

Minutes of February 3, 2009
Mayor and Board of Aldermen

Be it remembered that a public hearing before the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, was begun and held at 6:00 o'clock p.m. on Tuesday the 3rd day of February, 2009, 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, Joseph McNary, Mark Lishen, Carolyn Anderson, City Clerk Rebecca E. Schruff, and City Attorney Frank R. McCreary, III.

Aldermen Richard Notter and Richard Burton 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 ZONE CHANGE from a Planned Unit Development (PUD) Recreational Vehicle (Plantation Pines) to a PUD Single-Family MEMA Cottage Village, as submitted by TSA Group LLC, for property located on 28th Street east of Beatline Road and West of Klonyke Road, Map Parcel Number 0611D-01-002.000.

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

**Minutes of February 3, 2009
Mayor and Board of Aldermen**

PROOF OF PUBLICATION



STATE OF MISSISSIPPI
COUNTY OF HARRISON

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

- Vol. 125 No., 25 dated 26 day of Dec, 20 08
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____

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

Lianne Weston
Clerk

DEC 29 2008

Sworn to and subscribed before me this 26 day of Dec, A.D., 20 08

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

Karla A. Berkley
Notary Public

Printer's Fee \$ _____
Furnishing proof of publication \$ _____
TOTAL 28.20

The Clerk further reported that eight (8) Legal Notices of Public Hearing were mailed via certified mail, return receipt requested, five (5) were received and three (3) returned unclaimed.

Alderman Boggs made motion seconded by Alderman Anderson 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 City Clerk.

Minutes of February 3, 2009
Mayor and Board of Aldermen

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Alderman Boggs made motion seconded by Alderman Anderson and unanimously carried to make the December 11, 2008, Planning Commission minutes a part of the record of this public hearing, on file in the Office of the City Clerk.

*

*

The Mayor recognized Jay Dickson, Volkert and Associates, D'Iberville, Mississippi, representing the applicant, TSA Group, LLC, Janet Bryan, property owner. Mr. Dickson answered questions and provided additional information, as follows:

- The request is to modify the Plantation Pines RV Park PUD for use as a MEMA Cottage Village for senior citizen residents only.
- There will be 73 single dwelling lots for largely one and two bedroom MEMA cottages and a few three bedroom cottages.
- The back to back distance between cottages will be ten feet and side by side will be thirteen feet.
- Parking will be off-street on the side of the cottages with no on-street parking allowed.
- The PUD will be a "green" development with ample green space, clubhouse and gazebo with pool, utilizing green space common area and small lot sizes.
- Homeowners association and restrictive covenants will ensure compliance with age limits for present and future buyers; prohibit on-street parking so fire trucks can drive through the development; notify residents and/or prospective buyers that all infrastructure, roads and other improvements are privately owned and not maintained by the City.
- Plantation Pines RV Park presently has a homeowners association collecting fees for maintenance of water and sewer, common ground, utilities and street repairs.
- A looping water system will be developed and drainage will meet all criteria required by the City and the City Engineer inclusive of a 100 year flood overflow structure to retain water that does not perk naturally.
- The sale price to purchase a lot and cottage will range from approximately \$69,000 - \$89,000 with financial assistance available to reduce mortgages to approximately \$49,000 - \$69,000.
- The sale of cottages to the developer has not been approved by MEMA.
- Overhang on the cottages will not be on the property line.
- Density is approximately 13 units per acre.

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Mayor and Board of Aldermen

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

* * *

Upon further discussion, the Mayor recognized Joyce Fulcher, 19413 28th Street and Sandra Fulcher, 19415 28th Street, owners and residents adjacent to the subject property, to address additional concerns as follows:

- All successive owners and prospective buyers will be bound by age restrictions through the homeowners association and restrictive covenants.
- The entire development will be buffered by natural vegetation with the possibility of the city requiring a privacy fence if needed.
- The development has been submitted to MEMA for approval as a senior citizen cottage village.

* * *

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

* * *

Upon discussion, Alderman Holder made motion seconded by Alderman Anderson and unanimously carried to approve the application for Zone Change as submitted, authorizing the City Attorney to prepare the appropriate ordinance for adoption at the next regular meeting, February 17, 2009.

Be it remembered that a regular meeting of the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, was begun and held at the Long Beach School District Central Office, 19148 Commission Road, in said City at 5:30 p.m. it being the first Tuesday in February, 2009, 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, Joseph McNary, Mark Lishen, Carolyn Anderson, City Clerk Rebecca E. Schruoff and City Attorney Frank R. McCreary, III.

Aldermen Richard Notter and Richard Burton were absent the meeting

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

**Minutes of February 3, 2009
Mayor and Board of Aldermen**

The Clerk reported that pursuant to that certain order of the Mayor and Board of Aldermen at regular meeting duly held and convened on December 16, 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; The Clarion-Ledger, Hinds County, Mississippi; and The Times-Picayune, Orleans Parish, Louisiana; Legal Notice, Advertisement for Bids, "NORTHERN BULKHEAD REPAIRS", all as evidenced by the Publishers' Proofs of Publication.

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

Minutes of February 3, 2009
 Mayor and Board of Aldermen

PROOF OF PUBLICATION

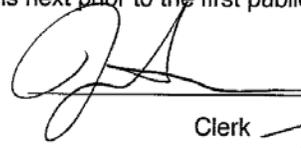
ADVERTISEMENT FOR BIDS
 City of Long Beach, Mississippi
 The City of Long Beach, Mississippi, will receive bids for: **NORTHERN BULKHEAD REPAIRS**
 Long Beach Smallcraft Harbor
 at the Office of the City Clerk, Temporary City Hall on Kionoyke Road, Long Beach, Mississippi, during normal office hours at any time prior to the designated bid date, or at the temporary meeting place at Long Beach School District Office on Commission Road, at 800 PM, on the designated date for the bid opening. Bids will be publicly opened and read aloud at the regular meeting of the Board of Aldermen at 6:00 P.M., February 3, 2009.
 Bids are invited for the furnishing of materials, labor, tools and services to perform in-place repairs to the northern bulkhead in the Long Beach Smallcraft Harbor north of the Fuel Dock and south of the pre-Kalina site of the Long Beach Lookout restaurant, as depicted in the Contract Documents, including Drawings and Technical Specifications, are on file at the Office of City Clerk, at City Hall, Long Beach, Mississippi. Plans and Specifications may be obtained at the office of A. Garner Russell & Associates, Inc., Consulting Engineers, Hewes Avenue at 33rd Street (Post Office Box 1677), Gulfport, Mississippi 39507, upon payment of \$50.00 non-refundable fee.
 A certified check or bank draft payable to the order of City of Long Beach, Mississippi, negotiable U. S. Government bonds (at par value), or a satisfactory Bid Bond executed by the Bidder and an acceptable surety, in an amount equal to five percent (5 percent) of the total bid for City of Long Beach, NORTHERN BULKHEAD REPAIRS, Long Beach Smallcraft Harbor, shall be submitted with each bid.
 For bids exceeding \$50,000 Bidder must indicate his Certificate of Responsibility Number on outside of sealed proposal as required by Mississippi Law. For bids not exceeding \$50,000, Bidder must either indicate his Certificate Number, or else write clearly "Bid does not exceed \$50,000."
 The City of Long Beach, Mississippi, reserves the right to reject any or all bids or to waive any informalities in the bidding.
 Bids may be held by the City of Long Beach, Mississippi, for a period not to exceed ninety (90) days from the date of the opening of bids for the purpose of reviewing the bids and investigating the qualifications of Bidders, prior to awarding of the Contract.
 Done by order of the Mayor and Board of Aldermen, December 16, 2008.
 City of Long Beach, Mississippi.
 By: **REBECCA SCHRUFF**
 Title: CITY CLERK
 #429.5.2MON 1300888

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. 125 No., 88 dated 29 day of Dec, 2008
- Vol. 125 No., 95 dated 5 day of Jan, 2009
- Vol. _____ No., _____ dated _____ day of _____, 20____
- Vol. _____ No., _____ dated _____ day of _____, 20____
- Vol. _____ No., _____ dated _____ day of _____, 20____
- Vol. _____ No., _____ dated _____ day of _____, 20____
- Vol. _____ No., _____ dated _____ day of _____, 20____

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

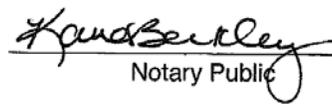


 Clerk

JAN 07 2009

Sworn to and subscribed before me this 7 day of Jan, A.D., 2009

KANDI A. BERKLEY
 Notary Public, State of Mississippi
 Harrison County
 My Commission Expires
 April 06, 2010



 Notary Public

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

Minutes of February 3, 2009
Mayor and Board of Aldermen

PROOF OF PUBLICATION
THE STATE OF MISSISSIPPI
HINDS COUNTY

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

TAMI JONES

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

PASTE PROOF HERE

2288631556A
CITY OF LONG BEACH,
0200197742
Small Craft Harbor

ADVERTISMENT FOR BIDS
City of Long Beach, Mississippi
The City of Long Beach, Mississippi, will receive bids for:
**NORTHERN BULKHEAD REPAIRS
LONG BEACH SMALLCRAFT HARBOR**
at the Office of the City Clerk, Temporary City Hall on Klondyke Road, Long Beach, Mississippi, during normal office hours at any time prior to the designated bid date, or at the temporary meeting place at Long Beach School District Office on Commission Road at 8:00 PM on the designated date for the bid opening. Bids will be publicly opened and read aloud at the regular meeting of the Board of Aldermen at 6:00 P.M., February 3, 2009.
Bids are invited for the furnishing of materials, labor, tools and services to perform in-place repairs to the northern bulkhead in the Long Beach Smallcraft Harbor north of the Fuel Dock and south of the pre-Katrina site of the Long Beach Lookout restaurant, as depicted in the Contract Documents.
Contract Documents, including Drawings and Technical Specifications, are on file at the Office of City Clerk at City Hall, Long Beach, Mississippi.
Plans and Specifications may be obtained at the office of A. Garner Russell & Associates, Inc., Consulting Engineers, Hewes Avenue at 33rd Street (Post Office Box 1677), Gulfport, Mississippi 39507, upon payment of \$50.00 non-refundable fee.
A certified check or bank draft payable to the order of City of Long Beach, Mississippi, negotiable U. S. Government bonds (at par value), or a satisfactory Bid Bond executed by the Bidder and an acceptable surety, in an amount equal to five percent (5%) of the total bid for City of Long Beach, NORTHERN BULKHEAD REPAIRS, LONG BEACH SMALLCRAFT HARBOR, shall be submitted with each bid.
For bids exceeding \$50,000 Bidder must indicate his Certificate of Responsibility Number on outside of sealed proposal as required by Mississippi Law. For bids not exceeding \$50,000, Bidder must either indicate his Certificate Number, or else write clearly "Bid does not exceed \$50,000."
The City of Long Beach, Mississippi, reserves the right to reject any or all bids or to waive any informalities in the bidding.
Bids may be held by the City of Long Beach, Mississippi, for a period not to exceed ninety (90) days from the date of the opening of bids for the purpose of reviewing the bids and investigating the qualifications of Bidders, prior to awarding of the Contract.
Done by order of the Mayor and Board of Aldermen, December 16, 2008.
City of Long Beach, Mississippi
By: SREBECCA SCHRUFF
Title: CITY CLERK
December 29, 2008, January 5, 2009

12/29/2008
1/5/2009

Size: 516 words / 2.00 col. x 71.00 lines
Published: 2 time(s)
Total: \$125.52

Signed Tami Jones
Authorized Clerk of
The Clarion-Ledger

SWORN to and subscribed before me on 1/5/2009.

Rick Tyler
Notary Public
RICK TYLER

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

(SEAL)



Minutes of February 3, 2009
Mayor and Board of Aldermen

The Times-Picayune

3800 HOWARD AVENUE, NEW ORLEANS, LOUISIANA 70140-1097 TELEPHONE (504) 826-3206

ADVERTISEMENT FOR BIDS

City of Long Beach, Mississippi
The City of Long Beach, Mississippi, will receive bids for:

NORTHERN BULKHEAD REPAIRS

Long Beach Smallcraft Harbor

at the Office of the City Clerk, Temporary City Hall on Mandryke Road, Long Beach, Mississippi, during normal office hours at any time prior to the designated bid date, or at the temporary meeting place at Long Beach School District Office on Commission Road at 8:00 PM on the designated date for the bid opening. Bids will be publicly opened and read aloud at the regular meeting of the Board of Aldermen at 8:00 P.M., February 3, 2009.

Bids are invited for the furnishing of materials, labor, tools and services to perform in-place repairs to the northern bulkhead in the Long Beach Smallcraft Harbor north of the Fuel Dock and south of the pre-Katrina site of the Long Beach Lookout restaurant, as depicted in the Contract Documents.

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

Plans and Specifications may be obtained at the office of A. Gerner Russell & Associates, Inc., Consulting Engineers, Howe Avenue at 33rd Street (Post Office Box 1677), Gulfport, Mississippi 39507, upon payment of \$50.00 non-refundable fee.

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

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

The City of Long Beach, Mississippi, reserves the right to reject any or all bids or to waive any informalties in the bidding.

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

Done by order of the Mayor and Board of Aldermen, December 16, 2008.

City of Long Beach, Mississippi
By SIREBECCA SCHRUFF
Title CITY CLERK

Exhibit A
Attached

State of Louisiana
Parish of Orleans
City of New Orleans

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

re: Advertisement bids for City of Long Beach, Mississippi
Long Beach Smallcraft Harbor Paving Repairs

Advertisement of City of Long Beach Mississippi

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

Was published in The Times Picayune

3800 Howard Ave.
New Orleans, La. 70125

On the following dates December 29, 2008 and
January 5, 2009

Robert J. Chiasson

Sworn to and subscribed before me this
5th Day of January 2009

Charles A. Ferguson, Jr.
Notary Public

My commission expires at my death.
Charles A. Ferguson, Jr.
Notary identification number 23492

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

The Clerk further reported that five (5) bids were properly filed, whereupon, said bids were then and there publicly opened and read aloud, as follows:

**Minutes of February 3, 2009
Mayor and Board of Aldermen**

Northern Bulkhead Repairs - Harbor				
Open Bids: 02.03.08				
Preliminary Tabulation of Bids (Under Advisement for Official Review and Tabulation)				
CONTRACTOR NAME	Cert. of Resp.	Bid Bond	ADM NO. 1	TOTAL BID
Pyhton Corporation P.O. Box 790 LaCombe, LA 70445	09264	√	√	\$ 48,558.00
Phoenix Coatings, Inc. P.O. Box 18721 Pensacola, FL 32523-8721	11719	√	√	\$ 85,950.00
Twin L Construction, Inc. 8292 Firetower Road Pass Christian, MS 39571	08365	√	√	\$ 55,136.00
Bay South Ltd. , Inc. P.O. Box 250 Saraland, AL 36571	09864	√	√	\$ 51,000.00
Pink Marine Construction, Corp. 224 W. North Street Pass Christian, MS 39571	15922-SC	√	√	\$ 37,800.00

Upon discussion, Alderman Holder made motion seconded by Alderman McNary and unanimously carried to take the aforementioned bids under advisement

Minutes of February 3, 2009
Mayor and Board of Aldermen

for review and tabulation by the City Engineer with a recommendation at the next regular meeting, February 17, 2009.

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 16, 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; The Clarion-Ledger, Hinds County Mississippi; and The Times-Picayune, Orleans Parish, Louisiana; Legal Notice, Advertisement for Bids, "LONG BEACH SMALLCRAFT HARBOR PAVING REPAIRS", as evidenced by the Publishers' Proofs of Publication.

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

Minutes of February 3, 2009
 Mayor and Board of Aldermen

PROOF OF PUBLICATION

ADVERTISEMENT FOR BIDS
 City of Long Beach, Mississippi
 The City of Long Beach, Mississippi, will receive bids for: Long Beach Smalcraft Harbor
PAVING REPAIRS at the Office of the City Clerk, Temporary City Hall on Kynolyfe Road, Long Beach, Mississippi, during normal office hours at any time prior to the designated bid date, or at the temporary meeting place at Long Beach School District Office on Commission Road at 8:00 PM on the designated date for the bid opening. Bids will be publicly opened and read aloud at the regular meeting of the Board of Aldermen at 8:00 P.M., Tuesday, February 3, 2009.
 Bids are invited for the furnishing of all materials, labor, tools, and services necessary to perform repairs to all parking areas in the Long Beach Harbor, including but not necessarily limited to the S. Cleveland Harbor Access Road, the West Fishing Pier Harbor Access Road, and all Parking Areas as depicted in the Contract Documents. Repairs may include removal of existing, broken asphalt, followed by establishment of proper grades, base repair, and subsequent replacement of asphalt. Some select backfill may be required in areas where significant erosion has occurred.
 Contract Documents, including Drawings and Technical Specifications, are on file at the Office of City Clerk, at City Hall, Long Beach, Mississippi. Plans and Specifications may be obtained at the office of A. Garner Russell & Associates, Inc., Consulting Engineers, Howes Avenue at 33rd Street (Post Office Box 1677), Gulfport, Mississippi 39507, upon payment of \$50.00 non-refundable fee.
 A certified check or bank draft payable to the order of City of Long Beach, Mississippi, negotiable U. S. Government bonds (at par value), or a satisfactory Bid Bond executed by the Bidder and an acceptable surety, in an amount equal to five percent (5 percent) of the total bid for City of Long Beach, Long Beach Smalcraft Harbor, PAVING REPAIRS, shall be submitted with each bid.
 For bids exceeding \$50,000, Bidder must indicate his Certificate of Responsibility Number on outside of sealed proposal as required by Mississippi Law. For bids not exceeding \$50,000, Bidder must either indicate his Certificate Number, or else write clearly "Bid does not exceed \$50,000."
 The City of Long Beach, Mississippi, reserves the right to reject any or all bids or to waive any formalities in the bidding.
 Bids may be held by the City of Long Beach, Mississippi, for a period not to exceed ninety (90) days from the date of the opening of bids for the purpose of reviewing the bids and investigating the qualifications of Bidders, prior to awarding of the Contract.
 Done by order of the Mayor
 and Board of Aldermen, December 16, 2008
 City of Long Beach, Mississippi
 By: S/REBECCA SCHRUFF
 Title: CITY CLERK
 adv29.5.2MON 1300866

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. 125 No., 88 dated 29 day of Dec, 2008
 Vol. 125 No., 95 dated 5 day of Jan, 2009
 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.

JAN 07 2009

Julie Garner
 Clerk

Sworn to and subscribed before me this 7 day of Jan, A.D., 2008

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

Kandi Berkley
 Notary Public

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

Minutes of February 3, 2009
Mayor and Board of Aldermen

PROOF OF PUBLICATION
THE STATE OF MISSISSIPPI
HINDS COUNTY

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

TAMI JONES

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

12/29/2008
1/5/2009

Size: 549 words / 2.00 col. x 75.00 lines
Published: 2 time(s)
Total: \$132.78

Signed Tami Jones
Authorized Clerk of
The Clarion-Ledger

SWORN to and subscribed before me on 1/5/2009.

Rick Tyler
Notary Public

RICK TYLER

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

(SEAL)



PASTE PROOF HERE

2288631556A
CITY OF LONG BEACH,
0200197746
Paving Repairs

ADVERTISEMENT FOR BIDS
City of Long Beach, Mississippi
The City of Long Beach, Mississippi, will receive bids for:
**LONG BEACH SMALLCRAFT HARBOR
PAVING REPAIRS**
at the Office of the City Clerk, Temporary City Hall on Klondyke Road, Long Beach, Mississippi, during normal office hours at any time prior to the designated bid date, or at the temporary meeting place at Long Beach School District Office on Commission Road at 6:00 PM on the designated date for the bid opening. Bids will be publicly opened and read aloud at the regular meeting of the Board of Aldermen at 6:00 P.M., Tuesday, February 3, 2009.
Bids are invited for the furnishing of all materials, labor, tools, and services necessary to perform repairs to all parking areas in the Long Beach Harbor, including but not necessarily limited to the S. Cleveland Harbor Access Road, the West Fishing Pier Harbor Access Road, and all Parking Areas as depicted in the Contract Documents. Repairs may include removal of existing, broken asphalt, followed by establishment of proper grades, base repair, and subsequent replacement of asphalt. Some select backfill may be required in areas where significant erosion has occurred.
Contract Documents, including Drawings and Technical Specifications, are on file at the Office of City Clerk, at City Hall, Long Beach, Mississippi.
Plans and Specifications may be obtained at the office of A. Garner Russell & Associates, Inc., Consulting Engineers, Hewes Avenue at 33rd Street (Post Office Box 1177), Gulfport, Mississippi 38507, upon payment of \$50.00 non-refundable fee.
A certified check or bank draft payable to the order of City of Long Beach, Mississippi, negotiable U. S. Government bonds (at par value), or a satisfactory Bid Bond executed by the Bidder and an acceptable surety, in an amount equal to five percent (5%) of the total bid for City of Long Beach, LONG BEACH SMALLCRAFT HARBOR, PAVING REPAIRS, shall be submitted with each bid.
For bids exceeding \$50,000 Bidder must indicate his Certificate of Responsibility Number on outside of sealed proposal as required by Mississippi Law. For bids not exceeding \$50,000, Bidder must either indicate his Certificate Number, or else write clearly "Bid does not exceed \$50,000."
The City of Long Beach, Mississippi, reserves the right to reject any or all bids or to waive any informalities in the bidding.
Bids may be held by the City of Long Beach, Mississippi, for a period not to exceed ninety (90) days from the date of the opening of bids for the purpose of reviewing the bids and investigating the qualifications of Bidders, prior to awarding of the Contract.
Done by order of the Mayor and Board of Aldermen, December 16, 2008.
City of Long Beach, Mississippi
By SIREBECCA SCHRUFF
Title CITY CLERK
December 29, 2008, January 5, 2009

Minutes of February 3, 2009
Mayor and Board of Aldermen

The Times-Picayune

3800 HOWARD AVENUE, NEW ORLEANS, LOUISIANA 70140-1097 TELEPHONE (504) 826-3206

ADVERTISEMENT FOR BIDS

City of Long Beach, Mississippi
The City of Long Beach, Mississippi, will receive bids for:
Long Beach Smallcraft Harbor

PAVING REPAIRS

at the Office of the City Clerk, Temporary City Hall on Klondyke Road, Long Beach, Mississippi, during normal office hours at any time prior to the designated bid date, or at the temporary meeting place at Long Beach School District Office on Commission Road at 8:00 PM on the designated date for the bid opening. Bids will be publicly opened and read aloud at the regular meeting of the Board of Aldermen at 8:00 P.M., Tuesday, February 3, 2009.

Bids are invited for the furnishing of all materials, labor, tools, and services necessary to perform repairs to all parking areas in the Long Beach Harbor, including but not necessarily limited to the S. Cleveland Harbor Access Road, the West Fishing Pier Harbor Access Road, and all Parking Areas as depicted in the Contract Documents. Repairs may include removal of existing, broken asphalt, followed by establishment of proper grades, base repair, and subsequent replacement of asphalt. Some select backfill may be required in areas where significant erosion has occurred.

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

Plans and Specifications may be obtained at the office of A. Garner Russell & Associates, Inc., Consulting Engineers, Hewes Avenue at 33rd Street (Post Office Box 1677), Gulfport, Mississippi 39507, upon payment of \$50.00 non-refundable fee.

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

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

The City of Long Beach, Mississippi, reserves the right to reject any or all bids or to waive any informality in the bidding.

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

Done by order of the Mayor and Board of Aldermen, December 16, 2008.

City of Long Beach, Mississippi
By REBECCA SCHRUFF
The CITY CLERK

Exhibit A
Attached

State of Louisiana

Parish of Orleans

City of New Orleans

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

BIDS & PROPOSALS
re:Advertisement bids for City of Long Beach, Mississippi
Northern Bulkhead repairs Long Beach Smallcraft Harbor

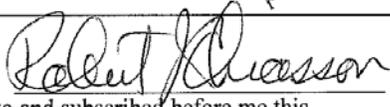
Advertisement of City of Long Beach Mississippi

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

Was published in The Times Picayune

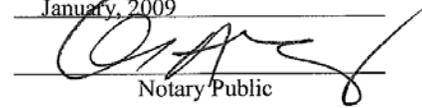
3800 Howard Ave.
New Orleans, La. 70125

On the following dates December 29, 2008 and
January 5, 2009



Sworn to and subscribed before me this

5th Day of January, 2009



Notary Public

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

Notary identification number 23492

copy attached hereto as
a true and correct copy
of the advertisement published in The
Times Picayune on these dates.

The Clerk further reported that five (5) bids were properly filed, whereupon, said bids were then and there publicly opened and read aloud, as follows:

**Minutes of February 3, 2009
Mayor and Board of Aldermen**

Harbor Paving Repairs					
Open Bids: 02.03.08					
Preliminary Tabulation of Bids (Under Advisement for Official Review and Tabulation)					
CONTRACTOR NAME	Cert. of Resp.	Bid Bond	ADM NO. 1	ADM NO. 2	TOTAL BID
Huey Stockstill, Inc. P.O. Box 758 Picayune, MS 39466	02764	√	√	√	\$ 385,980.40
Bond Paving Co., Inc. P.O. Box 3147 Gulfport, MS 39505	01621- MC	√	√	√	\$ 268,857.81
Land Shaper, Inc. P.O. Box 995 Gulfport, MS 39502	05188	√	√	√	\$ 269,158.00
Superior Asphalt, Inc. P.O. Box 720099 6000 I-55 South Jackson, MS 39272	08457	√	√	√	\$ 308,118.75
SCI, Inc. - GeoPave Division 10210 Logan Cline Road Gulfport, MS 39503	04939	√	√	√	\$ 330,115.70

Upon discussion, Alderman Holder made motion seconded by Alderman Boggs and unanimously carried to take the aforementioned bids under advisement for review

**Minutes of February 3, 2009
Mayor and Board of Aldermen**

and tabulation by the City Engineer, with a recommendation at the next regular meeting February 17, 2009.

The Mayor expressed the City's sorrow at the passing of Mr. William "Winks" Watrous and Archibald "Archie" Boggs.

There were no amendments to the Municipal Docket.

The Mayor opened the floor for public comments pertaining to Agenda items, as follows:

**Minutes of February 3, 2009
Mayor and Board of Aldermen**

PUBLIC COMMENTS PERTAINING TO MATTERS ON THE AGENDA ONLY		
<p>NOTE: All comments <u>shall</u> be directed to the Chairman (Mayor).</p> <p>Comments of a personnel nature regarding individual members of the Governing Authority (Mayor and Board of Aldermen), City Staff and/or Personnel, disruptive comments or improper actions <u>will not</u> be permitted.</p> <p>Public Comments will be limited to a total of ten (10) minutes and limited to a maximum of two (2) minutes per person.</p> <p>Except as otherwise directed by the Chairman (Mayor), Public Comments will not be permitted before or after the allotted time. Disruption of the regular business meeting will be cause for removal from the public meeting.</p>		
NAME / ADDRESS / TELEPHONE	AGENDA ITEM NO.	AGENDA ITEM SUBJECT MATTER
1 MARCIA KAUSE 19015 REDBUD DR 313-8938	VIII #2	PLANNING COMMISSION
2 LEONARD CARROLL 105 SUMNER LN 663-4919	VIII #2A1	KFC in RE
3 Sandra Fulcher 647-5050 19415 28th ST LB		Ret. U. V. N. S. R. ← EMA Cotton
4		
5		
6		
7		
8		
9		
10		

City of Long Beach, Mississippi
Mayor and Board of Aldermen Meeting
Date: Feb 3, 2009

Alderman Anderson made motion seconded by Alderman Boggs and unanimously carried to approve the regular meeting minutes of the Mayor and Board of Aldermen dated January 20, 2009, as submitted.

There came on for consideration the January 22, 2009, Planning Commission and a letter from Tammy C. Brister, Vice President, Branch Operations, Keesler Federal

**Minutes of February 3, 2009
Mayor and Board of Aldermen**

Credit Union, for Ida Faye Woodfield; and a letter from City Engineer David Ball, as follows:

**INTERNATIONAL
HEADQUARTERS**

2602 Pass Road
PO Box 7001
Biloxi, MS
39534-7001
USA
228-385-5500
1-888-KEESLER
(533-7537)

US BRANCHES

Bay St. Louis
D'iberville
Downtown Biloxi
Gautier
KAFB Larcher
Long Beach
Naval Station
Pascagoula
Ocean Springs
Orange Grove
Pascagoula
Pass Road
Pineyune
Stennis
Space Center

**UNITED
KINGDOM
HEADQUARTERS**

RAF Lakenheath
Unit 5290
Box 430, APO
AE 09464-0430

UK BRANCHES

RAF Alconbury
RAF Croughton
RAF Lakenheath
RAF Mildenhall

**MEMBER
SERVICES**

1-888-KEESLER
(533-7537)
Fax 228-385-5535

**EXPRESS
LENDING**

US 1-888-KEESLER
(533-7537)

Fax 228-385-4467
UK 0-800-585-765
Fax 01638-54-3520

**INTERNET
ADDRESS**

www.kfcu.org



January 30, 2009

Honorable Mayor Skellie and Board of Aldermen
City of Long Beach, Mississippi
P.O. Box 929
Long Beach, MS 39560

Ref: 533 Klondyke Road; Woodfield Resubdivision request of January 22, 2009

Honorable Mayor and Aldermen:

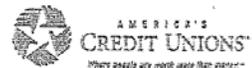
Please accept this letter as the formal request not to act on the Resubdivision request approved by the Planning Commission on January 22, 2009. After careful consideration the intent of the request was not to create three parcels but rather two.

We have resurveyed the property to more accurately reflect the intention of the property owner and will resubmit the request to the Planning Commission at the next available date. We appreciate the time expended by the Planning Commission on the request heard January 22, 2009.

Kindest regards,

A handwritten signature in black ink, appearing to read 'Tanjmy C. Brister', is written over the typed name.

Tanjmy C. Brister for Ida Faye Woodfield
Vice President, Branch Operations



Minutes of February 3, 2009
Mayor and Board of Aldermen



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

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

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



January 30, 2009

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

RE: Certificate of Resubdivision – Tax Parcel No. 05121-01-004.000

Ladies and Gentlemen:

We are in receipt of the referenced Certificate of Resubdivision on South Lang Avenue. The subdivision will create three parcels from one existing parcel. Parcel A will be on the corner of Hwy. 90 and S. Lang, and Parcels B and C will each be 100' wide parcels fronting on S. Lang. All parcels appear to meet the City's requirements and the Certificate itself appears to be in order. We therefore recommend approval of this Certificate of Subdivision.

Sincerely,

David Ball, P.E.

DB:539

Alderman Lishen made motion seconded by Alderman Anderson to approve said minutes for discussion, as follows:

*

*

Upon consideration of the aforementioned minutes, discussion was held regarding a variance granted to Southern Paradise, LLC, for Le' Petite Cove Subdivision reduction in lot size and front and side yard setbacks. It was determined that the

**Minutes of February 3, 2009
Mayor and Board of Aldermen**

variance is an approximate 50% increase in density and that the applicant, among other required criteria, failed to submit proof of practical difficulty or unnecessary hardship.

* * * * *

Further discussion was held for clarification on the Certificate of Resubdivision, Lang Avenue and South Lang as submitted by Joseph and Hazel Price.

* * * * *

After considerable discussion Alderman Boggs offered substitute motion seconded by Alderman Lishen and unanimously carried to approve the January 22, 2009, Planning Commission minutes, with exception to the variance submitted by Southern Paradise, LLC, for Le' Petite Cove Subdivision reduction in lot size and front and side yard setbacks, overruling action taken by the Planning Commission granting said variance; noting for the record that approval for the Certificate of Resubdivision as submitted by representatives of Ida Faye Woodfield was withdrawn and therefore not in effect.

* * * * *

Alderman Anderson left and was absent the public meeting.

* * * * *

There came on for consideration Recreation Board minutes dated December 15, 2008, and January 5, 2009, and it was noted for the record that there was not a sufficient number of commissioners present at the January 5th meeting to constitute a quorum, therefore, no meeting was held.

The Mayor recognized Commissioner Kerri Caldarelli to answer questions and provide additional information regarding the December 15th minutes and considerable discussion was held regarding the following items:

- Request to make the Recreation Board an administrative board, not an advisory board.
- Request to hire (1) administrative assistant and (1) laborer in the Recreation Department.
- Request to hire a full-time grant writer for the City.

In addition, Commissioner Caldarelli updated the Mayor and Board of Aldermen regarding training, safeguards and policies being adopted and implemented. Due to budgetary constraints, it was determined that employees from other departments could be enlisted to aid the Recreation Department in training/background

Minutes of February 3, 2009
Mayor and Board of Aldermen

check requirements and grant writing. The Clerk will forward copies of the ordinance establishing the Recreation Board to the City Attorney and Alderman Boggs for review.

After considerable discussion, Alderman Lishen made motion seconded by Alderman Holder and unanimously carried to approve the aforesaid minutes with exception to the request for additional personnel and the change in terminology to make the Recreation Board an administrative board, not an advisory board, taking those items under advisement for further consideration.

Alderman Holder made motion seconded by Alderman Boggs and unanimously carried to approve payment of invoices as listed in Docket of Claims number 020309, inclusive of Payment Application #009 in the amount of \$81,451.10 and #010 in the amount of \$125,660.30 to Flagstar Construction, Inc., for the Senior Citizen/Recreation Facility.

Alderman Holder made motion seconded by Alderman Lishen and unanimously carried authorizing additional expenditures out of the Katrina Relief Fund in the total amount of approximately \$15,500.00 for pipe for drainage of the city's water tank (\$5,500) and paving on Central Avenue, Ocean Wave Avenue and English Village Drive (\$10,000). In addition, it was noted for the record that, out of the Katrina Relief Fund, \$314,758.92 was previously approved to Operations Technologies, Inc., for the Hurricane Katrina Diversion payment; \$8,000 for the retro-fit of the rescue unit; and approximately \$6,000 for the girls softball restrooms, leaving an available balance of approximately \$248,000 in the Katrina Relief Fund.

Based upon the recommendation of Assistant Fire Chief Mike Brown and certification by the Civil Service Commission, Alderman McNary made motion seconded by Alderman Holder and unanimously carried to approve Fire Department personnel matters as follows:

- Step Increase, Firefighter 1st Class Craig Ahlers, FS-9-II, effective February 1, 2009;
- Step Increase, Firefighter 1st Class Brandon Bates, FS-9-II, effective February 1, 2009;
- Step Increase, Firefighter 1st Class Chris Carroll, FS-9-I, effective March 16, 2009;
- Step Increase, Firefighter 1st Class Chad Eperson, FS-9-I, effective March 16, 2009;
- Step Increase, Firefighter 1st Class Brian Moore, FS-9-I, effective March 16, 2009.

Minutes of February 3, 2009
Mayor and Board of Aldermen

Alderman McNary made motion seconded by Alderman Holder and unanimously carried to extend the Proclamation of Civil Emergency – Hurricanes Katrina and Gustav – to protect and preserve the public health and safety of the community.

Alderman Lishen made motion seconded by Alderman McNary and unanimously carried to approve payment on the CDBG Master Plan Invoice in the amount of \$200,000 to Ayers Saint Gross, retaining \$87,500 until such time as the Planning Commission reviews the final two documents, Design Guide and the Subdivision Ordinance.

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

**Minutes of February 3, 2009
Mayor and Board of Aldermen**



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

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

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



January 29, 2009

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

**RE: Proposed Change Order Number 1 –
Long Beach Smallcraft Harbor – Phase IV (Fuel Facility)**

Gentlemen:

During the performance of the work at the Long Beach Harbor, it was discovered that a few of the existing items at the Fuel Facility were unusable. They were either completely missing or were so destroyed by Hurricane Katrina as to be unusable in the repaired Fuel Facility. The Change Order also removes the "New Tank Installation" pay item which was to be used if the tank inspection revealed that the existing tank was failed or failing. The existing tank "checks out" fine and is ready for reuse.

Although FEMA has not yet reviewed the Change Order, we see no reason to expect that they would find it unacceptable. We therefore recommend approval of this Change Order in accordance with the Contractor's letter and the above discussion.

Sincerely,

David Ball, P.E.

DB:1775-IV
Enclosure

**Minutes of February 3, 2009
Mayor and Board of Aldermen**

CHANGE ORDER

No. 1

Dated December 22, 2008

Owner's Project No. _____ Engineer's Project No. 1775-IV
Project Long Beach Harbor Fuel Facility
Owner City of Long Beach

Contractor B&E Equipment Co, Inc Contract Date October 9, 2008
Contract For Entire Project

To: B&E Equipment Co, Inc Contractor:

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

Owner City of Long Beach

By _____

Date _____

Nature of the Change

Adjust Contract Quantities to conform with completed construction.

1. Add pay item to compensate for tank parts and accessories that were damaged beyond the point of re-use per the Contractor's attached letter.
2. Remove item 401-B Tank Replacement.

Enclosures:

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

Original Contract Price	<u>\$ 174,050.00</u>
Contract Price Prior to This Change Order	<u>\$ 174,050.00</u>
Net (Increase) (Decrease) Resulting from this Change Order	<u>\$ (23,250.00)</u>
Current Contract Price Including This Change Order	<u>\$ 150,800.00</u>

**Minutes of February 3, 2009
Mayor and Board of Aldermen**

Contract Time Prior to This Change Order _____ 90 _____ Calendar Days.

Net (Increase) (Decrease) Resulting From This Change Order _____ 0 _____ Calendar Days.

Current Contract Time Including This Change Order _____ 90 _____ Calendar Days.

The Above Changes Are Approved:

A. Garner Russell & Associates, Inc.
ENGINEER

by _____

Date _____

The Above Changes Are Accepted:

B&E Equipment Co, Inc
CONTRACTOR

by _____

Date _____

**Minutes of February 3, 2009
Mayor and Board of Aldermen**

ATTACHMENT TO CHANGE ORDER NO. 1 PROJECT NO. 1775-IV

NO.	DESCRIPTION	CURRENT CONTRACT QUANTITY	UNIT PRICE	CURRENT CONTRACT EXTENSION	QUANTITY THIS C.O.	EXTENSION THIS C.O.	QUANTITY TO DATE	EXTENSION TO DATE
401-A	TANK INSPECTION	1 LS	\$ 12,550.00	\$ 12,550.00	0	\$ -	1	\$ 12,550.00
401-B	TANK REPLACEMENT	1 LS	\$ 33,500.00	\$ 33,500.00	(1)	\$ (33,500.00)	0	\$ -
401-C	SITE WORK	1 LS	\$ 128,000.00	\$ 128,000.00	0	\$ -	1	\$ 128,000.00
CO1-1	TANK ACCESSORIES	0 LS	\$ 10,250.00	\$ -	1	\$ 10,250.00	1	\$ 10,250.00
TOTALS				\$ 174,050.00		\$ (23,250.00)		\$ 150,800.00

Minutes of February 3, 2009
Mayor and Board of Aldermen

PO BOX 2584
COLUMBUS, MS 39704
PHONE 662-328-7757
FAX 662-328-7763
EMAIL wbyars@cableone.net

B&E EQUIPMENT CO, INC

December 10, 2008

Mr. Mark Rawls
A. Gamer & Associates, Inc.
P O Box 1677
Gulfport, MS 39502

RE: Long Beach Harbor Fuel Facility

Dear Mr. Rawls,

On 10-31-08 we submitted a pay request with a schedule of values for the referenced project and you and I had a short discussion concerning the pay request and my schedule of values specifically the new tank installation values.

We request that you issue a project change order to the schedule of values to indicate the \$10,250.00 value of the tank accessory items required to be replaced for the system to function correctly.

Per the project specifications Item 401 (B) Materials (3) Storage Tanks # (h) & (k) are accessory items for the new tank and to include these items in the new tank installation estimate which we did. However the new tank is not being supplied and items (h) & (k) still need to be replaced because they were damaged beyond use by Hurricane Katrina.

Please let me know if you need any additional information for the project change order to be issued to include the items and work in the project billing and payment.

Quote for Long Beach Harbor Fuel Facility tank accessories destroyed or damaged beyond use by Hurricane Katrina. Items were bid per specifications to be included with new replacement tank that was not required to be replaced after testing and inspection.

- 1) One New OPW Model 1500 Tank Monitoring System @ \$4391.00
 - 2) Two New OPW Model 23 Tank Vent Caps @ \$21.05 = \$42.10
 - 3) Two New Pemco #2105 Spill Boxes @ \$288.27 = \$576.54
 - 4) Two New OPW #61SO Overfill Valves @ 603.49 = \$1206.98
 - 5) New vent piping materials @ \$382.00
 - 6) New Vent piping installation @ \$ 500.00
 - 7) New Tank monitoring system installation & training \$2338.64
 - 8) Removal of damaged & installation of new overfill valves @ \$464.28
 - 9) Removal of damaged & installation of new spill boxes @ \$378.46
- Total new tank accessories and installation \$10,250.00

Sincerely,
Ralph W. Byars
President

Building Fuel Systems for the Future

Based upon the recommendation of Mr. Ball, Alderman Holder made motion seconded by Alderman Lishen and unanimously carried to approve Change Order No. 1, Harbor Fuel Facility Contract, B & E Equipment Company, Inc., all as set forth above.

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

Minutes of February 3, 2009
Mayor and Board of Aldermen



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

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

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



January 29, 2009

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

**RE: Katrina Water & Sewer Replacement – Harbor Repairs
Final Acceptance – Onyx, Inc.**

Gentlemen:

This is to advise and certify that the above referenced contract has been satisfactorily completed in substantial conformance with the contract requirements. I therefore now recommend final settlement with the contractor, in accordance with the following enclosed documents:

1. Change Order Number 4 (Summary & Final), adjusting the contract quantities to conform to the completed work, for a net contract amount decrease of (\$5,683.70). The final amount of the contract is \$324,218.75. Also, this Summary Change Order adds contract time in accordance with the Contractor's attached letter. There were delays in the project due to significant changes in the contract because of unexpected site conditions and revisions to the scope of work, which were outside the Contractor's ability to control.
2. Application for Payment Number 8 (Final), in the amount of \$53,787.02, bringing the total of all payments to the full contract amount of \$324,218.75.
3. Consent of Surety to Final Payment.
4. Contractor's Affidavit of Payment of Debts and Claims.
5. Certificate of Substantial Completion.

Sincerely,

David Ball, P.E.

DB: 1770-Harbor
Enclosures

O:\1770\1770 Harbor\Final Acceptance Onyx 012909.doc

**Minutes of February 3, 2009
Mayor and Board of Aldermen**

CHANGE ORDER

No. 4 SUMMARY

Dated 1/5/2009

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

Project Katrina Water and Sewer Replacement - Harbor Repairs

Owner City of Long Beach

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

Contract For Entire Project

To: Onyx, Inc. Contractor:

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

Owner City of Long Beach

By _____

Date _____

Nature of the Change

1. Adjust contract quantities to reflect final completed work.
2. Add contract time to reflect delays beyond control of contractor per the attached letter.

Enclosures:

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

Original Contract Price	<u>\$ 259,965.00</u>
Contract Price Prior to This Change Order	<u>\$ 329,902.45</u>
Net (Increase) Resulting from this Change Order	<u>\$ (5,683.70)</u>
Current Contract Price Including This Change Order	<u>\$ 324,218.75</u>

**Minutes of February 3, 2009
Mayor and Board of Aldermen**

Contract Time Prior to This Change Order	139	Calendar Days.
Net (Increase) Resulting From This Change Order	23	Calendar Days.
Current Contract Time Including This Change Order	162	Calendar Days.

The Above Changes Are Approved:

A. Garner Russell & Associates, Inc.
ENGINEER

by _____

Date _____

The Above Changes Are Accepted:

Onyx, Inc.
CONTRACTOR

by _____

Date _____

Minutes of February 3, 2009 Mayor and Board of Aldermen

PROJECT NO. 1770-Harbor

ATTACHMENT TO CHANGE ORDER NO. 4 SUMMARY

NO.	DESCRIPTION	CURRENT CONTRACT QUANTITY	UNIT PRICE	CURRENT CONTRACT EXTENSION THIS C.O.	QUANTITY THIS C.O.	EXTENSION THIS C.O.	REVISED CONTRACT QUANTITY	REVISED CONTRACT EXTENSION
100-A	8" WATER MAIN PVC OR DUCTILE IRON	700	\$65.00	\$45,500.00	-478	-\$31,250.00	222	-\$14,250.00
100-B	DUCTILE IRON FITTINGS	13	\$2,500.00	\$32,500.00	-1	-\$2,500.00	12	-\$2,500.00
120-A	FIRE HYDRANT WITH VALVE LESS THAN 4' BURY	1	\$2,100.00	\$2,100.00	-2	-\$4,200.00	0	-\$4,200.00
120-B	FIRE HYDRANT WITH VALVE 4' TO 5' BURY	1	\$2,200.00	\$2,200.00	1	\$2,200.00	2	\$4,400.00
120-C	FIRE HYDRANT WITH VALVE GREATER THAN 5' BURY	1	\$2,300.00	\$2,300.00	1	\$2,300.00	2	\$4,600.00
130-A	8" x 6" TAPPING SLAVE WITH VALVE	1	\$2,200.00	\$2,200.00	1	\$2,200.00	2	\$4,400.00
130-B	CONNECT TO EXISTING FITTING OR STUB	2	\$500.00	\$1,000.00	0	\$0.00	2	\$1,000.00
130-C	LOCATE AND DISCONNECT EXISTING WATER MAIN	2	\$500.00	\$1,000.00	0	\$0.00	2	\$1,000.00
130-D	REMOVE EXISTING FIRE HYDRANT	3	\$250.00	\$750.00	0	\$0.00	3	\$750.00
130-E	REMOVE EXISTING VALVE	3	\$100.00	\$300.00	0	\$0.00	3	\$300.00
140-A	8" SERVICE SADDLE	15	\$100.00	\$1,500.00	-10	-\$1,000.00	5	\$500.00
140-B	CORPORATION STOP	15	\$50.00	\$750.00	-8	-\$400.00	7	\$350.00
140-C	CURB VALVE W/ METER BOX	15	\$65.00	\$975.00	-8	-\$520.00	7	\$455.00
140-D	SERVICE TURNING	750	\$12.00	\$9,000.00	-265	-\$3,180.00	485	\$5,820.00
140-E	JACK WATER SERVICE	5	\$150.00	\$750.00	-5	-\$750.00	0	\$0.00
140-F	LOCATE AND CONNECT TO EXISTING WATER SERVICE	15	\$100.00	\$1,500.00	-10	-\$1,000.00	5	\$500.00
200-A	8" SEWER PIPE 0'6" CUT	350	\$70.00	\$24,500.00	-12	-\$840.00	338	\$23,660.00
200-B	8" MAIN LINE WYE	5	\$150.00	\$750.00	-2	-\$300.00	3	\$450.00
200-C	6" SEWER SERVICE PIPE	200	\$30.00	\$6,000.00	-95	-\$2,850.00	104	\$3,120.00
200-D	6" CLEANOUT ASSEMBLY	5	\$150.00	\$750.00	-2	-\$300.00	3	\$450.00
220-A	MANHOLE 0'6" CUT	1	\$2,000.00	\$2,000.00	0	\$0.00	1	\$2,000.00
220-B	REHAB PUMP STATION #40	1	\$4,500.00	\$4,500.00	0	\$0.00	1	\$4,500.00
220-C	REPLACE PUMPS - PUMP STATION #40	1	\$16,000.00	\$16,000.00	0	\$0.00	1	\$16,000.00
230-A	REPLACE ELECTRICAL SYSTEM - PUMP STATION #40	1	\$2,000.00	\$2,000.00	0	\$0.00	1	\$2,000.00
231-A	REPLACE PUMPS - PUMP STATION #2	0	\$3,000.00	\$0.00	0	\$0.00	0	\$0.00
231-B	REPLACE ELECTRICAL SYSTEM - PUMP STATION #2	0	\$10,000.00	\$0.00	0	\$0.00	0	\$0.00
231-C	REHAB PUMP STATION #38	1	\$2,000.00	\$2,000.00	0	\$0.00	1	\$2,000.00
231-D	REHAB PUMP STATION #38	1	\$2,500.00	\$2,500.00	0	\$0.00	1	\$2,500.00
231-E	REPLACE PUMPS - PUMP STATION #38	1	\$10,000.00	\$10,000.00	0	\$0.00	1	\$10,000.00
231-F	REPLACE ELECTRICAL SYSTEM - PUMP STATION #38	1	\$2,500.00	\$2,500.00	0	\$0.00	1	\$2,500.00
500-A	PIPE FOUNDATION MATERIAL	100	\$10.00	\$1,000.00	-100	-\$1,000.00	0	\$0.00
500-B	SELECT SANDY BACKFILL	200	\$3.00	\$600.00	-600	-\$1,800.00	100	\$300.00
500-C	GEOTEXTILE FABRIC	600	\$1.00	\$600.00	-600	-\$600.00	0	\$0.00
510-A	LIMESTONE ROAD BASE RESTORATION	1,760	\$15.00	\$26,400.00	-425	-\$6,375.00	1,335	\$19,875.00
510-B	2" HOT BITUMINOUS BASE COURSE (9.5 mm MIXTURE)	1,320	\$12.00	\$15,840.00	5	\$60.00	1,325	\$15,900.00
510-C	CONCRETE SIDEWALK RESTORATION	211	\$50.00	\$10,550.00	-160	-\$8,000.00	51	\$2,550.00
510-D	CONCRETE DRIVE RESTORATION	111	\$40.00	\$4,440.00	-111	-\$4,440.00	0	\$0.00
510-E	CONCRETE CURB & GUTTER RESTORATION	210	\$20.00	\$4,200.00	-123	-\$2,460.00	87	\$1,740.00
510-F	SAWCUT JOINT	100	\$3.00	\$300.00	0	\$0.00	100	\$300.00
510-G	VEGETATIVE COVER	1	\$1,000.00	\$1,000.00	-1	-\$1,000.00	0	\$0.00
550-A	MAINTENANCE OF TRAFFIC	1	\$35,000.00	\$35,000.00	0	\$0.00	1	\$35,000.00
540-A	STORM WATER MANAGEMENT	1	\$1,000.00	\$1,000.00	0	\$0.00	1	\$1,000.00
001-1	REPLACE INTERNAL COMPONENTS - PUMP STATION #39	1	\$5,493.55	\$5,493.55	0	\$0.00	1	\$5,493.55
002-1	LOCATE & CONNECT TO EXISTING FORCE MAIN	1	\$28,672.20	\$28,672.20	0	\$0.00	1	\$28,672.20
002-2	4" FORCE MAIN PVC	100	\$50.00	\$5,000.00	0	\$0.00	100	\$5,000.00
003-1	SEAL EXISTING FORCE MAIN W/ FLOWABLE GROUT	170	\$5.21	\$885.78	-170	-\$885.78	0	\$0.00
003-2	HOPE ENCASMENT 8" HOPE FORCE MAIN ACROSS HIGHWAY 90 (DIRECTIONAL BORE METHOD)	165	\$258.60	\$42,669.00	15	\$3,862.65	180	\$46,531.65
003-3	4" GHD CARRIER PIPE	40	\$25.00	\$1,000.00	0	\$0.00	40	\$1,000.00
003-4	SEWER MANHOLE (CONSTRUCT & CONNECT TO EXIST. SEWER MAIN	1	\$3,750.00	\$3,750.00	0	\$0.00	1	\$3,750.00
				\$529,502.45		-\$45,663.70		\$324,218.75

**Minutes of February 3, 2009
Mayor and Board of Aldermen**



1240 POWDER PLANT RD. SW
BESSEMER, AL 35022

PHONE (205) 425-5045
FAX (205) 425-5038

January 19, 2009

Mr. David Ball, P.E.
A Garner Russell & Associates

Re: Long Beach Harbor

Mr. Ball,

Onyx, Inc. respectfully request that the time on the above referenced project be extended to June 12, 2008 to satisfy the completion date requirements. As you are aware, the pump stations on this project were redesigned numerous times to accommodate the actual site conditions. The pump stations were finally approved and Onyx, Inc. installed the pumps and control panels when they were manufactured and delivered. Also, due to the unforeseen deteriorated condition of the existing force main, we were unable to make the final connection to the existing force main. This delayed the small amount of paving required.

Please review the above and contact me should you have any questions.

Regards,

A handwritten signature in cursive script, appearing to read "Tom Hale".

Tom Hale
Onyx, Inc.

UTILITY LINES • WATER AND WASTEWATER TREATMENT • SEWER REHAB

**Minutes of February 3, 2009
Mayor and Board of Aldermen**

**CONSENT OF SURETY
TO FINAL PAYMENT**
AIA DOCUMENT G707

OWNER _____
ARCHITECT _____
CONTRACTOR _____
SURETY _____
OTHER _____

TO OWNER
(Name and address)
The City of Long Beach Mississippi
P.O. Box 929
Long Beach, MS 39560

ARCHITECT'S PROJECT :

CONTRACT FOR: General Construction

PROJECT: Katrina Water & Sewer Replacement -
(Name and address) Harbor Repairs

CONTRACT DATED: 11/20/2007

In accordance with the provisions of the Contract between the Owner and the Contractor as indicated above, the
(here insert name and address of Surety)
Insurance Company of the West
11455 El Camino Real
San Diego, CA 92130-2045 , SURETY,

on bond of
(here insert name and address of Contractor)
Onyx, Inc.
1240 Powder Plant Road, SW
Bessemer, AL 35022 , CONTRACTOR,

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

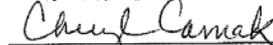
The City of Long Beach Mississippi
P.O. Box 929
Long Beach, MS 39560 , OWNER,

as set forth in the said Surety's bond.

IN WITNESS WHEREOF, the Surety has hereunto set its hand this 21st day of January, 2009
(Insert in writing the month following by the numeric date and year)

Insurance Company of the West

Surety Company



Signature of Authorized Representative

Cheryl Camak, Attorney-in-Fact
(Printed name and Title)

Attest:
Seal

Minutes of February 3, 2009
Mayor and Board of Aldermen

No. 0004037

ICW GROUP
Power of Attorney
Insurance Company of the West
Explorer Insurance Company Independence Casualty and Surety Company

KNOW ALL MEN BY THESE PRESENTS: That Insurance Company of the West, a Corporation duly organized under the laws of the State of California, Explorer Insurance Company, a Corporation duly organized under the laws of the State of California, and Independence Casualty and Surety Company, a Corporation duly organized under the laws of the State of Texas, (collectively referred to as the "Companies"), do hereby appoint

T. GARY FITTS, J. DAVID FITTS, R. FORREST FITTS, CHARLES F. HORTON, JR.,
TIMOTHY L. DONAHUE, BRENDA HAYWORTH, CHERYL CAMAK

their true and lawful Attorney(s)-in-Fact with authority to date, execute, sign, seal, and deliver on behalf of the Companies, fidelity and surety bonds, undertakings, and other similar contracts of suretyship, and any related documents.

In witness whereof, the Companies have caused these presents to be executed by its duly authorized officers this 2nd day of January, 2008.



Jeffrey D. Sweeney

Jeffrey D. Sweeney, Assistant Secretary

State of California } ss.
County of San Diego

INSURANCE COMPANY OF THE WEST
EXPLORER INSURANCE COMPANY
INDEPENDENCE CASUALTY AND SURETY COMPANY

J. Douglas Browne

J. Douglas Browne, Senior Vice President

On January 2, 2008, before me, Mary Cobb, Notary Public, personally appeared J. Douglas Browne and Jeffrey D. Sweeney, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument, the entity upon behalf of which the persons acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.



Mary Cobb

Mary Cobb, Notary Public

RESOLUTIONS

This Power of Attorney is granted and is signed, sealed and notarized with facsimile signatures and seals under authority of the following resolutions adopted by the respective Boards of Directors of each of the Companies:

*RESOLVED: That the President, an Executive or Senior Vice President of the Company, together with the Secretary or any Assistant Secretary, are hereby authorized to execute Powers of Attorney appointing the person(s) named as Attorney(s)-in-Fact to date, execute, sign, seal, and deliver on behalf of the Company, fidelity and surety bonds, undertakings, and other similar contracts of suretyship, and any related documents.

RESOLVED FURTHER: That the signatures of the officers making the appointment, and the signature of any officer certifying the validity and current status of the appointment, may be facsimile representations of those signatures; and the signature and seal of any notary, and the seal of the Company, may be facsimile representations of those signatures and seals, and such facsimile representations shall have the same force and effect as if manually affixed. The facsimile representations referred to herein may be affixed by stamping, printing, typing, or photocopying."

CERTIFICATE

I, the undersigned, Assistant Secretary of Insurance Company of the West, Explorer Insurance Company, and Independence Casualty and Surety Company, do hereby certify that the foregoing Power of Attorney is in full force and effect, and has not been revoked, and that the above resolutions were duly adopted by the respective Boards of Directors of the Companies, and are now in full force.

IN WITNESS WHEREOF, I have set my hand this 21st day of January, 2009.

Jeffrey D. Sweeney

Jeffrey D. Sweeney, Assistant Secretary

To verify the authenticity of this Power of Attorney you may call 1-800-877-1111 and ask for the Surety Division. Please refer to the Power of Attorney Number, the above named individual(s) and details of the bond to which the power is attached. For information or filing claims, please contact Surety Claims, ICW Group, 11455 El Camino Real, San Diego, CA 92130-2045 or call (858) 350-2400.

**Minutes of February 3, 2009
Mayor and Board of Aldermen**

CONTRACTOR'S AFFIDAVIT OF
PAYMENT OF DEBTS AND CLAIMS
AND WAIVER OF LIENS

=====

TO: (Owner)		ENGINEER'S PROJECT NO.	<u>1770-Harbor</u>
<u>City of Long Beach</u>		CONTRACT FOR:	<u>Entire Project</u>
_____		CONTRACT DATE:	<u>1/2/2008</u>

PROJECT: Katrina Water & Sewer Replacement Harbor Repairs

=====

State of: Mississippi
County of: Harrison

The undersigned, pursuant to Article 14 of the General Conditions, hereby certifies that, except as listed below, he has paid in full or has otherwise satisfied all obligations for all materials and equipment furnished, for all work, labor, and services performed, and for all known indebtednes and claims against the Contractor for damages arising in any manner in connection with the performance of the Contract referenced above for which the Owner or his property might be held responsible.

EXCEPTIONS: (If none, write "None". If required by Owner, the Contractor shall furnish bond satisfactory to Owner for each exception.)

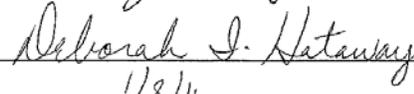
None

=====

CONTRACTOR: Onyx, Inc.
(Address) 1240 Powder Plant Road SW
Bessemer, AL 35022

BY: 

Subscribed and sworn to before me this 21st day of January, 2009.

Notary Public: 
My Commission Expires: 1/8/11

Minutes of February 3, 2009
Mayor and Board of Aldermen

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

AIA Document G706A
(Instructions on reverse side)

OWNER
ARCHITECT
CONTRACTOR
SURETY
OTHER

TO OWNER:
(Name and address)
City of Long Beach
P.O. Box 909
Long Beach, MS 39560

ARCHITECT'S PROJECT NO.:

CONTRACT FOR: General Construction

CONTRACT DATED: 11-20-2007

PROJECT:
(Name and address)
Katrina Water + Sewer Replacement -
Harbor Repairs
Long Beach, MS

STATE OF: Alabama
COUNTY OF: Jefferson

The undersigned hereby certifies that to the best of the undersigned's knowledge, information and belief, except as listed below, the Releases or Waivers of Lien attached hereto include the Contractor, all Subcontractors, all suppliers of materials and equipment, and all performers of Work, labor or services who have or may have liens or encumbrances or the right to assert liens or encumbrances against any property of the Owner arising in any manner out of the performance of the Contract referenced above.

EXCEPTIONS: None

SUPPORTING DOCUMENTS ATTACHED HERETO:
1. Contractor's Release or Waiver of Liens, conditional upon receipt of final payment.
2. Separate Releases or Waivers of Liens from Subcontractors and material and equipment suppliers, to the extent required by the Owner, accompanied by a list thereof.

CONTRACTOR:
(Name and address)
Onyx, Inc.
1240 Powder Plant Rd
Bessemer AL 35022

BY: Tom Hale
(Signature of authorized representative)
Tom Hale V.P.
(Printed name and title)

Subscribed and sworn to before me on this date: 1-23-09
Notary Public: Dammy Johnson
My Commission Expires: 11-22-09

 **CAUTION: You should sign an original AIA document that has this caution printed in red. An original assures that changes will not be obscured as may occur when documents are reproduced. See Instruction Sheet for Limited License for Reproduction of this document.**

 **AIA DOCUMENT G706A • CONTRACTOR'S AFFIDAVIT OF RELEASE OF LIENS • 1994 EDITION • AIA • ©1994 • THE AMERICAN INSTITUTE OF ARCHITECTS, 1735 NEW YORK AVENUE, NW, WASHINGTON, D.C. 20006-5292 • WARNING: Unlicensed photocopying violates U.S. copyright laws and will subject the violator to legal prosecution.** G706A—1994

Minutes of February 3, 2009
Mayor and Board of Aldermen

**CONTRACTOR'S AFFIDAVIT OF
PAYMENT OF DEBTS AND CLAIMS**

AIA Document G706

(Instructions on reverse side)

OWNER
ARCHITECT
CONTRACTOR
SURETY
OTHER

TO OWNER:

(Name and address)

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

PROJECT:

(Name and address)

Katrina Water + Sewer Replacement -
Harbor Repairs
Long Beach, MS

ARCHITECT'S PROJECT NO.:

CONTRACT FOR: General Construction

CONTRACT DATED: 11-20-07

STATE OF: Alabama

COUNTY OF: Jefferson

The undersigned hereby certifies that, except as listed below, payment has been made in full and all obligations have otherwise been satisfied for all materials and equipment furnished, for all work, labor, and services performed, and for all known indebtedness and claims against the Contractor for damages arising in any manner in connection with the performance of the Contract referenced above for which the Owner or Owner's property might in any way be held responsible or encumbered.

EXCEPTIONS: None

SUPPORTING DOCUMENTS ATTACHED HERETO:

1. Consent of Surety to Final Payment. Whenever Surety is involved, Consent of Surety is required. AIA Document G707, Consent of Surety, may be used for this purpose.

Indicate attachment: yes no

The following supporting documents should be attached hereto if required by the Owner:

1. Contractor's Release or Waiver of Liens, conditional upon receipt of final payment.
2. Separate Releases or Waivers of Liens from Subcontractors and material and equipment suppliers, to the extent required by the Owner, accompanied by a list thereof.
3. Contractor's Affidavit of Release of Liens (AIA Document G706A).

CONTRACTOR:

(Name and address)

Onyx, Inc.
1240 Powder Plant Rd
Bessemer AL 35022

BY:

Tom Hale

(Signature of authorized representative)

Tom Hale

(Printed name and title)

Subscribed and sworn to before me on this date: 1-23-09

Notary Public:

Dammy Johnson

My Commission Expires:

11-22-09



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AIA DOCUMENT G706 • CONTRACTOR'S AFFIDAVIT OF PAYMENT OF DEBTS AND CLAIMS
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G706—1994

**Minutes of February 3, 2009
Mayor and Board of Aldermen**

CERTIFICATE OF SUBSTANTIAL COMPLETION

PROJECT City of Long Beach
Katrina Water & Sewer Replacement Harbor Repairs
DATE OF ISSUANCE January 20, 2009

OWNER City of Long Beach
OWNER'S Contract No. _____
CONTRACTOR Onyx, Inc. ENGINEER A. Garner Russell & Associates, Inc.

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

Entire Project

TO City of Long Beach
OWNER

And To Onyx, Inc.
CONTRACTOR

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

June 12, 2008

DATE OF SUBSTANTIAL COMPLETION

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

EJDC No. 1910-8-D (1990 Edition)

Prepared by the Engineers Joint Contract Documents Committee and endorsed by the Associated General Contractors of America.

**Minutes of February 3, 2009
Mayor and Board of Aldermen**

From the date of Substantial Completion the responsibilities between OWNER and CONTRACTOR for security, operation, safety, maintenance, heat, utilities, insurance and warranties and guarantees shall be as follows:

RESPONSIBILITIES:

OWNER: Assume normal operation of project, subject to Contractor's one-year warranty.

CONTRACTOR: Complete Attachment "A"

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

Punchlist

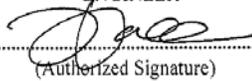
[For items to be attached see definition of Substantial Completion as supplemented and other specifically noted conditions precedent to achieving Substantial Completion as required by Contract Documents.]

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

Executed by ENGINEER on 1/20, 2009

A. Garner Russell & Associates, Inc.

ENGINEER

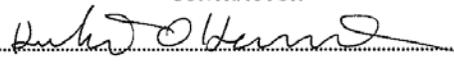
By: 

(Authorized Signature)

CONTRACTOR accepts this Certificate of Substantial Completion on _____, _____

Onyx, Inc.

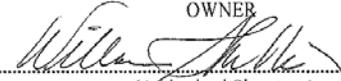
CONTRACTOR

By: 

OWNER accepts this Certificate of Substantial Completion on 1-20, 2009

City of Long Beach

OWNER

By: 

(Authorized Signature)

**Minutes of February 3, 2009
Mayor and Board of Aldermen**

**City of Long Beach
Katrina Water & Sewer Replacement
Harbor Repairs**

Final Punch List

- Adjust height of sewer service cleanouts
- Install valve box and concrete pad on hydrant valve on west end of harbor.
- Install vent pipe on pump station # 38.

Based upon the recommendation of Mr. Ball, Alderman Boggs made motion seconded by Alderman Holder and unanimously carried to approve Change Order No. 4 , Application for Payment No. 8, Consent of Surety to Final Payment, Contractor's Affidavit of Payment of Debts and Claims, and Certificate of Substantial Completion, Katrina Water & Sewer Replacement – Harbor Repairs, Onyx, Inc., all as set forth above.

**Minutes of February 3, 2009
Mayor and Board of Aldermen**

Alderman McNary made motion seconded by Alderman Holder and unanimously carried to approve three (3) Requests for Cash and payment of six (6) invoices, CDBG, as follows:

MEMO

DATE: February 1, 2009
TO: Honorable William Skellie, Jr.
City of Long Beach
FROM: Ann Frazier
Jimmy G. Gouras Urban Planning
RE: City of Long Beach
Community Revitalization Grant
CDBG Project #R-109-235-04-KCR
Fire Station Project
Request for Cash and Summary Support Sheet

Enclosed please find the following invoices for the above referenced project:

1. Jimmy G. Gouras Urban Planning Consultants, Inc.
Invoice number 5744 in the amount of \$1,708.33
For administration expense
2. JBHM Architects, P.A.
Invoice number 6 in the amount of \$879.60
For architect/engineering expenses

Also enclosed is "Request for Cash and Summary Support Sheet No. 9" in the amount of \$2,587.93 for payment of the above invoices.

Please have the above invoices and Request for Cash and the supporting documentation placed on your next agenda for approval. After its approval, the appropriate official should sign the "Request for Cash and Cash Summary Support Sheet No. 9" and return it along with the supporting documentation for processing to our office at the following address:

Debra Tompkins
Jimmy Gouras Urban Planning
1100 Cherry Street
Vicksburg, MS 39183

If you have any questions, please do not hesitate to call me or Debra Tompkins at (601)638-7121.

Enclosures

JIMMY G. GOURAS

URBAN PLANNING CONSULTANTS, INC.

1100 CHERRY ST. • VICKSBURG, MS 39183 • 601-638-7121 • FAX 601-638-5292 • Email: jggouras@bellsouth.net

Minutes of February 3, 2009 Mayor and Board of Aldermen

Mississippi Development Authority Cash Summary Support Sheet

Applicant: City of Long Beach Request No: 9 Grant Number: R-103-06
 Period Cost - Beginning: January 1, 2009 Ending Date: January 31, 2009 Contract Number: R-109-235-04-KCR

1. Activity: Administration Expense		(a)	(b)	Federal Share	
Line Item	Vendor Name	Invoice #	Invoice Amount	Match Share	
A.	Administration Expense	Jimmy Gouras	5744	\$1,708.33	\$1,708.33
B.					
C.					
D.					
			Subtotal:	\$1,708.33	\$1,708.33

2. Activity: Architect/Engineering		(a)	(b)	Federal Share	
Line Item	Vendor Name	Invoice #	Invoice Amount	Match Share	
A.	Architect/Engineering	JIBM	6	\$879.60	\$879.60
B.					\$0.00
C.					
D.					
			Subtotal:	\$879.60	\$879.60

3. Activity:		(a)	(b)	Federal Share	
Line Item	Vendor Name	Invoice #	Invoice Amount	Match Share	
A.					
B.					
C.					
D.					
			Subtotal:	\$	\$

Minutes of February 3, 2009 Mayor and Board of Aldermen

Applicant City of Long Beach Cash Summary Support Sheet

Request No: 9 Grant Number: _____

Contract Number: R-109-235-04-KCR Page 2 of 2

R-103-06

4. Activity: _____

Line Item	Vendor Name	Invoice #	Invoice Amount (a)	Match Share (b)	Federal Share
A.	_____	_____	_____	_____	_____
B.	_____	_____	_____	_____	_____
C.	_____	_____	_____	_____	_____
D.	_____	_____	_____	_____	_____
Subtotal:			_____	_____	_____

5. Activity: _____

Line Item	Vendor Name	Invoice #	Invoice Amount (a)	Match Share (b)	Federal Share
A.	_____	_____	_____	_____	_____
B.	_____	_____	_____	_____	_____
C.	_____	_____	_____	_____	_____
D.	_____	_____	_____	_____	_____
Subtotal:			_____	_____	_____

6. Activity: _____

Line Item	Vendor Name	Invoice #	Invoice Amount (a)	Match Share (b)	Federal Share
A.	_____	_____	_____	_____	_____
B.	_____	_____	_____	_____	_____
C.	_____	_____	_____	_____	_____
D.	_____	_____	_____	_____	_____
Subtotal:			_____	_____	_____

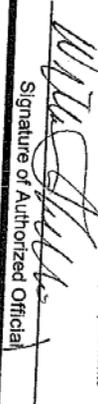
Cumulative Match Expended To Date: _____

Cumulative Federal Expended To Date: \$89,627.39 GRAND TOTAL: \$ 2,587.93 \$ _____ \$ 2,587.93

I hereby Certify That: a) the services covered by this request have not been received from the Federal Government or expended for such services under any other contract agreement or grant; b) the amount requested will be expended for allowable costs/expenses under the terms of the contract agreement or grant; c) the amount requested herein does not exceed the total funds obligated by contract; and d) the funds are requested for only immediate disbursements.

I hereby Certify that the goods sold and/or services rendered have been delivered and/or performed in good order and are in compliance with all statutory requirements and regulations.

William Skellie, Jr., Mayor
Typed Name and Title of Authorized Official


Signature of Authorized Official

Minutes of February 3, 2009 Mayor and Board of Aldermen

Mississippi Development Authority Consolidated Support Sheet

Applicant: City of Long Beach Contract Number: R-109-235-04-KCR
 Request for Cash Number: 9 Total Amount Requested: \$ 2,587,93

Line Items	Amount Budgeted	Amount Requested to Date	Amount of This Request	Balance
Administration	\$ 65,000.00	\$ 24,916.66	\$ 1,708.33	\$ 38,375.01
Engineering				
Application Preparation	\$ 10,000.00	\$ 10,000.00	\$ -	\$ -
Architect/Engineering Expense	\$ 87,500.00	\$ 52,022.80	\$ 879.60	\$ 34,597.60
Pre-Development Contingencies	\$ 88,987.00	\$ -	\$ -	\$ 88,987.00
Fire Protection	\$ 1,050,332.00	\$ -	\$ -	\$ 1,050,332.00
Total Budget	\$ 1,301,819.00	\$ 86,939.46	\$ 2,587.93	\$ 1,212,291.61

Total Funds Request to Date: \$ 89,527.39
 Amount of Other Funds Expended to Date: \$ 1,212,291.61
 CDBG Project Balance
 Period of Projected Cash Needs - Beginning: January 1, 2009 Thru January 31, 2009

TODAY'S DATE	1/31/2009	BUDGET \$	1,301,819.00
CONTRACT BEGIN DATE <small>(FROM CONTRACT)</small>	1/2/2008	TOTAL AMOUNT SPENT TO DATE \$	89,527.39
CONTRACT END DATE <small>(FROM CONTRACT)</small>	1/2/2010	% TOTAL CONTRACT BUDGET SPENT	6.88%
CONTRACT EXTENSION (MONTHS) <small>(ENTER # OF MONTHS OR '0')</small>		% CONTRACT BUDGET REMAINING	93.12%
FINAL CONTRACT COMPLETION DATE	1/2/2010	CONSTRUCTION BUDGET AMOUNT	\$1,139,319.00
CONTRACT DURATION (MONTHS)	36.00	TOTAL CONSTRUCTION DOLLARS SPENT TO DATE	\$0.00
% OF CONTRACT PERIOD ELAPSED	36.07%	% CONSTRUCTION BUDGET SPENT	0.00%
% OF CONTRACT PERIOD REMAINING	63.93%		

**Minutes of February 3, 2009
Mayor and Board of Aldermen**

STATEMENT FOR SERVICES RENDERED

CITY OF LONG BEACH

**KATRINA SUPPLEMENTAL COMMUNITY DEVELOPMENT BLOCK GRANT
COMMUNITY REVITALIZATION PROJECT
PROJECT NO. R-109-235-04-KCR
Fire Station Project**

January 31, 2009

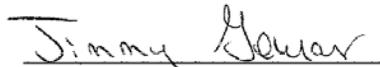
INVOICE #5744

Monthly Administrative Services Rendered Pertaining Project #R-109-235-04-KCR.

Services rendered include overall coordination of project activities; Attending State monitoring visits, meetings, etc.; Maintaining financial records; Preparing the necessary documentation to request funds from the State; and Providing all other services considered normal administrative services within the course of this Agreement

TOTAL DUE

\$ 1,708.33


Jimmy Gouras *JG*

JIMMY G. GOURAS

URBAN PLANNING CONSULTANTS, INC.

1100 CHERRY ST. • VICKSBURG, MS 39183 • 601-638-7121 • FAX 601-638-5292 • Email: jggouras@bellsouth.net

Minutes of February 3, 2009
Mayor and Board of Aldermen



INVOICE

662.844.1822 (phone) 662.844.0971 (fax)

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

January 19, 2009
Invoice No: 6
Project No: 07153

Attn: Ann Frazier

Re: Long Beach Fire Station

For professional services rendered through January 19, 2009

*R-109-235-04-
KCR*

Description	Current Fee Amount	% Work To Date	Amount Billed	Previous Billed	This Inv Billed
SD's (30%)	17,592.00	100.00%	17,592.00	17,592.00	0.00
DD's (30%)	17,592.00	100.00%	17,592.00	17,592.00	0.00
CD's (30%)	17,592.00	20.00%	3,518.40	2,638.80	879.60
Bid (10%)	5,864.00	0.00%	0.00	0.00	0.00
Total Fee	58,640.00		38,702.40	37,822.80	879.60
Current Fee Due					\$879.60

Invoice Total

\$879.60

Approved by: _____

Please remit to: JBHM Architects, P.A. • P.O. Box 1643 • Tupelo, MS 38802

Biloxi • Columbus • Jackson • Tupelo • Memphis

Thank you for your business!

**Minutes of February 3, 2009
Mayor and Board of Aldermen**

MEMO

DATE: February 1, 2009
TO: Honorable William Skellie, Jr.
City of Long Beach
FROM: Ann Frazier
Jimmy G. Gouras Urban Planning
RE: City of Long Beach
Community Revitalization Grant
CDBG Project #R-109-235-02-KCR
Municipal Complex Project
Request for Cash and Summary Support Sheet

Enclosed please find the following invoices for the above referenced project:

1. Jimmy G. Gouras Urban Planning Consultants, Inc.
Invoice Number 5743 in the amount of \$5,011.16
For administration expense
2. JBHM Architects, P.A.
Invoice Number 8 in the amount of \$25,685.38
For architect/engineering expenses
3. Southern Recycling and Demolition, Inc.
Invoice Number 301 in the amount of \$25,843.00
For construction of public building

Also enclosed is "Request for Cash and Summary Support Sheet No. 10" in the amount of \$56,539.54 for payment of the above invoices.

Please have the above invoices and Request for Cash and the supporting documentation placed on your next agenda for approval. After its approval, the appropriate official should sign the "Request for Cash and Cash Summary Support Sheet No. 10" and return it along with the supporting documentation for processing to our office at the following address:

Debra Tompkins
Jimmy Gouras Urban Planning
100 Cherry Street
Vicksburg, MS 39183

If you have any questions, please do not hesitate to call me or Debra Tompkins at (601)638-7121.

Enclosures

JIMMY G. GOURAS

URBAN PLANNING CONSULTANTS, INC.

1100 CHERRY ST. • VICKSBURG, MS 39183 • 601-638-7121 • FAX 601-638-5292 • Email: jggouras@bellsouth.net

Minutes of February 3, 2009 Mayor and Board of Aldermen

Mississippi Development Authority REQUEST FOR CASH

Section A: General Information		Bank Information		Section B: Project Information		
Applicant Name	City of Long Beach	Electronic Transfer	0655003681	Grant No.	Contract No.	Request No.
Mailing Address	Post Office Box 929	Bank Account	043300089	B-10308	R-103205-03/CR	10
Street Address		Bank Name	Hancock Bank	FOR MDA USE ONLY		
City, State Zip	Long Beach, MS 39560	Address	101 Jeff Davis Avenue	Vendor No.		
Telephone No.	228-663-1556	City, State Zip	Long Beach, MS 39560	DBS Voucher Number		
Fax Number	228-665-0822	Telephone No.	228-668-4000	Approval for Payment		
Email Address	cityoflongbeach@ms.gov	Form	January 1, 2009	Signature _____		
		Services Rendered	Thru	Date _____		
			January 31, 2009	Activity Numbers _____		
Section C: Request Per Activity						
	Activity Description	Budget Amount	Total Prior Request to Date	This Request	Remaining Balance	
1	Administration	\$ 144,266.00	\$ 31,622.32	\$ 9,011.16	\$ 107,734.52	
2	Application Preparation	\$ 10,000.00	\$ 10,000.00			
3	Architect/Engineering Expense	\$ 349,971.00	\$ 254,893.12	\$ 26,695.38	\$ 63,402.50	
4	Contingency	\$ 324,134.00			\$ 324,134.00	
5	Construction of Public Building	\$ 4,643,301.00		\$ 26,843.00	\$ 4,519,458.00	
	Total Expense	\$ 6,367,674.00	\$ 296,405.44	\$ 56,539.54	\$ 5,014,729.02	
<p>I Herby Certify That (a) the services covered by this request have not been received from the Federal Government or expended for such services under any other contract agreement or grant; (b) the amount requested will be expended for allowable costs / expenditures under the terms of the contract agreement or grant; (c) the amount requested herein does not exceed the total funds obligated by contract; and (d) the funds are requested for only immediate disbursements.</p> <p>I Herby Certify That the goods sold and/or services rendered have been delivered and/or performed in good order within the time listed above and are in compliance with all statutory requirements and regulations. I certify that this request does not include any advances or funds for future obligations.</p>						
Signature of Authorized Official 		Date Signed _____		Christy Pickett, CPA Prepared By 1/31/2009 Date Prepared		
William Skellie, Jr., Mayor Typed Name and Title of Authorized Official		228-374-0300		Preparer's Telephone No.		

Minutes of February 3, 2009 Mayor and Board of Aldermen

Mississippi Development Authority Cash Summary Support Sheet

Page 1 of 2

Applicant: City of Long Beach Request No: 10 Grant Number: R-103-06
 Period Cost - Beginning: January 1, 2009 Ending Date: January 31, 2009 Contract Number: R-109-235-02-KCR

1. Activity: Administration Expense	Line Item	Vendor Name	Invoice #	Invoice Amount	Match Share	Federal Share
				(a)	(b)	
A.	Administration Expense	Jimmy Gouras	5743	\$5,011.16		\$5,011.16
B.						
C.						
D.						
Subtotal:				\$5,011.16	-	\$5,011.16

2. Activity: Architect/Engineer	Line Item	Vendor Name	Invoice #	Invoice Amount	Match Share	Federal Share
				(a)	(b)	
A.	Architect/Engineer	JBHM	8	\$25,685.38		\$25,685.38
B.						\$0.00
C.						
D.						
Subtotal:				\$25,685.38	-	\$25,685.38

3. Activity: Construction of Public Building	Line Item	Vendor Name	Invoice #	Invoice Amount	Match Share	Federal Share
				(a)	(b)	
A.	Construction of Public Building	Southern Recycling	301	\$25,843.00		\$25,843.00
B.						
C.						
D.						
Subtotal:				\$25,843.00	-	\$25,843.00

Minutes of February 3, 2009 Mayor and Board of Aldermen

Cash Summary Support Sheet
 Applicant: City of Long Beach Request No: 10 Grant Number: R-103-06
 Contract Number: R-109-235-02-KCR

4. Activity:		(a)	(b)	
Line Item	Vendor Name	Invoice #	Invoice Amount	Match Share Federal Share
A.				
B.				
C.				
D.				
Subtotal:				
5. Activity:		(a)	(b)	
Line Item	Vendor Name	Invoice #	Invoice Amount	Match Share Federal Share
A.				
B.				
C.				
D.				
Subtotal:				
6. Activity:		(a)	(b)	
Line Item	Vendor Name	Invoice #	Invoice Amount	Match Share Federal Share
A.				
B.				
C.				
D.				
Subtotal:				
Cumulative Match Expended To Date:				
Cumulative Federal Expended To Date:				
		GRAND TOTAL:	\$ 56,539.54	\$ 56,539.54

I hereby Certify That: a) the services covered by this request have not been received from the Federal Government or expended for such services under any other contract agreement or grant; b) the amount requested will be expended for allowable costs/expenditures under the terms of the contract agreement or grant; c) the amount requested herein does not exceed the total funds obligated by contract; and d) the funds are requested for only immediate disbursements.
 I hereby Certify that the goods sold and/or services rendered have been delivered and/or performed in good order and are in compliance with all statutory requirements and regulations.

Signature of Authorized Official: 
 Typed Name and Title of Authorized Official: William Skellie, Jr., Mayor

**Minutes of February 3, 2009
Mayor and Board of Aldermen**

STATEMENT FOR SERVICES RENDERED

CITY OF LONG BEACH

**KATRINA SUPPLEMENTAL COMMUNITY DEVELOPMENT BLOCK GRANT
COMMUNITY REVITALIZATION PROJECT
PROJECT NO. R-103-235-02-KCR
Municipal Complex Project**

January 31, 2009

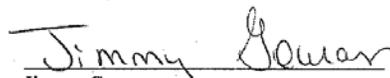
INVOICE #5743

Monthly Administrative Services Rendered Pertaining Project #R-109-235-02-KCR.

Services rendered include overall coordination of project activities; Attending State monitoring visits, meetings, etc.; Maintaining financial records; Preparing the necessary documentation to request funds from the State; and Providing all other services considered normal administrative services within the course of this Agreement

TOTAL DUE

\$ 5,011.16


Jimmy Gouras
or

JIMMY G. GOURAS

URBAN PLANNING CONSULTANTS, INC.

1100 CHERRY ST. • VICKSBURG, MS 39183 • 601-638-7121 • FAX 601-638-5292 • Email: jggouras@bellsouth.net

Minutes of February 3, 2009
Mayor and Board of Aldermen



INVOICE

662.844.1822 (phone) 662.844.0971 (fax)

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

January 19, 2009
Invoice No: 8
Project No: 07123

Attn: Ann Frazier

Re: City of Long Beach: City Hall New Constu

For professional services rendered through January 19, 2009

R-109-235-02-KCR

R-109-235-02-KCR

Description	Current Fee Amount	% Work To Date	Amount Billed	Previous Billed	This Inv Billed
SD's (30%)	76,361.04	100.00%	76,361.04	76,361.04	0.00
DD's (30%)	76,361.04	100.00%	76,361.04	76,361.04	0.00
CD's (30%)	76,361.04	100.00%	76,361.04	76,361.04	0.00
Bid (10%)	25,453.68	100.00%	25,453.68	0.00	25,453.68
CA (100%)	63,634.20	0.00%	0.00	0.00	0.00
Total Fee	318,171.00		254,536.80	229,083.12	25,453.68

Current Fee Due **\$25,453.68**

Micro Printing & Blueprint 43.08
Plan House Printing & Graphics, LLP 188.62

Total Out-of-Pocket Expenses **\$231.70**

Invoice Total **\$25,685.38**

Approved by: _____

Please remit to: JBHM Architects, P.A. • P.O. Box 1643 • Tupelo, MS 38802
Biloxi • Columbus • Jackson • Tupelo • Memphis

Thank you for your business!

Minutes of February 3, 2009
Mayor and Board of Aldermen

JAN-22-2009(THU) 17:47

Neel Schaffer [Biloxi]

(FAX)228 374 1216

P. 002/008



engineers
planners
surveyors
environmental
scientists
landscape
architects

January 14, 2009

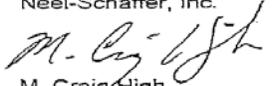
Mayor William "Billy" Skellie
City of Long Beach
Post Office Box 929
Long Beach, Mississippi 39560-0929

Re: Payment Application #1 & Final
Long Beach City Hall Demolition
Long Beach, Mississippi

Dear Mr. Skellie:

Enclosed is the first and final payment application from Southern Recycling and Demolition Company of Mississippi for the above referenced project. It is for the period of 012/05/08 to 01/12/09. The quantities are within the approved contract budget and have been verified by Neel-Schaffer's Project Manager. If you have any questions, please feel free to call me at 374-1211.

Sincerely,
Neel-Schaffer, Inc.



M. Craig High
Senior Project Manager

Attachment

Cc: Ann Frazier, Jimmy Gouras Urban Planning Consultants

772 Howard Avenue, Biloxi, MS, 39530
Office 228.374.1211 • Fax 228.374.1216

Minutes of February 3, 2009 Mayor and Board of Aldermen

JAN-22-2009(THU) 17:47

Neel Scheffer [Biloxi]

(FAX)228 374 1216

P.004/008

Southern Recycling and Demolition
P.O. Box 6271
Biloxi, MS 39560

Long Beach City Hall Demolition
Invoice no. 301

Neel Scheffer, COO Craig High
772 Howard Ave.
Biloxi, MS 39530

A	B	C	D	E	F	G	H	I	J	K	L	
Pay Item Number	Description	Unit (Approx.)	Unit Price	Item Total (C*D)	Previous Month Quantity	Previous Month Extension (O*P)	Current Month Quantity	Current Month Extension (O*H)	Material Presently Stored (Net F or H)	Completed & Stored to Date (F+H+K)	Percent Complete (K/L)	Balance to Finish (E-G-I)
907-201-A	Clearing and Grubbing	LS	\$500.00	\$500.00	0	\$0.00	1	\$500.00	0	1.00	100%	\$0.00
907-202-B	Removal of Concrete	CY	\$8.00	\$200.00	0	\$0.00	25	\$200.00	0	.26	100%	\$0.00
907-202-B	Removal of Asphalt Pavement	SY	\$1.50	\$2,550.00	0	\$0.00	1700	\$2,550.00	0	1,700.00	100%	\$0.00
907-202-B	Removal of Two Single Story Buildings & Slab	LS	\$16,340.00	\$16,340.00	0	\$0.00	1	\$16,340.00	0	1	100%	\$0.00
907-202-C	Removal of Obstructions (LVM)	CY	\$8.00	\$1,920.00	0	\$0.00	24	\$1,920.00	0	.24	100%	\$0.00
907-202-E	Asbestos Abatement	LS	\$3,500.00	\$3,500.00	0	\$0.00	1	\$3,500.00	0	1	100%	\$0.00
907-202-G	Slab Demolition	LS	\$250.00	\$250.00	0	\$0.00	1	\$250.00	0	1.00	100%	\$0.00
907-203-F	Site Grading	AC	\$650.00	\$650.00	0	\$0.00	1	\$650.00	0	1.00	100%	\$0.00
907-203-EX	Borrow Excavation (All) (FM) (Class B)	CY	\$8.00	\$8.00	0	\$0.00	0.8	\$6.40	0	0	0%	\$0.00
907-207-A	Saw Cutting of Concrete Surfaces	LF	\$5.00	\$4,000.00	0	\$0.00	0	\$0.00	0	0	100%	\$0.00
907-207-B	Grass Cutting of Asphalt Surfaces	LF	\$3.00	\$1,827.00	0	\$0.00	0	\$0.00	0	0	100%	\$0.00
225-A	Grading	AD	\$11,100.00	\$990.00	0	\$0.00	0	\$0.00	0	0	100%	\$0.00
907-234-A	Temporary Sill Fence	LF	\$1,300	\$980.00	0	\$0.00	0	\$0.00	0	0	100%	\$0.00
907-234-A	Mobilization	LS	\$900.00	\$900.00	0	\$0.00	1	\$900.00	0	1	100%	\$0.00
TOTAL CONTRACT				\$35,494.00		\$0.00		\$28,843.00				\$0.00

By: 
Sarah Hickman, President
Southern Recycling and Demolition

**Minutes of February 3, 2009
Mayor and Board of Aldermen**

MEMO

DATE: February 1, 2009
TO: Honorable William Skellie, Jr.
City of Long Beach
FROM: Ann Frazier
Jimmy G. Gouras Urban Planning
RE: City of Long Beach
Community Revitalization Grant
CDBG Project #R-103-235-01-KCR
Request for Cash and Summary Support Sheet

Enclosed please find the following invoice for the above referenced project:

1. Jimmy G. Gouras Urban Planning Consultants Inc.
Invoice Number 5742 in the amount of \$4,141.56
For general administration

Also enclosed is "Request for Cash and Summary Support Sheet No. 18" in the amount of \$4,141.56 for payment of the above invoice.

Please have the above invoice and Request for Cash and the supporting documentation placed on your next agenda for approval. After its approval, the appropriate official should sign the "Request for Cash and Cash Summary Support Sheet No. 18" and return it along with the supporting documentation for processing to our office at the following address:

Debra Tompkins
Jimmy Gouras Urban Planning
1100 Cherry Street
Vicksburg, MS 39183

If you have any questions, please do not hesitate to call me or Debra Tompkins at (601)638-7121.

Enclosures

JIMMY G. GOURAS

URBAN PLANNING CONSULTANTS, INC.

1100 CHERRY ST. • VICKSBURG, MS 39183 • 601-638-7121 • FAX 601-638-5292 • Email: jggouras@bellsouth.net

Minutes of February 3, 2009 Mayor and Board of Aldermen

Mississippi Development Authority REQUEST FOR CASH

Section A: General Information		Bank Information		Section B: Project Information	
Applicant Name: City of Long Beach Mailing Address: Post Office Box 629 Street Address: City, State Zip: Long Beach, MS 38960 Telephone No.: 228-863-1566 Fax Number: 228-865-0922 Email Address: web@cityoflongbeach.com		Electronic Transfer: 085500831 Bank Account: 043303080 Bank Name: Hancock Bank Address: 101 Jeff Davis Avenue City, State Zip: Long Beach, MS 38960 Telephone No.: 228-868-4200		Grant No.: R-104-08 Contract No.: R-102-236-01-KOR Request No.: 18 FOR MDA USE ONLY Vendor No.: IDB Waiver Number:	
Section C: Request for Activity		Services Rendered: From January 1, 2009, Thru January 31, 2009.		Approval for Payment: Signature: _____ Date: _____ Activity Numbers: _____	
Activity Description	Budget Amount	Total Prior Request to Date	This Request	Remaining Balance	
1 Administration	\$ 173,998.00	\$ 97,704.99	\$ 4,141.56	\$ 81,198.45	
2 Application Preparation	\$ 10,000.00	\$ 10,000.00			
3 Architect/Engineering Expense	\$ 660,420.00	\$ 300,450.00		\$ 359,970.00	
4 Acquisition Expense	\$ 260,000.00	\$ 249,245.93		\$ 794.07	
5 Contingency Expense	\$ 364,400.00			\$ 364,400.00	
6 Drainage & Flood Protection	\$ 1,970,000.00			\$ 1,970,000.00	
7 Street & Road Improvements	\$ 3,810,000.00			\$ 3,810,000.00	
8					
Total	\$ 6,037,918.00	\$ 647,460.99	\$ 4,141.56	\$ 6,198,313.55	

I Herby Certify That (a) the services covered by this request have not been received from the Federal Government or expended for such services under any other contract agreement or grant; (b) the amount requested will be expended for allowable costs / expenditures under the terms of the contract agreement or grant; (c) the amount requested herein does not exceed the total funds obligated by contract; and (d) the funds are requested for only immediate disbursements.

I Herby Certify That the goods sold and/or services rendered have been delivered and/or performed in good order within the time listed above and are in compliance with all statutory requirements and regulations. I certify that this request does not include any advances or funds for future obligations.

Signature of Authorized Official:  William Stelton, Jr., Mayor Type Name and Title of Authorized Official	Date Signed: _____ Prepared By: _____ Date Prepared: 1/31/2009 Preparer's Telephone No.: 228-374-0300
--	--

Minutes of February 3, 2009 Mayor and Board of Aldermen

Mississippi Development Authority Cash Summary Support Sheet

Page 1 of 2

Applicant: City of Long Beach Request No: 18 Grant Number: R-103-06
 Period Cost - Beginning: January 1, 2009 Ending Date: January 31, 2009 Contract Number: R-103-235-01-KCR

1. Activity: Administration				(a)	:	(b)		
Line Item	Vendor Name	Invoice #	Invoice Amount			Match Share	Federal Share	
A.	Administration	Jimmy Gouras	5742	\$4,141.56			\$4,141.56	
B.								
C.								
D.								
Subtotal:				\$4,141.56			\$4,141.56	
2. Activity:				(a)	:	(b)		
Line Item	Vendor Name	Invoice #	Invoice Amount			Match Share	Federal Share	
A.							\$0.00	
B.							\$0.00	
C.							\$0.00	
D.							\$0.00	
Subtotal:				\$ -			\$ -	
3. Activity:				(a)	:	(b)		
Line Item	Vendor Name	Invoice #	Invoice Amount			Match Share	Federal Share	
A.							\$0.00	
B.							\$0.00	
C.							\$0.00	
D.							\$0.00	
Subtotal:				\$ -			\$ -	

Minutes of February 3, 2009 Mayor and Board of Aldermen

4. Activity:		(a)	(b)	
Line Item	Vendor Name	Invoice #	Invoice Amount	Match Share Federal Share
A.				\$0.00
B.				\$0.00
C.				\$0.00
D.				\$0.00
Subtotal:			\$ -	\$ -
5. Activity:		(a)	(b)	
Line Item	Vendor Name	Invoice #	Invoice Amount	Match Share Federal Share
A.				\$0.00
B.				\$0.00
C.				\$0.00
D.				\$0.00
Subtotal:			\$ -	\$ -
6. Activity:		(a)	(b)	
Line Item	Vendor Name	Invoice #	Invoice Amount	Match Share Federal Share
A.				
B.				
C.				
D.				
Subtotal:				
Cumulative Match Expended To Date:		\$ 651,602.45		
Cumulative Federal Expended To Date:		\$ 4,141.56	\$ -	\$ 4,141.56
GRAND TOTAL:		\$ 651,602.45	\$ 4,141.56	\$ 4,141.56

I hereby Certify That: a) the services covered by this request have not been received from the Federal Government or expended for such services under any other contract agreement or grant; b) the amount requested will be expended for allowable costs/expenditures under the terms of the contract agreement or grant; c) the amount requested herein does not exceed the total funds obligated by contract; and d) the funds are requested for only immediate disbursements.
 I hereby Certify that the goods sold and/or services rendered have been delivered and/or performed in good order and are in compliance with all statutory requirements and regulations.

Typed Name and Title of Authorized Official: William Skellie, Jr., Mayor Signature of Authorized Official: 

**Minutes of February 3, 2009
Mayor and Board of Aldermen**

STATEMENT FOR SERVICES RENDERED

CITY OF LONG BEACH

**KATRINA SUPPLEMENTAL COMMUNITY DEVELOPMENT BLOCK GRANT
COMMUNITY REVITALIZATION PROJECT
PROJECT NO. R-103-235-01-KCR
Downtown Streetscape Project**

January 31, 2009

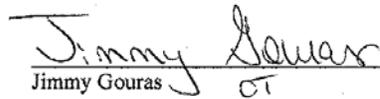
INVOICE #5742

Monthly Administrative Services Rendered Pertaining Project #R-103-235-01-KCR.

Services rendered include overall coordination of project activities; Attending MDA/HUD monitoring visits, meetings, etc.; Maintaining financial records; Preparing the necessary documentation to request funds from MDA; and Providing all other services considered normal administrative services within the course of this Agreement

TOTAL DUE

\$ 4,141.56


Jimmy Gouras *OT*

JIMMY G. GOURAS

URBAN PLANNING CONSULTANTS, INC.

1100 CHERRY ST. • VICKSBURG, MS 39183 • 601-638-7121 • FAX 601-638-5292 • Email: jggouras@bellsouth.net

Based upon the recommendation of Police Chief Wayne McDowell and certification by the Civil Service Commission, Alderman Holder made motion seconded by Alderman Boggs and unanimously carried to approve Police Department personnel matters, as follows:

Step Increase, Patrol Officer Phillip Carden, PS-7-B, effective February 1, 2009;

Step Increase, Records Clerk Chrystal Bubose, CSA-3-VII, effective March 1, 2009;

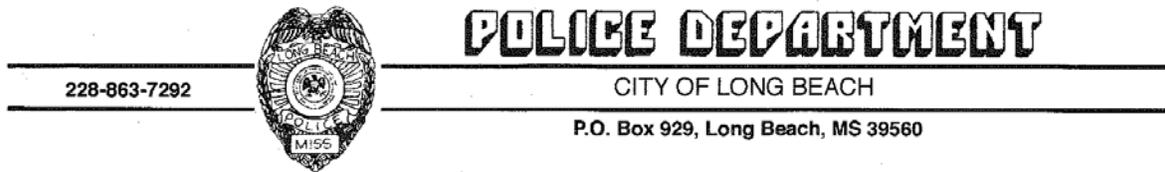
M.B. 63

PUBHEAR/REG:02.03.09

**Minutes of February 3, 2009
Mayor and Board of Aldermen**

Step Increase, Patrol Officer Shannon Tappan, PS-9-I, effective March 16, 2009;
Step Increase and discontinue FTO pay, Patrol Officer Patrick Craig, PS-9-II, effective
February 1, 2009.

Alderman Holder made motion seconded by Alderman McNary and
unanimously carried to approve surplus police vehicles, as follows:



To: Chief Wayne McDowell
From : Lt. Rodger K. Ladner
Re: Surplus Vehicles

23 January 2009

The following vehicles need to be listed as surplus property;

- 2000 Chevy Impala Vin # 2G1WF55K0Y9305463
- 2000 Chevy Impala Vin # 2G1WF55K1Y9304982
- 2000 Chevy Impala Vin # 2G1WF55K4Y9305463
- 2001 Ford Crown Victoria Vin # 2FAFP71W31X136861
- 2001 Ford Crown Victoria Vin # 2FAFP71W91X175017
- 2001 Ford Crown Victoria Vin # 2FAFP71W21X175019
- 2003 Ford Crown Victoria Vin # 2FAFP71WX3X139565



Thank's
Lt. Rodger K. Ladner
Lt. Rodger K. Ladner

OK'd
Wayne McDowell

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There came on for consideration the matter of appointing a trustee to the Long Beach School Board of Trustees. It was noted for the record that publication requirements were met and resumes received at the November 18, 2008, regular meeting.

Upon discussion, Alderman McNary made motion seconded by Alderman Holder and unanimously carried to reappoint Mr. James Stubbs, March, 2009 – March, 2014.

ORDINANCE NO. 561

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AMENDING SECTION 4 OF ORDINANCE NO. 354 OF THE CITY, AS AMENDED BY ORDINANCE NOS. 387, 401, 428, 463, 496 and 504, TO PROVIDE DIFFERENT VOTING PLACES FOR WARDS 1, 2 AND 3, TO PROVIDE A VOTING PLACE FOR EACH SAID WARD WITHIN THE VOTING PRECINCT, AND TO AMEND BOUNDARIES OF VOTING PRECINCTS 5 AND 6 TO INCLUDE ANNEXED AREAS, AND FOR RELATED PURPOSES

The Mayor and Board of Aldermen of the City of Long Beach, Mississippi, having made due investigation therefore, to now find and determine as follows:

a. That by Ordinance No. 428, adopted January 29, 1993, Section 4 of Ordinance No. 354, as amended by Ordinance Nos. 387 and 401, was heretofore amended to establish voting places and voting precincts uniform with Harrison County voting places and voting precincts within the City of Long Beach, Mississippi, and that such Ordinance was submitted to the Department of Justice of the United States for approval, in response to which submission the United States Attorney General gave notice that no objection would be interposed to the proposed changes.

b. That by Ordinance No. 504, adopted April 5, 2005, Ordinance No. 354, as amended by Ordinance No. 387, 401, 428, 463 and 496, was heretofore amended to amend the boundaries of Voting Precinct 6 to include a commercially developed area annexed into the City, which annexed area was commercially developed and in which annexed area no inhabitants resided either at the time of adoption of the said Annexation Ordinance, being Ordinance No. 476, nor at the time same was ratified and approved by the Chancery Court of the First Judicial District of Harrison County, Mississippi, by its judgment entered on February 19, 2004, in Cause No. 03-00903-1, nor are there any inhabitants currently residing in said Annexation Territory, and no voting rights were or have been affected by said annexation nor was there or has there been any dilution of voting strength as a result thereof, and such annexation was not a change effecting voting at the time of adoption of said ordinance No. 476, or the approval of same by the aforesaid Chancery Court, or to the present time, nor is any anticipated.

c. That by Ordinance No. 532, adopted November 7, 2006, the Mayor and Board of Aldermen enlarged and extended the corporate limits and boundaries of the City of

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Long Beach, Mississippi, by annexation of a parcel of land adjacent to Ward 6 of the City and described as follows, to-wit:

LEGAL DESCRIPTION: (ANNEXATION TERRITORY)

Beginning at the Northeast corner of Section 9, Township 8 South, Range 12 West, Harrison County, Mississippi; thence southerly along the east line of said Section 9 to the centerline of Canal Number 3 as presently constructed; thence southwesterly along said centerline of Canal Number 3 a distance of 1450 feet more or less to the southerly extension of the east margin of an unimproved right-of-way sometimes known as Wisewood Lane, also being the west line of Block 9, Andrew's Land Company's Subdivision of the SE ¼ of Section 4 and The Fractional Part of the NE ¼ of Section 10 (sic), T. 8S, R. 12W; thence northerly along said east margin a distance of 1,020 feet more or less to the north line of the south ½ of Block 10 of said Andrew's Land Company Subdivision; thence easterly along said north line of the south ½ of Block 10 and the north line of the south ½ of Block 8 of said Andrew's Land Company Subdivision a distance of 1,310 feet more or less to the East line of Section 4, Township 8 South, Range 12 West, Harrison County, Mississippi; thence southerly along said east Section line 345 feet more or less to the Point of Beginning.

Being partially within and a part of the SE ¼ of the SE ¼ of Section 4, Township 8 South, Range West, and partially within the NE ¼ of the NE ¼ of Section 9, Township 8 South, Range 12 West, Harrison County, Mississippi. Contains approximately 21 acres.

which Ordinance was ratified and approved by the Chancery Court of the First Judicial District of Harrison County, Mississippi, by judgment entered March 23, 2007 in Cause No. 07-00156-1 and that no inhabitants resided in said annexation territory, nor do any inhabitants now reside in same, and no voting rights were affected by said annexation nor was there any dilution of voting strength as a result thereof, and such annexation was not a change effecting voting at the time of adoption of said Ordinance No. 532, or the approval of same by the aforesaid Chancery Court.

That the enlargement and extension the corporate limits and boundaries of the City of Long Beach, Mississippi, by said Ordinance No. 532, requires that the Voting Precinct (Ward) boundaries of the City of Long Beach, Mississippi, be amended to include the Annexation Territory, even though no voters inhabit said Annexation Territory.

d. That by Ordinance No. 555, adopted May 6, 2008, the Mayor and Board of Aldermen enlarged and extended the corporate limits and boundaries of the City of Long Beach, Mississippi, by annexation of three parcels of land, Parcel 1 of which is adjacent to Wards 5 and 6 and Parcels 2 and 3 of which are adjacent to Ward 6 of the City, which parcels are described as follows, to-wit:

LEGAL DESCRIPTION: (ANNEXATION TERRITORY)

Parcels of land lying and being situated in the First Judicial District of Harrison County, Mississippi, being more particularly described as follows, to-wit:

PARCEL NO. 1: (R.W. Day Development LLC Parcel)

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Those certain parcels of property located in the First Judicial District of Harrison County, Mississippi, which is more particularly described as follows:

Lots 24, 25, 28, 39, 40, 43, 44, and 45, Andrews Land Company Subdivision; and those portions of Lots 26 and 27, Andrews Land Company Subdivision which lie North of Canal Number 3, as per the map or plat thereof on file and of record in the office of the Chancery Clerk for the First Judicial District of Harrison County, Mississippi; and also

North one-half (N1/2) of Blocks (Lots) 8 & 10, Andrews Land Company Subdivision as per plat thereof of record in the Office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi, less and except the East 242 feet of the North 180 feet of Block (Lot) 8, Andrews Land Company Subdivision, Section 4, Township 8 South, Range 12 West, First Judicial District, Harrison County, Mississippi.

PARCEL NO. 2: (Coast Investments, Inc. and The Schrogin and Harber 1996 Trust

Parcel)

Beginning at a point on the east line of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 36, Township 7 South, Range 12 West, Harrison County, Mississippi where it intersects the north margin of 28th Street thence run S89°40'04"W along the north margin of 28th Street for a distance of 235.01 feet; thence N00°09'10"E a distance of 1242.63 feet; thence N89°56'57"W a distance of 1095.22 feet to a point on the east margin of North Klondyke Road; thence N00°06'34"W along the east margin of North Klondyke Road for a distance of 60 feet; thence S89°56'57"E a distance of 1330.50 feet; thence S00°09'10"W a distance of 1301.06 feet to the Point of Beginning.

Said parcel contains 8.53 acres more or less and is made subject to a 60' easement along the north portion as described:

Commencing at a point on the east line of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 36, Township 7 South, Range 12 West, Harrison County, Mississippi where it intersects the north margin of 28th Street thence run S89°40'04"W along the north margin of 28th Street for a distance of 235.01 feet; thence N00°09'10"E a distance of 1242.63 feet to the Point of Beginning; thence N89°56'57"W a distance of 1095.22 feet to a point on the east margin of North Klondyke Road; thence N00°06'34"W along the east margin of North Klondyke Road for a distance of 60 feet; thence S89°56'57"E a distance of 1095.50 feet; thence S00°09'10"W a distance of 60 feet to the Point of Beginning.

PARCEL NO. 3: (John R. Lankford parcel)

Lots 3 & 4, Block 32, Cox Subdivision, Sec. 35-7-12 SE $\frac{1}{4}$ as per record plat.

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which Ordinance was ratified and approved by the Chancery Court of the First Judicial District of Harrison County, Mississippi, by judgment entered October 7, 2008, in Cause No. 07-00156-1 and that no inhabitants resided in said annexation territory, nor do any inhabitants now reside in same, and no voting rights were affected by said annexation nor was there any dilution of voting strength as a result thereof, and such annexation was not a change effecting voting at the time of adoption of said Ordinance No. 555, or the approval of same by the aforesaid Chancery Court.

That the enlargement and extension the corporate limits and boundaries of the City of Long Beach, Mississippi, by said Ordinance No. 555, requires that the Voting Precinct (Ward) boundaries of the City of Long Beach, Mississippi, be amended to include the Annexation Territory, even though no voters inhabit said Annexation Territory.

e. That the Governing Authority of the City of Long Beach, Mississippi, is comprised of the Mayor, elected at large, and a Board of Seven Aldermen, one of whom is elected at large with the remaining six being elected one, each, from each of six wards.

f. That buildings housing voting places in Wards 1, 2 and 3 were destroyed by Hurricane Katrina in 2005, requiring the establishment of new voting places for voting precincts 1, 2 and 3.

g. That in order to include the above annexed areas into the City, it is necessary to amend part of the boundary description of Ward 5 to clarify same with respect to the annexed area and to clarify part of the common boundary between Wards 5 and 6, and to amend the boundary description of Ward 6 to include the annexed areas, though no inhabitants reside in any of the annexed areas, nor do any habitable residential structures exist in the aforesaid annexed areas. NOW THEREFORE,

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

SECTION 1. VOTING PRECINCTS AND VOTING PLACES

In order to provide the citizens of Wards 1, 2 and 3 of the City of Long Beach, Mississippi, with a voting place to replace the voting place of each said ward destroyed by Hurricane Katrina in 2005, and to make voting more accessible and convenient and to include the Annexation Territories described in Ordinance No. 532 and described in Ordinance No. 555 within a voting precinct (Ward), even though there are no persons presently residing in such Annexation Territories, nor are there any habitable residential structures presently located in such Annexation Territories, nor or any

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persons expected to inhabit such annexation territories within the near future, Section 4 of Ordinance No. 354 of the City of Long Beach, Mississippi, as amended by Ordinance Nos. 387, 401, 428, 463, 496 and 504 is hereby amended to read as follows:

ASECTION 4. VOTING OR POLLING PLACES

The voting or polling places for the electorate in each of the aforesaid Wards 1, 2, 3, 4, 5 and 6, respectively, are hereby fixed and established as follows:

(a) Long Beach Precinct 1 - Ward 1.

Qualified electors residing in Ward 1 shall vote and cast their ballots for all elections in Long Bach Precinct 1, described more particularly in part (g), hereafter, which Precinct is hereby established as the voting precinct for Ward 1, and said electors shall vote at United Methodist Church – Christian Life Center, at 208 Pine Street, Long Beach, Mississippi.

(b) Long Beach Precinct 2 - Ward 2.

Qualified electors residing in Ward 2 shall vote and cast their ballots for all elections in Long Bach Precinct 2, described more particularly in part (g), hereafter, which Precinct is hereby established as the voting precinct for Ward 2, and said electors shall vote at the Long Beach Public Library at 209 Jeff Davis Avenue, Long Beach, Mississippi.

(c) Long Beach Precinct 3 - Ward 3.

Qualified electors residing in Ward 3 shall vote and cast their ballots for all elections in Long Bach Precinct 3, described more particularly in part (g), hereafter, which Precinct is hereby established as the voting precinct for Ward 3, and said electors shall vote at the Technology Learning Center, The University of Southern Mississippi Gulf Park Campus, 703 East Beach Blvd., Long Beach, Mississippi.

(d) Long Beach Precinct 4 - Ward 4.

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Qualified electors residing in Ward 4 shall vote and cast their ballots for all elections in Long Bach Precinct 4, described more particularly in part (g), hereafter, which Precinct is hereby established as the voting precinct for Ward 4, and said electors shall vote at the Thomas L. Reeves Elementary School (formerly Green Acres Elementary School) at St. Augustine Drive, Long Beach, Mississippi.

(e) Long Beach Precinct 5 - Ward 5.

Qualified electors residing in Ward 5 shall vote and cast their ballots for all elections in Long Beach Precinct 5, described more particularly in part (g), hereafter, which Precinct is hereby established as the voting precinct for Ward 5, and said electors shall vote at the Grace Lutheran Church at 19221 Pineville Road, Long Beach, Mississippi.

(f) Long Beach Precinct 6 - Ward 6.

Qualified electors residing in Ward 6 shall vote and cast their ballots for all elections in Long Bach Precinct 6, described more particularly in part (g), hereafter, which Precinct is hereby established as the voting precinct for Ward 6, and said electors shall vote at the Quarles Elementary School on Commission Road, Long Beach, Mississippi.

(g) The descriptions of the Long Beach Precincts (Wards) 1, 2, 3, 4, 5 and 6 hereby established are as follows:

(1) LONG BEACH VOTING PRECINCT 1 - (WARD 1)

Beginning at the junction of the shoreline of the Gulf of Mexico or Mississippi Sound and an extension of the centerline of Shelter Rock Drive in the City of Long Beach, Harrison County, Mississippi; thence run northwesterly along the said centerline of Shelter Rock Drive to the centerline of Magnolia Street; thence run southwesterly along the centerline of Magnolia Street to its intersection with the centerline of Dearman Avenue; thence run northwesterly along the centerline

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of Dearman Avenue to its intersection with the centerline of West First Street; thence run northeasterly along the centerline of West First Street to its intersection with the centerline of Girard Avenue; thence run northwesterly along the centerline of Girard Avenue to its intersection with the centerline of the Louisville & Nashville Railroad right-of-way; thence run southwesterly along the said centerline of the Louisville & Nashville Railroad right-of-way to its intersection with the western City Limits line of the City of Long Beach; thence run Southerly along the western City Limits line of the City of Long Beach to its intersection with the shoreline of the Gulf of Mexico or the Mississippi Sound; thence run northeasterly along said shoreline of the Gulf of Mexico or the Mississippi Sound to its intersection with an extension of Shelter Rock Drive, said point being the Point of Beginning.

(2) LONG BEACH VOTING PRECINCT 2 - (WARD 2)

Beginning at the junction of the shoreline of the Gulf of Mexico or Mississippi Sound and an extension of the centerline of Shelter Rock Drive in the City of Long Beach, Harrison County, Mississippi; run thence northwesterly and along the centerline of Shelter Rock Drive to its intersection with the centerline of Magnolia Street; thence run southwesterly along the centerline of Magnolia Street to its intersection with the centerline of Dearman Avenue; thence run northwesterly along the centerline of Dearman Avenue to its intersection with the centerline of West First Street; thence run northeasterly along the centerline of West First Street to its intersection with the centerline of Girard Avenue; thence run northwesterly along the centerline of Girard Avenue to the centerline of the Louisville & Nashville Railroad; thence continuing across the Louisville & Nashville railroad and northerly along the centerline of Girard Avenue, thence westerly along the centerline of Girard Avenue to its intersection with the

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centerline of 4th Avenue; thence northerly along the centerline of 4th Avenue to its intersection with the centerline of West Old Pass Road; thence northeasterly along the centerline of West Old Pass Road to its intersection with the centerline of Pineville Road; thence northwesterly along the centerline of Pineville Road to a point of intersection with the centerline of Canal No. 1; thence northeasterly along the centerline of Canal No. 1 to a point of intersection with the centerline of Commission Road; thence east along the centerline of Commission Road to its intersection with the centerline of Gates Avenue; thence South along the centerline of Gates Avenue to its intersection with the centerline of Allen Road; thence southwesterly along the centerline of Allen Road to its intersection with the centerline of Nicholson Avenue; thence Southeasterly along the centerline of Nicholson Avenue and an extension thereof to the shoreline of the Gulf of Mexico or Mississippi Sound; thence southwesterly and along the shoreline of the Gulf of Mexico or Mississippi Sound to its intersection with the extension of the centerline of Shelter Rock Drive and the Point of Beginning.

(3) LONG BEACH VOTING PRECINCT 3- (WARD 3)

Beginning at the junction of the shoreline of the Gulf of Mexico or Mississippi Sound and an extension of the centerline of Nicholson Avenue; thence running northwesterly along the centerline of Nicholson Avenue to the point of intersection with the centerline of Allen Road; thence running northeasterly along the centerline of Allen Road to the point of intersection with the centerline of Gates Avenue; thence North along the centerline of Gates Avenue to the point of intersection with the centerline of Commission Road; thence West along the centerline of Commission Road to the point of intersection with the centerline of Canal No. 1; thence northeasterly along the centerline of Canal No. 1 to the point of intersection with the East City Limits of the City of Long Beach; thence

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following said east City Limits of the City of Long Beach southeasterly, thence easterly, thence southerly, thence northeasterly, thence southeasterly, thence northeasterly, thence southeasterly along and with said East City Limits of the City to the shoreline of the Gulf of Mexico or Mississippi Sound; thence southwesterly along the shoreline of the Gulf of Mexico or Mississippi Sound to the Point of Beginning, being the intersection of the shoreline of the Gulf of Mexico or Mississippi Sound and the extension of the centerline of Nicholson Avenue.

(4) LONG BEACH VOTING PRECINCT 4 - (WARD 4)

Beginning at a point where the Louisville & Nashville Railroad intersects with the West City Limits line of the City of Long Beach; thence along said railroad in a northeasterly direction to its intersection with the centerline of Girard Avenue; thence northerly along the centerline of Girard Avenue, thence westerly along the centerline of Girard Avenue to its intersection with the centerline of 4th Avenue; thence northerly along the centerline of 4th Avenue to its intersection with the centerline of West Old Pass Road; thence northeasterly along the centerline of West Old Pass Road to its intersection with the centerline of Pineville Road; thence northwesterly along the centerline of Pineville Road to the point of intersection with the centerline of Canal No. 1; thence in a southwesterly direction along the centerline of Canal No. 1 to the west City Limits line of the City of Long Beach; thence South, East and South along the West City Limits line of the City of Long Beach to the Point of Beginning.

(5) LONG BEACH VOTING PRECINCT 5 - (WARD 5)

Beginning at a point where Canal No. 1 intersects with the West City Limits line of the City of Long Beach south of Kux Road; running thence in a northeasterly direction along the centerline of Canal No. 1 to its intersection with the centerline

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of Pineville Road; thence meandering in a northwesterly direction along the centerline of Pineville Road to its intersection with the centerline of Daugherty Road; thence North along the centerline of Daugherty Road to its intersection with the centerline of Canal No. 2; thence southwesterly along the centerline of Canal No. 2 to its intersection with the centerline of Beatline Road; thence South along the centerline of Beatline Road to its intersection with the South line of the North ½ of the North ½ of the Northeast ¼ of Section 9; thence west and along said South line of said North ½ of the North ½ of the Northeast ¼ of Section 9 to its intersection with the centerline of a drainage canal known as Canal Number 3; thence westerly following the meanderings of said Canal Number 3 to its intersection with the west line of said Section 9; thence following the existing West City Limits South, East, South, East and South to the Point of Beginning where the centerline of Canal No. 1 intersects the West City Limits of the City of Long Beach.

(6) LONG BEACH VOTING PRECINCT 6 - (WARD 6)

Beginning at the northeast corner of the City Limits line of the City of Long Beach, being the centerline of 28th Street; thence running South and East and southeasterly, along the eastern City Limits line of the City of Long Beach to a point where the City Limits line intersects the centerline of Canal No. 1; thence in a southwesterly direction along the centerline of Canal No. 1 to a point where the centerline of said canal No. 1 intersects with the centerline of Pineville Road; thence northwesterly along the centerline of Pineville Road to a point where said centerline intersects the centerline of Daugherty Road; thence North along the centerline of Daugherty Road to its intersection with the centerline of Canal No. 2; thence southwesterly along the centerline of Canal No. 2 to the centerline of Beatline Road; thence southwesterly following the meanderings of Canal Number 3 a

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distance of 1450 feet more or less to the southerly extension of the east margin of an unimproved right-of-way sometimes known as Wisewood Lane, also being the west line of Block 9, Andrew's Land Company's Subdivision of the SE ¼ of Section 4 and The Fractional Part of the NE ¼ of Section 10 (sic), T. 8S, R. 12W; thence continue southwesterly following the meanderings of Canal Number 3 as presently constructed a distance of 1806 feet more or less to the intersection of the South line of Block 40, said Andrew's Land Company Subdivision; thence Southwest along said South line of Block 40 and Block 43 a distance of 920.77 feet to the East margin of a 30 foot roadway; thence North along said East margin a distance of 2009.83 feet to the north corner of Block 45 of said Andrew's Land Company Subdivision; thence Easterly along the Northern line of said Block 45 a distance of 651.09 feet to the Northeast corner of said Block 45; thence South along the Eastern line of said Block 45 a distance of 659.89 feet to the Southeast corner of said Block 45, said point being on the Northern margin of a 30 foot roadway sometimes known as Prattwood Lane; thence continue South a distance of 30 feet to the Southern margin of said roadway, said point being the Northwest corner of Block 39 of said Andrew's Land Company Subdivision; thence Easterly along the said Southern margin of Prattwood Lane a distance of 1332.78 feet to the Northeast corner of Block 28 of said Andrew's Land Company Subdivision; thence Northerly a distance of 30 feet to the Southwest corner of Block 24 of said Andrew's Land Company Subdivision, said point being on the Northern margin of said Prattwood Lane; thence Northerly along the Western line of said Block 24 a distance of 663.74 feet to the Northwest corner of Block 24; thence Easterly along the Northern line of said Block 24 a distance of 644.33 feet to the said East margin of Wisewood Lane; thence Easterly a distance of 30 feet to the Northwest corner of Block 10 of said Andrew's Land Company Subdivision; thence easterly along said north line of said Block 10 and the north line of Block 8 of said Andrew's Land Company Subdivision a distance of 1,043.21 feet; thence South a distance of 179.29 feet; thence Easterly a distance of 271 feet more or less to the East line of Section 4, Township 8 South, Range 12 West, Harrison County, Mississippi;

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thence Northerly along the East line of said Section 4, Township 8 South, Range 12 West to a point on the south margin of 28th Street, approximately 25 feet south of the Northeast corner of said Section 4; thence westerly 25 feet, more or less, to the southwest corner of the intersection of Beatline Road with 28th Street; thence northerly 25 feet, more or less, to the centerline of 28th Street; thence westerly along said centerline of 28th Street 468 feet, more or less, to the southerly extension of a line drawn parallel with and 453.47 feet west of the west margin of Beatline Road; thence northerly parallel with said west margin of Beatline Road 328.21 feet, more or less, to the north line of Lot 4, Block 4, Cox's Subdivision of the E 1/2 of the SE 1/4 of Section 32, Township 7 South, Range 12 West, Harrison County, Mississippi; thence S 89° 57' 18" E along said north line of Lot 4 a distance of 300.0 feet to a point 153.47 feet west of the west margin of Beatline Road; thence south parallel with Beatline Road 150.0 feet; thence east parallel with said north line of Lot 4 a distance of 193.47 feet to the centerline of Beatline Road; thence south along said centerline 153 feet, more or less, to the north margin of 28th Street; thence east 40 feet to the northeast corner of the intersection of Beatline Road and 28th Street; thence south 25 feet to the North line of Section 3, Township 8 South, Range 12 West, Harrison County Mississippi; thence Easterly along the North line of Section 3 and Section 2 to a point, said point being the intersection of the southerly extension of the west line of Lot 4, Block 32, Cox Subdivision, Section 35, Township 7 South, Range 12 West, Harrison County, Mississippi with North line of Section 2; thence northerly along said southerly extension a distance of 25 feet, more or less, to a point on the north margin of 28th Street at the southwest corner of said Lot 4, said point also being on the east margin of a 25 foot alley; thence continue Northerly along said east margin a distance of 647.5 feet to the northwest corner of Lot 3, Block 32, of said Cox's Subdivision; thence Easterly along said North lot line a distance of 657.7 feet to a point on the west margin of North Klondyke Road; thence Southerly along said west margin a distance of 647.5 feet to a point on said north margin of 28th Street; thence continue Southerly a distance of 25 feet more or less to the said North line of Section 2; thence Easterly along the said North line of Section 2

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and Section 1, Township 8 South, Range 12 West to a point, said point being 235.01 feet west of the east line of the SW ¼ of the SW ¼ of Section 36, Township 7 South, Range 12 West; then Northerly along a line parallel with the east line of the SW ¼ of the SW ¼ of said Section 36 a distance of 25' more or less to the north margin of 28th Street; thence continue N 00° 09' 10" E a distance of 1302.63 feet; thence S 89° 56' 57" E a distance of 235.01 feet; thence S 00° 09' 10" W along the east line of the SW ¼ of the SW ¼ of said Section 36 a distance of 1301.06 feet to a point on the north margin of 28th Street, thence Southerly a distance of 25 feet more or less to the North line of Section 1, Township 8 South, Range 12 West; thence Easterly along said North line of Section 1 to the North mid-section corner of said Section 1, said point also being the Northwest corner of the U.S. Naval Reservation and the Northeast corner of the City Limits line of the City of Long Beach, being the point of beginning."

SECTION 2. CONFLICTS

Ordinance Nos. 387, 401, 428, 463, 496 and 504 of the City of Long Beach, Mississippi, be, and said Ordinances and all other ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed, to the extent of such conflict, as of the effective date of this Ordinance.

SECTION 3. CAPTIONS

The captions of sections of this Ordinance are intended solely to facilitate referencing and reading and shall not be construed to alter or change the meaning or interpretation of the provisions therein contained.

SECTION 4. SEVERABILITY

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

SECTION 5. EFFECTIVE DATE

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This Ordinance shall take effect and be in force thirty (30) days after its adoption, publication and enrollment thereof as provided by law; provided further, that the same shall be submitted to the Department of Justice of the United States of America for approval as provided by the Civil Rights Voting Act.

The foregoing Ordinance No. 561 was introduced in writing by Alderman Lishen, who moved its adoption. Alderman McNary seconded the motion to adopt the ordinance, and after a discussion, and no member of the Board of Aldermen having requested the Ordinance to be read by the City Clerk, and the question being put to a roll call vote by the Mayor, the result was as follows:

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

The question having received the affirmative vote of all the Aldermen present and voting, the Mayor declared the said Ordinance No. 561 adopted and approved this the 3rd day of February, 2009.

APPROVED:

WILLIAM SKELLIE, JR., MAYOR

ATTEST:

REBECCA E. SCHRUFF, CITY CLERK

ORDINANCE NO. 562

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AMENDING ARTICLE IX OF ORDINANCE NO. 344, THE ZONING ORDINANCE OF THE CITY OF LONG BEACH, MISSISSIPPI, AS AMENDED, BY AMENDING SECTION 912 TO ALLOW CERTAIN HOME OCCUPATIONS NOT REQUIRING THE USE OF A VEHICLE OR TRAILER AS USES ALLOWED BY RIGHT, SUBJECT TO THE EXCEPTIONS SPECIFIED THEREIN, TO ADD SECTION 913 TO MAKE HOME OCCUPATIONS REQUIRING USE OF A VEHICLE

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OR TRAILER SUBJECT TO PLANNING COMMISSION APPROVAL, TO ADD SECTION 914 TO LIST THOSE HOME OCCUPATIONS NOT PERMITTED, AND TO ADD SECTION 915 TO ESTABLISH AND PROVIDE FOR THE COLLECTION OF A HOME OCCUPATION PERMIT AND ADMINISTRATIVE FEE AND FOR RELATED PURPOSES.

WHEREAS, the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, after due notice thereof published for the time and in the manner provided by law and the public hearing thereon, do now find, determine and adjudicate as follows:

(a) that pursuant to legal notice published and given for the time and in the manner provided by law, the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, did meet at 6:00 p.m. on November 5, 2008, at the Long Beach School District Central Office, 19148 Commission Road in said City, the time, place and date fixed in said notice therefore, and did conduct a public hearing, at which hearing all parties interested in or opposed to the proposed changes and amendments to Ordinance No. 344, The Zoning Ordinance of the City of Long Beach, Mississippi, as heretofore amended, were given the opportunity to be heard and allowed to make oral and/or written comment to such proposed changes, which proposed changes and amendments were then and there on file and had been on file during the period of said notice in the office of the City Clerk at the City Hall in said City, available for public inspection and examination by any and all parties interested in or opposed to the proposed changes and amendments, all as more particularly set forth hereinafter in this ordinance.

(b) That as a result of the aforesaid public hearing, the Mayor and Board of Aldermen did then find, and do now find, determine, adjudicate and declare that the general welfare and best interest of the community, and a reasonable enforcement of rules and regulations concerning home occupations and applications for permits therefore, require the amendment of the text of Ordinance No. 344, The Zoning

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Ordinance of the City of Long Beach, Mississippi, as heretofore amended, by amending Section 912 to allow certain home occupations not requiring the use of a vehicle or trailer and to add certain home occupations, deleting Section 912.5, adding Section 913 to provide that any home occupation requiring use of a vehicle or trailer be subject to planning commission approval and to provide the minimum contents of any application for such home occupation, adding, as Section 914 of the said Zoning Ordinance, certain home occupations which are not permitted, and adding Section 915 to establish and provide for the collection of a fee to cover all administrative costs associated with issuance of Home Occupation Permits and monitoring permitted Home Occupations and costs related to home occupation applications.

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

SECTION 1. That Section 912, entitled, ‘Home Occupations’ of Article IX, of Ordinance 344, The Zoning Ordinance of the City of Long Beach, Mississippi, as heretofore amended, should be and the same is hereby amended to read in its entirety as follows:

“Section 912-915. HOME OCCUPATIONS

A home occupation is an accessory use of a dwelling unit, for gainful employment involving the manufacture, provision, or sale of goods and/or services.

912.1 Purpose: It is the intent of this section to permit home occupations which do not change the primary use of the building as a dwelling. These standards are intended to insure compatibility with other permitted uses and with the residential character of the neighborhood.

912.2 Authorization: Home occupations as appearing hereinafter which are by right, and in which a vehicle or trailer is used in the home occupation, must be submitted to the Planning Commission for approval in compliance with the hereinafter Section entitled, “VEHICLES AND TRAILERS (913.0)

912.3 Necessary Conditions: Home occupations, by right or with Planning Commission approval, are permitted as Accessory uses in residential districts provided:

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912.3.1 No person other than members of the immediate family occupying such dwelling shall be employed. This does not apply to customary household or yard help.

912.3.2 No alteration of the principal building shall be made which changes the character thereof as a dwelling.

912.3.3 No use shall require the use of material or mechanical equipment that would change the fire rating of the structure or the fire district in which the structure is located.

912.3.4 No home occupation shall cause an increase in the use of any one or more utilities (water, sewer, electricity, telephone, garbage, etc.) so that the combined total use for dwelling and home occupation purposes exceeds the average for residences in the neighborhood.

912.3.5 There shall be no outside storage of any kind related to the home occupation.

912.3.6 The use shall not generate pedestrian or vehicular traffic beyond that reasonable to the district in which it is located.

912.3.7 The home occupation shall be conducted entirely within the principal building that is used as a residential dwelling.

912.3.8 No bulk storage of any materials shall be stored, placed or laid on the driveways, yards, patios, or any surface surrounding the dwelling.

912.3.9 No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no home occupation exists.

912.3.10 There shall be no signs on or near the home, or in the driveways, yards, patios or any surface surrounding the dwelling.

912.4 Home Occupations: The following home occupations are permitted by right but if any vehicle or trailer is used, then approval must be granted by the Planning Commission pursuant to the Section hereinafter entitled: "Vehicles and Trailers" (913.0)

912.4.1 Artists and sculptors.

912.4.2 Authors and composers.

912.4.3 Dressmakers, seamstresses, and trailers.

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912.4.4 Family day care home, limited to not more than three (3) children.

912.4.5 Office facility of a minister, rabbi, or priest.

912.4.6 Office facility of a salesman, or sales representative, provided that no retail or wholesale transactions are made on the premises.

912.4.7 Individual tutoring.

912.4.8 Individual stringed instrument instruction.

912.4.9 Maid or home cleaning service for other dwellings.

912.4.10 Lawn care service and gardening.

912.4.11 Home office in which work for compensation or without compensation is undertaken, including, but not limited to receiving or initiating correspondence, such as phone calls, mail, faxes, or e-mail; preparing or maintaining business records; and word and data processing or personal services.

912.4.12 Personal instructions or personal services in which customers or students visit the home by appointment only, and service is provided on a one-on-one basis. No adult entertainment activities shall be allowed as a home based business/occupation.

912.4.13 Sales of a specific product in which members of the immediate family are employed, but which offer for sale stock in trade which is obtained from national franchise entity. Sales of products may be by delivery only. Examples of this type of home occupation include Amway, Tupperware, Mary Kay Make-up and similar products.

913.0 Vehicles and Trailers: All home occupations listed above, in which use of any vehicle or trailer is required, shall require approval of the Planning Commission. The applicant for approval shall submit to the Planning Commission a site plan that will detail the property dimensions, abutting streets, all buildings, driveways, and proposed parking of all vehicles. The site plan will address where vehicles, equipment and supplies will be stored. The business shall be limited to one (1) work vehicle (no greater in capacity of size and weight than a one-ton pick-up truck) and one (1) trailer (no longer than twenty-four (24) feet). A work trailer must be parked in the rear of property, only, and screened from view of adjacent neighbors. Storage of equipment or supplies must be kept within the confines of the work vehicle, trailer, or the principle structure. No repairs of equipment or vehicles for the business will be conducted on the property. The business must comply with all other zoning and building code requirements.

914.0 Home Occupations Not Permitted: Permitted home occupations shall not in any event be deemed to include the following:

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914.1.1 Auto repairs, minor or major.

914.1.2 Barber shop or beauty parlor.

914.1.3 Dance instruction.

914.1.4 Upholstering.

914.1.5 Stables or kennels.

914.1.6 Restaurants.

914.1.7 Tourist homes.

914.1.8 Veterinary clinics or hospitals.

914.1.9 Private schools with organized classes.

914.1.10 Gift shops.

914.1.11 Medical or dental clinic or hospitals.

914.1.12 Medical offices.

914.1.13 Dental offices.

914.1.14 Painting of vehicles, trailers, or boats.

914.1.15 Photo developing.

914.1.16 Photo studios.

914.1.17 Radio or television repair.

914.1.18 Cabinet shops.

914.1.19 Escort dating services, adult bookshop, adult imaging (electronic or otherwise) shop or outlet.

914.1.20 Electrician or electrical contractor.

914.1.21 Plumber or plumbing contractor.

914.1.22 Welder or welding contractor.

915.0 Home Occupation Fee:

A fee is hereby established to cover all administrative costs associated with monitoring compliance with the City codes and ordinances required by Home Occupation Permits. Such costs will include, but shall not be limited to, visits, conferences, telephone, computer, City vehicles, City staff (i.e., secretarial, inspectors), appointed or elected officials, consultant,

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City attorney and any other normal overhead expense. In addition, there will be increased costs to the City in lost commercial value. Vacant buildings in commercial zones have an adverse effect on the value of a building and the community's economic vitality.

Based on this increased cost to the City, said annual administrative fee shall be determined by the Mayor and Board of Aldermen. Upon filing for a Home Occupation, applicant shall pay for the first year fee amount with the application. The administrative fee shall be paid each following year at the renewal of the City Privilege License. Failure to pay said fee will result in automatic termination of said home occupation. All previous granted home occupations shall be required to pay the administrative fee at the time of renewal of the existing privilege license; renewal is due one year from the date the initial license is granted, and yearly thereafter."

SECTION 2. ORDINANCE No. 344, as heretofore amended, is amended as set forth herein above, only, to otherwise remain in full force and effect.

SECTION 3. Effective Date

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

The above and foregoing Ordinance No. 562 was introduced in writing by Alderman Boggs who moved its adoption. Alderman McNary seconded the motion to adopt the Ordinance, and after discussion, no member of the Board of Aldermen having requested the Ordinance to be read by the City Clerk, and the question being put to a roll call vote, the result was as follows:

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

The question having received the affirmative vote of a majority the Aldermen present and voting, the Mayor declared the motion carried in the said Ordinance adopted and approved this the 3rd day of February, 2009.

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APPROVED:

WILLIAM SKELLIE, JR., MAYOR

ATTEST:

REBECCA E. SCRUFF, CITY CLERK

Alderman Holder made motion seconded by Alderman Lishen and unanimously carried to appoint a Selection Committee, Request for Proposals, Professional management, operation and maintenance of the Public Works Department and Water and Sewer Utility Billing, to meet and open proposals, Friday, February 27, 2009, at 4:00 p.m. at the City Hall, for recommendation to the Mayor and Board of Aldermen at the next regular meeting scheduled for March 3, 2009. Said Selection Committee is as follows:

- Alderman Allen D. Holder, Jr.
- Fire Chief George Bass
- Alderman Charles Boggs
- Alderman Carolyn Anderson
- Mayor William Skellie

The Mayor recognized Chuck Ryan to discuss his used car business, 18102 Pineville Road, and the temporary trailer at that location. Mr. Ryan stated that the property in question was in litigation, however, the matter was settled and he was at liberty to construct a permanent structure. He apprised the Mayor and Board of Aldermen that he would begin construction and would remove the vehicles he has for sale off of city easements.

The property code violations were discussed and it was determined that Alderman Boggs would continue to work with Zoning Enforcement Officer Claire Leatherwood to resolve those violations. In addition, Ms. Leatherwood will cite Ronald Jefferson for continuous violations on his property on Beatline Road.

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Property code violations at Pecan Village Apartments were taken under advisement for adjudication at the next regular meeting, February 17, 2009.

Alderman Holder advised the Mayor and Board of Aldermen that he received complaints from residents around East 3rd Street and Nicholson Avenue regarding speeding. Based upon previous traffic studies, Alderman Holder made motion seconded by Alderman McNary and unanimously carried to approve the placement of a stop sign on Nicholson Avenue at East 3rd Street.

Alderman Holder made motion seconded by Alderman Lishen and unanimously carried to approve the SouthWest Water Company d/b/a/ Operations Technologies, Inc., settlement addendum and mutual release, authorizing the Mayor to execute same, as follows:

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ADDENDUM TO SETTLEMENT AGREEMENT AND MUTUAL RELEASE

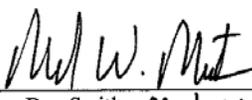
This Addendum to Settlement Agreement and Mutual Release (the "Addendum") is entered into as of and effective the 3rd day of February, 2009, by and between SouthWest Water Company d/b/a/ Operations Technologies, Inc. ("OpTech") and the City of Long Beach, Mississippi (the "City") to make an agreed upon modification of the Settlement Agreement and Mutual Release executed by OpTech on August 11, 2008, and by the City on August 21, 2008 (the "Settlement Agreement").

Nothing in this Addendum shall constitute a revocation of obligations or a waiver by either OpTech or the City of rights to enforce the Settlement Agreement according to its terms except as modified by this Addendum.

In consideration of mutual covenants in this Agreement the parties agree that the City shall issue a Request for Proposals ("RFP") for the services required to operate and maintain its Public Works Department as a procedural pre-requisite for compliance with the Settlement Agreement. In order to facilitate the City's issuance of said RFP, OpTech and the City agree that the Settlement Agreement is hereby modified in numbered Paragraph One so that the new contract will commence on March 6, 2009, rather than February 6, 2009 and continue for the same term set forth in numbered Paragraph One of the Settlement Agreement.

WITNESS MY SIGNATURE, this the 27th day of February, 2009.

OPERATIONS TECHNOLOGIES, INC.

By: 
Name: ~~Don Smith~~ Mark W. Minter
Title: Vice President

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WITNESS MY SIGNATURE, this the 3rd day of February, 2009.

CITY OF LONG BEACH, MISSISSIPPI

By: 
Name: William Skellie, Jr.
Title: Mayor

Alderman Holder made motion seconded by Alderman Lishen and unanimously carried to extend the contract for professional management, operation and maintenance of the city's public works department and water and sewer utility billing until March 6, 2009.

The Mayor opened the floor for public comments regarding items not appearing on the agenda, as follows:

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PUBLIC COMMENTS PERTAINING TO MATTERS <u>NOT</u> APPEARING ON THE AGENDA	
<p>NOTE: All comments <u>shall</u> be directed to the Chairman (Mayor) at the end of the meeting.</p> <p>Comments of a personnel nature regarding individual members of the Governing Authority (Mayor and Board of Aldermen), City Staff and/or Personnel, disruptive comments or improper actions <u>will not</u> be permitted.</p> <p>Public Comments will be limited to a total of ten (10) minutes and limited to a maximum of <u>two (2) minutes</u> per person.</p> <p>Except as otherwise directed by the Chairman (Mayor), Public Comments will not be permitted before or after the allotted time. Disruption of the regular business meeting will be cause for removal from the public meeting.</p>	
PLEASE PRINT: NAME / ADDRESS / TELEPHONE	SUBJECT MATTER
1 MARCIA KRUSE 19015 REDBUD DR 313-8938	SAFETY ENVIRONMENT FOR OUR CHILDREN.
2 PHIL KIES 789 DOGWOOD DR	PORT COMMISSION CHANGE IN BOAT-TRAILER PARKING
3 Gandra Fulehee 19415 ASPH ST 5050	Ret. Village FEMA Cottage
4	
5	
6	
7	
8	
9	
10	

City of Long Beach, Mississippi
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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.

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APPROVED:

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

Alderman Charles A. Boggs, Ward 1

Alderman Richard Notter, Ward 2

Alderman Richard Burton, Ward 3

Alderman Joseph McNary, Ward 4

Alderman Mark Lishen, Ward 5

Alderman Carolyn Anderson, Ward 6

Date: _____

ATTEST:

Rebecca E. Schruoff, City Clerk