

**Minutes of February 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 5:00 o'clock p.m. on the 5<sup>th</sup> day of February, 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, Joseph McNary, Mark Lishen, City Clerk Rebecca E. Schruff, and City Attorney Frank R. McCreary, III.

Aldermen Richard Burton and Richard Bennett were absent the public hearing.

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

\*\*\*\*\*

Alderman Boggs arrived late and was preliminarily absent the public hearing.

\*\*\*\*\*

The public hearing to consider an application for variance from the sign ordinance as submitted by Strategic Restaurants (Burger King), 310 East Beach Boulevard, 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 January 2, 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 public hearing in words and figures, as follows:



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\* \* \*

Alderman Notter made motion seconded by Alderman Holder and unanimously carried to make the December 13, 2007, Planning Commission minutes a part of the record of this public hearing on file in the Office of the City Clerk.

\* \* \*

The Mayor recognized David Clayton, 79777 Highway 21, Bush, Louisiana, 70431, representing Strategic Restaurants. He stated that he is requesting additional square footage on height and coverage, for a variance of ten feet (10') in height and ninety-eight square feet (98') of sign face. The variance will conform with other commercial signs in the area and provide fair competition. The pole will be fully enclosed making it a monument sign.

\* \* \*

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

\* \* \*

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

Matthew Scott, Madison, MS, owner of property at 325 Kerr Street, next door to Burger King, is opposed to large signs coast-wide and requested that the city consider something different, more attractive and cited Madison, MS, as an example.

\* \* \*

Alderman Boggs arrived at the public hearing.

\* \* \*

Upon rebuttal, Mr. Clayton reiterated his request for sign variance.

\* \* \*

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

\* \* \*

Upon further discussion and debate, Alderman Holder made motion seconded by Alderman Notter and unanimously carried to approve the application for sign variance as submitted by Strategic Restaurants (Burger King), all in accordance with the Comprehensive Zoning Ordinance Number 344, Section 1207. FINDINGS, as follows:

1207.1 There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district.

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1207.2 A literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.

1207.3 The requested variance will be in harmony with the purpose and intent of this Ordinance and will not be injurious to the neighborhood or to the general welfare.

1207.4 The special circumstances are not the result of the actions of the applicant.

1207.5 The existence of a nonconforming use of neighborhood land, buildings, or structures in the same district or permitted or nonconforming uses in other districts shall not constitute a reason for the requested variance.

1207.6 The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure.

1207.7 The variance is not a request to permit a use of land, buildings, or structures which are not permitted by right or by special exception in the district involved.

1207.8 Notice of public hearing shall be given as in Article XII, Section 1205.

\*\*\*\*\*

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 5:30 o'clock p.m. on the 5<sup>th</sup> day of February, 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, Joseph McNary, Mark Lishen, City Clerk Rebecca E. Schruff, and City Attorney Frank R. McCreary, III.

Aldermen Richard Burton and Richard Bennett were absent the public hearing.

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 Special Exception Use as filed by Janette Karatzelidis, 18124 Allen Road, Long Beach, Mississippi, was called to order.

\* \*

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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 December 18, 2007, 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 Lishen and unanimously carried to spread said Proof of Publication upon the record of this public hearing in words and figures, as follows:

**PROOF OF PUBLICATION**

STATE OF MISSISSIPPI  
COUNTY OF HARRISON

Before me, the undersigned Notary of Harrison County, Mississippi personally appeared Julie Gano 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. 124 No., 85 dated 27 day of Dec, 20 07
- 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.

DEC 28 2007

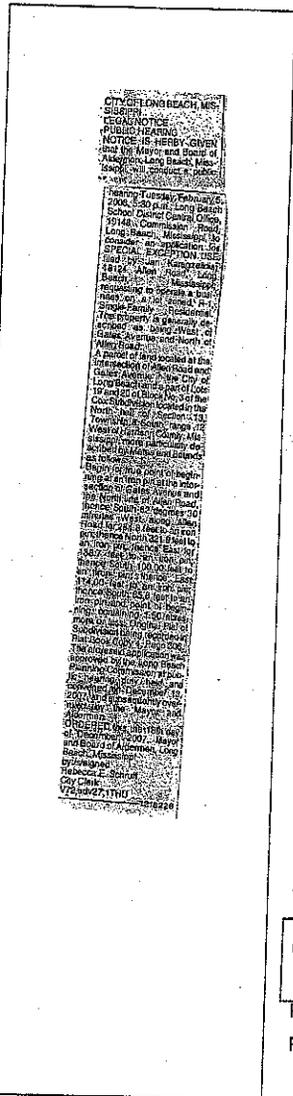
Julie A. Gano  
Clerk

Sworn to and subscribed before me this 28 day of Dec, A.D., 20 07

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

Kandi Berkley  
Notary Public

Printer's Fee.....	\$ 37.44
Furnishing proof of publication.....	\$ 3.00
TOTAL.....	40.44



\* \*

The Clerk further reported that fourteen (14) legal notices were sent via certified mail, return receipt requested, to property owners within two hundred feet (200') of the subject property, twelve (12) were delivered and two (2) returned, unclaimed.

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

\* \*

Alderman Notter made motion seconded by Alderman Boggs and unanimously carried to make the December 13, 2007, Planning Commission minutes a part of the record of this public hearing, on file in the Office of the City Clerk.

\* \*

The Mayor recognized Jason Purvis, Attorney at Law, representing Janette Karatzelidis, who stated the following:

The applicants desire to locate their business and residence in Long Beach;

The Special Exception Use was approved by the Planning Commission;

The subject property was marketed to the applicant as commercial;

The marine upholstery business does not differ from the upholstery business previously operated at the location;

It is not a high traffic business and in most instances, the work is done at the clients location;

There is no other marine upholstery shop on the coast;

The business will bring tax dollars into the City;

The business does not produce noise, odor or traffic congestion;

There are other businesses operating in the area;

The applicants have implemented great improvements to the property and demolished the derelict building.

\* \*

The Mayor opened the floor for public comments in favor of the application for Special Exception Use, as follows:

Barbara Downing, 517 Evergreen Drive, Long Beach, Mississippi, conducted business with the applicants and vouches for their character;

Hazel McDonald, 5505 Gates Avenue, Long Beach, Mississippi, resides directly behind the applicants. The business poses no problem, they are good people;

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John Deleuth, 109 Summer Lane, Long Beach, Mississippi, friend of the applicants. They have greatly improved the property, they are private, quiet people and will bring tax dollars into the City;

Virginia Macken, 102 Buena Vista, Long Beach, Mississippi, stated that it's better for the area that the property is not vacant and unkept. She spoke with Mary Levens, 18156 Allen Road, and Bob Neale, 18064 Allen Road, who stated that they would write letters to the Board in support of the applicants, if necessary;

Judy Spiers, 20040 Crow Road, Long Beach, Mississippi, works for the applicants and stated that the majority of work is performed off-site;

Mary Kippes, 20170 Pineville Road, Long Beach, Mississippi, stated that light commercial is a good balance in a residential area;

Bob Kranz, 3500 13<sup>th</sup> Street, Gulfport, Mississippi, stated that he is familiar with the applicants' business in Gulfport and there is very little traffic.

\* \*

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

Patrick Pierce, 5535 Gates Avenue, Long Beach, Mississippi, resides around the corner from the subject property and passes it everyday. He stated the need to preserve the residential neighborhood and protect it from the negative impact of commercial businesses depreciating property values. The applicants, real estate agent, and closing attorney were informed that the property was zoned residential, not commercial. There have been no sales tax receipts produced by the previous owners to prove that the business was operational in the last one and one-half years. When the previous owner, Mr. Meadows, was approved to replace the trailer on the subject property, it was due to being grandfathered as a non-conforming use and it was stipulated that the property would be zoned residential once the upholstery shop was out of business and Mr. Meadows no longer owned the property;

Kay Rendfrey, 5522 Gates Avenue, Long Beach, Mississippi, resides in close proximity to the business. Stated that ordinances should be followed in order to avoid impacting property values;

Vernon Ehlers, 18106 Allen Road, Long Beach, Mississippi, stated that the stipulation on the subject property was that once the previous business closed and Mr. Meadows no longer owned the property, the commercial zone was to be eliminated.

\* \*

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The Mayor recognized Attorney Purvis for rebuttal, as follows:

Requested some flexibility in the ordinance as it pertains to Special Exception Use;

The Meadow's commercial use of the subject property would expire if the business was not operational for a certain period of time, however, the business was operational when the applicants purchased the subject property and in fact there was upholstering equipment and several unfinished pieces on the premises, which were returned to the rightful owners by the applicants;

The subject property was represented to the applicants as commercial at the time of purchase;

The Meadows provided canceled checks drawn on their business account to the City as proof of operation;

The business is of a nature that would not impact the neighborhood.

\* \* \*

Upon further discussion, it was determined that the applicants did not personally observe the actual operation of the previous commercial business at the location of the subject property; the multiple listing of the subject property clearly shows the zone as Single Family Residential; the Meadow's Upholstery Shop had an active business license issued by the City.

\* \* \*

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

\* \* \*

Based upon discussion held and testimony heard, Alderman Holder made motion seconded by Alderman Notter and unanimously carried to deny the application for Special Exception as submitted by Janette Karatzelidis, 18124 Allen Road.

\*\*\*\*\*

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 5:30 o'clock p.m. on the 5<sup>th</sup> day of February, 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.,

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Charles Boggs, Richard Notter, Joseph McNary, Mark Lishen, City Clerk Rebecca E. Schruff, and City Attorney Frank R. McCreary, III.

Aldermen Richard Burton and Richard Bennett were absent the public hearing.

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

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The public hearing to consider an application for Zoning Map Change as filed by Mary Kippes, 20170 Pineville Road, was called to order and discussion was held to preliminarily determine whether or not to declare an executive session.

After considerable discussion, Alderman Notter made motion seconded by Alderman Holder to meet in executive session for the transaction of public business, to-wit: to discuss with and seek the legal advice and counsel of the City Attorney regarding on-going and potential litigation.

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

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

The question having received the Affirmative vote of all the Aldermen present and voting, the Mayor declared the motion carried, whereupon, the Mayor and Board of Aldermen met in executive session.

\* \*

The meeting resumed in open session and, based upon discussion held and action take in executive session, no further action was required or taken in open session.

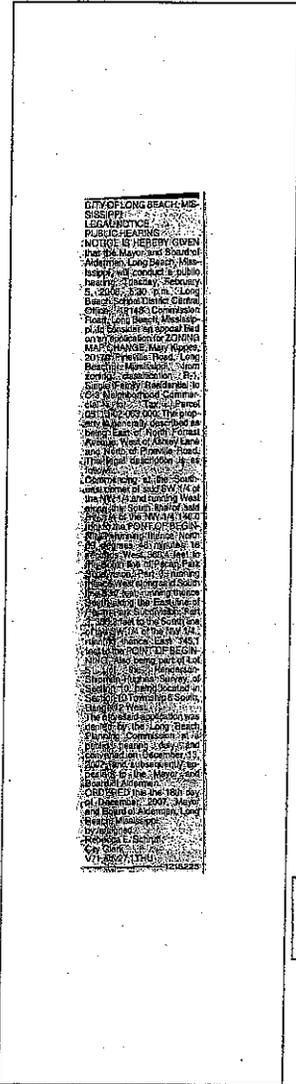
\* \*

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 December 18, 2007, 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 Holder and unanimously carried to spread said Proof of Publication upon the record of this public hearing in words and figures, as follows:

**PROOF OF PUBLICATION**



STATE OF MISSISSIPPI  
COUNTY OF HARRISON

Before me, the undersigned Notary of Harrison County, Mississippi personally appeared Julie Gano who, being by me first duly sworn, and 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. 124 No., 85 dated 27 day of Dec, 20 07
- Vol. \_\_\_\_\_ No., \_\_\_\_\_ dated \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_
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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.

DEC 28 2007 Julie A. Gano  
Clerk

Sworn to and subscribed before me this 28 day of Dec, A.D., 20 07

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

Kandi Berkley  
Notary Public

Printer's Fee .....	\$ <u>34.92</u>
Furnishing proof of publication .....	\$ <u>3.00</u>
TOTAL .....	<u>37.92</u>

The Clerk further reported that twenty-one (21) legal notices were sent via certified mail, return receipt requested, to property owners within two-hundred feet (200') of the subject property, eighteen (18) were received and three (3) returned unclaimed.

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Alderman Holder made motion seconded by Alderman Notter 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.

\* \*

Alderman Notter made motion seconded by Alderman Holder and unanimously carried to make the December 13, 2007, Planning Commission minutes a part of the record of this public hearing, on file in the Office of the City Clerk.

\* \*

The Mayor recognized William Whitfield, Attorney at Law, representing Mary Kippes. Attorney Whitfield submitted documents, elaborating on the application, as follows:

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BEFORE THE BOARD OF ALDERMAN  
CITY OF LONG BEACH

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To: Mayor Skellie and Board of Aldermen  
From: William E. Whitfield III/Albert R. Jordan, IV  
Re: Appeal of Mary Kippes  
Date: February 8, 2008

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Mary Kippes owns and operates Living Water Art Center [hereinafter "Living Water"] located at 20170 Pineville Road, Long Beach, Mississippi (parcel no: 511J-02-063.00). Living Water is a business that provides art lessons and art related programs to the community and local schools. Ms. Kippes was initially licensed to operate Living Water in 1998 and leased the building at 20170 Pineville Road for two years before purchasing it in February, 2000. Currently, Living Water is still in operation in the same location and Ms. Kippes holds a valid privilege license permitting the use consistent with a C-3 designation.

Ms. Kippes purchased the property in 2000. When she began operating her business and when she purchased the property in 2000, the property was zoned C-3. Her property had been officially designated C-3 by official action of the Board of Alderman in 1990.<sup>1</sup> Indeed, the property's zoning classification is what made it desirable and it is why Ms. Kippes paid a premium purchase price to acquire.

A new Official Zoning Map of the City of Long Beach was adopted, by and under Ordinance #483, on October 1, 2002 by the Mayor and Board of Aldermen.<sup>2</sup> Under this revision, Ms. Kippes' property was ostensibly rezoned from C-3 (Neighborhood Commercial) to R-1 (Single Family

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<sup>1</sup> See Minutes of the Long Beach Board of Alderman, dated February 20, 1990, attached hereto as Exhibit "A."

<sup>2</sup> See Minutes of the Long Beach Board of Alderman, dated November 6, 2002, attached hereto as Exhibit "B."

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Residential). Other than a vaguely worded newspaper publication,<sup>3</sup> Ms. Kippes was neither notified nor aware that the Official Zoning Map was revised until just recently while she was at the city clerk's office to discuss the prospect of acquiring an interest in adjoining property. In fact, the 2002 Board proposal that ostensibly rezoned her property, diverts around her property to the East rather than including her property from the meandering C-3 line to the West. It is nearly impossible for one to read the 2002 rezoning action of the board and conclude, as to Ms. Kippes property, that she was being moved out of her C-3 designation to an R-1.

Immediately upon learning that her property had been reclassified in 2002 from C-3 to R-1, and realizing that she was rightfully holding a business licence and operating a business that would not be consistent with an R-1 designation, Ms. Kippes made inquiry in how best to reclaim her former zoning designation of C-3. She was advised that this could best be accomplished by requesting a zoning change before the Long Beach Planning Commission, and was given the impression that the effort would essentially be a ministerial formality. Representing herself, and certainly believing that the process would accommodate and recognize this obvious mistake, Ms. Kippes appeared before the Planning Commission to present her request for this change. The Planning Commission met on December 31, 2007 and surprisingly denied her request for a zoning change. In fact, one of her neighbors appeared and took exception to this "rezoning" request. Absolutely no-one, for the entire time that Ms. Kippes owned and operated this property, ever initiated any official action to redesignate her property from C-3 to any alternate classification, based upon a perceived non conforming use.

Clearly, it is apparent that this zoning change from her former C-3 to R-1 at issue was inadvertent. In fact, Ms. Kippes property, as viewed from the street, appears to be a single family

<sup>3</sup> See Notice of July 2, 2002 Public Hearing , Exhibit "C."

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home and very well resulted from the lack of any exterior evidence that a business was being pursued there as permitted by the C-3 designation. Ms. Kippes submits that the 2002 revision to the Official Zoning Map reclassifying her property as R-1 was an oversight and respectfully requests that her property be returned to its proper C-3 classification.

Ms. Kippes has appealed the decision of the Planning Commission denying her request, to the Board of Alderman. The action of the Board of Alderman in 2002, in changing her designation from C-3 to R-1, removed a valuable property interest from her. She paid a premium for this property because of the C-3 designation only to have it essentially "taken" from her by Board action in 2002. Given the circumstances, it is apparent that the drafters of the 2002 zoning classification mistakenly contoured the meandering line defining the C-3 designation around her property to the east rather than including her property from the west. Though Ms. Kippes acknowledges that the City of Long Beach published the fact of a citywide comprehensive zoning change, it is clear that no lay-person, reasonably reading the proposal, could possibly understand the impact that the zoning change would have on any one lot, short of the advice and assistance of an engineer or lawyer. The complexity of the meandering zoning language would require that the citizenry of the City of Long Beach either retain an engineer or a lawyer to interpret the property description-surely a burden and responsibility that the Board of Alderman did not intend to shift to the taxpayers of the city.



Minutes of February 5, 2008  
Mayor and Board of Aldermen

Minutes of February 20, 1990

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 7:00 o'clock P. M. at the Jeritza A. Pell City Hall Annex, it being the third Tuesday in February, 1990 and the same being the 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 Glenn F. Rishel, Jr., Aldermen Donald Logan, Sal Giuffria, Miriam Graves, Donnie Harmon, Pat Maxwell, Ken Collins, Wayne O'Neal, Deputy City Clerk Rebecca E. Schruoff and City Attorney Frank R. McCreary.

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

Alderman Collins made motion seconded by Alderman Graves and unanimously carried to approve salaries and bills as listed in Docket of Claims Numbers 282 and 283.

Alderman Giuffria made motion seconded by Alderman Logan and unanimously carried to reject all bids for Concession Stand to enable the Mayor to rework the plans for the Concession Stand and if possible, build same with the City acting as Contractor.

Alderman Logan made motion seconded by Alderman Collins and unanimously carried to accept the bid of W. T. Construction Co. in the amount of \$4700.00 for reconstruction of Manhole on Alverado Drive.

There came on for consideration the proposal from Sawyer Insurance for Public Officials Liability. Alderman Graves made motion seconded by Alderman Collins to accept a \$1,000,000.00 limit with a \$10,000.00 deductible.

WHEREUPON Alderman Logan made a substitute motion seconded by Alderman Maxwell and unanimously carried to accept \$500,000.00 limit with a \$5,000.00 deductible.

Alderman Collins made motion seconded by Alderman Maxwell and unanimously carried to accept recommendation of Fire Chief and Civil Service Commission and promote Lt Pete Lacy to Captain with the Long Beach Fire Department, effective March 1, 1990.



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Minutes of February 20, 1990

Alderman Maxwell made motion seconded by Alderman Collins and unanimously carried to approve emergency purchases for Tank Truck Services of Bond Septic & Sewer Service and Breaux Services Inc, also purchase of Fronthead for lift station at Highway 90 and Nicholson Ave from Fairbanks Horse and spread letters, purchase orders and requisition from John Becker on the minutes of this meeting in words and figures as follows:

## CITY OF LONG BEACH

### Memo

TO: Mayor Glenn Fisher, City and the Board of Aldermen  
FROM: John D. Becker, Public Works Director  
REFERENCE: Emergency Purchase of Frontheads for lift Station at Nicholson Avenue and Highway 90

Due to the unforeseen failure of the main lift station pumps on the south side of the railroad tracks, it is declared to be an emergency situation because of the immediate threat of pollution from the overflow of sewage. Any delay would be detrimental to the health of the public and the environment. In view of these circumstances, the Public Works Director has ordered the frontheads for the pumps from Fairbanks Horse, to expedite repairs in order to restore services as expeditiously as possible.

Respectfully

2/9/90

Signature

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Minutes of February 20, 1990

LEGAL DESCRIPTIONS FOR LONG BEACH ZONING DISTRICTS

These descriptions were prepared using the following reference sources and materials:

1. The official Zoning Map for the City of Long Beach as adopted in May of 1987.
2. Long Beach Property Ownership Maps produced by Hannicutt and Associates, Inc. dated June, 1977.
3. Harrison County, Mississippi Geographical Ownership Tax Maps dated 1993 and amended 1999.
4. Draft 5 of the Comprehensive Zoning Map for the City of Long Beach, 1989.
5. Hewitt and Associates.

The above referenced sources and materials shall be utilized in determining the location of a zoning district boundary line, in addition to the rules stated in Section 403 of the Long Beach City Zoning Ordinance adopted in 1993, and amended in 1987.

The following described zoning districts are R-1 Single Family Residential Districts:

Description 1: Beginning at the intersection of U. S. Highway 90 and the east boundary of the city limits of Long Beach, thence north along the east boundary of the Long Beach city limits to the centerline of the L & N Railroad, thence west along the centerline of the L & N Railroad 1840 feet, more or less, thence northerly across east Railroad Street along the west boundary of Old Plantation Addition to the Old Long Beach city limit line, thence westerly along the Old Long Beach city limit line to the centerline of McCaughey Avenue, thence southerly along the centerline of McCaughey Avenue to the north property line of Parcel #0511-P-03-010, thence easterly along a line parallel to the centerline of east Railroad Street to the intersection of the centerline of McCaughey Avenue, thence south along the centerline of McCaughey Avenue to the intersection of the centerline of the L & N Railroad, thence westerly along the centerline of the L & N Railroad to a point 159 feet, more or less, from the intersection of the centerline of Cleveland Avenue, thence southerly along a line parallel to the centerline of Cleveland Avenue, to the intersection of the centerline of 5th Street, thence easterly along the centerline of 5th Street to the centerline of Douglas Avenue, thence southerly along the centerline of Douglas Avenue to the centerline of U. S. Highway 90, thence easterly along the centerline of U. S. Highway 90 to the intersection of the centerline of Nicholson Avenue, thence north along the centerline of Nicholson Avenue to the intersection of the centerline of 5th Street, thence easterly along the centerline of 5th Street 570 feet, more or less, thence southerly along a line parallel to the centerline of Nicholson Avenue to the intersection of the centerline of U. S. Highway 90, thence easterly along the centerline of U. S. Highway 90 to point of beginning.

Description 2: Commencing at the intersection of Burke Avenue and 5th Street, thence north along the centerline of Burke Avenue 205 feet, more or less, to point of beginning, thence east along the north property line of Parcel #0612-B-02-071, 170 feet, more or less, thence south 25 feet, more or less, thence easterly along a line parallel to the centerline of 5th Street 524 feet, more or less, thence northerly along a line parallel to the centerline of Cleveland Avenue 180 feet, more or less, thence easterly along the centerline of 4th Street 60 feet, more or less, thence northerly along a line parallel to the centerline of Cleveland Avenue to the intersection of the centerline of L & N Railroad, thence westerly along the centerline of L & N Railroad to the intersection of the centerline of the extension of Burke Avenue, thence southerly along the centerline of Burke Avenue to point of beginning.

Description 3: Beginning at the intersection of the centerline of Magnolia Street and the centerline of Church Street, thence northerly along the centerline of Church Street to the intersection of the centerline of L & N Railroad, thence westerly along the centerline of L & N Railroad to the Long Beach city limit line, thence southerly along the Long Beach city limit line to the intersection of the centerline of 2nd Street, thence easterly along the centerline of 2nd Street 798 feet, more or less, thence southerly along the west boundary of White Harbor Heights Subdivision to the southwest corner of Block 4 of White Harbor Heights Subdivision, thence easterly along the south property line of Lot 1 of White Harbor Heights Subdivision to the intersection of the

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parallel to the centerline of Bealene Road to a point 400 feet, more or less, south of the north Long Beach city limit line, thence east along a line parallel to the Long Beach city limit line to a point 1250 feet, more or less, west of the centerline of Klondike Road, thence south along a line parallel to the centerline of Klondike Road to a point 300 feet, more or less, north of the centerline of Commission Road, thence west along a line parallel to the centerline of Commission Road 132 feet, more or less, thence south along a line parallel to the centerline of Klondike Road to a point 300 feet, more or less, south of the centerline of Commission Road, thence east along a line parallel to the centerline of Klondike Road 132 feet, more or less, thence south along a line parallel to the centerline of Klondike Road to the centerline of Canal #1, thence northeasterly along the centerline of Canal #1 to the intersection of the centerline of Klondike Road, thence south along the centerline of Klondike Road to point of beginning.

The following described districts are classified as C-3 Neighborhood Business.

Description 37: Beginning at the intersection of the centerline of U. S. Highway 90 and the centerline of Nicholson Avenue, thence north along the centerline of Nicholson Avenue to the intersection of the centerline of 5th Street, thence easterly along the centerline of 5th Street 370 feet, more or less, thence southerly along a line parallel to the Nicholson Avenue to the intersection of the centerline of U. S. Highway 90, thence westerly along the centerline of U. S. Highway 90 to point of beginning.

Description 38: Beginning at the intersection of the centerline of U. S. Highway 90 and the centerline of Markham Avenue, thence westerly along the centerline of U. S. Highway 90 to the Long Beach city limit line, thence north along the Long Beach city limit line 2000 feet, more or less, thence east along the south margin of White Harbor height to the intersection of the centerline of White Harbor Road, thence southerly along the centerline of White Harbor Road 325 feet, more or less, thence easterly along the south property line of Lot 24 Thomas Subdivision to the southeast corner of Lot 24 Thomas Subdivision, thence southerly along the east property line of Thomas Subdivision to the intersection of the south property line of Pitcher Point Subdivision, thence easterly along the south property line of Pitcher Point Subdivision to the intersection of the centerline of Pitcher Point Avenue, thence northeasterly along a line to the southwest corner of Parcel #0512-J-01-032, thence easterly along the south property line and its extension of Parcel #0512-J-01-032 to the intersection of the centerline of Markham Drive, thence southerly along the centerline of Markham Avenue to point of beginning.

Description 39: Beginning at the intersection of the west Long Beach city limit line and the centerline of the L & N Railroad, thence north and west along the Long Beach city limit line to the intersection of the centerline of Canal #1, thence northeasterly along the centerline of Canal #1 to a point 155 feet, more or less, northeasterly of the centerline of Bealene Road, thence south along a line parallel to the centerline of Bealene Road to the centerline of the L & N Railroad, thence west along the centerline of the L & N Railroad to point of beginning.

Description 40: Beginning at the intersection of the centerline of Bealene Road and the centerline of Johnson Road, thence north along the centerline of Bealene Road 450 feet, more or less, thence west along a line parallel to the centerline of Johnson Road to the west Long Beach city limit line, thence south along the west Long Beach city limit line 900 feet, more or less, thence east along a line parallel to the centerline of Johnson Road to the intersection of the centerline of Bealene Road, thence north along the centerline of Bealene Road to point of beginning.

Description 41: Beginning at the southwest corner of Pecan Park Subdivision Part 7, thence west along a line parallel to the centerline of Pineville Road 300 feet, more or less, thence south along a line parallel to the centerline of Bealene Road 1265 feet, more or less, thence east along a line parallel to the centerline of Pineville Road 300 feet, more or less, thence north along a line parallel to the centerline of Bealene Road to point of beginning.

Description 42: Commencing at the intersection of the centerline of Pineville Road and Forest Avenue, thence east along the centerline of Pineville Road to the west margin of Parcel #0511-J-02-063 and point of beginning, thence north along said margin to the south margin of Pecan Park Subdivision Part 3, thence east along a line parallel to the centerline of Pineville Road to the east property line of Parcel #0511-J-02-065, thence south along said margin to the centerline of Pineville Road, thence west along the centerline of Pineville Road to point of beginning.

Description 43: Beginning at the intersection of the centerline of Mitchell Road and the centerline of Pineville Road, thence west along the centerline of Pineville Road 110 feet, more or less, thence north along a line parallel to the centerline of Mitchell Road

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ORDINANCE NO. 484

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AMENDING ORDINANCE NO. 344 OF THE CITY, THE ZONING ORDINANCE OF THE CITY OF LONG BEACH, MISSISSIPPI, BY ADOPTION OF A NEW OFFICIAL LEGAL DESCRIPTION OF THE BOUNDARIES OF THE CITY OF LONG BEACH.

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:

(a) That heretofore, the Planning and Zoning Commission of the City of Long Beach has reviewed a new proposed comprehensive zoning map at a regular meeting and recommended approval thereof by the Mayor and Board of Aldermen as reflected in the official minutes of said meeting.

(b) 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 8:00 o'clock p.m. on Tuesday, the 2<sup>nd</sup> day of July, 2002, at the City Hall 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 comprehensive map changes to Ordinance No. 344, The Zoning Ordinance of the City of Long Beach, Mississippi, as heretofore amended, were given an opportunity to be heard and allowed to make oral and/or written comment to such proposed changes and proposed comprehensive map, which proposed changes to the map 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 to the map, all as more particularly hereinafter set forth in this ordinance.

(c) 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 after due deliberation by the Mayor and Board of Aldermen, the Mayor and Board of Aldermen did then find, determine, adjudicate and declare that the character of neighborhoods

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within the City had changed substantially since adoption of the existing Official Zoning Map, so that rezoning particular areas as reflected by the new comprehensive zoning map adopted hereby was needed and clearly justified; that a public need existed for changing the zoning of certain districts to reflect the changing character of the various neighborhoods of the City as well as to provide for and foster orderly development and growth of the City in accordance with a comprehensive plan.

(D) That, thereupon, the proposed changes to the existing Official Zoning Map were adopted and a new Official Zoning Map of the City of Long Beach was adopted, by and under Ordinance Number 483, same being adopted on October 1, 2002 by the Mayor and Board of Aldermen.

(E) That, in accordance with law, a legal description describing with particularity the boundaries of the City of Long Beach as shown on said new Official Zoning Map need be adopted to clearly define the said boundaries in writing in addition to the Official Map previously adopted as described above.

NOW THEREFORE, BE IT RESOLVED AND ORDERED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AS FOLLOWS:

Section 1. That the Zoning Ordinance of the City of Long Beach and the Zoning Map previously created and enacted thereby, as amended, should be and hereby are amended to include the legal description on the attached Exhibit A which is incorporated in full herein as the legal description of the City of Long Beach.

Section 2. This Ordinance number 484 of the Mayor and Board of Aldermen of the City of Long Beach shall be deemed effective in the manner and time prescribed by law.

The City Clerk is hereby ordered to publish this Ordinance number 484 in the manner and time required by law.

Alderman Holder made motion to approve the Ordinance number 484 creating a new official zoning map with legal descriptions. Alderman Stelling seconded the motion and the question being put to a roll call vote the result was as follows:

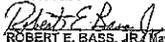
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Alderman Allen D. Holder, Jr.	voted: aye
Alderman Gary Ponthieux	voted: aye
Alderman Jimmy Lovens	voted: aye
Alderman Jerry Rouss	voted: aye
Alderman Joseph McNary	voted: aye
Alderman Billy Skellie	voted: aye
Alderman Richard Bennett	voted: aye

The question having received the affirmative vote of All of the Aldermen present and voting, the Mayor declared the motion carried and the Ordinance number 484 adopted and approved this the 6<sup>th</sup> day of November, 2002.

APPROVED:  
  
ROBERT E. BASS, JR., Mayor

ATTEST  
  
REBECCA E. SCHRUFF, City Clerk

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LEGAL DESCRIPTIONS FOR LONG BEACH ZONING DISTRICTS  
October, 2002

These descriptions are prepared using the following reference sources and materials:

1. The Official Zoning Map for the City of Long Beach as adopted on October 1, 2002.
2. Harrison County Tax Parcel maps for the City of Long Beach dated February 2001.
3. Long Beach Planning Commission.
4. Long Beach Board of Aldermen.
5. Long Beach Building Department staff.
6. Hessel & Associates.

The above referenced sources and materials shall be referred to in determining the location of a zoning district boundary line along with the rules stated in Section 403 of the Long Beach Zoning Ordinance. Any reference to direction may be general in nature and should follow description.

The following described zoning districts are R-1 Single family Residential Districts:

Description 1: Beginning at the intersection of U. S. Highway 90 and the east boundary of the corporate limits of Long Beach; thence north along the east boundary of the Long Beach corporate limits to the centerline of the L & N Railroad; thence west along the center line of the CSX Railroad to the southerly extension of the west margin of Old Plantation Addition; thence north across east Railroad Street, along the west boundary of Old Plantation Addition to the intersection of the centerline of Iris Street; thence east along the centerline of Iris Street to the intersection of the centerline of Reed Avenue; thence south along the centerline of Reed Street to the intersection of the centerline of Old Pass Road; thence east along the centerline of Old Pass Road to the east margin of the Long Beach corporate limit line; thence north and west along the east margin of the Long Beach corporate limit line to the centerline of Commission Road; thence west along the centerline of Commission Road to intersection with the centerline of Gates Avenue; thence north along the centerline of Gates Avenue to the southeast corner of Royal Pines Estates subdivision; thence west along the south margin of Royal Pines Estates to the southwest corner of said subdivision; thence south and parallel to Wilkinson Lane to the intersection with the centerline of Commission Road; thence west along the centerline of Commission Road to the centerline of the right-of-way of Mississippi Power Company; thence southwesterly along the centerline of the right-of-way of Mississippi Power Company to a point 400 feet from the centerline of Klondike Road; thence south along a line parallel to the centerline of Klondike Road and Cleveland Avenue to the centerline of Allen Road; thence east along the centerline of Allen Road to the intersection of the centerline of McCaughan Avenue; thence south along the centerline of McCaughan Avenue to the intersection of the centerline of Old Pass Road; thence west along the centerline of Old Pass Road to the intersection of the centerline of Lawler Avenue; thence south along a line parallel to the centerline of McCaughan Avenue to a point 330 feet north of the centerline of east Railroad Street; thence easterly along a line parallel to the centerline of east Railroad Street to the intersection of the centerline of McCaughan Avenue; thence north along the centerline of McCaughan Avenue to the extension of the northwest corner of tax parcel #0611P-01-038; thence east along the north margin of said tax parcel to the northeast corner; thence south along the east margin of tax parcel #0611P-01-038 and its extension to the centerline of the CSX Railroad; thence west along the centerline of the CSX Railroad to a point 159 feet more or less, from the intersection of the centerline of Cleveland Avenue; thence south along a line parallel to the centerline of Cleveland Avenue to the intersection of the centerline of 5th Street; thence east along the centerline of 5th Street to the intersection of the centerline of Douglas Avenue; thence south along the centerline of Douglas Avenue to the intersection of the centerline of U. S. Highway 90; thence easterly along the centerline of U. S. Highway 90 to the intersection of the centerline of Nicholson Avenue; thence north along the centerline of Nicholson Avenue to the intersection of 5th Street; thence east along the centerline of 5th Street to the west margin of tax parcel #0612A-01-063; thence south along the west margin of said tax parcel to the intersection of the centerline of U. S. Highway 90; thence easterly along the centerline of U. S. Highway 90 to point of beginning.

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Description 2: Commencing at the intersection of Burke Avenue and 5th Street; thence north along the centerline of Burke Avenue 205 feet, more or less, to Point of Beginning; thence east along the north property line of tax parcel #0612-B-02-071, 170 feet, more or less; thence south 25 feet, more or less; thence east along a line parallel to the centerline of 5th Street to a point 180 feet, more or less from the centerline of Cleveland Avenue; thence north along a line parallel to the centerline of Cleveland Avenue to the intersection of the centerline of 4<sup>th</sup> Street; thence east along the centerline of 4<sup>th</sup> Street 50 feet, more or less; thence north along a line parallel to the centerline of Cleveland Avenue to the intersection of the centerline of the CSX Railroad; thence west along the centerline of the CSX Railroad to the intersection of the centerline of the extension of South Burke Avenue; thence south along the centerline of South Burke Avenue to point of beginning.

Description 3: Beginning at the intersection of the centerline of Magnolia Street and the centerline of Church Street; thence north along the centerline of Church Street to the intersection of the centerline of the CSX Railroad; thence west along the centerline of the CSX Railroad to the extension of the west margin of the West Sea Shore subdivision; thence south along the west margin of West Sea Shore to the intersection of the centerline of a 20 feet alley, north of and adjacent to tax parcel #05121-03-007; thence east along the centerline of said 20 feet alley to the intersection of South Seaside Drive; thence north to the intersection of the centerline of 1<sup>st</sup> Street; thence east along the centerline of 1<sup>st</sup> Street to the west margin of Sand Dollar Condominium; thence north along the west margin of said condominium to the north west corner; thence east along the north margin of said condominium to the intersection with the centerline of Buena Vista Drive; thence south along the centerline of Buena Vista Drive to the northwest corner of tax parcel #05121-02-028.7; thence east along the north margin of said parcel to the centerline of an alley; thence south along the centerline of the alley to the intersection with the centerline of U.S. Highway 90; thence easterly along the centerline of U.S. Highway 90 to the intersection of the centerline of Rummels Avenue; thence north along the centerline of Rummels Avenue to the northwest corner of tax parcel #0612E-03-039; thence east along a straight line to the northwest corner of Oak Gardens Condominium; thence east along the north margin of said condominium to the centerline of Oak Gardens Avenue; thence north along the centerline of Oak Gardens Avenue to the southwest corner of Oak Gardens Subdivision; thence east along the south margin of said subdivision to the southeast corner; thence north along the east margin of Oak Gardens Subdivision to the intersection of the centerline of Magnolia Street; thence easterly along the centerline of Magnolia Street to point of beginning.

Description 4: Beginning at the intersection of the CSX Railroad and the west Long Beach corporate limit line; thence south along the Long Beach corporate limit line to the intersection of the centerline of 2<sup>nd</sup> Street; thence east along the centerline of 2<sup>nd</sup> Street to the west margin of White Harbor Heights subdivision; thence south along the west margin of White Harbor Heights subdivision to the southwest corner; thence east along the south margin of White Harbor Heights Subdivision to the intersection of the centerline of White Harbor Road; thence south along the centerline of White Harbor Road to the northwest corner of tax parcel #05121-03-025; thence east along the north margin of said parcel to the west margin of Fitcher Point subdivision; thence south and east along the south margin of Fitcher Point subdivision to the intersection of the centerline of Fitcher Point Avenue; thence south along the centerline of Fitcher Point Avenue to the southwest corner of Destiny Oaks (phase 1); thence east, south and east along the south margin of Destiny Oaks (phase 1) to the west margin of tax parcel #05121-01-033; thence north and east along the margin of said parcel to the intersection of the centerline of Markham Drive; thence north along the centerline of Markham Drive to the northwest corner of tax parcel #05121-01-001; thence east along the north margin of said parcel 125 feet, more or less; thence easterly along a straight line to the northwest corner of Oasis Condominium; thence east along the north margin of said condominium to the east margin of Marcie Drive; thence north along the east margin of Marcie Drive and the west margin of tax parcel #05121-03-035 to the intersection with the centerline of CSX Railroad; thence east along the centerline of CSX Railroad to the centerline of Twin Cedar Avenue; thence north along the centerline of Twin Cedar Avenue to the southwest corner of Seaside Farms; thence east along the south margin of Seaside Farms and its extension to the intersection of the centerline of Long Avenue and Old Pass Road; thence easterly along the centerline of Old Pass Road to the southwest corner of tax parcel #0612D-01-094; thence north and east along the margin of said tax parcel to the intersection of the centerline of Alexander Road; thence north along the centerline of Alexander Road to a point 150 feet, more or less, north of the centerline of Gandy Circle; thence east along the north margin of Park West Heights subdivision to the intersection of the centerline of Seal Avenue; thence north along

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the centerline of Seal Avenue to the southeast corner of Careways subdivision; thence west along the south margin of said subdivision to the east margin of tax parcel #0611N-03-025; thence north along the east margin of said parcel and tax parcel #0611N-03-011; thence east 33.5 feet, more or less along the north margin of tax parcel #0611N-03-01; thence north along the east margin of tax parcels #0611N-03-009 and 008 to the centerline of a 15 feet alley; thence west along the centerline of said alley to the intersection of the centerline of Alexander Road; thence west along the north margin of Lynnwood Subdivision Second Edition to the intersection of the centerline of Canal #1; thence southwesterly along the centerline of Canal #1 to the southeast corner of Pecan Park Estates (phase 2); thence north along the east margin of said subdivision to a point 120 feet, more or less south of the centerline of Pineville Road; thence west along a line parallel to the centerline of Pineville Road to the east margin of tax parcel #0511P-01-032; thence south, west and north along the margins of said parcel to the southeast corner of tax parcel #0511P-01-034.1; thence west along the south margin of said parcel to the centerline of Mitchell Road; thence west and north along the margins of tax parcel #0511O-01-001 to a point 120 feet, more or less south of the centerline of Pineville Road; thence west along a line parallel to the centerline of Pineville Road to east margin of Pecan Park #1; thence north along said margin to the centerline of Pineville Road; thence west along the centerline of Pineville Road to the southwest corner of tax parcel #0511J-02-064; thence north, east and south along the margins of said parcel to the northwest corner of tax parcel #0511J-02-065.1; thence east and south along the margins of said tax parcel to a point 150 feet, more or less north of the centerline of Pineville Road; thence east along a line parallel to Pineville Road to the west margin of tax parcel #0511J-02-075; thence north and east along the margins of said parcel to the centerline of Mitchell Road; thence north along the centerline of Mitchell Road to the northwest corner of tax parcel #0511J-02-028.J; thence east along the north margin of said parcel and north and south along tax parcel #0511J-02-028 to a point 150 feet, more or less north of the centerline of Pineville Road; thence east along a line parallel to Pineville Road to the centerline of Daugherty Road; thence north along the centerline of Daugherty Road to northwest corner of tax parcel #0511J-01-037; thence east and south along the margins of said parcel to a point 150 feet, more or less north of Pineville Road; thence east along a line parallel to Pineville Road to the west margin of Royal Grove subdivision; thence east along the centerline of Pineville Road to the centerline of Canal #1; thence northeast along the centerline of Canal #1 to a point 170 feet, more or less, from the centerline of Pineville Road; thence southeasterly along the line parallel to the centerline of Pineville Road to the margin of tax parcel #0611N-04-027; thence northeast, east and south along the margins of said parcel to a point 170 feet, more or less for the centerline of Pineville Road; thence southeast along the a line parallel to Pineville Road to the intersection of the centerline of the extension of Willow Lane; thence east along the centerline of Willow Lane 510 feet, more or less; thence south along a line parallel to the centerline of Seal Avenue and the east margin of Long Beach Medi-center Condominium to the intersection of the centerline of LaRosa Avenue; thence east along the centerline of LaRosa Avenue to the extension of the east margin of tax parcel #0611N-02-029; thence south along said margin 170 feet, more or less; thence east 32 feet, more or less; thence south to the intersection of the centerline of Park Lane; thence east along the centerline of Park Lane to the intersection of the centerline of Klondike Road; thence south along the centerline of Klondike Road to the northwest corner of tax parcel #0611O-04-089; thence northeast along the north margin of said parcel to the west corner of Green Meadows subdivision; thence south along the west margin of said subdivision and the west margin of tax parcel #0612B-04-003 to the centerline of Old Pass Road; thence east along the centerline of Old Pass Road to the intersection with the centerline of North Burke Avenue; thence south along the centerline of Burke Avenue to the intersection with the centerline of Cone Street; thence east along the centerline of Cone Street to the west margin of tax parcel #0612B-01-019; thence north along the west margin of said parcel and north along the west margin of parcels #0611O-04-643 and 044.1 to the northeast corner of tax parcel #0611O-04-014; thence west along the north margin of said parcel to the centerline of Klondike Road; thence north along the centerline of Klondike Road to a point 240 feet, more or less, north of the north margin of Summer Lane; thence west along a line parallel to Summer Lane 250 feet, more or less; thence north along a line parallel to the centerline of Klondike Road to a point 270 feet, more or less south of the centerline of Commission Road; thence west along a line parallel to the centerline of Commission Road to the southwest corner of tax parcel #0611K-01-004; thence north along the west margin of said parcel to the centerline of Commission Road; thence east along the centerline of Commission Road to the southwest corner of tax parcel #0611F-01-011; thence north and east along the margins of said parcel to a point 250 feet, more or less west of the centerline of Klondike Road; thence north along a line parallel to the centerline of Klondike

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Road to the south margin of Silkwood Place subdivision; thence east along the south margin of said subdivision to the centerline of Silkwood Road; thence north along the centerline of Klondike Road to the north margin of Silkwood Place subdivision; thence west along the north margin of said subdivision to a point 250 feet, more or less from the centerline of Klondike Road; thence north along a line parallel to the centerline of Klondike Road to the north margin of tax parcel #0611F-01-001; thence west along the north margin of said parcel and a straight line to the southeast corner of tax parcel #0611D-01-001; thence north along the east margin of said parcel to the centerline of Canal #2; thence southwest along the centerline of Canal #2 to the east margin of Daugherty Park subdivision; thence north, west, south and west to the centerline of Daugherty Road; thence south along the centerline of Daugherty Road to the intersection of the centerline of Stratoga Drive; thence east along the centerline of Stratoga Drive to the intersection of the centerline of Fimlico Street; thence south along the centerline of Fimlico Street to the intersection of the centerline of Commission Road; thence west along the centerline of Commission Road to the intersection of the centerline of Daugherty Road; thence south along the centerline of Daugherty Road to the southeast corner of tax parcel #0511I-02-005; thence west along the south margin of said parcel to the southwest corner; thence north along the west margin of said subdivision to the north margin of Section 10, Township 43, Range 12W; thence west along the north margin of said section to the centerline of Canal #3; thence southwest along the centerline of Canal #3 to the northwest corner of Pecan Park (#5) subdivision; thence south along the west margin of said subdivision to the centerline of Pinesville Road; thence west along the centerline of Pinesville Road to the Long Beach corporate limit; thence south, east and south, along the limit line to the northwest corner of tax parcel #0512C-01-004; thence east along the north margin of said parcel to the centerline of Baseline Road; thence south along the centerline of Baseline Road to northwest corner of tax parcel #0512G-02-025; thence east along the north margin of said parcel and parcel #0512G-02-025 to the centerline of Canal #1; thence northeast along the centerline of Canal #1 to the northwest corner of tax parcel #0512G-02-015.1; thence east and north along the margin of said parcel and tax parcel #0512G-02-016 to the centerline of CSX Railroad; thence west along the centerline of the CSX Railroad to the point of beginning. LESS AND EXCEPT: Descriptions

Description 5: Commencing at the intersection of the centerline of Daugherty Road and the centerline of Fred Allen Road; thence north along the centerline of Fred Allen Road to a point 163 feet, more or less from the centerline of Daugherty Road to the point of beginning; thence west along a line parallel to the centerline of Daugherty Road to the centerline of Cliff Allen Road; thence north along the centerline of Cliff Allen Road to a point 400 feet, more or less from the north Long Beach corporate limit line; thence east along a line parallel to the centerline of 28<sup>th</sup> Street to the centerline of Fred Allen Road; thence south along the centerline of Fred Allen Road to the point of beginning.

The following described districts are classified as R-2 Medium Density Residential:

Description 6: Commencing at the intersection of the centerline of Old Pass Road and the centerline of Wright Avenue; thence east along the centerline of Old Pass Road to the east margin of Old Plantation Addition and point of beginning; thence north along the east margin of Old Plantation Addition to the intersection of the centerline of 3rd Street (Iris Street); thence west along the centerline of 3rd Street (Iris Street) to the west margin of Old Plantation Addition; thence south along said margin to the intersection of the centerline of 9th Street; thence east along the centerline of 9th Street to the intersection of the centerline of Wright Avenue; thence south along the centerline of Wright Avenue to the northwest corner of tax parcel #0711M-02-017; thence east along the north margin of said parcel to the east margin of Old Plantation Addition; thence north, east and north along east margin of Old Plantation Addition to point of beginning.

Description 7: Beginning at the intersection of the centerline of Cleveland Avenue and the centerline of Old Pass Road; thence north along the centerline of Cleveland Avenue to the northeast corner of Long Beach Village subdivision; thence west, south and west to the northwest corner of said subdivision; thence north and east along the margin of tax parcel #0611O-04-043 to the centerline of Cleveland; thence north along the centerline of Cleveland Avenue to the intersection of the centerline of Allen Road; thence east along the centerline of Allen Road to the intersection of the centerline of McCaughan Avenue; thence south along the centerline of McCaughan Avenue to the intersection of the centerline of Old Pass Road; thence

RRC:11.06.02



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

Judy Smith, Caldwell-Banker, confirmed that, when Ms. Kippes purchased the subject property, it was zoned Commercial C-3 and the structure fits with the other commercial establishments in the vicinity;

Linda Taquino, owner of the property adjacent to Ms. Kippes, stated that her property as well as the subject property was zoned Commercial C-3 and there has never been a problem with that designation;

Jill Anderson, 14 Pecan Drive, resides next door to the Hancock Building, and stated that there was no traffic congestion or other problems with the business.

\* \* \*

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

Wayne Woodall, Attorney at Law, 104 Maple Cove, speaking on his behalf and that of Laurie Schiro, 103 Maple Cove, and Bill Mosley, 105 Maple Cove, stated that they also relied on the zoning map when purchasing their property to insure they were purchasing in a single family residential area. They need a buffer between their residences and any commercial zones.

Barbara Downey, 517 Evergreen Drive, stated that an art lesson business presently operates at the location of the subject property, however, at the Planning Commission hearing, Ms. Kippes would not elaborate on future business plans at that location.

\* \* \*

Upon rebuttal, Attorney Whitfield stated that the matter before the Mayor and Board of Aldermen is the application for Zoning Map Change, which under Article XIII of the Comprehensive Zoning Ordinance could be granted due to "manifest error in the Ordinance", which is his contention. His client is entitled to her original zoning classification since the property was purchased as C-3 Commercial and the business was in operation at the time of the 2002 comprehensive rezoning.

\* \* \*

It was noted for record that an error in the ordinance is mere conclusion on the part of the applicant and there is no proof of error.

\* \* \*

There being no further deliberation or testimony, Alderman Notter made motion seconded by Alderman McNary and unanimously carried to close the public hearing.

\* \* \*

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

Based upon discussion held, testimony heard and the fact that the City is in the midst of a comprehensive zoning plan utilizing the professional services of the firm of Ayers Saint Gross, Alderman Lishen made motion seconded by Alderman Boggs to deny the request for Zoning Map Change, 20170 Pineville Road, as submitted by Mary Kippes.

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

\* \* \*

Based upon the determination that there was a "manifest error in the zoning ordinance" as cited in Article XIII, Section 1301.1, Alderman Holder made motion seconded by Alderman Notter directing the City Attorney to prepare the necessary ordinance approving the Zoning Map Change, for further consideration at the next regular meeting, February 19, 2008.

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

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

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

\*\*\*\*\*

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

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

District Central Office, 19148 Commission Road, in said City at 5:30 p.m. it being the first Tuesday in February, 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 Notter, Joseph McNary, Mark Lishen, City Clerk Rebecca E. Schruff and City Attorney Frank R. McCreary, III.

Aldermen Richard Burton and Richard Bennett were absent the meeting.

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

\*\*\*\*\*

The meeting was called to order and there came on for consideration a letter with attachments from City Engineer David Ball, as follows:

Minutes of February 5, 2008  
Mayor and Board of Aldermen



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

520 32<sup>ND</sup> STREET, GULFPORT, MS 39507  
P.O. BOX 1677, GULFPORT, MS 39502

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



January 31, 2008

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

**RE: Removal of Temporary Sewer System**

Gentlemen:

This project consists of the removal and restoration of all aspects of the temporary sewer system installed after Hurricane Katrina. Bids were received for the work on January 15, 2008, and a Certified Tabulation of Bids is enclosed.

The low bid was \$201,500.00, made by O'Brian Construction of Gulfport, MS. Although we have not worked with this contractor before, we have made a few contact with a few of the references provided by the Contractor. Based on those discussions, we see no reason to withhold the award of the work to O'Brian Construction.

Although we do not currently have a finalized Project Worksheet from FEMA for this work, they have concurred in the Bid and are working to make the PW match the Bid in scope and price. We recommend withholding the Notice To Proceed until such time as an approved, obligated PW is in hand.

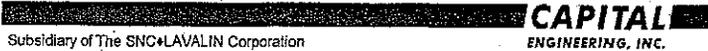
Sincerely,

David Ball, P.E.

DB:K302-VIII  
Enclosure



Minutes of February 5, 2008  
Mayor and Board of Aldermen



January 31, 2008

City of Long Beach Mississippi  
Office of the City Clerk, Temporary City Hall  
645 Klondyke Road, P.O. Box 929  
Long Beach, MS 39560

Subject: Project No. 8273  
Long Beach Senior Citizen's and Recreation Facility  
Turnkey Construction Project  
Bid Tabulation

Attached is a detailed tabulation of the five construction bids submitted for the Long Beach Senior Citizen's and Recreation Facility Turnkey Construction Project.

Detailed bid reviews were conducted with each bidder by phone or in person on January 21 and 22, 2008. Clarifications and unit prices were submitted by the two low bidders. The following table summarizes the bid prices for the recommended option of the gymnasium and senior's center with a masonry exterior, a stone parking lot, and the foundations for a future community center building.

Bid Tab Item	Bid Item	Flagstar Bid	M W Rogers Bid
Line 13	Option 1 Base bid plus masonry walls	\$2,614,000	\$2,843,879
Line 21	Add for Block Sealant	\$24,948	\$7,377
Line 23	Add for Parking Lot Stone	\$105,000	\$98,560
Line 26	Add for Utility Taps	\$25,440	\$0
Line 27	Add for Community Center Foundation	\$120,878	\$65,975
Line 28	Add for Community Center Bldg Engr.	\$8,450	\$0
Line 29	Add for Kitchen Exhaust Ductwork	\$0	\$6,916
Line 30	Add for Exterior Lights	\$7,370	\$8,367
	Total Price for Requested Work	\$2,906,086	\$3,031,054

The two low bidders confirmed by letter that their bids were submitted using the required Davis Bacon Wage rates. Copies of the letters should be on file with the city.

The low bidder, Flagstar Construction Company, Inc. is listed as a Building Construction Contractor on the Mississippi State Board of Contractors web site, and a business in good standing on the Mississippi Secretary of State's Office web site.

Based on the above data, we recommend award of the contract to the low bidder, Flagstar Construction Company, Inc. in the amount of \$2,906,086.

If you have any questions, or require additional information, please do not hesitate to contact me.

Sincerely,

Louis A. Traina, P.E.

Attachment: Bid Tabulation

cc: B. Andersen      K. Larson  
W. Ball              W. Skellie  
J. D'Orazio        B. Schuff  
R. Kranz

6933 Indianapolis Blvd., Hammond, IN 46324 <http://www.capital-eng.com> 219-844-1984 Fax 219-845-9902

Minutes of February 5, 2008  
 Mayor and Board of Aldermen

Project No. 6273		1/30/2008				
CITY OF LONG BEACH MISSISSIPPI						
HURRICANE KATRINA RECOVERY						
LONG BEACH SENIOR CITIZEN CENTER						
Bid Date: January 15, 2008						
Detailed Tabulation of Bids						
Plan Holder	Flagstar Construction	M. W. Rogers	LaSabe	LeDour	Coleman Harmons	
1 Certificate of Resp. No.	10817	13238	15245	7578	5182	
2 Bid Bond Included	Yes	Yes	Yes	Yes	Yes	
3 Non Collusion Affidavit	Yes	Yes	Yes	Yes	Yes	
4 Contractor's Bid Rigging Certification	Yes	Yes	Yes	Yes	Yes	
5 Contractor's Tax Delinquency Certification	Yes	Yes	Yes	Yes	Yes	
6 Contractor's Drug Free Workplace Certification	Yes	Yes	Yes	Yes	Yes	
7 Certificate of Compliance with the Mississippi Human Rights Act	Yes	Yes	Yes	Yes	Yes	
8 Sexual Harassment Certificate	Yes	Yes	Yes	Yes	Yes	
9 Acknowledgement of Addendum No.1	Yes	Yes	Yes	Yes	Yes	
10 Acknowledgement of Addendum No.2	Yes	Yes	Yes	Yes	Yes	
11						
12 Base Bid	Note 7 \$2,52,000	Note 1 \$2,713,160	\$3,045,000	\$3,161,000	\$4,374,000	
13 Option 1 - Base Plus Masonry Walls	Note 7 \$2,614,000	Note 2 \$2,843,879	\$3,388,000	\$3,310,600	\$4,422,000	
14 Option 2 - Option 1 Plus Community Center Masonry	Note 7 \$3,118,705	Note 3 \$3,314,491	\$3,488,000	\$3,848,625	\$4,872,000	
15 Alternate A - Kitchen Equipment (Add)	\$150,000	\$180,082	\$154,000	\$200,000	\$163,000	
16 Alternate B - Paving (Add)	\$225,300	\$230,905	\$225,000	\$250,000	\$105,000	
17 Alternate C - Rubber Gym Floor (Add)	\$102,400	\$92,713	\$102,000	NA	NA	
18 Voluntary Alternate No. 1 (Add + or Deduct -)	NA	NA	NA	NA	-\$15,500	
19 Voluntary Alternate No. 2 (Add or Deduct)	NA	NA	NA	NA	-\$74,000	
20						
21 Add for Block Sealant	\$24,848	\$7,377				
22 Add for Parking Lot Stone (9" limestone)	\$112,700	\$126,888				
23 Add for Parking Lot Stone (8" crushed concrete)	\$105,000	\$98,550				
24 Take out price for haul off & disposal of excess fill.	\$17,402	\$9,220				
25 Take out price for import of fill.	\$65,468	\$113,645				
26 Add for utility taps & associated earthwork, road curbing, & patching.	\$25,440	Note 4 \$0				
27 Add for Community Center Piles, Found., slab, & earthwork.	\$120,876	\$55,875				
28 Add for Community Center Metal Building Engineering Only	\$8,450	Note 6 \$0				
29 Add for kitchen exhaust hood ductwork	Note 5 \$0	Note 5 \$5,915				
30 Add for 11 exterior lights on base building per sketch	\$7,370	\$9,357				
31 Add for 3 additional exterior lights on community center building per sketch	\$2,280	\$2,786				
32 Summary Option 1 Plus Community Center Foundation & Engineering of Building (Line 13+27+28)	Note 7 \$2,743,328	Note 7 \$2,906,854				
33						
34						
35 1. 8" Concrete Floor With Stone Base	\$5.25 per sq. ft.	\$3.62 per Sq. Ft.				
36 2. Formed Concrete Including Excavation	\$275.00 per cubic yard	\$250 per cubic yard				
37 3. Cost per Linear Foot of Concrete Curb	\$24.25 per linear ft.	\$18 per linear ft.				
38 4. Precast Concrete Bollard & Foundation	\$425 each	\$425 each				
39						
40 1. Cost per sq. ft. 8" CMU Reinforced	\$20.50 per sq. ft.	\$18.60 per Sq. Ft.				

Minutes of February 5, 2008  
Mayor and Board of Aldermen

Project No. 8273 CITY OF LONG BEACH MISSISSIPPI HURRICANE KATRINA RECOVERY LONG BEACH SENIOR CITIZEN CENTER Bid Date: January 15, 2008 Detailed Tabulation of Bids						
Item	Plan Holder	Flagstar Construction	M. W. Rogers	LaSalle	Ledcor	Coleman Hummons
41						
42	3' x 7' flush metal door, painted, including frame	\$700 each w/o hwr*	\$549 Each			
43	3' x 7' exit doors, stained with metal frame	\$685 each w/o hwr*	\$511 Each			
44						
45	1. Partition, 2 x 4 mill stud, 5/8" drywall each side, 10' high, painted	\$65.85 per sq. ft.	\$85 per ln. Ft.			
46	2. Partition 2 x 6 mill stud, 5/8" drywall each side	\$69.15 per linear ft.	\$67 per ln. Ft.			
47	3. Vinyl tile flooring, 12' x 12"	\$3.20 per sq. ft.	\$1.52 per sq. ft.			
48	4. Ceramic tile flooring, 8' x 8"	\$12.25 per sq. ft.	\$6 per sq. ft.			
49	5. Ceramic wall tile	\$9.40 per sq. ft.	\$8 per sq. ft.			
50	6. Vinyl base	\$3.30 per ln.ft.	\$2.07 per ln. ft.			
51	7. Painting, wall, full finish	\$1.65 per sq. ft.	\$1.70 per sq. ft.			
52	8. Painting, ceiling, full finish	\$1.65 per sq. ft.	\$1.81 per sq. ft.			
53	9. Painting, wall, CMU or concrete, including filler	\$1.85 per sq. ft.	\$1.85 per sq. ft.			
54	10. Epoxy Painting, wall, CMU or conc., incl. filler	\$2.10 per sq. ft.	\$1.96 per sq. ft.			
55	11. Coat per sq.ft. of FRP panel over 5/8" drywall	\$2.60 per sq. ft.	\$3.09 per sq. ft.			
56						
57	1. Cost per square foot of 20' x 20' suspended acoustical ceiling	\$4.10 per sq. ft.	\$3.25 per sq. ft.			
58	2. Cost per square foot of suspended 5/8" vinyl face drywall etc.	\$2.95 per sq. ft.	\$2.65 per sq. ft.			
59						
60	1. Handstick with 10' of 1/2" cw, hwr, 1-1/2" w end faucet	\$698 each	\$1355 each			
61	2. Floor Drain FD and 10' of 4" waste piping, including vent	\$114 each	\$265 each			
62	3. Lavatory L-1 with faucet, all fittings, 10' of 1/2" cw, hwr and 1-1/2" w	\$665 each	\$1771 each			
63	4. Hose Bib HB with 20' cw piping, frost proof	\$196.40 each	\$352 each			
64	5. Wall Hydrant (frost proof)		\$252 each			
65						
66	1. Brass pendant sprinkler head with 10' of piping	\$206.16 each	\$208 each			
67	2. Additional spid for concealed sprinkler head with painted cover in lieu of exposed head	\$292 each	\$231 each			
68						
69	1. 120v duplex outlet and 20' of wiring - Add for GFI outlet	\$35 each	\$91 each			
70	2. 120v deionized duplex outlet and 75' of wiring	\$10.70 each	\$53 each			
71	3. Exterior 120v duplex outlet with GFI and 20' of wiring	\$53.50 each	\$104 each			
72	4. 208v outlet with 75' of wiring	\$47.50 each	\$98 each			
73	5. Wall switch, single pole, and 20' of wiring	\$66.20 each	\$173 each			
74	6. Add for GFI outlet	\$33.75 each	\$94 each			

Notes:  
 1 Added \$72,891 to base bid for Davis Bacon wages  
 2 Added \$32,881 to option 1 bid for Davis Bacon wages  
 3 Added \$32,881 plus \$8,443 to option 2 bid for Davis Bacon wages  
 4 Utility tap is in base bid  
 5 Engineering is in base bid  
 6 For heater caps ductwork  
 7 Includes Davis Bacon Wages

Based upon the recommendation of Mr. Traina, Alderman McNary made motion seconded by Alderman Holder and unanimously carried to award the contract, SENIOR CITIZENS AND RECREATION FACILITY, to the lowest and best bidder, Flagstar Construction Company, Inc., in the amount of \$2,906,086.00, all as set forth above.

\*\*\*\*\*

Minutes of February 5, 2008  
 Mayor and Board of Aldermen

There came on for consideration the report and minutes of the Selection Committee, Professional Management Services, Operation and Maintenance, Public Works Department, as follows:

MINUTES  
 Professional Management Services, Operation and Maintenance, Public Works Department, Selection Committee

RE: City of Long Beach  
 Members Present: William Skellie, Jr. Allen Holder, Jr.  
 George Bass Mike Brown  
 Earl Levens

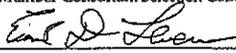
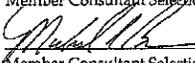
The Committee reviewed one (1) proposal submitted for the services referenced above using the following rating criteria for evaluation:

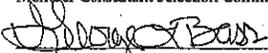
Criteria	Maximum Points
Experience	35
Local Knowledge	30
References	30
Cost	5
<b>Total Points</b>	<b>100</b>

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

Committee Member	Firm	Total Points
William Skellie, Jr.	Utility Partners, LLC	100
Allen D. Holder, Jr.	Utility Partners, LLC	100
George Bass	Utility Partners, LLC	100
Mike Brown	Utility Partners, LLC	100
Earl Levens	Utility Partners, LLC	100

Based upon the tabulation of points, the proposal submitted by Utility Partners, LLC received the highest number of points, therefore, the Committee recommends the selection for the firm of Utility Partners, LLC to perform Professional Management Services, Operation and Maintenance, Public Works Department.

  
 Member Consultant Selection Committee  
  
 Member Consultant Selection Committee  
  
 Member Consultant Selection Committee

  
 Member Consultant Selection Committee  
  
 Member Consultant Selection Committee

Minutes of February 5, 2008  
 Mayor and Board of Aldermen

RECOMMENDATION OF PLANNING CONSULTANT SELECTION COMMITTEE

RE: Professional Management Services, Operation and Maintenance, Public Works Department

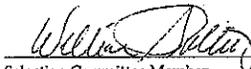
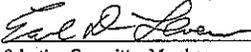
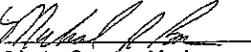
Long Beach, Mississippi, requested proposals for Professional Management Services, Operation and Maintenance, Public Works Department, by order of the Mayor and Board of Aldermen at a regular meeting duly held and convened the 18<sup>th</sup> day of December, 2007.

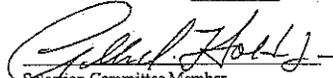
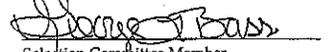
The following proposals were received in the City Clerk's Office no later than 5:00 p.m., Tuesday, January 15, 2008. The Selection Committee met on Wednesday, January 23, 2008, at 4:00 p.m. to review the proposals received from the following firms and/or individuals.

Utility Partners, LLC  
 1238 East Railroad Street  
 Gulfport, MS

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

Firm	Total Points
<u>Utility Partners, LLC</u>	<u>500</u>
_____	_____
_____	_____

  
 Selection Committee Member  
  
 Selection Committee Member  
  
 Selection Committee Member

  
 Selection Committee Member  
  
 Selection Committee Member

Minutes of February 5, 2008  
Mayor and Board of Aldermen

## CERTIFICATION

This is to certify that I, Mike Brown, am a member of the "Selection Committee for the Professional Management, Operation and Maintenance of the Public Works Department" for the City of Long Beach, Mississippi, and that I understand that I am prohibited by law from participating in the selection of or the award of a contract to a professional if a conflict of interest exists. Such a conflict would arise when

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

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

I have no conflict of interest in the selection of the Public Works Management Company listed below:

Utility Partners, LLC  
1238 East Railroad Street  
Gulfport, MS



Mike Brown

1-23-2008

Date

Minutes of February 5, 2008  
 Mayor and Board of Aldermen

Brown

LONG BEACH, MISSISSIPPI  
 Professional Management Services, Operation and Maintenance, Public Works Department, Selection  
 Committee

DATE: January 23, 2008

SELECTION OF: Professional Management Services, Operation and Maintenance, Public Works  
 Department

	<u>CRITERIA</u>	<u>MAXIMUM POINTS</u>
1. EXPERIENCE:		35
2. LOCAL KNOWLEDGE:		30
3. REFERENCES:		30
4. COST:		5
TOTAL POINTS		100

<u>NAME</u>	<u>CRITERIA</u>				<u>TOTAL POINTS</u>
	1	2	3	4	
<u>Utility Partners, LLC</u>	35	30	30	5	100
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

Minutes of February 5, 2008  
Mayor and Board of Aldermen

## CERTIFICATION

This is to certify that I, Allen D. Holder, Jr., am a member of the "Selection Committee for the Professional Management, Operation and Maintenance of the Public Works Department" for the City of Long Beach, Mississippi, and that I understand that I am prohibited by law from participating in the selection of or the award of a contract to a professional if a conflict of interest exists. Such a conflict would arise when

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

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

I have no conflict of interest in the selection of the Public Works Management Company listed below:

Utility Partners, LLC  
1238 East Railroad Street  
Gulfport, MS



Allen D. Holder, Jr.

1/23/2007

Date

Minutes of February 5, 2008  
 Mayor and Board of Aldermen

Holder

LONG BEACH, MISSISSIPPI

Professional Management Services, Operation and Maintenance, Public Works Department, Selection Committee

DATE: January 23, 2008

SELECTION OF: Professional Management Services, Operation and Maintenance, Public Works Department

	<u>CRITERIA</u>	<u>MAXIMUM POINTS</u>
1.	EXPERIENCE:	35
2.	LOCAL KNOWLEDGE:	30
3.	REFERENCES:	30
4.	COST:	5
	TOTAL POINTS	100

<u>NAME</u>	<u>CRITERIA</u>				<u>TOTAL POINTS</u>
	1	2	3	4	
Utility Partners, LLC	35	30	30	5	100
<del>EXPRESS</del>					

Minutes of February 5, 2008  
Mayor and Board of Aldermen

## CERTIFICATION

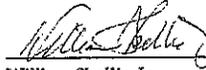
This is to certify that I, William Skellie, Jr., am a member of the "Selection Committee for the Professional Management, Operation and Maintenance of the Public Works Department" for the City of Long Beach, Mississippi, and that I understand that I am prohibited by law from participating in the selection of or the award of a contract to a professional if a conflict of interest exists. Such a conflict would arise when

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

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

I have no conflict of interest in the selection of the Public Works Management Company listed below:

Utility Partners, LLC  
1238 East Railroad Street  
Gulfport, MS 39501

  
\_\_\_\_\_  
William Skellie, Jr.

1/23/08  
\_\_\_\_\_  
Date

Minutes of February 5, 2008  
 Mayor and Board of Aldermen

Skellie

LONG BEACH, MISSISSIPPI  
 Professional Management Services, Operation and Maintenance, Public Works Department, Selection  
 Committee

DATE: January 23, 2008

SELECTION OF: Professional Management Services, Operation and Maintenance, Public Works  
 Department

	CRITERIA	MAXIMUM POINTS
1. EXPERIENCE:		35
2. LOCAL KNOWLEDGE:		30
3. REFERENCES:		30
4. COST:		5
TOTAL POINTS		100

NAME	CRITERIA				TOTAL POINTS
	1	2	3	4	
Utility Partners, LLC	35	30	30	5	100
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

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Mayor and Board of Aldermen

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CERTIFICATION

This is to certify that I, George Bass, am a member of the "Selection Committee for the Professional Management, Operation and Maintenance of the Public Works Department" for the City of Long Beach, Mississippi, and that I understand that I am prohibited by law from participating in the selection of or the award of a contract to a professional if a conflict of interest exists. Such a conflict would arise when

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

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

I have no conflict of interest in the selection of the Public Works Management Company listed below:

Utility Partners, LLC  
1238 East Railroad Street  
Gulfport, MS

  
George Bass

1-23-08  
Date

Minutes of February 5, 2008  
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Bass

LONG BEACH, MISSISSIPPI  
Professional Management Services, Operation and Maintenance, Public Works Department, Selection  
Committee

DATE: January 23, 2008

SELECTION OF: Professional Management Services, Operation and Maintenance, Public Works  
Department

	<u>CRITERIA</u>	<u>MAXIMUM POINTS</u>
1. EXPERIENCE:		35
2. LOCAL KNOWLEDGE:		30
3. REFERENCES:		30
4. COST:		5
TOTAL POINTS		100

<u>NAME</u>	<u>CRITERIA</u>				<u>TOTAL POINTS</u>
	1	2	3	4	
Utility Partners, LLC	35	30	30	5	100
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

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## CERTIFICATION

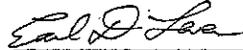
This is to certify that I, Earl Levens, am a member of the "Selection Committee for Professional Management Services, Operation and Maintenance, Public Works Department" for the City of Long Beach, Mississippi, and that I understand that I am prohibited by law from participating in the selection of or the award of a contract to a professional if a conflict of interest exists. Such a conflict would arise when

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

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

I have no conflict of interest in the selection of the Public Works Management Company listed below:

Utility Partners, LLC  
1238 East Railroad Street  
Gulfport, MS



Earl Levens

1/23/08  
Date

Minutes of February 5, 2008  
 Mayor and Board of Aldermen

Levens

LONG BEACH, MISSISSIPPI  
 Professional Management Services, Operation and Maintenance, Public Works Department, Selection Committee

DATE: January 23, 2008

SELECTION OF: Professional Management Services, Operation and Maintenance, Public Works Department

	CRITERIA	MAXIMUM POINTS
1.	EXPERIENCE:	35
2.	LOCAL KNOWLEDGE:	30
3.	REFERENCES:	30
4.	COST:	5
	TOTAL POINTS	100

NAME	CRITERIA				TOTAL POINTS
	1	2	3	4	
Utility Partners, LLC	35	30	30	5	100

Based upon the recommendation of the Selection Committee, Alderman Holder made motion seconded by Alderman McNary to award the contract, PROFESSIONAL MANAGEMENT SERVICES, OPERATION AND MAINTENANCE, PUBLIC WORKS DEPARTMENT, to the lone bidder, Utility Partners, LLC, as set forth above, authorizing the Mayor to execute a twelve (12) month contract.

\* \*

Upon further discussion, Alderman Notter made substitute motion seconded by Alderman Boggs to award the contract, PROFESSIONAL MANAGEMENT SERVICES,

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

OPERATION AND MAINTENANCE, PUBLIC WORKS DEPARTMENT, to the lone bidder, Utility Partners, LLC, as set forth above, authorizing the Mayor to execute a month to month contract.

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

Alderman Richard Notter	voted	Aye
Alderman Richard Burton	voted	Absent, Not Voting
Alderman Charles Boggs	voted	Aye
Alderman Richard Bennett	voted	Absent, Not Voting
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.

\* \* \*

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

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

The question having received the Affirmative vote of a majority of the Aldermen present and voting, the Mayor declared the motion carried, approving the twelve (12) month contract with Utility Partners, LLC, authorizing the Mayor to execute the agreement, as follows:

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

**Professional Services Agreement  
for  
Public Works Services  
for  
City of Long Beach, Mississippi**

INITIAL  
LS      *[Signature]*

This AGREEMENT is made on this 10<sup>th</sup> day of February 2008, between the City of Long Beach, Mississippi, (hereinafter "City"), whose address for any formal notice is P.O. Box 929, Long Beach, Mississippi 39560 and Utility Partners, L.L.C. dba UP Group, LLC (hereinafter "Operator") with corporate offices at 1238 East Railroad, Gulfport, MS 39501.

City and Operator agree:

**ARTICLE 1. GENERAL**

- 1.1 All definitions of words or phrases used in this Agreement are contained in Appendix A.
- 1.2 All facilities, grounds, equipment and vehicles now owned by the City and acquired by City shall remain the property of the City.
- 1.3 This Agreement shall be governed by and interpreted in accordance with the laws of the State of Mississippi.
- 1.4 This Agreement shall be binding upon the successors of each of the parties but neither party will assign this Agreement without the prior written consent of the other party. Such consent shall not be unreasonably withheld.
- 1.5 All notices shall be in writing and transmitted by certified mail or personal delivery to the addresses listed above.
- 1.6 This Agreement, including Appendices, is the entire Agreement of both parties and may only be modified by mutually agreed written amendments signed by both parties.
- 1.7 Wherever used, the terms "City" and "Operator" shall include the respective officers, directors, elected or appointed officials and employees.

**ARTICLE 2. SCOPE OF SERVICES: OPERATOR**

As a general statement of responsibilities assigned under this contract the Operator shall:

Provide professional utility management, operations and maintenance services of the City's Public Works Operations, consisting of the following Departments: Utility

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Mayor and Board of Aldermen

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Billing, Water & Sewer Operations, Street and Drainage, Vehicle Maintenance, and Parks & Recreation.

The OPERATOR shall also be responsible for all equipment, vehicles, and facilities being used to operate the City's Public Utility and Public Works operations, including the water treatment and distribution facilities, as well as the wastewater collection and conveyance systems. These shall also include the designated water pumps, water storage tanks, water distribution lines and sewage collection lines and pumping stations. Further, Operator agrees to perform new sewer taps, water meter maintenance and installation and solid waste removal (yard debris and refuse), if required and within current practice and limitations of City owned equipment and personnel, consistent with or better than current operations and capabilities.

Specifically the Operator shall:

- 2.1 The contractor shall employ a sufficient number of employees to staff and operate the Project to provide continuing efficient and timely service in the operation of the Public Works and Utilities on behalf of the City.
- 2.2 Assume responsibility for the cost of employing the Project workforce to manage, operate and maintain the City's Public Works. Where applicable, Project staff will meet water and wastewater certification requirements of the State of Mississippi.
- 2.3 Maintain current key personnel in Long Beach office.
- 2.4 Upon execution of the project, the contract will be initiated with 30 employees currently classified as Project staff. Costs for positions left vacant longer than three (3) weeks will be credited to the next monthly invoice until the slot is filled.
- 2.5 City approval must be granted prior to any permanent position being eliminated. Management Positions such as Project Manager or Contract Administrator shall not be included in the Project staff count.
- 2.6 Within the design capacity and capability of the facilities, manage, operate and maintain the water production systems so that finished water discharged from the Project meets requirements specified in Appendix B.
- 2.7 Provide assistance to the City's engineering staff or consultants in review of any proposed project impacting public works or utility operations.
- 2.8 Develop Standard Operating Procedures (SOP's) for use by the Project staff. Provide a computerized maintenance management system for the City which shall include the required software and training of the staff. The cost of this system shall be included in the Operator's price proposal. This system shall be employed

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to document all maintenance activities for the Project. City and its representatives shall have the right to inspect these records at any time.

- 2.9 Perform work planning and scheduling for the staff utilizing an approved maintenance management system and document completion of those work tasks including the preventive and corrective maintenance of the City's equipment on a timely basis. These reports shall be made available for inspection by the City at any time.
- 2.10 Develop an Emergency Response Plan for use by the Project staff in the event of a natural disaster.
- 2.11 Perform other contract utility system operations services as directed by the City. Such services must be pre-authorized by the Owner and the cost of those services will be negotiated between the Owner and the Operator prior to any work being performed.
- 2.12 Insure all water sampling is performed in compliance with State standards and laboratory testing presently required for operation of these facilities and performed by the Mississippi State Board of Health is performed for filing of all water quality permit reports to the regulatory agencies.
- 2.13 All current, purchasing policies and procedures of the City will remain in place. In addition, Operator shall update the City monthly on the cost-to-date of repair parts versus the annual budget amount for "Utility System Maintenance and Repair" for the Public Works Department.
- 2.14 If there is an emergency requiring Operator to purchase a repair part or incur an expense on behalf of the City, Operator will be responsible to document and immediately notify the City's representative of the occurrence. Any repair parts purchased on behalf of the City under an emergency condition will be reimbursed to the Operator upon presentation of a proper receipt or copy of an invoice. Reimbursement to the Operator will be on a monthly basis and will be a direct pass-thru of the expense, with no additional mark-up or administrative fee added by the Operator.
- 2.15 On a "best efforts" basis during any public works or utilities project rehabilitation, Operator shall comply with all State and Federal Permit requirements. This clause does not relieve the Operator from any negligent acts on the part of its staff.
- 2.16 Provide twenty-four (24) hour per day access to Project for the City. Visits may be made at any time by any of City's employees. Keys for Project shall be provided to the Operator by the City. Visitors to the Project must comply with Operator's operating and safety procedures.

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Mayor and Board of Aldermen

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- 2.17 Perform other professional services that are incidental to the Scope of Services as directed by the City. Such services must be pre-authorized by the City and additional compensation to the Operator will be negotiated on a case-by-case basis.
- 2.18 Provide capital planning and assistance to the City, if desired, for both short and long term needs for expansions or modifications to the existing utility system as a result of increased demand, normal replacement needs and regulatory requirements imposed by the State or Federal agencies. Recommendations shall be submitted annually to the City Council during the term of this Agreement.
- 2.19 On a continuing basis provide professional management assistance to reduce the cost of power and chemicals for the City throughout the term of this Agreement.
- 2.20 Departmental priorities shall be set by City Administration or designee. Priorities are subject to change at the direction of the City and changes should be expeditiously addressed to the satisfaction of the City.
- 2.21 Provide to the City a written status of completed work orders on a monthly basis.
- 2.22 Project Management staff shall be approved by the City prior to being assigned to the project.

**ARTICLE 3. SCOPE OF SERVICE: OWNER**

Under terms of this Agreement the City shall have responsibility for the following:

- 3.1 Maintain all existing Project easements, warranties and licenses that have been granted to City.
- 3.2 Pay all franchise, contract taxes, property or other normal taxes associated with the Project and levied by the Mississippi State Tax Commission.
- 3.3 Provide for Operator's use any vehicles and equipment presently in use at the Project, including vehicles and equipment described in Appendix C.
- 3.4 Future replacement responsibilities for any vehicles and equipment may be assumed by the Operator, if requested by the City. Such assignment of responsibility for vehicle and equipment replacement will require the City and Operator to negotiate a fair adjustment to the contract price for services under this Agreement. This adjustment of the contract shall also include a "buy-back" clause for purchase of Operator owned vehicles and equipment, if the City so chooses.

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Mayor and Board of Aldermen

- 3.5 Provide auto tags for vehicles and equipment owned by the City and described in Appendix C.
- 3.6 Continue to pay for all utilities, chemicals, limestone, asphalt, gravel, cement, water meters and all repair parts required for proper operation of the Public Works Department consistent with current practice and City budgeting procedures.
- 3.7 Continue to provide and pay for all required Capital Expenditures. These costs shall include all repairs, rehabilitation, expansions or modifications to the existing utility system as a result of increased demand, normal replacement needs or regulatory requirements imposed by State or Federal agencies.
- 3.8 Continue to pay the cost of any State or Federal fees associated with permits for the water or wastewater facilities as well as provide required funding for any Federal or State mandated program implementation over the term of this Agreement.
- 3.9 Continue to pay for all costs associated for wastewater transportation and treatment by the Harrison County Utility Authority.

**ARTICLE 4. COST OF WORK**

- 4.1 City shall pay to Operator as compensation for management services performed under this Agreement a base fee in the amount of 91,527,882. INITIALS  
WDS  
B
- 4.2 Extensions beyond year one (1) shall be limited to an annual increase for cost of living adjustment of 3.00% per year, unless otherwise negotiated between the City and Operator.
- 4.3 Repair parts may be purchased on behalf of the City by the Operator. Parts costing in excess of \$500.00 must receive City's prior, written approval and shall be procured consistent with State of Mississippi bid laws. Cost for all parts shall be billed as a "pass-through" expense with no additional "contractor mark-up". Reimbursement for repair parts shall be in addition to the cost of management services as presented in Section 4.1 and Section 4.3 of this Agreement.
- 4.4 In the event that a change in the scope of services occurs or if there is an increase or decrease in the labor force required by the Operator, the City and Operator will negotiate a commensurate adjustment in the annual fee.

**ARTICLE 5. PAYMENT OF COMPENSATION**

- 5.1 One-twelfth (1/12) of the base fee for the current year shall be due and payable by the fifteenth day of the month of each month that services are provided.

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- 5.2 All other compensation, including any pass-thru expenses, billed by Operator is due upon receipt of the invoice and is payable within fifteen (15) days.

ARTICLE 6. CHANGE IN THE WORK

- 6.1 The City may make changes in the work, provided the changes are reasonably within the scope of this Agreement, and Operator shall expeditiously perform the changes as directed.
- 6.2 Public Works/Utilities and water and wastewater treatment facility system modifications and expansions which result in a recognized need and City approved increase in staffing constitute a change in the work. A commensurate adjustment in the contract will be negotiated in good faith between the City and Operator to cover these expenses.

ARTICLE 7. ACCOUNTING RECORDS

- 7.1 Operator shall keep full and detailed records and books of account on the basis of generally accepted accounting practices in effect as of the effective date of this Agreement showing the actual direct cost to the Operator, under the provisions of this Agreement.
- 7.2 The City shall also be afforded access to all the Operator's other records, books, correspondence, instructions, memoranda and similar data relating to this Agreement and any of the work.
- 7.3 Operator shall preserve financial documents and other records to which City has access rights without additional compensation for a period of three years, or such longer period as required by law, after final payment.

ARTICLE 8. INDEMNITY, LIABILITY AND INSURANCE

- 8.1 Operator shall hold City harmless from any liability or damages including compensatory and punitive damages, which may arise from Operator's negligence, carelessness of the Operator's staff or the Operator's failure to perform responsibly under the terms of this Agreement.
- 8.2 City shall be responsible for the negligence and/or carelessness of the City's officers and employees and shall defend its agents and employees, subject to the provisions of the Mississippi Tort Claims Act.

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Mayor and Board of Aldermen

- 8.3 Operator's liability to City under this Agreement excludes all indirect or compensatory and punitive damages arising from the normal operation, maintenance and management of the Project other than the compensatory and punitive damages arising from the Operator's negligence, carelessness of the Operator's staff or the Operator's failure to perform responsibly under the terms of this Agreement.
- 8.4 City and Operator shall obtain insurance coverage of a type and in the amounts described in Appendix D. Nothing herein shall be construed as any waiver of immunity available to the City by Mississippi or Federal law.
- 8.5 Operator is responsible to the City for fines incurred as a result of negligent operations, carelessness and a failure to perform responsibly under the terms of this Agreement on the part of Operator or the Operator's staff which may be levied by local, State or a national entity.

**ARTICLE 9. TERM AND TERMINATION**

- INITIAL  
WS  
9
- 9.1 The initial term of this Agreement shall commence on Feb 6, 2008 and expire on Feb 5, 2009. Thereafter, this Agreement may be extended for up to four (4) additional one year terms, if desired by the City. INITIAL  
WS  
9
- 9.2 Either party may terminate this Agreement for a material breach of the Agreement by the other party after giving written notice of breach and allowing the other party thirty (30) days to correct the breach. If the offending party fails to correct the breach then the Agreement may be terminated within thirty (30) days. Further, three breaches in any one calendar year shall be sufficient grounds for termination of this Agreement.
- 9.3 The City, at its option, has the right to terminate this agreement with no less than 90 days notice to the Operator. Upon notice of termination by City, Operator shall assist City in an orderly transition of the staff and a resumption of operation of the Project by the City.
- 9.4 The City reserves the right to prohibit the assignment or sale of this contract without prior consent from the City of Long Beach. Such consent will not be unreasonably withheld.

**ARTICLE 10. LABOR DISPUTES; FORCE MAJEURE**

- 10.1 In the event activities by City's employee groups or unions cause a disruption in Operator's ability to perform at the Project, City or Operator may seek appropriate injunctive court orders. Operator will continue to operate the Project on a best-efforts basis until any such disruptions cease.

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Mayor and Board of Aldermen

- 10.2 Neither party shall be liable for its failure to perform its obligations under this Agreement if performance is made impractical, impossible or abnormally costly due to any unforeseen occurrence beyond its reasonable control. The party invoking Force Majeure shall notify the other party within ten (10) working days after its occurrence.
- 10.3 If a Collective Bargaining Unit is formed by the employees of the Operator, the Operator shall negotiate in good faith with the Union representatives for continuation of services under this Agreement. Any costs incurred by the Operator as a result of, and mandated by, a union contract will be passed through as an additional expense to the City. The City may review any proposed labor agreements prior to their acceptance by Operator.

Both parties indicate their approval of this Agreement by their signatures below:

Authorized Signatures:

Owner: City of Long Beach, Mississippi      Operator: Utility Partners, L.L.C.  
by William Skellie, Jr.      by Carl Padgett  
Mayor William Skellie, Jr.      Mr. Carl Padgett

Title: Mayor, City of Long Beach      Title: President  
Date: 2/06/08      Date: 2/6/08

By: [Signature]      by: [Signature]  
Witness      Witness

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Mayor and Board of Aldermen

Appendix A

1. The "Project" means all equipment, vehicles, grounds and facilities described in Appendix B and where appropriate, the management, operations and maintenance of such.
2. "Project staff" is defined as all employees of Operator that are permanently assigned to the City's Project.
3. "Capital Expenditures" means any expenditure for the purchase of new equipment; or facility items or utility system repairs which significantly extend facility life and or expenditures that are planned, non-routine or budgeted by the Owner.
4. "Labor and benefits" cost is defined as salaries, group insurance, dental insurance, workmen's compensation, retirement and social security for employees.
5. "Administrative" cost is defined as audit and accounting fees, insurance, interest expense, depreciation, state fees, recycling fees, curbside fees, landfill fees, ad valorem tax, purchase of natural gas and electric current for resale to the public, fund transfers and PCB testing.
6. "Direct Costs" is defined as supplies cost for gas, oil, lubrication, advertising, non-specific engineering cost, postage, computers and software, training, telephone service, travel expenses of employees and uniform expense.
7. "Maintenance" means the cost of routine and/or repetitive activities required or recommended by the equipment or facility manufacturer or Operator as required to maximize the service life of equipment, vehicles and treatment facilities.
8. "Repairs" means the cost of those activities required for operational continuity, safety, and performance generally due to failure or to avert a failure of the equipment, vehicles or facilities or a component thereof.

Appendix B

**WATER AND WELL SYSTEM CAPACITY AND PERMITS**

(Mississippi Department of Environmental Quality Permit for Operation of the  
Water Treatment Facilities)

(to be added)

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Mayor and Board of Aldermen

APPENDIX C

VEHICLE AND EQUIPMENT DESCRIPTIONS

(to be added)

APPENDIX D  
INSURANCE COVERAGE

Operator shall maintain:

1. Statutory worker's compensation for all of Operator's employees at the project as required by the State of Mississippi.
2. Comprehensive general liability insurance in an amount not less than \$3,000,000 combined single limits for bodily injury and/or property damage.
3. Vehicle liability insurance coverage for assets operated at the project by the company's staff, but owned by the City.

Owner shall maintain:

1. Property damage insurance for all property owned by the City and operated by Operator under this Agreement. Any property not properly or fully insured shall be the financial responsibility of the City.
2. Responsibility for replacing all vehicles owned by City and operated by Operator under this Agreement unless damage is the result of negligence of Operator's staff.

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## APPENDIX D

## INSURANCE COVERAGE

Operator shall maintain:

1. Statutory worker's compensation for all of Operator's employees at the project as required by the State of Mississippi.
2. Comprehensive general liability insurance in an amount not less than \$3,000,000 combined single limits for bodily injury and/or property damage.
3. Vehicle liability insurance coverage for assets operated at the project by the company's staff, but owned by the City.

Owner shall maintain:

1. Property damage insurance for all property owned by the City and operated by Operator under this Agreement. Any property not properly or fully insured shall be the financial responsibility of the City.
2. Responsibility for replacing all vehicles owned by City and operated by Operator under this Agreement unless damage is the result of negligence of Operator's staff.

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APPENDIX E

Price Proposal

Operator's price includes all costs associated with the following budget categories:

- \* Salaries
- \* Overtime (up to 8% of direct labor)
- \* Federal and State Unemployment
- \* Social Security
- \* Medical and Dental Insurance
- \* Worker's Compensation Insurance
- \* General Liability Insurance
- \* Uniforms and personal protective equipment
- \* Computer Software
- \* Training Costs (State certification schools)
- \* Corporate Engineering and Operations Support

It is mutually understood the City will provide and pay for utilities, chemicals, limestone, asphalt, gravel and cement required and supplies, as well as capital improvements or rehabilitation of the City's facilities, consistent with current practice.

Further, the City will pay for vehicle maintenance and repair parts purchased on behalf of the Public Works and Utility Departments. Any parts purchased and paid by the Operator will be reimbursed as a direct pass-thru of those expenses incurred, with no added mark-up by the Operator upon proper presentation of receipts and justification of the expense.

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**PRICE PROPOSAL**

8.0 PRICE PROPOSAL



Our price proposal is based on an intimate familiarity with the requirements of the utility system assets owned by the City. As a normal course of business, Utility Partners' provides all of our clients with a detailed price breakdown of our cost proposal. We believe strongly that this level of cost accountability in pricing our services is what you have a right to expect as our client. Further, we want City officials to have confidence that our cost proposal has been developed in a responsible and professional manner.

This following section contains supplemental price information with a detailed price breakdown included for your review. Utility Partners' price includes all costs associated with the following budget categories:

- Direct Labor
- Overtime
- Federal and State Unemployment Taxes
- Social Security Taxes
- Medical, Life, and Dental Insurance
- Worker's Compensation Insurance
- General Liability Insurance
- Umbrella Insurance Policy
- Uniforms
- Computer Software
- Computer System Maintenance
- Office Supplies
- Manager's Vehicle

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

\*\*\*\*\*

Alderman Notter made motion seconded by Alderman McNary and unanimously carried to approve the regular meeting minutes of the Mayor and Board of Aldermen dated January 15, 2008, as submitted.

\*\*\*\*\*

There came on for consideration the January 24, 2008, Planning Commission minutes and action was taken, as follows:

Alderman Holder made motion seconded by Alderman Lishen and unanimously carried to approve said minutes with exception to action taken approving the application for Special Exception Use submitted by Jan and Tom Karatzelidis, 18124 Allen Road, allowing them to keep a mobile home on site; scheduling a public hearing Tuesday, March 4, 2008, at 5:30 p.m. to consider said application for Special Exception Use.

Upon further discussion of said minutes, Alderman Lishen made motion seconded by Alderman Notter and unanimously carried directing the Planning Commission to discontinue their efforts on the Mixed Use District Plan, due to overlapping efforts on the part of Ayers Saint Gross regarding the Comprehensive Zoning Plan.

\*\*\*\*\*

Alderman McNary made motion seconded by Alderman Holder and unanimously carried to approve the January 17, 2008, Port Commission minutes, as submitted.

\*\*\*\*\*

Alderman McNary made motion seconded by Alderman Holder and unanimously carried to approve payment of invoices as listed in Docket of Claims number 020508.

\*\*\*\*\*

After considerable discussion and debate, Alderman McNary made motion seconded by Alderman Boggs and unanimously carried to extend the Proclamation of Civil Emergency - Hurricane Katrina, to protect and preserve the public health and safety of the community. Chief George Bass will discuss the need to continue under the state of emergency with FEMA representatives.

\*\*\*\*\*

Minutes of February 5, 2008  
Mayor and Board of Aldermen

Based upon the recommendation of City Engineer David Ball, Alderman Notter made motion seconded by Alderman Holder and unanimously carried to approve Amendment Number 8, Master Agreement Hurricane Katrina Permanent Repairs, authorizing the Mayor to execute same, as follows:



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

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

TEL (228) 963-0667  
FAX (228) 263-8232



January 21, 2008

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

RE: Amendment No. 8 - Master Agreement  
Hurricane Katrina Permanent Repairs

Gentlemen:

We've attached our latest proposed amendment for the Master Agreement between the City and A. Garner Russell, Inc. The purpose of this amendment is to update the original billing rates included in the original Master Agreement, dated May 3, 2006. Obviously, the rates are nearly two years old, and many are well below our current billing rates.

Therefore, we request your consideration in approving this amendment to the Master Agreement so that we can continue this important work. Should you need more information, please call.

Sincerely,

David Ball, P.E.

DB-539 Master Agreement  
Enclosure

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

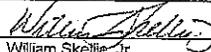
**AMENDMENT NUMBER 8 TO  
MASTER AGREEMENT BETWEEN  
CITY OF LONG BEACH  
AND  
A. GARNER RUSSELL & ASSOCIATES, INC.  
HURRICANE KATRINA PERMANENT REPAIRS**

It is agreed to modify the provisions of the Master Agreement for Hurricane Katrina Permanent Repairs dated May 3, 2006, as follows:

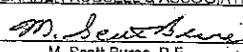
**(A) BASIS OF COMPENSATION**

- (1) Subsequent to this agreement, fees for the services described in the Master Agreement and in all Amendments to said Agreement will be in accordance with the hourly rates recited on the enclosed ATTACHMENT 1 to EXHIBIT C, revised January 21, 2008, and are hereby adjusted as provided for in Paragraph C4.05 of Exhibits C1 and C2 to the Master Agreement.

OWNER:

CITY OF LONG BEACH, MISSISSIPPI  
By:   
William Skellie, Jr.  
Title: Mayor  
Date Signed: 2/6/08

ENGINEER:

A. GARNER RUSSELL & ASSOCIATES, INC.  
By:   
M. Scott Burge, P.E.  
Title: President  
Date Signed: 1-22-08

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This is Appendix 1 to EXHIBIT C, consisting of 1 page, referred to in and part of the Agreement between OWNER and ENGINEER for Professional Services, dated January 21, 2008.

Initial: \_\_\_\_\_  
OWNER \_\_\_\_\_  
ENGINEER \_\_\_\_\_

Standard Hourly Rates Schedule

<u>Position</u>	<u>Billing Rate</u>
Senior Engineer .....	\$130.00
Registered Engineer II .....	\$115.00
Registered Engineer I .....	\$100.00
Junior Engineer .....	\$85.00
Engineer Intern .....	\$75.00
Senior Engineering Technician .....	\$95.00
Survey Crew Chief .....	\$80.00
Senior Resident Project Representative .....	\$75.00
Engineering Technician III .....	\$65.00
Engineering Technician II .....	\$55.00
Engineering Technician I .....	\$45.00
CADD Technician III .....	\$75.00
CADD Technician II .....	\$60.00
CADD Technician I .....	\$45.00
Administrative Assistant .....	\$73.50
Clerical .....	\$45.00

Page 1 of 1 Pages  
(Appendix 1 to Exhibit C-- Standard Hourly Rates Schedule)  
Revised: 01/21/2008

\*\*\*\*\*

Based upon the recommendation of the Municipal Court Clerk Jane Marsland, Alderman McNary made motion seconded by Alderman Notter and unanimously carried to accept the resignation of Barbara Rennie effective January 31, 2008, and to hire Donna Stephenson, part-time clerical, effective February 1, 2008, at \$1,462.50 per month.

\* \*

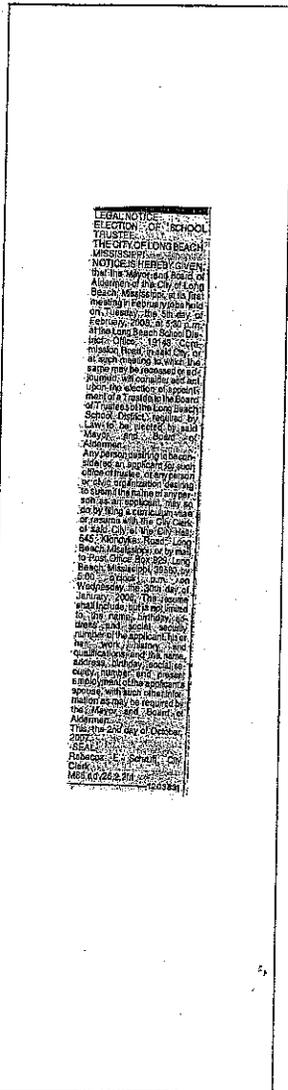
Minutes of February 5, 2008  
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Upon further discussion of personnel matters, Alderman McNary made motion seconded by Alderman Holder and unanimously carried to retain the contract services of Ken Price to perform code enforcements duties on behalf the City for a fee of \$800.00 per month and use of a City vehicle when on duty.

\*\*\*\*\*

There came on for consideration an appointment to the Long Beach School District Board of Trustees, as follows:

PROOF OF PUBLICATION



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

- Vol. 124 No. 23 dated 26 day of Oct, 2007
- Vol. 124 No. 30 dated 2 day of Nov, 2007
- 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.

NOV 05 2007

J. San  
Clerk 5

Sworn to and subscribed before me this 5 day of Nov, A.D., 2007

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.....

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

Upon discussion, Alderman Holder made motion seconded by Alderman Notter and unanimously carried to reappoint Craig Carpenter to the Long Beach School District Board of Trustees, March, 2008-March, 2013.

\*\*\*\*\*

Alderman Notter made motion seconded by Alderman Boggs and unanimously carried to approve the Local Sponsor Agreement, authorizing the Mayor to execute same, as follows:

Local Sponsor Agreement

**LOCAL SPONSOR AGREEMENT**

This Local Sponsor Agreement, by and between the STATE OF MISSISSIPPI, ex rel. MISSISSIPPI DEPARTMENT OF MARINE RESOURCES (MDMR), and Long Beach, MS (Sub-Local Sponsor), a political subdivision and public entity, is effective this 5<sup>th</sup> day of FEB, 2008, the first day on which all parties hereto have executed it.

**PART I INCORPORATION OF PROJECT COOPERATION AGREEMENT**

Attached hereto and incorporated herein by reference is the Project Cooperation Agreement (PCA) between the Department of the Army and the MDMR as "Non-Federal Sponsor" for construction of Mississippi Coastal Improvements in Hancock, Harrison and Jackson counties in Mississippi. One or more of the projects identified in the attached PCA will benefit the Sub-Local Sponsor and the citizens residing therein. In consideration for the execution of the PCA by the MDMR and the completion of the beneficial project or projects identified in the PCA, the Sub-Local Sponsor enters into this Local Sponsor Agreement and commits to the completion of the improvement or improvements. Further, the Sub-Local Sponsor agrees to assume the responsibilities and liabilities of the Non-Federal Sponsor/MDMR in the PCA for the projects or projects identified for construction and development within the jurisdiction of the Sub-Local Sponsor.

**PART II SURVIVAL OF THIS AGREEMENT**

This Local Sponsor Agreement shall survive the construction and completion of the projects contemplated hereunder, and all obligations pursuant to this Agreement shall continue until the fulfillment of the obligations identified in the attached PCA.

**PART III PURPOSE OF THE LOCAL SPONSOR AGREEMENT**

The purpose of this Local Sponsor Agreement is to authorize the MDMR to execute the attached PCA on behalf of the Sub-Local Sponsor in furtherance of the objectives of the Mississippi Coastal Improvement projects identified by the ACOE and authorized by Congress.

**PART IV TERMS OF THE LOCAL SPONSOR AGREEMENT**

- 4.1 The Sub-Local Sponsor shall stand in the shoes of the MDMR and therefore all requirements of federal and state laws, regulations and procedures that apply to the MDMR also apply to the Sub-Local Sponsor.

Minutes of February 5, 2008  
Mayor and Board of Aldermen

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Local Sponsor Agreement

- 4.2 The Sub-Local Sponsor shall provide all services necessary to coordinate all matters in connection with the acquisition, by construction or otherwise, of the improvement project or projects as set out in the attached Project Cooperation Agreement.
- 4.3 The Sub-Local Sponsor shall do all things reasonably necessary to cause completion of the project or projects as identified in the Project Cooperation Agreement to meet the U.S. Army Corps of Engineers' schedule.
- 4.4 The Sub-Local Sponsor shall hold and save the MDMR, its agents and employees, free from all damages arising from construction, monitoring, operation, maintenance, repair, rehabilitation, and replacement of the project or projects identified in the attached PCA that are located within the political boundaries of the Sub-Local Sponsor.
- 4.5 The Sub-Local Sponsor shall, prior to execution of this Local Sponsor Agreement, provide the MDMR with a copy of the minutes from the Sub-Local Sponsor's governing body authorizing the MDMR to execute the attached PCA on their behalf for the performance of the identified improvement project or projects located within the control and jurisdiction of the Sub-Local Sponsor.

**PART V MISCELLANEOUS**

- 5.1 If any clause, provision or section of this Local Sponsor Agreement or the attached PCA be held illegal or invalid by any court, the invalidity of such clause, provision or section shall not affect any of the remaining clauses, provisions or sections hereof, and this Agreement shall be construed and enforced as if such illegal or invalid clause, provision or section had not been contained herein.
- 5.2 Any amendments to this Agreement shall be in writing and signed by all parties who are affected by such amendment or their respective successors and assigns.
- 5.3 This Agreement shall be governed by the laws of the State of Mississippi. Venue for any legal or equitable action arising from this Agreement shall be in the Chancery Court of the Second Judicial District of Harrison County, Mississippi.
- 5.4 This Agreement may be executed in two or more counterparts, each and all of which shall be deemed an original and all of which together shall constitute but one and the same instrument.
- 5.5 The use of captions and/or headings in this MOU are solely for convenience and shall have no legal effect in construing the provisions of this Agreement.

Minutes of February 5, 2008  
Mayor and Board of Aldermen

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Local Sponsor Agreement

- 5.6 All of the provisions herein contained shall be binding upon and for the benefit of the respective successors and assigns of the parties hereto, to the same extent as if each successor and assign were in each case named as a party to this Agreement.
- 5.7 This Agreement, including the attachments, constitute the operative terms of the agreement between the parties for the purposes stated herein, and no other agreements, understandings, warranties, or representations exist between the parties pertaining to the Mississippi Coastal Improvement projects identified in the PCA.
- 5.8 All communications and notices expressly provided for herein shall be sent to the following representatives of the parties:

For the MDMR:

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Mississippi Dept. of Marine Resources  
1141 Bayview Avenue  
Biloxi, MS 39530  
Facsimile 228-374-5005

For the Sub-Local Sponsor:

WILLIAM SKELVE, JR  
P.O. Box 929  
645 KLANOWITZ ROAD  
LONG BEACH, MS 39560  
(228) 863-1556  
Facsimile (228) 865-0820  
Mayor@cityoflongbeach.ms.com

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Local Sponsor Agreement

IN WITNESS WHEREOF, the parties hereto have caused this Local Sponsor Agreement to be executed as of the date of the last signature below.

(Insert Name of Sub-Local Sponsor)

*William Skelie, Jr.*

(Signature)

Name: WILLIAM SKELIE, JR.

Title: MAYOR

Date: Feb 5, 2008

Mississippi Department of Marine Resources

(Signature)

William W. Walker, Ph.D.

Executive Director

Date \_\_\_\_\_

\*\*\*\*\*

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.

\*\*\*\*\*

Minutes of February 5, 2008  
Mayor and Board of Aldermen

APPROVED:

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

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

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

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

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

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

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

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

ATTEST:

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