward 5

Alderman Carolyn Anderson, Ward 6

Date: _____

ATTEST:

Rebecca E. Schruoff, City Clerk