MINUTES OF JUNE 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 the 3rd day of June, 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, Richard Notter, Richard Burton, Joseph McNary, Mark Lishen, Carolyn Anderson, City Attorney James C. Simpson, Jr., and Deputy City Clerk Stacey Dahl.

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

* *

The public meeting was called to order to consider an application for Zoning Map Change from R-O/R-1, Residential/Office/ Single Family Residential to C-2 General Commercial, for a portion of Tax Map Parcel #0611K-01-017.000, property generally described as located on the west side of Klondyke Road and south of Commission Road, Long Beach, Mississippi, as submitted by Ida Faye Woodfield, 533 Klondyke Road, Long Beach, Mississippi, by and through her authorized representative, Keesler Federal Credit Union.

The application for Zoning Map Change was denied by the Long Beach Planning Commission at a public hearing duly held and convened on April 9, 2009, and subsequently appealed to the Mayor and Board of Aldermen.

* *

The clerk reported that pursuant to that certain order of the Mayor and Board of Aldermen at a regular meeting duly held and convened on April 21, 2009, that she did cause to be published in The Sun Herald, a newspaper with a general circulation in the City of Long Beach and published in Harrison County, Legal Notice, Public Hearing, as evidenced by the Publisher's Proof of Publication.

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

PROOF OF PUBLICATION

LONG BEACH, MISSISSIPPI
LEGAL NOTICE
PUBLIC HEARING
NOTICE IS HEREBY GIVEN that the Mayor and Board of Aldermen will conduct a public hearing Wednesday, June 3, 2009 at 6:00 o'clock P.m. at the Long Beach School District Central Office, 19248 Commission Road, Long Beach, Mississippi, to consider an application for ZONING MAP CHANGE filed by Ida Faye Woodfield, 533 Klondyke Road, Long Beach, Mississippi.
The applicant is requesting to change the zoning classification from R-O/R-1 Residential/Office/Single Family Residential to C-2 General Commercial for Tax Map Parcel #061.1K-01-017.000, Legal description is as follows:
A parcel of land in the NE 1/4 of the NE 1/4 of Section 11 if laid out as a regular section or a portion of Fractional Section 12, Township Ship 8 South, Range 12 West. Also being located in apportion of Lot 9, Seals Addition, Long Beach, Harrison County, Mississippi, as per Plat Book 11, Page 13, being more particularly described as:
Beginning at an iron rod on the apparent west margin of Klondyke Road, said iron rod being 983.1 feet south of an existing magnetic nail at the centerline intersection of Commission Road and Klondyke Road, reputed to be marking NE corner of said Section 11, thence run S 00degrees 23'35" E along the said west margin for 275.0 feet to an iron rod, thence run S89degrees 39'55" W for 401.2 feet to a point in an iron rod, thence run N00degrees 20'07" W for 275.0 feet to an iron rod, thence run N89degrees 39'45" E for 400.92 feet to the Point of Beginning.
The application for ZONING MAP CHANGE was denied by the Long Beach Planning Commission at a public hearing duly held and convened on April 9, 2009, and subsequently appealed to the Mayor and Board of Aldermen on April 21, 2009.
The City of Long Beach encourages all interested parties to attend and express their views.
ORDERED, this the 21st day of April, 2009. Mayor and Board of Aldermen, Long Beach, Mississippi.
By: Rebecca E. Schmitt
City Clerk
adv 5
1322658

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Before me, the undersigned Notary of Harrison County, Mississippi personally appeared Darlene Coludrovich 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., 215 dated 5 day of May, 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____
Vol. _____ No., _____ dated _____ day of _____, 20____

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

Clerk

Sworn to and subscribed before me this 6 day of May, A.D., 20 09

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..... 43.20

MINUTES OF JUNE 3, 2009
MAYOR AND BOARD OF ALDERMEN

The Clerk reported that fifteen (15) Legal Notices of Public Hearing were sent via certified mail, return receipt requested to property owners within 200 feet of the subject property, twelve (12) were received, and three (3) returned unclaimed.

Alderman Anderson made motion seconded by Alderman Boggs 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.

* *

The Mayor recognized Attorney Maria M. Cobb with Rushing & Guice. P.L.L.C., representing Ida Faye Woodfield, by and through her authorized representative, Keesler Federal Credit Union (KFCU). Ms. Cobb submitted for the record an Application for Case Review and a collection of Exhibits, both on file in the Office of the City Clerk.

Ms. Cobb stated the request for Zone Change involves only a portion of the aforesaid property, two hundred seventy five (275) feet by approximately three hundred ninety (390) feet, thus the request is to extend the existing commercially zoned property on Klondyke road, two hundred seventy five (275) feet south. Ms. Woodfield will continue to own the remainder of the property.

Ms. Cobb stated that a zoning application may be approved if the applicant proves by clear and convincing evidence that either (1) The original zoning was a mistake or (2) The character of the neighborhood has changed to such an extent as to justify rezoning and that a public need exists for the rezoning. Ms. Cobb expounded on the following factors being met to consider a change in the character of the neighborhood:

1. Increased Population Growth
2. Traffic Considerations
3. Revitalization of Central Business District
4. Increased Commercial Activity
5. Change in Economic Character
6. Comprehensive Planning
7. Katrina Effect

In conclusion, the KFCU Long Beach Branch project will have a positive economic impact on the City of Long Beach:

- during construction period the KFCU project will directly employ approximately 25 residents which will result in the creation and/or retention of 43 additional jobs
- total income generated by the construction of the facility $1,486,081, will result in estimated sales tax receipts of $9,779 to the City
- operation of the KFCU Long Beach Branch will create 11 new permanent jobs resulting in the creation and/or retention of

37 additional jobs

- operation of the KFCU Long Beach Branch will result in recurring annual sales tax receipts of $4,510 to the city
- additional ad valorem taxes received by the city will be $53,809 Annually

The local economy has shifted both geographically and structurally. Residential and economic activities are moving northward. The character of neighborhoods in South Mississippi signals a desire and need of nearby consumption opportunities, including banking services.

* *

The Mayor opened the floor for public comments in favor of the application for zoning map change and the following persons came forward:

Tammy Brister, Vice President of Branch Operations KFCU, stated statistics show many businesses have opened following branch openings in surrounding cities.

Carrie Touchstone, Branch Manager KFCU, submitted statistics on volume of branch transactions, need for larger facility to service members, and drive thru for elderly, handicap, and families with small children.

Ida Faye Woodfield, owner of property, declared a hardship, as she is an aging widow living on a limited income. Ms. Woodfield feels it has become necessary to sell off a portion of her property in order to remain independent, pay her bills and taxes, and maintain a home. Ms. Woodfield stated that it is quite obvious the whole neighborhood has changed over the years, specifically since Hurricane Katrina. Since the property directly across the road from her property has already been zoned commercial, it is her opinion that her property should also be zoned for commercial development, to be consistent with the growth of the north entrance to the City of Long Beach.

The following persons stated reasons in favor of the zone change as the city needs commercial growth, the city must be welcoming to commercial growth, would bring more business to the shopping center on the east side of Klondyke Road, school district needs revenue generated, location is a natural fit for commercial:

Maria Cobb, 2009 W. Second St, Long Beach, Mississippi

Luther Conn, with Masonic Lodge, Klondyke Road

Luther Conn, resident, 707 Klondyke Road

Melvin Smith, 20199 Pineville Road

Sherry Long, 460 Klondyke Road

Allen Pace, 5510 Daugherty Road-

Ruby Blackwell, 21454 Womack Lane

George Casey, 903 Marjorie

MINUTES OF JUNE 3, 2009
MAYOR AND BOARD OF ALDERMEN

Jerry Olson, 1014 Pino Street
Bob Lankford, 117 East Avenue
Claire Leatherwood, 20 Oakmont Place
Richard Strebeck, 220 McGuire Drive

* *

The Mayor recognized Attorney Abner C. Oglesby with Deutsch, Kerrigan, & Stiles, representing Jack and Diane Donovan, opposing the zone change request. Mr. Oglesby submitted, for the record and on file in the Office of the City Clerk, documentation opposing the zone change request stating it does not meet the requirements provided in the Long Beach Zoning Ordinance, the Mississippi Code or Mississippi common law to allow for a zoning change. Mr. Oglesby contends Ms. Woodfield's application for a zone change has not met the clear and convincing evidence to show a change in the character of the neighborhood that would allow the property to be re-zoned for commercial purposes.

Furthermore, the Donovans are protesting, under the auspices of Miss. Code Ann. 17-1-17, on behalf of 20% or more of the property owners immediately adjacent to the rear of the subject Woodfield property within 160 feet. That property owners include those that contain more than 20% of the property adjacent to the rear of the subject Woodfield property. Mr. Oglesby contends the Donovans have met the requirements of Miss. Code Ann. 17-1-17, which requires a 3/5 (super) majority vote of the Board of Aldermen of the city of Long Beach to approve the proposed change.

The Mayor opened the floor for public comments against the application for zoning map change. The following persons stated reasons opposing the change as the character of the neighborhood has not changed to warrant re-zoning, quality of residential life, flooding concerns:

Marcia Kruse,19015 Redbud Drive, Long Beach, Mississippi
Jack Donovan, 111 Summer Lane
Johnny Goodman, 109 Summer Lane
Leonard Carrubba, 105 Summer Lane
Diane Donovan, 111 Summer Lane

* *

The Mayor opened the floor for rebuttal in favor of the zone change, whereupon Attorney Billy Guice, Rushing & Guice, P.L.L.C., stated the character of the neighborhood has absolutely changed due to Hurricane Katrina, drainage issues have been addressed through project engineering, the city needs economic development for growth, and potential businesses need the support of the City.

* *

The Mayor opened the floor for rebuttal opposed to the zone change, whereupon Diane Donovan, 111 Summer Lane, stated there are many other properties in the city available that are already zoned commercial.

Leonard Carrubba, 105 Summer Lane, stated the applicants have not met their burden of proof for re-zoning

* *

Alderman Anderson made motion seconded by Alderman Boggs and unanimously carried to make the March 11, 2009, Planning Commission Minutes, Application for Case Review and Application for Zoning Map Change Exhibits submitted by Rushing & Guice, P.L.L.C., Opposition to Zone Change Request of Ida Faye Woodfield submitted by Deutsch, Kerrigan, & Stiles, and a petition submitted by Keesler Federal Credit Union and maps submitted by Keesler Federal Credit Union, Ida Faye Woodfield and Mr. and Mrs. Jack Donovan a part of the record of this public hearing on file in the Office of the City Clerk. **[Reference Minute Book 64; Page 220]**

* *

Considerable discussion was held regarding the issue of a vote calling for a simple majority or a super majority.

* *

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

****

Upon further discussion, Alderman Holder stated that the protesters had not presented any documentation regarding the actual interest owned by them by survey or otherwise, such as would allow the Board to accurately determine whether they owned in excess of 20% of the property within the adjoining 160 feet to the west of the subject property. Failing in such burden, Alderman Holder made motion seconded by Alderman Lishen to conduct the vote as a simple majority, as the proper or adequate documentation and calculations have not been provided to substantiate the need for a super majority.

Alderman Notter offered substitute motion seconded by Alderman Boggs to remand the request for a zone change back to the Planning and Zoning Commission and allow them to address the applicants original request. The question being put to a roll call vote, the result was as follows:

Alderman Notter	voted	Aye
Alderman Burton	voted	Aye
Alderman Boggs	voted	Aye
Alderman Anderson	voted	Nay

Alderman Holder	voted	Nay
Alderman Lishen	voted	Nay
Alderman McNary	voted	Nay

The question having received the negative vote of a majority of the Board of Aldermen present and voting, the Mayor declared the motion not carried.

* *

Upon further discussion of the original motion, Alderman Holder withdrew his motion and Alderman Lishen withdrew his second.

* *

Upon continued discussion, Alderman Boggs made motion seconded by Alderman Notter to deny the aforesaid application for a zone change.

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

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

The question having received the NEGATIVE vote of a majority of the Aldermen present and voting, the Mayor declared the motion NOT CARRIED. **[Reference Minute Book 64; Page 290]**

* *

Alderman Holder restated his position that the protesters had not presented any documentation regarding the actual interest owned by them by survey, or otherwise provided sufficient proof as would allow the Board to accurately determine whether they owned in excess of 20 % of the property within the adjoining 160 feet to the west of the subject property. Alderman Notter disagreed with the position of Alderman Holder, stating that he felt the 20 % showing had been made motion seconded by Alderman. **[Reference Minute Book 64; Page 291]** Alderman Holder then offered substitute motion seconded by Alderman Lishen to approve the request for zone change from R-0/R-1 to C-2 based on the following reasons:

1. Applicant has shown factually that there has been a change in the character of the neighborhood by increased traffic, Katrina growth to the north, Klondyke Road being a major transportation artery and new, expanding commercial uses along Klondyke Road and other changes presented by applicant.

2. The City's newly developed comprehensive plan shows Klondyke Road as a major commercial area and the change will be in conformance with the new plan.
3. There is a need for new commercial properties north of the railroad tracks due to Hurricane Katrina. Insurance and safety is forcing development north and this area is part of that growth
4. Due to the existing commercial property located directly across the street from the proposed project, this re-zoning would not constitute a situation of spot zoning
5. Finally, the applicant has conformed to Article XIII, Section 1301 of the Long Beach Zoning Ordinance which outlines the requirements for a zoning change.

It was further ordered to direct the City Attorney to draft the necessary amendment to Ordinance 344, as set forth above. The aforesaid motion being put to a roll call vote, the result was as follows:

Alderman Notter	voted	Nay
Alderman Burton	voted	Nay
Alderman Boggs	voted	Nay
Alderman Anderson	voted	Aye
Alderman Holder	voted	Aye
Alderman Lishen	voted	Aye
Alderman McNary	voted	Aye

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

* *

Be it remembered that a recess meeting of the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, was begun and held at the Long Beach School District Central Office, 19148 Commission Road, in said City at 6:00 o'clock p.m., it being the time, date, and place fixed by the Mayor and Board of Aldermen recessing the meeting of May 26, 2009.

****

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

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

****

MINUTES OF JUNE 3, 2009
MAYOR AND BOARD OF ALDERMEN

Due to a public hearing, the meeting was called to order at 9:00 o'clock p.m.

****

Alderman Burton announced that Mr. Rod Rishel has resigned his position on the Planning Commission and he would probably delay making an appointment, as to allow Alderman Elect Kaye Couvillon to make the appointment.

****

Alderman Boggs recognized, and on behalf of the Board, congratulated the Long Beach High School Mock Trial Teams for their superior results in competition.

Team A – Ranked Fifth in the State

Haylee McCaffrey	Leon Carrubba	Katie Van Cott
Gage Weeks	James Oswalt	Molly Profitt
Ricky Johnson		

Team B – Ranked Second in the State

Alicia Carrubba	Ihaab Syed	Georgeann Campball
Ashleigh Ross	Akye Gravenstuk	Kirsten Center
Rebecca Sprinkle	Aana Solangi	

Attorney Coaches

Brad Rath Chris Hare

Teacher Sponsors

Lauren Ward Vivian Lee Ward

****

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 April 21, 2009, that she did cause to be published in The Times-Picayune, published in New Orleans, LA, The Clarion Ledger, published in Hinds County, MS, The Press-Register, published in Mobile, AL, and The Sun Herald, a newspaper with a general circulation in the City of Long Beach and published in Harrison County, Legal Notice, Advertisement for Bids, GENERATORS FOR LONG BEACH PUBLIC WORKS DEPARTMENT, as evidenced by the Publisher's Proof of Publication.

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

PROOF OF PUBLICATION
THE STATE OF MISSISSIPPI
HINDS COUNTY

PASTE PROOF HERE

C18861
CITY OF LONG BEACH, MS,
0200227475
Generators for Long Beach Public Works

ADVERTISEMENT FOR BIDS

City of Long Beach, Mississippi

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

GENERATORS FOR LONG BEACH PUBLIC WORKS DEPARTMENT

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 of 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., June 2, 2009.

Bids are invited for the furnishing of approximately eleven trailer-mounted portable diesel generating units, size: 35KW AND 60KW.

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

A complete Bid Package and Specifications may be obtained at the office of A. Garner, Russell & Associates, Inc., Consulting Engineers, Howes Avenue at 33rd Street (Post Office Box 1977), Gulfport, Mississippi 39507, upon payment of $50.00 nonrefundable 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, GENERATORS FOR LONG BEACH PUBLIC WORKS DEPARTMENT, must be submitted with each bid.

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, April 21, 2009.

City of Long Beach, Mississippi

By: REBECCA SCHRUFF
Title: CITY CLERK

Publish: May 1 and May 8, 2009

0200227475

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

ANN MIDDEKE

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:

5/1/2009
5/8/2009

Size: 432 words / 2.00 col. x 60.00 lines
Published: 2 time(s)
Total: $107.04

Signed Ann Middeke
Authorized Clerk of
The Clarion-Ledger

SWORN to and subscribed before me on 5/8/2009.

Rick Tyler
Notary Public
RICK TYLER

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

(SEAL)

STATE OF MISSISSIPPI
RICK TYLER
NOTARY PUBLIC
ID# 90075
Commission Expires
June 29, 2012
RANKIN COUNTY

MINUTES OF JUNE 3, 2009
MAYOR AND BOARD OF ALDERMEN

PRESS-REGISTER

LEGAL AFFIDAVIT

Account Number: 1057428

Name: CITY OF LONG BEACH MISSISSIPPI

Sale Rep: Christine Bevins

Period Ending: 05/08/09

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

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

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

START DATE	END DATE	AD NUMBER	P.O. NUMBER / DESCRIPTION	SAU SIZE	BILLED UNITS	TIMES RUN	AMOUNT
05/01	05/08	I01491785-05012009	GENERATORS/ADVERTISEMENT FOR BIDS City of Long	347 Words	347	2	239.50
						TOTAL:	239.50

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

Press-Register 5/1/2009, 5/8/2009

Liz Singleton

Sworn to and subscribed before me this 8th day of May 2009

Brandi W. Cook

NOTARY PUBLIC

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

ADVERTISEMENT FOR BIDS

City of Long Beach, Mississippi

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

GENERATORS FOR LONG BEACH PUBLIC WORKS DEPARTMENT

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., June 2, 2009.

Bids are invited for the furnishing of approximately eleven trailer-mounted portable diesel generating units, sizes 30KW AND 60KW.

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

A complete Bid Package and Specifications may be obtained at the office of A. Garner Russell & Associates, Inc., Consulting Engineers, Hewes Avenue at 33rd Street (Post Office Box 1672), 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, GENERATORS FOR LONG BEACH PUBLIC WORKS DEPARTMENT, shall be submitted with each bid.

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, April 21, 2009.

City of Long Beach, Mississippi

By: s/REBECCA SCHRUFF
Title: CITY CLERK

PRESS REGISTER
MAY 1, 8, 2009

MINUTES OF JUNE 3, 2009
MAYOR AND BOARD OF ALDERMEN

PROOF OF PUBLICATION
THE STATE OF MISSISSIPPI
HINDS COUNTY

PASTE PROOF HERE

C18861
CITY OF LONG BEACH, MS,
0200227475
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Bids are invited for the furnishing of approximately eleven trailer mounted portable diesel generating units, sizes 30KW AND 50KW.

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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 acceptable surety, in an amount equal to five percent (5%) of the total bid for City of Long Beach, GENERATORS FOR LONG BEACH PUBLIC WORKS DEPARTMENT shall be submitted with each bid.

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, April 21, 2009.

City of Long Beach, Mississippi

By: /s/REBECCA SCHRUFF
Title: CITY CLERK

Publish: May 1, and May 8, 2009

0200227475-01

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

ANN MIDDEKE

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:

5/1/2009
5/8/2009

Size: 432 words / 2.00 col. x 60.00 lines
Published: 2 time(s)
Total: $107.04

Signed Ann Middeke
Authorized Clerk of
The Clarion-Ledger

SWORN to and subscribed before me on 5/8/2009.

Rick Tyler
Notary Public
RICK TYLER

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

(SEAL)

STATE OF MISSISSIPPI
RICK TYLER
NOTARY PUBLIC
ID# 90075
Commission Expires
June 29, 2012
RANKIN COUNTY

The Times-Picayune

3800 HOWARD AVENUE, NEW ORLEANS, LOUISIANA 70140-1097 TELEPHONE (504) 826-3201

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, Elizabeth C. Darcey who deposes and says that she is an Assistant Controller of The Times-Picayune, L.L.C., a Louisiana Corporation, Publishers of The Times-Picayune, Daily and Sunday, of general circulation; doing business in the City of New Orleans and the State of Louisiana, and that the attached

BIDS & PROPOSALS

r:Advertisement bids for City of Long Beach, Mississippi Generators for Long Beach Public Works Department

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 May 1, 8, 2009

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.

Elizabeth C Darcey

Sworn to and subscribed before me this 8th Day of May, 2009.

Notary Public

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

Notary identification number 23492

The clerk reported that six (6) bids were property filed, whereupon, said bids were opened and read aloud, as follows:

* *

Alderman Notter recused himself from the meeting.

* *

Jason Lauban Construction, Inc.
4850 Gautier-Vancleave Road
Gautier, MS 39553
Check included
Acknowledges Addendums 1 and 2
Bid Amount $296,821.90

Power Systems of MS
14313 Stennum Dr. Ste. D
Biloxi, MS 39532
Bid Bond included
Acknowledges Addendums 1 and 2
Bid Amount $264,198.00

Universal Services
708 Main St.
Leakesville, MS 39451
Bid Bond included
Acknowledges Addendums 1 and 2
Bid Amount $358,000.00

Puckett Power Systems
3263 Highway 80 West
P.O. Box 3170
Jackson, MS 39207-3170
Bid Bond included
Acknowledges Addendums 1 and 2
Bid Amount $249,400.00

Taylor Power Systems
461 Hwy. 49 South
Richland, MS 39218
Cashiers check included
Acknowledges Addendums 1 and 2
Bid Amount $253,332.00

Energy Systems Southeast, LLC
102 Maple Grove
Madison, MS 39110
Check included
Acknowledges Addendums 1 and 2
Bid Amount $274,845.00

Alderman Holder made motion seconded by Alderman Anderson and unanimously carried to take the aforesaid bids under advisement.

****

Alderman Notter returned to the meeting.

Alderman McNary left the meeting due to illness.

****

MINUTES OF JUNE 3, 2009
MAYOR AND BOARD OF ALDERMEN

Alderman Holder made motion seconded by Alderman Anderson and unanimously carried to accept the following recommendation of David Ball, City Engineer:

A. GARNER RUSSELL & ASSOCIATES, INC. / CONSULTING ENGINEERS
520 33rd STREET, GULFPORT, MS 39507
P.O. BOX 1677, GULFPORT, MS 39502
TEL. (228) 863-0867
FAX (228) 863-5232

June 3, 2009

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

RE: Kitchen Equipment
LB Senior Citizen Facility

Ladies and Gentlemen:

Last week, we received bids for the Kitchen Equipment at the Long Beach Senior Citizen Facility. We only received one bid by Flagstar Construction Co., for $171,000. Based on some decisions made at the on-site pre-bid meeting and addendums that followed the meeting, the contract only includes floor-standing kitchen equipment for the kitchen and concession area. It excluded some fire suppression systems because of the need for further engineering by a qualified professional engineer before the work could be bid.

Since that time, Jim D'Orazio has received information from Bob Lawrence of Flagstar Constr., indicating that he intends to perform all of the kitchen equipment installation, including the fire suppression systems, duct work, etc., which were removed from the contract via addendum prior to the bid. Obviously, this is good news for the City because it saves the time needed for an engineer to inspect the site and prepare a bid package for the needed work. Flagstar assures Jim that he intends to provide "all equipment, interconnecting parts and components, plumbing, electrical and mechanical work required to ensure that the kitchen will be fully functional and will be compliant to all fire and safety codes."

Based on Flagstar's performance in constructing the facility, we expect no problems in the performance of this contract. Therefore, we are pleased to recommend award of the contract to Flagstar Construction, in the amount of their bid, with work to begin as soon as possible.

Sincerely,

David Ball, P.E.

DB:1711-Kitch.

MINUTES OF JUNE 3, 2009
MAYOR AND BOARD OF ALDERMEN

****

Alderman Anderson made motion seconded by Alderman Lishen and unanimously carried to approve the May 26, 2009, recess minutes of the Mayor and Board of Aldermen, as written.

****

Alderman Anderson made motion seconded by Alderman Holder and unanimously carried to approve the May 28, 2009, regular minutes of the Planning Commission, as written.

****

Alderman Anderson made motion seconded by Alderman Holder and unanimously carried to approve the May 27, 2009, recess meeting of the Port Commission, as written.

****

Alderman Holder made motion seconded by Alderman Anderson and unanimously carried to approve the bills listed on Docket of Claims #060209, as submitted.

****

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

****

It was determined that CDBG – Contract, Neel-Schaffer; Town Green Project and CDBG – Engagement Letter, JBHM Architects; Town Green Project would be tabled until a later date.

****

Alderman Anderson made motion seconded by Alderman Lishen and unanimously carried to approve one (1) Request for Cash and payment of three (3) invoices, CDBG, as follows:

MINUTES OF JUNE 3, 2009
MAYOR AND BOARD OF ALDERMEN

MEMO

DATE: May 30, 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 5939 in the amount of $5,011.16
   For administration expense

2. JBHM Architects
   Invoice Number 12 in the amount of $27.50
   For architect/engineering expense

3. Starks Contracting Company, Inc.
   Invoice Number 2 in the amount of $164,751.37
   For construction of public building expense
   $2,403.79 from Insurance
   $9,219.49 from FEMA
   $153,128.09 from CDBG
   (Please see attached Memo from Broaddus & Associates)

Also enclosed is "Request for Cash and Summary Support Sheet No. 14" in the amount of $158,166.75 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. 14" and return it along with the supporting documentation for processing to our office at the following address:

JIMMY G. GOURAS
URBAN PLANNING CONSULTANTS, INC.
1400 CHERRY ST. • VICKSBURG, MS 39183 • 601-638-7121 • FAX 601-638-5292 • Email: jggouras@bellsouth.net

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

Mississippi Development Authority
REQUEST FOR CASH

Section A: General Information

Applicant Name: City of Long Beach
Mailing Address: Post Office Box 929
Street Address:
City, State Zip: Long Beach, MS 39560
Telephone No.: 228-863-1556
Fax Number: 228-865-0822
Email Address:

Bank Information

Electronic Transfer: 065503681
Bank Account: 043306089
Bank Name: Hancock Bank
Address: 101 Jeff Davis Avenue
City, State ZIP: Long Beach, MS 39560
Telephone No.: 228-868-4000

Services Rendered

From: May 1, 2009 Thru To: May 31, 2009

Section B: Project Information

Grant No.	Contract No.	Request No.
R-103-09	R-109-235-02-KCR	14

FOR MDA USE ONLY

Vendor No.

IDIS Voucher Number

Approval for Payment

Signature

Date

Section C: Request Per Activity

	Activity Description	Budget Amount	Total Prior Request to Date	This Request	Remaining Balance	Activity Numbers
1	Administration	$ 144,268.00	$ 51,566.96	$ 5,011.16	$ 87,689.88	
2	Application Preparation	$ 10,000.00	$ 10,000.00		$ -	
3	Architect/Engineering Expense	$ 343,971.00	$ 296,159.99	$ 27.50	$ 47,783.91	
4	Contingency	$ 324,134.00			$ 324,134.00	
5	Construction of Public Building	$ 4,545,301.00	$ 168,458.90	$ 153,128.09	$ 4,223,714.01	
	Total Expense	$ 5,367,674.00	$ 526,185.45	$ 158,166.75	$ 4,683,321.80	

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 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

6/3/09
Date Signed

Debra Tompkins
Prepared By

5/31/2009
Date Prepared

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

601-638-7121
Preparer's Telephone No.

Mississippi Development Authority
Cash Summary Support Sheet

Applicant: City of Long Beach
Period Cost - Beginning: May 1, 2009
Request No: 14
Ending Date: May 31, 2009
Grant Number: R-103-06
Contract Number: R-109-235-02-KCR

1. Activity: Administration Expense

	Line Item	Vendor Name	Invoice #	(a) Invoice Amount	(b) Match Share	Federal Share
A.	Administration Expense	Jimmy Gouras	5939	$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 #	(a) Invoice Amount	(b) Match Share	Federal Share
A.	Architect/Engineer	JBHM	12	$27.50		$27.50
B.						$0.00
C.						
D.						
			Subtotal:	$ 27.50	$ -	$ 27.50

3. Activity: Construction of Public Building

	Line Item	Vendor Name	Invoice #	(a) Invoice Amount	(b) Match Share	Federal Share
A.	Construction of Public Buildin	Starks Contracting Co.Inc.	2	$164,751.37	$11,623.28	$153,128.09
B.						
C.						
D.						
			Subtotal:	$ 164,751.37	$ 11,623.28	$ 153,128.09

Cash Summary Support Sheet

Applicant: City of Long Beach
Request No: 14
Grant Number: R-103-06
Contract Number: R-109-235-02-KCR

4. Activity:

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

5. Activity:

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

6. Activity:

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

Cumulative Match Expended To Date:	$11,623.28	GRAND TOTAL:	$ 169,790.03	$ 11,623.28	$ 158,166.75
Cumulative Federal Expended To Date:	$684,352.20				

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.

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

Signature of Authorized Official

Mississippi Development Authority Consolidated Support Sheet

Applicant: City of Long Beach
Request for Cash Number: 14
Contract Number: R-109-235-02-KOR
Total Amount Requested: $ 158,166.75

Line Items	Amount Budgeted	Amount Requested to Date	Amount of This Request	Balance
Administration	$ 144,268.00	$ 51,366.96	$ 5,011.18	$ 87,689.88
Application Preparation	$ 10,000.00	$ 10,000.00		$ -
Specific Line Items as Listed in the Budget:				
Architect/Engineering Expense	$ 343,971.00	$ 296,159.59	$ 27.50	$ 47,783.91
Contingency	$ 324,134.00	$ -	$ -	$ 324,134.00
Construction of Public Building	$ 4,545,301.00	$ 168,458.90	$ 153,126.09	$ 4,223,714.01
				$ -
				$ -
				$ -
				$ -
				$ -
Total Budget	$ 5,367,674.00	$ 526,185.45	$ 158,166.75	$ 4,683,321.80

Total Funds Request to Date:			
Amount of Other Funds Expended to Date:			$ 684,352.20
CDBG Project Balance			
Period of Projected Cash Needs - Beginning:	May 1, 2009	Thru	May 31, 2009
			$ 4,683,321.80

TODAY'S DATE	5/31/2009	BUDGET	$ 5,367,674.00	
CONTRACT BEGIN DATE (FROM CONTRACT)	1/2/2008	TOTAL AMOUNT SPENT TO DATE	$ 684,352.20	
CONTRACT END DATE (FROM CONTRACT)	1/2/2010	% TOTAL CONTRACT BUDGET SPENT	12.75%	
CONTRACT EXTENSION (MONTHS) (ENTER # OF MONTHS OR "0")		% CONTRACT BUDGET REMAINING	87.25%	
FINAL CONTRACT COMPLETION DATE	1/2/2010	CONSTRUCTION BUDGET AMOUNT	$4,869,435.00	Enter number from Cash Request.
CONTRACT DURATION (MONTHS)	36.00	TOTAL CONSTRUCTION DOLLARS SPENT TO DATE	$321,566.99	Enter number from Cash Request.
% OF CONTRACT PERIOD ELAPSED	47.03%	% CONSTRUCTION BUDGET SPENT	6.60%	
% OF CONTRACT PERIOD REMAINING	52.97%			

JBHM ARCHITECTS, P.A.

INVOICE

662.844.1822 (phone) 662.844.0971 (fax)

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

May 20, 2009
Invoice No: 12
Project No: 07123

Attn: Ann Frazier

Re: City of Long Beach: City Hall New Constu

For professional services rendered through May 20, 2009

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	25,453.68	0.00
CA (100%)	63,634.20	10.00%	6,363.42	6,363.42	0.00
Total Fee	318,171.00		260,900.22	260,900.22	0.00

Plan House Printing & Graphics, LLP	27.50
Total Out-of-Pocket Expenses	$27.50
Invoice Total	$27.50

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!

STATEMENT FOR SERVICES RENDERED

CITY OF LONG BEACH

KATRINA SUPPLEMENTAL COMMUNITY DEVELOPMENT BLOCK GRANT
COMMUNITY REVITALIZATION PROJECT
PROJECT NO. R-109-235-02-KCR
Municipal Complex Project

May 30, 2009

INVOICE #5939

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

Jimmy Gouras

JIMMY G. GOURAS
URBAN PLANNING CONSULTANTS, INC.
1100 CHERRY ST. • VICKSBURG, MS 39183 • 601-638-7121 • FAX 601-638-5292 • Email: jggouras@bellsouth.net

BROADDUS & ASSOCIATES
INTEGRATED PROJECT MANAGEMENT AND PLANNING

MEMORANDUM

TO:	**City of Long Beach, Mayor William Skellie**
FROM:	David A. Vicknair, Project Manager
SUBJECT:	City Hall Project **Pay Application #2**
DATE:	Tuesday, May 26, 2009
CC:	**Cary McCormick, MEMA Horne Group** **Ann Frasier, Jimmy Gouras Urban Planning** **Ryan Florreich, JBHM**

Please find included *Funding Sources 5.26.09 Pay App #2* spreadsheet detailing percentage of payment from Insurance, FEMA PA, and CDBG. Broaddus & Associates recommends paying $2,403.79 from Insurance, $9,219.49 from FEMA PA, and $153,128.09 from CDBG as detailed in the spreadsheet and corresponding to Pay Application #2 from Starks Construction, certified by JBHM. The current payment calculation for all funding sources will correct Pay Application #1 which was funded 100% by MDA/CDBG. All future Pay Applications will be handled in this same manner.

Should there be any questions, please do not hesitate to contact me.

Best Regards,

David A. Vicknair, Project Manager
Broaddus & Associates
(228) 343-0221

2510 14th Street ◊ Suite 810 ◊ Gulfport, Mississippi 39501 ◊ (228) 314-1260 ◊ Fax (228) 314-1265

City Hall, City of Long Beach
Funding Summary
5/21/2009
Pay Application #2

Funding Sources				
Insurance	FEMA/MEMA	CDBG	Total	
$ 49,206.45	$ 188,726.36	$ 4,158,067.19	$ 4,396,000.00	
1.12%	4.29%	94.59%	100.00%	
$ 2,403.79	$ 9,219.49	$ 203,126.11	$ 214,749.39	Total Earned less CO and Retainage
		$ 92,617.88	$ 92,617.88	CO Less Retainage
$ 2,403.79	$ 9,219.49	$ 295,743.99	$ 307,367.27	Total Earned Less Retainage
$ -	$ -	$ 142,615.90	$ 142,615.90	Previous Payments
$ 2,403.79	$ 9,219.49	$ 153,128.09	$ 164,751.37	Totals, Pay App #2

Original Contract	$ 4,396,000.00

Costs @ 5/21/09		
Contracted	$ 214,749.39	Total Earned less Change Orders and Retainage
Change Order	$ 92,617.88	Change Orders Less Retainage
Total	$ 307,367.27	Total Earned less Retainage

MINUTES OF JUNE 3, 2009
MAYOR AND BOARD OF ALDERMEN

TRANSMITTAL

2548 Beach Blvd, Suite 100, Biloxi, Ms 39531 Tel: 228-594-2200 Fax: 228-594-2020

JBHM ARCHITECTS www.jbhm.com

To: Ann Frazier
Jimmy G. Gouras Urban Planning Consultants, Inc.
1100 Cherry Street
Vicksburg, MS 39183

Date: May 20, 2009

Project: Long Beach New City Hall
JBHM # 07123

We are sending you via UPS Ground

Copies	Date	No.	Description
1	May 19, 2009	---	Pay Application 2, Certified

These are transmitted as checked below:

- ☐ For Your Approval
- ☒ For Your Use
- ☐ As Requested
- ☐ No Exceptions Taken
- ☐ Rejected
- ☐ Furnish as Corrected
- ☐ Revise and Resubmit
- ☐ Submit Specified Item
- ☐ As Marked on Individual Submittals

Remarks:

By: Ryan Florreich, Assoc. AIA

pc: JBHM #07123.09

JBHM PA
www.jbhm.com

GULF COAST OFFICE
2548 Beach Blvd, Ste. 100
Biloxi, Mississippi 39531

228.594.2200
FAX 228.594.2020
EMAIL info@jbhm.com

May 19, 2009

UPS Ground

William Skellie, Jr.
Mayor
City of Long Beach
645 Klondyke Road
Long Beach, MS 39560

Dear Mayor Skellie:

RE: LONG BEACH NEW CITY HALL

I have enclosed two copies of the Application and Certificate for Payment Number 2 for the period ending 05/12/09, in the amount of $164,751.37 for the above referenced project. I am certifying the entire amount requested. Please issue a check to Starks Contracting Company, Inc. for the certified amount.

Please retain one copy of this application for your records and include one copy with the payment to the contractor. No additional time has been requested for this period; therefore the date of substantial completion remains March 11, 2010. If you have questions concerning this action, please do not hesitate to contact me.

Adverse weather information as applicable included: **Yes (no additional time requested this period)**

Updated progress schedule included: Yes

Sincerely,

Glenn Currie, AIA, Principal

cc: Christopher Guttierrez - Starks Contracting Company, Inc.
Ann Frazier – Jimmy Gouras and Associates
David Vicknair / Amy Wilson – Broaddus and Associates
Christopher Fields – MEMA
Cary McCormick – HORNE LLP
Ryan Florreich / Herman Holifield - JBHM
JBHM #07123.09

ARCHITECTURE
PLANNING
LANDSCAPE ARCHITECTURE
INTERIOR DESIGN
GRAPHIC DESIGN
PROGRAM MANAGEMENT

OFFICES
Biloxi
Columbus
Jackson
Tupelo

PARTNERS
JOSEPH S. HENDERSON, AIA
RICHARD H. MCNEEL, AIA
MICHAEL GREY JONES, AIA

PRINCIPALS
JACK W. BALLARD, AIA
GLENN CURRIE, AIA

AIA Document G702™ – 1992

Application and Certificate for Payment

TO OWNER: Attn: William Skellie, Jr.
Long Beach, City Of
645 Klondyke Road
Long Beach, MS 39560

FROM CONTRACTOR:
Starks Contracting Company, Inc.
P. O. Box 7149
Biloxi, MS 39540-7101

PROJECT: 609
609 - Long Beach New City Hall
201 Jeff Davis Avenue
Long Beach, MS 39560

VIA ARCHITECT:
JBHM Architects, PA
2548 Beach Boulevard, Suite 100
Biloxi, MS 39531-4721

APPLICATION NO: 2
PERIOD TO: 06/12/2009
CONTRACT FOR: Construct New City Hall
CONTRACT DATE: 01/28/2009
PROJECT NOS: / /
07123

Distribution to:
OWNER ☐
ARCHITECT ☐
CONTRACTOR ☐
FIELD ☐
OTHER ☐

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below; in connection with the Contract.
Continuation Sheet, AIA Document G703, is attached.

1. ORIGINAL CONTRACT SUM		$ 4,396,000.00
2. Net change by Change Orders		$ 97,492.50
3. CONTRACT SUM TO DATE (Line 1 ±2)		$ 4,493,492.50
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703)		$ 323,544.50
5. RETAINAGE:		
a. 5.00 % of Completed Work (Column D + E on G703)	$ 16,177.23	
b. 5.00 % of Stored Material (Column F on G703)	$ 0.00	
Total Retainage (Lines 5a + 5b or Total in Column I of G703)		$ 16,177.23
6. TOTAL EARNED LESS RETAINAGE (Line 4 Less Line 5 Total)		$ 307,367.27
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)		$ 142,615.90
8. CURRENT PAYMENT DUE		$ 164,751.37
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6)		$ 4,186,125.23

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	$ 0.00	$ 0.00
Total approved this Month	$ 97,492.50	$ 0.00
TOTALS	$ 97,492.50	$ 0.00
NET CHANGES by Change Order	$ 97,492.50	

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: John A. Starks Jr. / Secretary/Treasurer
By: _____ Date: 05/13/2009
State of: Mississippi
County of: Harrison
Subscribed and sworn to before me this 13th day of May 2009
Brett T. Phifer
Notary Public: Brett T. Phifer
My Commission expires: June 30, 2012

STATE OF MISSISSIPPI NOTARY PUBLIC ID # 74324 BRETT T. PHIFER Commission Expires June 30, 2012

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising this application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED ..... $ 164,751.37
(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)

ARCHITECT:
By: Walter Cooper Date: 5-19-09

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract

CAUTION: You should sign an original AIA Contract Document, on which this text appears in RED. An original assures that changes will not be obscured.

AIA Document G702™ – 1992. Copyright © 1953, 1963, 1965, 1971, 1978, 1983 and 1992 by The American Institute of Architects. All rights reserved. WARNING: This AIA® Document is protected by U.S. Copyright Law and International Treaties. Unauthorized reproduction or distribution of this AIA® Document, or any portion of it, may result in severe civil and criminal penalties, and will be prosecuted to the maximum extent possible under the law. Purchasers are permitted to reproduce ten (10) copies of this document when completed. To report copyright violations of AIA Contract Documents, e-mail The American Institute of Architects' legal counsel, copyright@aia.org.

AIA® Document G703™ – 1992

Continuation Sheet

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing Contractor's signed certification is attached.
In tabulations below, amounts are stated to the nearest dollar.
Use Column I on Contracts where variable retainage for line items may apply.

PROJECT: 609
609 - Long Beach New City Hall

APPLICATION NO: 2
APPLICATION DATE: 05/12/2009
PERIOD TO: 05/12/2009
ARCHITECT'S PROJECT NO: 07123

A	B	C	D	E	F	G		H	I
			WORK COMPLETED						
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD	MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D+E+F)	% (G ÷ C)	BALANCE TO FINISH (C - G)	RETAINAGE (IF VARIABLE RATE)
01000	DIVISION 1-GENERAL REQUIREMENTS								
01001	Insurance, Bonds, & Fees	$97,200.00	$97,200.00	$0.00	$0.00	$97,200.00	100%	$0.00	
01002	Contractor's Tax	$153,860.00	$5,247.00	$5,831.00	$0.00	$11,078.00	7%	$142,782.00	
01050	Supervision	$92,830.00	$3,871.00	$7,417.00	$0.00	$11,288.00	12%	$81,542.00	
01500	Temporary Facilities	$47,550.00	$1,983.00	$3,799.00	$0.00	$5,782.00	12%	$41,768.00	
01501	Mobilization	$20,020.00	$20,020.00	$0.00	$0.00	$20,020.00	100%	$0.00	
01999	Project Close-Out	$2,080.00	$0.00	$0.00	$0.00	$0.00	0%	$2,080.00	
02000	DIVISION 2-SITE WORK								
02100	Site Preparation	$6,920.00	$6,574.00	$0.00	$0.00	$6,574.00	95%	$346.00	
02200	Earthwork	$30,510.00	$10,679.00	$16,780.00	$0.00	$27,459.00	90%	$3,051.00	
02501	Form Site Concrete	$10,770.00	$0.00	$0.00	$0.00	$0.00	0%	$10,770.00	
02502	Concrete Walks & Ramps	$14,260.00	$0.00	$0.00	$0.00	$0.00	0%	$14,260.00	
02503	Concrete Paving (Mtl)	$48,200.00	$0.00	$0.00	$0.00	$0.00	0%	$48,200.00	
02504	Concrete Paving (Labor)	$9,360.00	$0.00	$0.00	$0.00	$0.00	0%	$9,360.00	
02505	Dumpster Pad; Curbs	$15,350.00	$0.00	$0.00	$0.00	$0.00	0%	$15,350.00	
02700	Site Utilities and Drainage	$24,980.00	$0.00	$0.00	$0.00	$0.00	0%	$24,980.00	
02900	Landscaping & Irrigation System	$25,410.00	$0.00	$0.00	$0.00	$0.00	0%	$25,410.00	
02999	Other Site Work	$20,880.00	$0.00	$0.00	$0.00	$0.00	0%	$20,880.00	
03000	DIVISION 3- CONCRETE								
03100	Concrete Formwork	$73,730.00	$3,687.00	$3,686.00	$0.00	$7,373.00	10%	$66,357.00	
03200	Concrete Reinforcement	$53,370.00	$0.00	$29,354.00	$0.00	$29,354.00	55%	$24,016.00	
03301	Structural Concrete	$82,650.00	$0.00	$8,265.00	$0.00	$8,265.00	10%	$74,385.00	
03302	Concrete Slabs on Grade	$59,160.00	$0.00	$0.00	$0.00	$0.00	0%	$59,160.00	
03303	Concrete Steps/Stairs	$14,670.00	$0.00	$0.00	$0.00	$0.00	0%	$14,670.00	
	SUB-TOTALS	$903,760.00	$149,261.00	$75,132.00	$0.00	$224,393.00	25%	$679,367.00	

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AIA Document G703™ – 1992

Continuation Sheet

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing Contractor's signed certification is attached. PROJECT: 609
In tabulations below, amounts are stated to the nearest dollar. 609 - Long Beach New City Hall
Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO: 2
APPLICATION DATE: 05/12/2009
PERIOD TO: 05/12/2009
ARCHITECT'S PROJECT NO: 07123

A	B	C	D	E	F	G		H	I
			WORK COMPLETED						
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD	MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D+E+F)	% (G ÷ C)	BALANCE TO FINISH (C - G)	RETAINAGE (IF VARIABLE RATE)
05400	Cold Formed Trusses & Deck (Mtl)	$98,960.00	$0.00	$0.00	$0.00	$0.00	0%	$98,960.00	
05401	Cold Formed Trusses & Deck (Erection)	$45,600.00	$0.00	$0.00	$0.00	$0.00	0%	$45,600.00	
05999	Other Metals	$3,190.00	$0.00	$798.00	$0.00	$798.00	25%	$2,392.00	
06000	DIVISION 6-WOOD AND PLASTICS								
06100	Rough Carpentry	$30,510.00	$0.00	$0.00	$0.00	$0.00	0%	$30,510.00	
06200	Millwork	$77,770.00	$0.00	$0.00	$0.00	$0.00	0%	$77,770.00	
06201	Running Trim	$77,020.00	$0.00	$0.00	$0.00	$0.00	0%	$77,020.00	
06202	Quartz Vanities/Granite Tops	$27,350.00	$0.00	$0.00	$0.00	$0.00	0%	$27,350.00	
06265	PVC Sheathing	$21,080.00	$0.00	$0.00	$0.00	$0.00	0%	$21,080.00	
06266	PVC 1x Trim	$17,820.00	$0.00	$0.00	$0.00	$0.00	0%	$17,820.00	
06267	PVC Moulding	$28,820.00	$0.00	$0.00	$0.00	$0.00	0%	$28,820.00	
06268	PVC Shutters	$23,420.00	$0.00	$0.00	$0.00	$0.00	0%	$23,420.00	
06500	Fiberglass Columns								
06501	Fiberglass Columns (Mtl)	$66,060.00	$0.00	$0.00	$0.00	$0.00	0%	$66,060.00	
06502	Fiberglass Columns (Labor)	$15,310.00	$0.00	$0.00	$0.00	$0.00	0%	$15,310.00	
06503	Rigid Foam & Columns	$3,790.00	$0.00	$0.00	$0.00	$0.00	0%	$3,790.00	
07000	DIVISION 7 -THERMAL & MOISTURE PROTECTION								
07150	Waterproofing & Damproofing								
07151	Poly @ Slab	$3,130.00	$0.00	$0.00	$0.00	$0.00	0%	$3,130.00	
07152	Waterproof Footings, Planters, Etc	$17,560.00	$0.00	$0.00	$0.00	$0.00	0%	$17,560.00	
07153	Membrane Flashing	$9,280.00	$0.00	$0.00	$0.00	$0.00	0%	$9,280.00	
07154	Asphalt Damproofing	$3,190.00	$0.00	$0.00	$0.00	$0.00	0%	$3,190.00	
07250	Rigid Cavity Board	$10,720.00	$0.00	$0.00	$0.00	$0.00	0%	$10,720.00	
	SUB-TOTALS	$2,075,910.00	$149,261.00	$75,930.00	$0.00	$225,191.00	11%	$1,850,719.00	

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Continuation Sheet

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing Contractor's signed certification is attached. PROJECT: 609
In tabulations below, amounts are stated to the nearest dollar. 609 - Long Beach New City Hall
Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO: 2
APPLICATION DATE: 05/12/2009
PERIOD TO: 05/12/2009
ARCHITECT'S PROJECT NO: 07123

A	B	C	D	E	F	G		H	I
			WORK COMPLETED						
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD	MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D+E+F)	% (G ÷ C)	BALANCE TO FINISH (C - G)	RETAINAGE (IF VARIABLE RATE)
09401	Epoxy Terrazzo Flooring (Mtl)	$60,760.00	$0.00	$0.00	$0.00	$0.00	0%	$60,760.00	
09402	Epoxy Terrazzo Flooring (Labor)	$48,590.00	$0.00	$0.00	$0.00	$0.00	0%	$48,590.00	
09540	Stone Reinforced Elevator Cab Panels	$15,330.00	$0.00	$0.00	$0.00	$0.00	0%	$15,330.00	
09651	Rubber Tile & Base (Mtl)	$1,320.00	$0.00	$0.00	$0.00	$0.00	0%	$1,320.00	
09652	Rubber Tile & Base (Labor)	$500.00	$0.00	$0.00	$0.00	$0.00	0%	$500.00	
09653	VCT (Mtl)	$390.00	$0.00	$0.00	$0.00	$0.00	0%	$390.00	
09654	VCT (Labor)	$900.00	$0.00	$0.00	$0.00	$0.00	0%	$900.00	
09655	Stair treads & risers (Mtl)	$6,630.00	$0.00	$0.00	$0.00	$0.00	0%	$6,630.00	
09656	Stair treads & risers (Labor)	$3,100.00	$0.00	$0.00	$0.00	$0.00	0%	$3,100.00	
09681	Carpet (Mtl)	$28,640.00	$0.00	$0.00	$0.00	$0.00	0%	$28,640.00	
09682	Carpet (Labor)	$5,750.00	$0.00	$0.00	$0.00	$0.00	0%	$5,750.00	
09950	Painting and Wall coverings								
09951	Float & Tape Gypbd	$9,950.00	$0.00	$0.00	$0.00	$0.00	0%	$9,950.00	
09952	Paint: 1st Coat	$11,270.00	$0.00	$0.00	$0.00	$0.00	0%	$11,270.00	
09953	Paint: 2nd Coat	$11,270.00	$0.00	$0.00	$0.00	$0.00	0%	$11,270.00	
09954	Paint: 3rd Coat	$11,270.00	$0.00	$0.00	$0.00	$0.00	0%	$11,270.00	
09955	Paint: Ceilings	$13,210.00	$0.00	$0.00	$0.00	$0.00	0%	$13,210.00	
09956	Paint: Doors & Frames	$6,410.00	$0.00	$0.00	$0.00	$0.00	0%	$6,410.00	
09957	Exterior Paint Items	$11,060.00	$0.00	$0.00	$0.00	$0.00	0%	$11,060.00	
09958	Vinyl Wall Covering	$5,530.00	$0.00	$0.00	$0.00	$0.00	0%	$5,530.00	
09959	Paint: Wood Trim	$9,070.00	$0.00	$0.00	$0.00	$0.00	0%	$9,070.00	
10000	DIVISION 10-SPECIALTIES								
10150	Compartments and Cubicles	$6,750.00	$0.00	$0.00	$0.00	$0.00	0%	$6,750.00	
10360	Flagpoles	$2,560.00	$0.00	$0.00	$0.00	$0.00	0%	$2,560.00	
	SUB-TOTALS	$3,094,410.00	$149,261.00	$75,930.00	$0.00	$225,191.00	7%	$2,869,219.00	

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Continuation Sheet

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing Contractor's signed certification is attached. PROJECT: 609
In tabulations below, amounts are stated to the nearest dollar. 609 - Long Beach New City Hall
Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO: 2
APPLICATION DATE: 05/12/2009
PERIOD TO: 05/12/2009
ARCHITECT'S PROJECT NO: 07123

A	B	C	D	E	F	G		H	I
			WORK COMPLETED						
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD	MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D+E+F)	% (G ÷ C)	BALANCE TO FINISH (C - G)	RETAINAGE (IF VARIABLE RATE)
15502	Trane Equipment	$3,410.00	$0.00	$0.00	$0.00	$0.00	0%	$3,410.00	
15503	Grills	$9,210.00	$0.00	$0.00	$0.00	$0.00	0%	$9,210.00	
15504	ERV & Fan	$46,440.00	$0.00	$0.00	$0.00	$0.00	0%	$46,440.00	
15505	Ductwork	$45,330.00	$0.00	$0.00	$0.00	$0.00	0%	$45,330.00	
15506	Copper Lines	$12,160.00	$0.00	$0.00	$0.00	$0.00	0%	$12,160.00	
15507	Testing, Adjusting, and Balancing	$9,950.00	$0.00	$0.00	$0.00	$0.00	0%	$9,950.00	
16000	DIVISION 16-ELECTRICAL								
16001	Access Control/CCTV System Allowance	$86,780.00	$0.00	$0.00	$0.00	$0.00	0%	$86,780.00	
16002	Exterior Copper Lantern Fixtures Allowance	$6,500.00	$0.00	$0.00	$0.00	$0.00	0%	$6,500.00	
16101	Mobilization	$2,870.00	$861.00	$0.00	$0.00	$861.00	30%	$2,009.00	
16401	Underground Conduit	$36,070.00	$0.00	$0.00	$0.00	$0.00	0%	$36,070.00	
16403	Slab Rough-In	$49,190.00	$0.00	$0.00	$0.00	$0.00	0%	$49,190.00	
16405	Interior Rough-In	$143,780.00	$0.00	$0.00	$0.00	$0.00	0%	$143,780.00	
16407	Panels & Gear	$92,510.00	$0.00	$0.00	$0.00	$0.00	0%	$92,510.00	
16409	Install Wiring	$68,790.00	$0.00	$0.00	$0.00	$0.00	0%	$68,790.00	
16500	Fixtures	$209,260.00	$0.00	$0.00	$0.00	$0.00	0%	$209,260.00	
16502	Mech. Equip. Hookup	$5,310.00	$0.00	$0.00	$0.00	$0.00	0%	$5,310.00	
16504	Exterior & Site Lighting	$11,810.00	$0.00	$0.00	$0.00	$0.00	0%	$11,810.00	
16600	Fire Alarm	$47,010.00	$0.00	$0.00	$0.00	$0.00	0%	$47,010.00	
16700	Communications	$22,730.00	$0.00	$0.00	$0.00	$0.00	0%	$22,730.00	
16901	Devices	$9,850.00	$0.00	$0.00	$0.00	$0.00	0%	$9,850.00	
16903	Generator	$28,600.00	$0.00	$0.00	$0.00	$0.00	0%	$28,600.00	
20000	CONTRACT CHANGES								
	SUB-TOTALS	$4,396,000.00	$150,122.00	$75,930.00	$0.00	$226,052.00	5%	$4,169,948.00	

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STARKS CONTRACTING CO., INC.
1538 POPPS FERRY RD/PO BOX 7149, BILOXI, MISSISSIPPI 39540-7149
PHONE (228) 392-4584 FAX (228) 392-4565

May 13, 2009

City of Long Beach
c/o JBHM Architects, PA
2548 Beach Boulevard, Suite 100
Biloxi, MS 39531-4721

Fax: 228/594-2020

RE: 07123 Long Beach New City Hall
201 Jeff Davis Avenue
Long Beach, Mississippi

Dear Sir or Madam:

During the month of April 2009, work on the Long Beach New City Hall has not been significantly delayed because of weather. Therefore, we are not requesting any extension in contract time for the month of April.

Sincerely,

John A. Starks, Jr.
Secretary/Treasurer

N:\JOBS\501\0550\609 LongBeachCityHall\Tx600002 NoExt.wpd

Construction Progress Chart

To: JBHM - Ryan Fiorelch
Contract Number: 609
Location: 201 Jeff Davis Avenuw, Long Beach, MS 39560

From: Starks Contracting Company
Contract Description: New Long Beach City Hall

Report For Period Ending: 03-13-09
Approved:

Report Number: 2
Date: 04-03-09

Legend: 0 5 10
Sheduled Progress:
Actual Progress:

Principal Contract Feature	WT%	Estimated Cost		16-Feb-09	Mar-09	Apr-09	May-09	Jun-09	Jul-09	Aug-09	Sep-09	Oct-09	Nov-09	Dec-09	Jan-10	Feb-10	11-Mar-10
1. General Requirements	9.41%	$413,640.00	Scheduled														
			Actual														
2. Site Work	4.70%	$206,640.00	Scheduled														
			Actual														
3. Concrete	10.38%	$456,430.00	Scheduled														
			Actual														
4. Masonry	6.32%	$277,810.00	Scheduled														
			Actual														
5. Metals	6.69%	$289,860.00	Scheduled														
			Actual														
6. Woods & Plastics	8.85%	$388,950.00	Scheduled														
			Actual														
7. Thermal & Moisture Protection	4.35%	$191,110.00	Scheduled														
			Actual														
8. Doors & Windows	7.57%	$345,890.00	Scheduled														
			Actual														
9. Finishes	11.74%	$516,070.00	Scheduled														
			Actual														
10. Specialties	0.53%	$23,160.00	Scheduled														
			Actual														
11. Equipment	0.41%	$17,840.00	Scheduled														
			Actual														
12. Furnishings	0.70%	$30,960.00	Scheduled														
			Actual														
14. Conveying Systems	1.51%	$66,500.00	Scheduled														
			Actual														
15. Mechanical	7.99%	$351,360.00	Scheduled														
			Actual														
16. Electrical	18.68%	$821,080.00	Scheduled														
			Actual														
Total	100%	$4,386,000.00	Scheduled														
			Actual														

Notice To Proceed Date: 02-16-09
Completion Date: 03-11-10

MINUTES OF JUNE 3, 2009
MAYOR AND BOARD OF ALDERMEN

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

Hire Dispatch 2nd Class - Leeanna M. Dunigan, PS-2, effective June 16, 2009

Terminate Dispatcher Meghan Goepel, effective May 31, 2009

Step Increase Rachael Corrin, PS3-B, retro to May 16, 2009

Step Increase Derrick Rowe, PS3-III, effective June 1, 2009

****

A local governmental resolution was adopted as follows:

MINUTES OF JUNE 3, 2009
MAYOR AND BOARD OF ALDERMEN

ATTACHMENT

LOCAL GOVERNMENTAL RESOLUTION

(To be completed and attached
to SCHEDULE D, "Agreement of
Understanding and Compliance.")

WHEREAS, the The City of Long Beach (Governing Body of Unit of Government) herein called the "Applicant" has thoroughly considered the problem addressed in the application entitled Occupant Protection Grant and has reviewed the project described in the application; and

WHEREAS, under the terms of Public Law 89-564 as amended, the United States of America has authorized the Department of Transportation, through the Mississippi Office of Highway Safety to make federal contracts to assist local governments in the improvement of highway safety,

NOW THEREFORE BE IT RESOLVED BY THE City of Long Beach -- Alderman and Mayor (Governing Body of Unit of Government) IN OPEN MEETING ASSEMBLED IN THE CITY OF Long Beach MISSISSIPPI, THIS 3 DAY OF June, 2009 AS FOLLOWS:

1. That the project above is in the best interest of the Applicant and the general public.

2. That the Long Beach Police Department (Name and Title of Representative) be authorized to file, in behalf of the applicant an application in the form prescribed by the Office of Highway Safety for federal funding in the amount of $ 10,000.00 (Federal Dollar Request) to be made to the Applicant defraying the cost of the project described in the application.

3. That the Applicant has formally agreed to provide a cash and/or in-kind contribution of $ 0.00 (Local Match Amount) as required by the project.

4. That the Project Director designated in the application form shall furnish or make arrangements for appropriate persons to furnish such information data, documents and reports pertaining to the project, if approved, as may be required by the Office of Highway Safety.

5. That certified copies of this resolution be included as part of the application referenced above.

6. That this resolution shall take effect immediately upon its adoption.

DONE AND ORDERED IN OPEN MEETING BY: William Shelle (CHAIRMAN/ MAYOR)

Commissioner/Councilman Anderson offered the foregoing resolution and moved its adoption, which was seconded by Commissioner/Councilman Burton and, was duly adopted.

Date: 6/3/09
Attest: Stacey Dale
By: Deputy city clerk

SEAL

The aforesaid resolution being put to a roll call vote, the result was as follows:

Alderman Notter	voted	Aye
Alderman Burton	voted	Aye
Alderman Boggs	voted	Aye
Alderman Anderson	voted	Aye
Alderman Holder	voted	Aye
Alderman Lishen	voted	Aye
Alderman McNary	voted	Absent, not voting

The resolution having received the affirmative vote of all of the Aldermen present and voting, the Mayor declared the resolution adopted.

****

MINUTES OF JUNE 3, 2009
MAYOR AND BOARD OF ALDERMEN

A local governmental resolution was adopted as follows:

ATTACHMENT

LOCAL GOVERNMENTAL RESOLUTION

(To be completed and attached to SCHEDULE D, "Agreement of Understanding and Compliance.")

WHEREAS, the The City of Long Beach (Governing Body of Unit of Government) herein called the "Applicant" has thoroughly considered the problem addressed in the application entitled DUI Enforcement Grant and has reviewed the project described in the application; and

WHEREAS, under the terms of Public Law 89-564 as amended, the United States of America has authorized the Department of Transportation, through the Mississippi Office of Highway Safety to make federal contracts to assist local governments in the improvement of highway safety,

NOW THEREFORE BE IT RESOLVED BY THE City of Long Beach – Alderman and Mayor (Governing Body of Unit of Government) IN OPEN MEETING ASSEMBLED IN THE CITY OF Long Beach MISSISSIPPI, THIS 3 DAY OF June, 2009 AS FOLLOWS:

1. That the project above is in the best interest of the Applicant and the general public.
2. That the Long Beach Police Department (Name and Title of Representative) be authorized to file, in behalf of the applicant an application in the form prescribed by the Office of Highway Safety for federal funding in the amount of $ 50,000.00 (Federal Dollar Request) to be made to the Applicant defraying the cost of the project described in the application.
3. That the Applicant has formally agreed to provide a cash and/or in-kind contribution of $ 0.00 (Local Match Amount) as required by the project.
4. That the Project Director designated in the application form shall furnish or make arrangements for appropriate persons to furnish such information data, documents and reports pertaining to the project, if approved, as may be required by the Office of Highway Safety.
5. That certified copies of this resolution be included as part of the application referenced above.
6. That this resolution shall take effect immediately upon its adoption.

DONE AND ORDERED IN OPEN MEETING BY: William Shelley (CHAIRMAN/ MAYOR)

Commissioner/Councilman Boggs offered the foregoing resolution and moved its adoption, which was seconded by Commissioner/Councilman Anderson and, was duly adopted.

Date: 6/3/09
Attest: [illegible]
By: Deputy City Clerk

SEAL

The aforesaid resolution being put to a roll call vote, the result was as follows:

Alderman Notter	voted	Aye
Alderman Burton	voted	Aye
Alderman Boggs	voted	Aye
Alderman Anderson	voted	Aye
Alderman Holder	voted	Aye
Alderman Lishen	voted	Aye
Alderman McNary	voted	Absent, not voting

The aforesaid resolution having received the affirmative vote of all of the Aldermen present and voting, the Mayor declared the resolution adopted.

****

Based upon the recommendation of Library Director Jeannie Ripoll, Alderman Holder made motion seconded by Alderman Boggs and unanimously carried to approve Library personnel actions as follows:
Increase pay for Part Time employee, Blayne McPherson to $8.00 per hour, effective June 1, 2009.

****

Alderman Holder made motion seconded by Alderman Boggs and unanimously carried to spread the certification of the June 2, 2009, General Election upon the minutes of this meeting in words and figures as follows:

SUMMARY REPT-GROUP DETAIL

CITY OF LONG BEACH
GENERAL ELECTION
JUNE 2, 2009

OFFICIAL RESULTS

RUN DATE:06/02/09 08:22 PM

REPORT-EL45A PAGE 001

	TOTAL VOTES	%	ELECTION DAY	AFFIDAVIT
PRECINCTS COUNTED (OF 6)	6	100.00		
REGISTERED VOTERS - TOTAL	0			
BALLOTS CAST - TOTAL	526		520	6
MAYOR				
VOTE FOR 1				
(WITH 6 OF 6 PRECINCTS COUNTED)				
William "Billy" Skellie	450	95.14	444	6
WRITE-IN	23	4.86	23	0
Over Votes	3		3	0
Under Votes	50		50	0
ALDERMAN-AT-LARGE				
VOTE FOR 1				
(WITH 6 OF 6 PRECINCTS COUNTED)				
Leonard G. Carrubba, Sr.	441	96.50	436	5
WRITE-IN	16	3.50	16	0
Over Votes	0		0	0
Under Votes	69		68	1
ALDERMAN WARD 1				
VOTE FOR 1				
(WITH 1 OF 1 PRECINCTS COUNTED)				
Gary J. Ponthieux	185	63.36	181	4
WRITE-IN	107	36.64	105	2
Over Votes	0		0	0
Under Votes	9		9	0
ALDERMAN WARD 2				
VOTE FOR 1				
(WITH 1 OF 1 PRECINCTS COUNTED)				
Bernie Parker	38	90.48	38	0
WRITE-IN	4	9.52	4	0
Over Votes	0		0	0
Under Votes	0		0	0
ALDERMAN WARD 3				
VOTE FOR 1				
(WITH 1 OF 1 PRECINCTS COUNTED)				
Kaye H. Couvillon	31	93.94	31	0
WRITE-IN	2	6.06	2	0
Over Votes	0		0	0
Under Votes	0		0	0
ALDERMAN WARD 4				
VOTE FOR 1				
(WITH 1 OF 1 PRECINCTS COUNTED)				
Ronnie Hammons, Jr.	48	84.21	48	0
WRITE-IN	9	15.79	9	0
Over Votes	0		0	0
Under Votes	2		2	0

1. [illegible]
2. EKB JR
3. [illegible]

MINUTES OF JUNE 3, 2009
MAYOR AND BOARD OF ALDERMEN

SUMMARY REPT-GROUP DETAIL

CITY OF LONG BEACH
GENERAL ELECTION
JUNE 2, 2009

OFFICIAL RESULTS

RUN DATE:06/02/09 08:22 PM

REPORT-EL45A PAGE 002

	TOTAL VOTES	%	ELECTION DAY	AFFIDAVIT
ALDERMAN WARD 5				
VOTE FOR 1				
(WITH 1 OF 1 PRECINCTS COUNTED)				
Mark E. Lishen.	59	100.00	59	0
WRITE-IN.	0		0	0
Over Votes	0		0	0
Under Votes	2		2	0
ALDERMAN WARD 6				
VOTE FOR 1				
(WITH 1 OF 1 PRECINCTS COUNTED)				
Carolyn J. Anderson	27	93.10	27	0
WRITE-IN.	2	6.90	2	0
Over Votes	0		0	0
Under Votes	1		1	0

1. Daniel R. Dugan
2. Ernest Kelly Bailey Jr
3. [illegible]

MINUTES OF JUNE 3, 2009
MAYOR AND BOARD OF ALDERMEN

The resolution to adopt the Vehicle Assessment Schedule was tabled until the next meeting.

****

Alderman Notter made motion seconded by Alderman Boggs and unanimously carried to adopt the Mississippi Department of Transportation's (MDOT) Title VI Plan and authorized the Mayor to execute the same. Said documents ordered spread upon the minutes of this meeting in words and figures as follows:

April 28, 2009

City of Long Beach
P. O. Box 929
Long Beach, MS 39560
Attn: Ms Stacey Dahl

RE: Title VI Assessment Report

Dear Ms. Dahl:

Thank you again for the submittal of your agency's Title VI Assessment Report. Your report served as a guide for us to evaluate the areas and programs within your organization.

Please find enclosed the Mississippi Department of Transportation's (MDOT) 2008 Title VI Review. The report is a summary of our observations of your program areas and recommendations that should be addressed to comply with federal regulation.

One of those recommendations is to develop a plan to administer and monitor the Title VI activities of your organization. To make this process as easy and simple as possible, MDOT is offering the following three options:

- Execute a Title VI Non-Discrimination Agreement with MDOT. The Non-Discrimination Agreement is acceptable to Federal Highway Administration in lieu of an actual plan. A copy of the agreement is enclosed.

- Adapt or adopt MDOT's Title VI Plan. If you choose to adopt MDOT's Title VI Plan, you will be required to sign the attached Title VI Plan Acceptance Agreement with MDOT. You will also be required to include a short summary of how MDOT's Program will be used in monitoring and administering your programs and activities for Title VI compliance.

- Create your own plan. To aid you in this process, we have available upon request an example plan that we can send you to use a guide.

Electronic formats of all plans and agreements are available and may be requested by emailing jrigby@mdot.state.ms.us Again, our office will assist in anyway needed to assure that your agency is in full compliance with Title VI. Please submit to our office your executed agreement or plan by June 1, 2009.

Also, another requirement of recipients of federal funding is to comply with the Americans with Disabilities Act of 1990 and Section 504 of the 1973 Rehabilitation Act. It is a requirement of all entities with fifty or more employees to appoint an ADA Coordinator and develop a transition plan.

Should you have any questions or need additional information, please do not hesitate to call me at (601) 359-7970.

Sincerely,

Jim Rigby
Title VI Coordinator
Office of Civil Rights
jrigby@mdot.state.ms.us

TITLE VI
NON-DISCRIMINATION AGREEMENT

Mississippi Department of Transportation
and
City of Long Beach

Policy Statement

The City of Long Beach, hereinafter referred to as the "Recipient" assures that no person shall on the grounds of race, color, national origin, or sex, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The Recipient further assures every effort will be made to ensure non-discrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

The Civil Rights Restoration Act of 1987, broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors/consultants, whether such programs and activities are federally assisted or not (Public Law 100259 [S.557] March 22, 1988.)

In the event the Recipient distributes federal aid funds to a sub-recipient, the Recipient will include Title VI language in all written agreements and will monitor for compliance.

The Recipient's (Insert name of person/division), is responsible for initiating and monitoring Title VI activities, preparing reports and other responsibilities as required by 23 Code of Federal Regulation(CFR) 200 and 49 Code of Federal Regulation 21.

William Stallings
Head of Agency Signature

Mayor
Title

6/3/09
Date

Title VI Program

Organization and Staffing

Pursuant to 23 CFR 200, (Insert name of Recipient) has appointed a Title VI Coordinator who is responsible for administering and monitoring the organization's Title VI activities. Attachment 1 illustrates the level and placement of Title VI responsibilities.

Assurances

49 CFR Part 21.7

The City of Long Beach, hereby gives assurances:

1. That no person shall on the grounds of race, color, national origin, and sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted by the recipient regardless of whether those programs and activities are Federally funded or not. Activities and programs which the recipient hereby agrees to carry out in compliance with Title VI and related statutes include but are not limited to:

    - *List all major programs and activities of the recipient and Title VI responsibilities for each one of them. Include information as Attachment 2 to this Nondiscrimination Agreement.*

2. That it will promptly take any measures necessary to effectuate this agreement.

3. That each program, activity, and facility as defined at 49 CFR 21.23(b) and (e), and the Civil Rights Restoration Act of 1987 will be (with regard to a program or activity) conducted, or will be (with regard to a facility) operated in compliance with the nondiscriminatory requirements imposed by, or pursuant to, this agreement.

4. That these assurances are given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the recipient by the Mississippi Department of Transportation (MDOT) under the Federally-Funded Program and is binding on it, other recipients, subgrantees, contractors, sub-contractors, transferees, successors in interest and other participants. The person or persons whose signatures appear below are authorized to sign these assurances on behalf of the Recipient.

5. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Federally-Funded programs and, in adapted form all proposals for negotiated agreements.

    The Recipient, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21,

Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined at 49 CFR Part 23 will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, or sex in consideration for an award.

6. That the Recipient shall insert the clauses of Appendix 1 of this Agreement in every contract subject to the Act and the Regulations.

7. That the Recipient shall insert the clauses of Appendix 2 of this Agreement, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.

8. That the Recipient shall include the appropriate clauses set forth in Appendix 3 of this Agreement, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under a Federal Aid Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under a Federal Aid Program.

9. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this agreement.

Implementation Procedures

This agreement shall serve as the recipient's Title VI plan pursuant to 23 CFR 200 and 49 CFR 21.

For the purpose of this agreement, "Federal Assistance" shall include:

1. grants and loans of Federal funds,
2. the grant or donation of Federal property and interest in property,
3. the detail of Federal personnel,
4. the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and
5. any Federal agreement, arrangement, or other contract which has as one of its purposes, the provision of assistance.

The recipient shall:

1. Issue a policy statement, signed by the head of the recipient, which expresses it's commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the recipient's organization and to the general public. Such information shall be published where appropriate in languages other than English.
2. Take affirmative action to correct any deficiencies found by MDOT or the United States Department of Transportation (USDOT) within a reasonable time period, not to exceed 90 days, in order to implement Title VI compliance in accordance with this agreement. The head of the recipient shall be held responsible for implementing Title VI requirements.
3. Designate a Title VI Coordinator who has a responsible position in the organization and easy access to the head of the recipient. The Title VI Coordinator will be responsible for initiating and monitoring Title VI activities and preparing required reports.
4. Process complaints of discrimination consistent with the provisions contained in this agreement. Investigations shall be conducted by the Title VI Coordinator trained in discrimination complaint investigation. Identify each complainant by race, color, national origin or sex, the nature of the complaint, the date the complaint was filed, the date the investigation was completed, the disposition, the date of the disposition, and other pertinent information. A copy of the complaint, together with a copy of the recipient's report of investigation, will be forwarded to MDOT's Office of Civil Rights (OCR) within 10 days of the date the complaint was received by the recipient.

5. Collect statistical data (race, color, national origin, sex) of participants in, and beneficiaries of the programs and activities conducted by the recipient.

6. Conduct Title VI reviews of the recipient and sub-recipient contractor/consultant program areas and activities. Revise where applicable, policies, procedures and directives to include Title VI requirements.

7. Conduct training programs on Title VI and related statutes.

8. Prepare a yearly report of Title VI accomplishments for the last year and goals for the next year.

   a) Annual Work Plan
   Outline Title VI monitoring and review activities planned for the coming year; state by which each activity will be accomplished and target date for completion.

   b) Accomplishment Report
   List major accomplishments made regarding Title VI activities. Include instances where Title VI issues were identified and discrimination was prevented. Indicate activities and efforts the Title VI Specialist and program area personnel have undertaken in monitoring Title VI. Include a description of the scope and conclusions of any special reviews (internal or external) conducted by the Title VI Specialist. List any major problem(s) identified and corrective action taken. Include a summary and status report on any Title VI complaints filed with the recipient.

Discrimination Complaint Procedure

1. Any person who believes that he or she, individually, as a member of any specific class, or in connection with any disadvantaged business enterprise, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, the American with Disabilities Act of 1990, Section 504 of the Vocational Rehabilitation Act of 1973 and the Civil Rights Restoration Act of 1987, as amended, may file a complaint with the recipient. A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to the recipient's Title VI Coordinator for review and action.

2. In order to have the complaint consideration under this procedure, the complainant must file the complaint no later than 180 days after:

   a) The date of alleged act of discrimination; or

   b) Where there has been a continuing course of conduct, the date on which that conduct was discontinued.

   In either case, the recipient or his/her designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

3. Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of the recipient, the person shall be interviewed by the Title VI Coordinator. If necessary, the Title VI Coordinator will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled according to the recipient's investigative procedures.

4. Within 10 days, the Title VI Coordinator will acknowledge receipt of the allegation, inform the complainant of action taken or proposed action to process the allegation, an advise the complainant of other avenues of redress available, such as MDOT and USDOT.

5. The recipient will advise MDOT within 10 days of receipt of the allegations. Generally, the following information will be included in every notification to MDOT:

   a) Name, address, and phone number of the complainant.

   b) Name(s) and address(es) of alleged discriminating official(s).

   c) Basis of complaint (i.e., race, color, national origin or sex)

   d) Date of alleged discriminatory act(s).

   e) Date of complaint received by the recipient.

   f) A statement of the complaint.

g) Other agencies (state, local or Federal) where the complaint has been filed.

h) An explanation of the actions the recipient has taken or proposed to resolve the issue raised in the complaint.

6. Within 60 days, the Title VI Coordinator will conduct an investigation of the allegation and based on the information obtained, will render a recommendation for action in a report of findings to the head of the recipient. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.

7. Within 90 days of receipt of the complaint, the head of the recipient will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of his/her appeal rights with MDOT, or USDOT, if they are dissatisfied with the final decision rendered by the Recipient. The Title VI Coordinator will also provide MDOT with a copy of this decision and summary of findings upon completion of the investigation.

8. Contacts for the different Title VI administrative jurisdictions are as follows:

Mississippi Department of Transportation

Office of Civil Rights, Title VI Program

PO Box 1850

Jackson, MS 39215-1850

(601) 359-7970

Federal Highway Administration

Jackson Division Office

666 North Street Suite 105

Jackson, MS 39202-3199

(601) 965-4226

Sanctions

In the event the recipient fails or refuses to comply with the terms of this agreement, the MDOT may take any or all of the following actions:

a) Cancel, terminate, or suspend this agreement in whole or in part;

b) Refrain from extending any further assistance to the recipient under the program from which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the recipient.

c) Take such other action that may be deemed appropriate under the circumstances, until compliance or remedial action has been accomplished by the recipient.

d) Refer the case to the Department of Justice for appropriate legal proceedings.

MISSISSIPPI DEPARTMENT OF TRANSPORTATION:

Signature

Title VI Coordinator
Title

Date

CITY OF LONG BEACH:

Signature

Mayor
Title

6/3/09
Date

Appendix 1

During the performance of this contract, the contractor/consultant, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations**
   The contractor shall comply with the Regulations relative to non-discrimination in federally assisted programs of United States Department of Transportation (USDOT), Title 49, Code of Federal Regulations, part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

2. **Non-discrimination**
   The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of sub-contractors, including procurement of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3. **Solicitations for Sub-contracts, Including Procurement of Materials and Equipment**
   In all solicitations either by competitive bidding or negotiations made by the contractor for work to be performed under a sub-contract, including procurement of materials or leases of equipment, each potential sub-contractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to non-discrimination on the grounds of race, color, sex, or national origin.

4. **Information and Reports**
   The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the contracting agency or the appropriate federal agency to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to MDOT or the USDOT as appropriate, and shall set forth what efforts it has made to obtain the information.

5. **Sanctions for Non-compliance**
   In the event of the contractor's non-compliance with the non-discrimination provisions of this contract, the contracting agency shall impose such contract sanctions as it or the USDOT may determine to be appropriate, including, but not limited to:

   - Withholding of payments to the contractor under the contract until the contractor complies, and/or;
   - Cancellation, termination, or suspension of the contract, in whole or in part

6. **Incorporation of Provisions**
The contractor shall include the provisions of paragraphs (1) through (5) in every sub-contract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any sub-contractor or procurement as the contracting agency or USDOT may direct as a means of enforcing such provisions including sanctions for non-compliance.

Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a sub-contractor or supplier as a result of such direction, the contractor may request MDOT enter into such litigation to protect the interests of the state and, in addition, the contractor may request the USDOT enter into such litigation to protect the interests of the United States.

Appendix 2

The following clauses shall be included in any and all deeds affecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

GRANTING CLAUSE

NOW THEREFORE, Department of Transportation, as authorized by law, and upon the condition that the state of Mississippi will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways and the policies and procedures prescribed by the United States Department of Transportation and, also in accordance with an in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, the Department of Transportation MDOT (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252: 42 USC 2000d to 2000d - 4) does hereby remise, release, quitclaim, and convey unto the state of Mississippi all the right, title, and interest of the Department of Transportation in and to said land described in Exhibit A attached hereto and made a part thereof.

HABENDUM CLAUSE

TO HAVE AND TO HOLD said lands and interests therein unto the state of Mississippi, and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which the federal financial assistance is extended or for another purpose involving the provisions of similar services or benefits and shall be binding on the state of Mississippi, its successors, and assigns.

The state of Mississippi, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, sex or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed (,)(and)* (2) that the state of Mississippi, shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Non-discrimination of federally assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended (,) and (3) that in the event of breach of any of the above mentioned non-discrimination conditions, the department shall have a right to reenter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.[1]

[1] Reverter Clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

Appendix 3

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by (Recipient) pursuant to the provisions of Assurance 8.

The LESSEE, for himself or herself, his or her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this lease, for a purpose of which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the LESSEE shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Non-discrimination in federally assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, as said Regulations may be amended.

That in the event of breach of any of the above non-discrimination covenants, the STATE shall have the right to terminate the lease, and to reenter and repossess said land and the facilities thereon, and hold the same as if said lease has never been made or issued.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the Mississippi Department of Transportation pursuant to the provisions of Assurance 8.

The LESSEE, or himself or herself, his or her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that (1) no person, on the grounds of race, color, sex, or national origin, shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and furnishing of services thereon, no person on the grounds of race, color, sex, and national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the LESSEE shall use the premises in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Non-discrimination in federally assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

That in the event of breach of any of the above non-discrimination covenants, the STATE shall have the right to terminate the lease, and to reenter and repossess said land and the facilities thereon, and hold the same as if said lease had never been made or issued.

MINUTES OF JUNE 3, 2009
MAYOR AND BOARD OF ALDERMEN

"Attachment 1"

Title VI - Organization and Staffing

Head of the Organization

William Skellie, Jr.

Mayor

Title VI Coordinator

Rebecca E. Schruff

City Clerk)

(228) 863-1556

(228) 865-0822

cityclerk@cityoflongbeachms.com)

Example Document (Note: all areas may not be applicable for all Recipients)

"ATTACHMENT 2"

Major Programs and its Title VI Responsibilities include but are not limited to:

I. Planning

- Ensure that all aspects of the planning process operation comply with Title VI.
- Ensure that various social, economic, and ethnic interest groups are represented in the planning process by disseminating program information to minority media and ethnic/gender related organizations and participating in roundtable meetings in predominantly minority communities.
- Review the department work program and other directives to ensure compliance with Title VI program requirements.
- Visit public meetings to verify the level of participation of Title VI protected group members when offered in predominantly ethnic minority communities.
- Ensure the Limited English Proficiency (LEP) individuals who will be affected by planned projects receive meaningful access into the public awareness/involvement process. Meaningful access means that the affected parties will receive the necessary communicative assistance required to allow them to participate in governmental services/activities.

II. Environmental Justice

- Monitor compliances with Title VI requirements in all aspects of the environmental process.
- Conduct meetings to review the project impact.
- Disseminate to the public their rights to call or write the department to view plans and discuss environmental problems.
- Notify affected protected groups residents of public meetings or hearings regarding a proposed project, and make meetings and hearings accessible.
- Develop mechanisms to identify the population affected by a project.
- Ensure that Limited English Proficiency (LEP) individuals who will be affected by locating and citing actions receive meaningful access into the public awareness/involvement process. Meaningful access means that the affected parties will receive the necessary communicative assistance required to allow them to participate in governmental services/activities.

- Ensure public participation in the location selection process.
- Ensure Title VI/Environmental Justice compliance in all Environmental Impact Statements.

III. Right of Way

- Ensure participation by Minority/Women Disadvantaged Business Enterprises by reviewing updates to DBE directories identifying fee appraiser organizations.
- Ensure participation by Minority/Women Disadvantaged Business Enterprises as identified by Certified Disadvantaged Business Enterprise List in consulting contracts. The contracts are typically appraisal contracts but can cover all services of real estate including negotiation, relocation, and property management.
- Apprise affected property owners, tenants, and others involved of their rights and options regarding negotiation, relocation, condemnation and other aspects of the acquisition process.
- Ensure that Limited English Proficiency (LEP) individuals who will be affected by right of way activities/decisions receive meaningful access into the public awareness/involvement process. Meaningful access means that the affected parties will received the necessary communicative assistance required to allow them to participate in governmental services/activities.
- Conduct annual implementation reviews of Title VI provisions with the entire real estate acquisition process.
- Incorporate Title VI language and assurance statement in all surveys of property owners and tenants after the conclusion of all business.
- Ensure that appraised values and communications associated with the appraisal and negotiation operations result in equitable treatment.
- Ensure comparable replacement dwellings are available and assistance is given to all displaced person and entities by the property acquisition process.
- Coordinate the preparation of deeds, permits and leases to ensure the inclusion of the appropriate Title VI clauses (Appendices 1 and 2 to Title VI Assurances).
- Gather the statistical data required for completion of the Annual Title VI Update Report, including awards to minority and female appraisers.

IV. Construction/Maintenance

- Monitor all maintenance operations to ensure nondiscrimination.
- Review activities and programs to assure that maintenance and construction efforts and resources are applied uniformly and fairly.

- Review all projects for application of DBE program requirements.
- Include DBE general special provisions in projects with assigned goals.
- Include Title VI language in contract advertisements and award letters to encourage the utilization of DBE firms. Award construction contracts on the basis of the lowest responsive bidder including DBE requirements.
- Ensure thorough reviews that prime contractors with DBE requirements award have previously committed work to proper DBEs, and that DBEs actually performed a commercially useful function on the contracts.
- Consult DBE firms to identify possible barriers to their participation in contracts. Use this information to eliminate such barriers.
- Provide supportive services to DBEs.
- Include Title VI language in every contract to ensure nondiscrimination in contract awards due to race or gender.
- Coordinate the gathering of maintenance and construction information regarding DBE participation for the Title VI Annual Update Report

V. **Design**

- Ensure that all aspects of the location selection process comply with the Title VI requirements.
- Consult and seek input from affected populations.
- Develop mechanisms to identify affected populations.
- Ensure public participation in the selection process.
- Provide notice of public hearings and meetings in minority newspapers and newsletters.
- Maintain required Title VI compliance documentation and statistical data.
- Monitor program components for compliance with the Title VI requirements.
- Review activities associated with public hearings to enhance the participation of targeted communities.
- Develop and update operational manuals and directives to ensure the inclusion of Title VI language and provisions.
- Gather program area data to be included in the Title VI Annual Update Report.

VI. **Education and Training**

- In conjunction with managers and executives, ensures that all employees have equal access to training.
- Ensures accessibility to Minority/Women/Disadvantage Business Enterprise consulting/training firms to compete for training contracts.
- Maintain program administration documentation and data necessary for preparation of Annual Title VI Update.

- Reviews directives and manuals to ensure adherence with Title VI requirements.

VII. **Consultant Services**

- Monitor DBE program requirements.
- Ensure that all federally funded consultant contracts administered by the recipient have the appropriate Title VI provisions included.
- Review directives and procedures to ensure Title VI compliance.
- Maintain necessary data and documentation required for completion of the department's Title VI Update Annual Report.

****

The recommended practices and procedures for Long Beach Youth Program were tabled until a later date.

****

The nuisance abatement ordinance was tabled until the next meeting.

****

Alderman Holder made motion seconded by Alderman Anderson and unanimously carried to accept the terms of the engagement letter, as follows, and authorize the Mayor to execute the same:

MINUTES OF JUNE 3, 2009
MAYOR AND BOARD OF ALDERMEN

Alderman Holder made motion seconded by Alderman Anderson and unanimously carried to accept the terms of the engagement letter, as follows, and authorize the Mayor to execute the same:

April 30, 2009

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

This letter is to confirm our understanding of the terms and objectives of our engagement and the nature and limitations of the services we will provide.

We will perform the following services:

1) We will compile, from information you provide, the basic financial statements of the City of Long Beach, Mississippi, for the year ended September 30, 2008.

   We will compile the financial statements in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. The objective of a compilation is to present in the form of financial statements, information that is the representation of management without undertaking to express any assurance on the financial statements.

   A compilation differs significantly from a review or an audit of financial statements. A compilation does not contemplate performing inquiry, analytical procedures, or other procedures performed in a review. Additionally, a compilation does not contemplate obtaining an understanding of the entity's internal control; assessing fraud risk; tests of accounting records by obtaining sufficient appropriate audit evidence through inspection, observation, confirmation, the examination of source documents (for example, cancelled checks or bank images); or other procedures ordinarily performed in an audit. Therefore, a compilation does not provide a basis for expressing any level of assurance on the financial statements being compiled.

   You represent and agree that the financial statements are intended solely for your information and use and the information and use of your auditors and are not intended to be, and should not be, used by third parties. You also represent and agree that you will not distribute the statements to such third parties.

9490 Three Rivers Road | Gulfport, MS 39503 | (228) 863-0411 | Fax (228) 863-1165 | E-Mail: info@avlcpa.com | www.avlcpa.com
304 N. Vardaman Street | P.O. Box 749 | Wiggins, MS 39577 | (601) 928-4416 | Fax (601) 928-4417 | E-Mail: info@avlcpa.com | www.avlcpa.com

Members: American Institute of CPA's, Mississippi Society of CPA's, The AICPA Alliance for CPA Firms-
Partnering for CPA Practice Success, National Association of Certified Valuation Analysts

2) We will also perform the following services with respect to preparation for the audit of the City's basic financial statements:

   a) Prepare detail and/or reconciling schedules for all significant audit areas.
   b) Prepare confirmations of certain account balances.
   c) Record capital asset additions and deletions to the capital asset software and run depreciation schedules
   d) Assist the City with determining the accrual entries to convert the modified accrual basis financial statements to the full accrual basis.
   e) Assist the City with preparing the required Management's Discussion and Analysis (MD&A) that will be included in the September 30, 2008 audited financial statements.

Our engagement cannot be relied upon to disclose errors, fraud, or illegal acts that may exist. However, we will inform you of any material errors and any evidence or information that comes to our attention during the performance of our compilation procedures, that fraud may have occurred. In addition, we will report to you any evidence or information that comes to our attention during the performance of our compilation procedures regarding illegal acts that may have occurred, unless they are clearly inconsequential. We have no responsibility to identify and communicate deficiencies in your internal control as part of this engagement.

Jerry Levens, CPA, CFE, is the engagement partner and is responsible for supervising the engagement. Jerry Favre, CPA, is the client relations partner.

Our fees for this engagement will be billed at our standard hourly rates based on the actual time incurred. We will also bill you for any out-of-pocket costs incurred. Invoices will be sent monthly, as work progresses, and are payable upon presentation. **Our total fees will be directly related to the amount of assistance that we receive from the City's personnel.**

We expect that the majority of the work on this engagement will occur between June and September of 2009. However, the project will not be completely finished until the MD&A section is completed for the 2008 fiscal year report.

We appreciate the opportunity to assist the City of Long Beach with these services. If the terms of the agreement, as outlined above, is acceptable, please sign in the space provided below and return one copy to us. If you have any questions about the engagement, please call Jerry Favre, CPA or Kim Marmalich, CPA at 863-0411.

Sincerely,

Alexander, Van Loon, Sloan, Levens & Favre

ALEXANDER, VAN LOON, SLOAN, LEVENS & FAVRE, PLLC
Certified Public Accountants

Honorable Mayor William Skellie and
Board of Aldermen
City of Long Beach, Mississippi
April 30, 2009
Page 3

ACCEPTANCE:

The terms of the engagement as outlined above have been accepted by the City of Long Beach:

Authorized Signature _____ Date 6/3/09

****

Alderman Anderson made motion seconded by Alderman Notter and unanimously carried to accept the following Master Services Agreement and authorize the Mayor to execute the same:

TASK ORDER To MASTER SERVICES AGREEMENT
Between
CITY OF LONG BEACH, MISSISSIPPI
And
AMEC EARTH & ENVIRONMENTAL, INC.

Task Order No. 9 –Investigation of Owner Interest and Project Scoping for Acquisition and Demolition of Improvements Located on up to Ten Properties

Pursuant to the Agreement between *City of Long Beach, Mississippi* [CITY] and *AMEC Earth & Environmental, Inc.* [AMEC], dated April 21, 2006, CITY hereby authorizes AMEC to perform services as specified in this Task Order and in accordance with the above-mentioned Agreement.

1. Project Name: Investigation of owner interest and project scoping for acquisition and demolition of improvements located on up to ten (10) Repetitive Loss (RL), Severe Repetitive Loss (SRL), and/or other properties known to have flooded repetitively.
2. Scope of Work: The Contractor shall perform services as described in Attachment 1.
3. Schedule: The Contractor shall complete all work by October 31, 2009, in accordance with the schedule described in Attachment 1.
4. Compensation: AMEC's total payment authorized under this Task Order is based on Fixed Fee cost of: $4,530
5. Payment Schedule: Payment will be made within 30 days of receipt of AMEC's invoice.
6. Invoices: For this Task Order there will be monthly invoices based upon time and materials costs incurred during the billing period.

ISSUED & AUTHORIZED BY:	ACCEPTED & AGREED TO BY:
CITY OF LONG BEACH, MISSISSIPPI	AMEC EARTH & ENVIRONMENTAL
By: William Skellie	By:
Name: William SKELLIE Jr	Name:
Title: Mayor	Title:
Date: 6/3/09	Date:

Attachment 1

Task Order No. 9

Objective

The objective of this Task Order is to investigate owner interest and scope the effort associated with the subsequent submittal of a project application for the acquisition and demolition of improvements within the City of Long Beach, located on up to ten (10) Repetitive Loss (RL), Severe Repetitive Loss (SRL), and/or other properties known to have flooded repetitively. The project application to be prepared under separate Task Order will be submitted under one of the following programs: Hazard Mitigation Grant Program (HMGP), Severe Repetitive Loss (SRL), or Repetitive Loss (FMA).

Scope

AMEC shall investigate owner interest and participation in this program and scope the effort associated with the submittal of a project application for the acquisition and demolition of improvements located on up to ten (10) properties with a history of flooding located within the City of Long Beach. The tasks associated with the investigation of owner interest and project scoping include:

Task 1. Investigate Owner Interest and Participation
AMEC will identify and contact owners of flooded properties in the City of Long Beach to determine owner interest and participation. AMEC will utilize a variety of means to contact owners and establish participation in this project. Such methods may include: direct mailings, questionnaires, and meetings. The end product of this task will be a signed statement by each owner expressing interest in pursuing the buyout of their property(ies).

Task 2. Project Scoping
AMEC will define the project scope for preparation and submittal of a project application. As part of this effort, AMEC will work with MEMA/FEMA to establish the most viable grant program (i.e., HMGP, SRL, FMA) for the development and submittal of the project application. A scoping document/Task Order will be prepared detailing the scope of the application preparation and submittal process.

Schedule

The determination of owner interest and project scoping will be completed by October 31, 2009.

Cost

The estimated cost for this Task Order includes management and owner investigation and project scoping efforts on a fixed fee basis as set forth in the following table:

Task Order No. 9	
Labor	$4,130
Expense	$400
TOTAL TASK ORDER FEE	**$4,530**

Items not included under this Task Order:

AMEC will not be responsible for other professional services required for this project. Funding for other necessary professional services will be included in the project budget and it will be the responsibility of the City, with assistance from AMEC, to procure other professional services in compliance with applicable State and Federal regulations. Services not provided include the following:

- Legal Services
- Accounting Services
- Appraisals
- Review Appraisals
- Asbestos Inspections
- Cost Estimates
- Construction
- Engineering and Surveying
- Inspections that are the responsibility of the local Building Official

****

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

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) 863-6232

June 3, 2009

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

RE: Emergency Dredging
Long Beach Harbor

Ladies and Gentlemen:

Last Thursday afternoon, it came to my attention that there are boats anchoring in the Long Beach Harbor which cannot get out of the Harbor due to shoaling in the channel. This situation apparently occurs even at high tide. We knew dredging was needed; in fact, the permanent dredging repairs advertise initially on Monday, June 8. However, we had no idea the circumstances were so serious. Therefore, after meetings with Phil Kies, the Mayor, and the Civil Defense Director, we requested quotes from several local contractors for "emergency" dredging work in conformance with state purchasing laws. The Scope of Work includes two bathymetric surveys, before and after the dredging, to determine the exact amount of material removed, along with the actual dredging of the needed areas, and disposal, all in accordance with the dredging permit we have already obtained for the permanent work.

We have received proposals back from two contractors and have attached a copy of the low bid. The low bid was by Matthews Marine, Inc. for $44,400. The second bid was by K & G Crane & Marine Services for $76,000. At this time, the exact amount of material to be removed is unknown and will be determined upon performance of the first bathymetric survey. For right now, it is intended that the City will fund the work using Tidelands funds. However, we have followed all required purchasing laws that we are aware of, and therefore, we believe that it is possible that FEMA will reimburse for this work.

Matthews Marine is currently performing similar dredging operations in the Pass Christian Harbor, so we feel they are capable of performing the work. Therefore, we recommend that you authorize the City Clerk to immediately issue a purchase order to Matthews Marine, Inc. in the amount of their bid, $44,400.

Sincerely,

David Ball, P.E.

DB:539
Enclosure

PROPOSAL FOR

"EMERGENCY DREDGING AT LONG BEACH HARBOR"

MAYOR AND BOARD OF ALDERMEN
LONG BEACH, MISSISSIPPI

Gentlemen:

Pursuant to your request for quotes, receivable until 3:00 P.M., on Wednesday, June 3, 2009 we Matthews Marine, Inc. (Name of Company) residing at 455 Fleitas Ave. Pass Christian, Mississippi, do hereby submit this our proposal for furnishing of labor, tools, equipment, and all materials needed to perform emergency dredging of the channel at the Long Beach Harbor. Contractor will furnish all services, labor, personnel, components, and materials needed (major, minor, and incidental) such as may be required to perform the work described herein.

GENERAL REQUIREMENTS:

(1) In order to be considered, all proposals should be returned to the office of the City Engineer, A. Garner Russell & Associates, Inc., at 520 33rd Street, Gulfport, MS, not later than the date and time shown above. Completed proposals may be returned via facsimile (228-863-5232), mail, or hand-delivery.
(2) Owner intends to issue a purchase order to the Contractor providing the lowest and best quote for this project, as provided for under State Law for procurement of construction contracts under $50,000.
(3) Contractor must furnish to the Owner proof of Workman's Compensation coverage, vehicular, and public liability insurance in the amount of not less than $1,000,000, prior to commencement of the work.
(4) Failure of the contractor to commence work under the terms of this contract within 5 calendar days from notification of issuance of the purchase order shall be justification for the cancellation of the contract without penalty to either party.
(5) All work under this contract must be fully completed within 30 calendar days from the date when Owner notifies Contractor of the issuance of a purchase order. If contractor fails to complete the work within this time without cause or reason satisfactory to Owner, the payment for the completed work shall be reduced by the sum of fifty dollars ($50) for each and every calendar day which the work remained incomplete after expiration of the allowed time.
(6) Payment for the completed work will be made in one lump sum, after approval by the Board of Aldermen at the next Board Meeting subsequent to the completion of work. No partial payments will be allowed.
(7) Contractor shall warrant his work against defects in materials and workmanship for a period of one year following final acceptance of the project by the City.
(8) The price quoted shall include any and all applicable taxes or fees, and shall be in full consideration of all expenses incurred in performing the work.

CONSTRUCTION REQUIREMENTS:

(1) BATHYMETRIC SURVEY

a. Perform bathymetric survey prior to commencing dredge operations. Provide results of bathymetric survey to Engineer for determination of exact work areas and exact Scope of Work.

b. Contractor shall secure the services of an independent professional land surveyor licensed in the State of Mississippi to perform pre- and post-dredging bathymetric surveys of the harbor entrance channel area (approx. 600' long by 100' wide).

c. Survey Requirements: The surveys shall identify spot elevations below the Mean Low Water level, which is 0.5 feet below the National Geodetic Vertical Datum of 1929. Elevations will be taken at a grid of no more than 25 feet each way. For reference, docks, roads, and other stationary objects adjacent to the dredging areas shall be located horizontally and shown on the survey. Deliverable surveys shall meet the minimum standards for land surveying as defined by the Mississippi Board of Licensure for Professional Engineers and Surveyors.

d. Certified copies of the pre-dredging bathymetric survey shall be provided to the City Engineer prior to commencement of dredging activities.

e. City Engineer shall utilize pre-dredging bathymetric survey to determine the exact Scope of Work (dredge depth and area) required. Dredging operations shall be kept to a minimum as necessary to open the channel for boat use.

f. Contractor shall perform the dredge work, taking reasonable precautions to dredge per the Scope of Work determined by City Engineer.

g. After the dredging is completed, the second survey shall be performed. Certified totals of the quantity of material removed in cubic yards as well as certified copies of the post-dredging survey shall be provided to the Engineer.

h. In no case shall payment be made for cubic yardage of dredge materials from areas dredged to 1.0' deeper than the Scope of Work determined by the City Engineer.

(2) DREDGE & DISPOSAL

a. Contractor shall prepare a temporary dewatering basin in the northwest corner of the Harbor (the pre-Katrina "Steve's Marina" restaurant site). Alternatively, Contractor may use his own dewatering basin at another site. If the Harbor site is used, it must be restored to pre-work conditions prior to payment.

b. Dredging must be performed with a suitable floating hydraulic dredge, operated to result in a final bottom configuration conforming reasonably to the limits and elevations as designated by City Engineer in the Scope of Work determined following the pre-dredge bathymetric survey (See Item (h) above). Alternatively, Contractor may utilize other methods of dredging (mechanical dredge & hopper barge, etc.) as approved for use by MS DMR, US Corps of Engineers, and other responsible permitting authorities.

c. After the dredge spoils are essentially drained of free water, final disposal of dredge spoils shall be at the Long Beach Central Fire Station at 645 Klondyke Road, in an area on the property designated by the City Engineer. Alternatively, Contractor may utilize any other Corps of Engineers approved disposal site, upon delivery to the City Engineer of proof of the right to utilize the site and proof of site approval by the Corps.

d. It is estimated that 1,000 CY of dredging and disposal is necessary. Exact quantities of dredge required shall be in accordance with the Scope of Work determined by City Engineer following the pre-dredge bathymetric survey.
e. It will be necessary to maintain and allow reasonable boat traffic into and out of the Harbor during the work period.

PRICE:

The successful Contractor agrees to perform all the work described herein, for the following unit prices:

NO.	ITEM DESCRIPTION	QUANTITY	EXTENSION
1	BATHYMETRIC SURVEY Five thousand seven hundred dollars and no hundreths ($ 5,700.00)	2 EA	$ 11,400.00
2	DREDGE & DISPOSE OF SEDIMENT Thirty-three dollars and no hundreths ($ 33.00)	1,000 CY	$ 33,000.00

TOTAL PRICE: Forty-four thousand four hundred dollars and no hundreths ($ 44,400.00)
(AMOUNTS ARE TO BE IN WORDS AND FIGURES. IN CASE OF DISCREPANCY, THE AMOUNT SHOWN IN WORDS WILL GOVERN.)

The Contractor shall fully understand that the unit prices are independent to the exact quantities involved. The quantities shown herein are approximate and the Owner uses them for comparison of prices only. The Owner will pay Contractor for the actual quantities of work performed and accepted by Engineer, in accordance with the requirements set forth herein. The Owner may increase, decrease, or omit the scheduled quantities of work with no adjustment to the unit prices.

RESPECTFULLY SUBMITTED:

DATE June 3, 2009

FIRM NAME Matthews Marine, Inc.

SIGNED BY (Name & Title) Thomas B. Matthews, Secretary-Treasurer
Thomas B. Matthews

ADDRESS OF FIRM P.O. Box 178 455 Fleitas Ave

CITY AND STATE Pass Christian, MS 39571 TELEPHONE 228-452-0804

MINUTES OF JUNE 3, 2009
MAYOR AND BOARD OF ALDERMEN

JUN-03-2009 13:37 From: To:8635232 Page:5/5

06/02/2009 10:27 2288635232 AGARNERRUSSELL ASSOC PAGE 02/14

sent o.k.
9:35 a.m.
6/3/09

June 2, 2009

ADDENDUM NO. 1

CITY OF LONG BEACH, MISSISSIPPI
EMERGENCY DREDGING AT LONG BEACH HARBOR

This Addendum is hereby made a part of the Request for Proposals to the same extent as though it were originally included therein. Contractor must acknowledge receipt of this Addendum to Engineer by signing on the blank provided below and returning via FAX to Engineer, at 228-863-5232.

1. In the "CONSTRUCTION REQUIREMENTS", revise Paragraph (2)(a) to read as follows:

   a. Contractor shall prepare a temporary dewatering basin in the northwest corner of the Harbor (the pre-Katrina "Steve's Marina" restaurant site) and must dewater the dredge spoils at the prepared site. Upon completion it must be restored to pre-work conditions prior to payment.

2. In the "CONSTRUCTION REQUIREMENTS", revise Paragraph (2)(c) to read as follows:

   b. After the dredge spoils are essentially drained of free water, final disposal of dredge spoils shall be at the Long Beach Central Fire Station at 645 Klondyke Road, in an area on the property designated by the City Engineer. Area shall be graded and smoothed to drain properly, and silt fence shall be erected.

3. Contractor shall comply with the terms and conditions of the attached permit application, excluding the dredging shown near the Fuel Facility which will be performed as part of another contract.

A. GARNER RUSSELL & ASSOCIATES, INC.
CONSULTING ENGINEERS

David Ball, P.E.

DAVID BALL REGISTERED PROFESSIONAL ENGINEER 16546 STATE OF MISSISSIPPI

ACKNOWLEDGE RECEIPT OF ADDENDUM NO. 1
(Return via FAX to 228-863-5232)

Thomas B. Matthews
Received By:

Matthews Marine, Inc.
For: (Name of Company)

DATE RECEIVED: 6-2-2009

Page 1 of 1

Based on information obtained regarding the aforesaid emergency, Alderman Notter made motion seconded by Alderman Anderson and unanimously carried to accept the recommendation of Mr. Ball, as set forth above.

****

There came on for consideration a Summer Youth Employment Program Agreement. Said agreement ordered spread upon the minutes of this meeting in words and figures as follows:

MINUTES OF JUNE 3, 2009
MAYOR AND BOARD OF ALDERMEN

TWIN DISTRICTS WORKFORCE AREA
SUMMER YOUTH EMPLOYMENT PROGRAM
WORK EXPERIENCE MEMORANDUM OF AGREEMENT

This Work Experience agreement between City of Long Beach and GCCAA, Inc., herein called the "provider," is entered into for the purpose of providing work experience training in accordance with the American Recovery and Reinvestment Act of 2009 and subsequent amendments, and terms and conditions of this agreement.

☒ Public ☐ Private (Non-Profit) ☐ Private (For Profit)

By entering into this agreement, the parties agree:

The **Employer** will:

1. not use participants to replace the work of employees who have experienced lay offs.
2. ensure sufficient work available to occupy the hours allowed for work experience.
3. have enough equipment and/or materials to perform the tasks assigned to each participant.
4. provide a sanitary and safe environment.
5. only use participants in the agreed upon job(s).
6. follow regulations regarding child labor laws. Participants under age 17 will not be permitted to work on hazardous jobs. Questions regarding child labor laws should be directed to the Wage and Hour representative of the Department of Labor.
7. treat participants as regular employees. The work site supervisor may not dismiss a participant from the program, but may request the provider remove a participant from the work site. **If a problem arises, the problem should be reported to the provider.**
8. not discriminate on the basis of race, color, religion, sex, national origin, disability, political affiliation, or belief.
9. notify the SYEP representative if a participant quits or fails to report to work for two consecutive days.
10. not be held responsible or liable in the case of an accident involving a participant while at work.
11. notify the provider supervisor immediately of any accident, special situations or unusual circumstances.
12. notify the participant of their supervisor's name, role, and responsibilities.
13. be responsible for validating time sheets. Participants should not include meal breaks or hours not worked on a time sheet.
14. complete a participant evaluation during training and work experience.

The **Participant** will:

1. perform diligently the work experiences assigned by the employer according to the same company policies and regulations applicable to regular employees.
2. be allowed to work up to 32 hours per week for the specified length of time.
3. be responsible for transportation to and from the work site.
4. notify the provider if problems arise.

The **Provider** will:

1. have the right to visit the worksite for observation.
2. will provide the employer with instructions and procedure forms necessary for program operation.
3. will provide workman's compensation and insurance.

IT IS MUTUALLY AGREED THAT:

This agreement may be terminated by either party upon notification in advance. These program activities are contingent upon federal and state funding, provided by the Recovery Act, and may be terminated if said funding is discontinued or if said program is not being administered in accordance with this agreement, rules and regulation or other appropriate laws, ordinances, rules and regulations.

Work Site Representative Signature — Date: 6/3/09

Provider Representative — Date: 5/28/09

April 2009

Alderman Holder made motion seconded by Alderman Boggs and unanimously carried to enter into the aforesaid agreement and authorize the Mayor to execute the same.

****

The Mayor recognized Mr. Joseph B. Defazio, 219 South Island View, Long Beach, MS.; whereupon Mr. Defazio received a Notice of Non-Compliance With Zoning Ordinance and is requesting an extension. Said Notice ordered spread upon the minutes of this meeting in words and figures as follows:

MINUTES OF JUNE 3, 2009
MAYOR AND BOARD OF ALDERMEN

City of Long Beach

BOARD OF ALDERMEN
Allen D. Holder, Jr. - At Large
Charlie Boggs - Ward 1
Richard Notter - Ward 2
Richard Burton - Ward 3
Joe McNary - Ward 4
Mark Lishen - Ward 5
Carolyn Anderson - Ward 6

WILLIAM SKELLIE, JR.
MAYOR

CITY CLERK
TAX COLLECTOR
Rebecca E. Schruff

CITY ATTORNEY
Jim Simpson

Date 5-27-09

NOTICE OF NON-COMPLIANCE WITH ZONING ORDINANCE

To Mr. DeFazio

You are hereby notified that you are in violation of the following: but not limited to

(X) Zoning Ordinance 344, Section See Attached Sheet
( ) International Property Maintenance Code, Chapter____ Section(s) ____

Specifically Fema mobile home in R1 district

After receiving a complaint, and inspecting the above referenced property, it has been determined that you are in violation of Zoning Ordinance 344/2003 International Property Maintenance Code for the City of Long Beach, MS, as listed above. You have fourteen days (14) from receipt of this notice to comply. You may call 228-863-1554 or take this notice with you to the Permit Office located at the Long Beach Fire Department Complex at 645 Klondyke Road for directions and/or corrective measures. Failure to comply with this notice constitutes a violation of Section 1107 of the Ordinance and is chargeable as a misdemeanor.

By order of, Claire Leatherwood

Claire Leatherwood
Zoning Enforcement Officer

Cc: Mayor Billy Skellie
Frank McCreary, City Attorney
Alderman, Ward

201 Jeff Davis • P.O. Box 929 • Long Beach, MS 39560 • 863-1556 • FAX 865-0822
www.cityoflongbeachms.com

After considerable discussion, it was the consensus of the Board to direct the Zoning Enforcement Officer, Claire Leatherwood, to suspend any further action on the removal of the mobile home until July 21, 2009.

****

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

****

MINUTES OF JUNE 3, 2009
MAYOR AND BOARD OF ALDERMEN

APPROVED:

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

Alderman Charles A. Boggs, Ward 1

Alderman Richard Notter, Ward 2

Alderman Richard Burton, Ward 3

Alderman Joseph McNary, Ward 4

Alderman Mark Lishen, Ward 5

Alderman Carolyn Anderson, Ward 6

Date: June 16, 2009

ATTEST:

Rebecca E. Schruff, City Clerk