Minutes of February 15, 2011
Mayor and Board of Aldermen

Be it remembered that three public hearings before the Mayor and Board of Aldermen, Long Beach, Mississippi, were begun and held at 5:00 o'clock p.m., Long Beach City Hall, 201 Jeff Davis Avenue, in said City, it being the third Tuesday in February, 2011, and the same being the time, date, and place fixed by order of the Mayor and Board of Aldermen for holding said public hearings.

There were present and in attendance on said board and at the public hearings the following named persons: Mayor William Skellie, Jr., Aldermen Leonard G. Carrubba, Sr., Gary J. Ponthieux, Bernie Parker, Ronnie Hammons, Jr., Mark E. Lishen, Carolyn J. Anderson, Deputy City Clerk Stacey Dahl, and City Attorney James C. Simpson, Jr.

Absent the public hearings was Alderman Kaye H. Couvillon.

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

* *

The first public hearing was called to order to determine whether or not a parcel of property situated in the City of Long Beach at 1110 Iris Street and assessed to Madeline P. Hosford, II, et al, is in such a state of uncleanliness as to constitute a menace to the public health and safety of the community, all in accordance with §21-19-11 of the Mississippi Code 1972, as amended.

The Mayor recognized the Deputy City Clerk for her report, whereupon, Alderman Carrubba made motion seconded by Alderman Anderson and unanimously carried to make the aforesaid report a part of the record of this public hearing, collective Exhibit "A", as follows:

- The Clerk reported that pursuant to that certain order of the Mayor and Board of Aldermen at a regular meeting duly held and convened on January 18, 2011, that she did cause to be sent, via certified mail, return receipt requested, Legal Notice of Public Hearing, to Madeline P. Hosford, II, et al at her mailing address, 228 Queens Avenue, Biloxi, MS, 39530, as the same appears of record on the Harrison County 2010 Real Property Tax Rolls.
- The Clerk further reported that the legal notice was returned unclaimed and unable to forward by the United States Postal Service. Said notice as follows:

City of Long Beach

BOARD OF ALDERMEN
Leonard G. Carrubba, Sr. - At-Large
Gary J. Ponthieux - Ward 1
Bernie Parker - Ward 2
Kaye H. Couvillon - Ward 3
Ronnie Hammons, Jr. - Ward 4
Mark E. Lishen - Ward 5
Carolyn J. Anderson - Ward 6

WILLIAM SKELLIE, JR.
MAYOR

CITY CLERK
TAX COLLECTOR
Rebecca E. Schruff

CITY ATTORNEY
James C. Simpson, Jr.

January 19, 2011

MAILED
Date: 1/19/2011

Madeline P. Hosford, II, et al
228 Queens Avenue
Biloxi, MS 39530

91 7108 2133 3938 9856 3522

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Mayor and Board of Aldermen of The City of Long Beach, Mississippi, will, in accordance with motion duly made, seconded and adopted at its regular meeting January 18, 2011, hold a public hearing at **5:00 p.m., Tuesday, February 15, 2010,** at the Long Beach City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi, to determine whether or not a parcel of land owned by and/or assessed to Madeline P. Hosford, II, et al, and situated in the City of Long Beach, Mississippi, at 1110 Iris Street, is in such a state of uncleanliness as to be a menace to the public health and safety of the community, all in accordance with Section 21-19-11 of the Mississippi Code of 1972, as amended. Said property is more particularly described, as follows:

Address: 1110 Iris Street
Parcel Number: 0611L-03-042.000
Legal Description: LOT 27 LESS W 10 FT & ALL LOT 28 & W 10 FT OF LOT 29 BLK 8 OLD PLANTATION ADD

If at such hearing, the governing authority shall, in its resolution, adjudicate such parcel of land in its then condition to be a menace to the public health and safety of the community, the governing authority shall, if the owner does not do so himself, proceed to clean the land, by the use of municipal employees or by contract, by cutting weeds; filling cisterns; removing rubbish, dilapidated fences, outside toilets, dilapidated buildings and other debris; filling swimming pools; and draining cesspools and standing water therefrom. Thereafter, the governing authority shall, at its next regular meeting, by resolution adjudicate the actual cost of cleaning the property and may also impose a penalty of One Thousand Five Hundred Dollars($1,500.00) or fifty (50%) of such actual cost, whichever is more. The cost and any penalty may become a civil debt against the property owner, or, at the option of the governing authority, an assessment against the property. The cost assessed against the property means the cost to the municipality of using its own employees to do the work or the cost to the municipality of any contract executed by the municipality to have the work done. The action herein authorized shall not be undertaken against any one (1) parcel of land more than six (6) times in any one (1) calendar year, and the

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www.cityoflongbeachms.com

expense of cleaning of said property shall not exceed an aggregate amount of Twenty Thousand Dollars ($20,000.00) per year, or the fair market value of the property subsequent to cleaning, whichever is less. If it is determined by the governing authority that it is necessary to clean the property or land more than once within a calendar year, then the municipality may clean it provided notice to the property owner is given by United States mail to the last known address at least ten (10) days before cleaning the property. The governing authority may assess the same penalty for each time the property or land is cleaned as otherwise provided in this section. The penalty provided herein shall not be assessed against the State of Mississippi upon request for reimbursement under Section 29-1-145, nor shall a municipality clean a parcel owned by the State of Mississippi without first giving notice. In the event the governing authority declares, by resolution, that the cost and any penalty shall be collected as a civil debt, the governing authority may authorize the institution of a suit on open account against the owner of the property in court of competent jurisdiction in the manner provided by law for the cost and any penalty, plus court costs, reasonable attorney's fees and interest from the date that the property was cleaned. In the event that the governing authority does not declare that the cost and any penalty shall be collected as a civil debt, then the assessment above provided for shall be a lien against the property and may be enrolled in the office of the circuit clerk of the county as other judgments are enrolled, and the tax collector of the municipality shall, upon order of the board of governing authorities, proceed to sell the land to satisfy the lien as now provided by law for the sale of lands for delinquent municipal taxes as provided by *Section 21-19-11 Mississippi Code, Annotated.*

All decisions rendered under the provisions of this section may be appealed in the same manner as other appeals from municipal boards or courts are taken.

Done by order of the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, this the 18th day of January, 2011.

Rebecca E. Schruff
City Clerk

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Label/Receipt Number: **9171 0821 3339 3898 5635 22**
Class: **First-Class Mail®**
Service(s): **Return Receipt Electronic**
Status: **Unclaimed**

Your item was returned to the sender on February 04, 2011 because it was not claimed by the addressee.

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Detailed Results:

- **Unclaimed, February 04, 2011, 11:02 am, BILOXI, MS**
- **Notice Left, January 20, 2011, 4:42 pm, BILOXI, MS 39530**
- **Arrival at Unit, January 20, 2011, 7:10 am, BILOXI, MS 39530**
- **Electronic Shipping Info Received, January 19, 2011**

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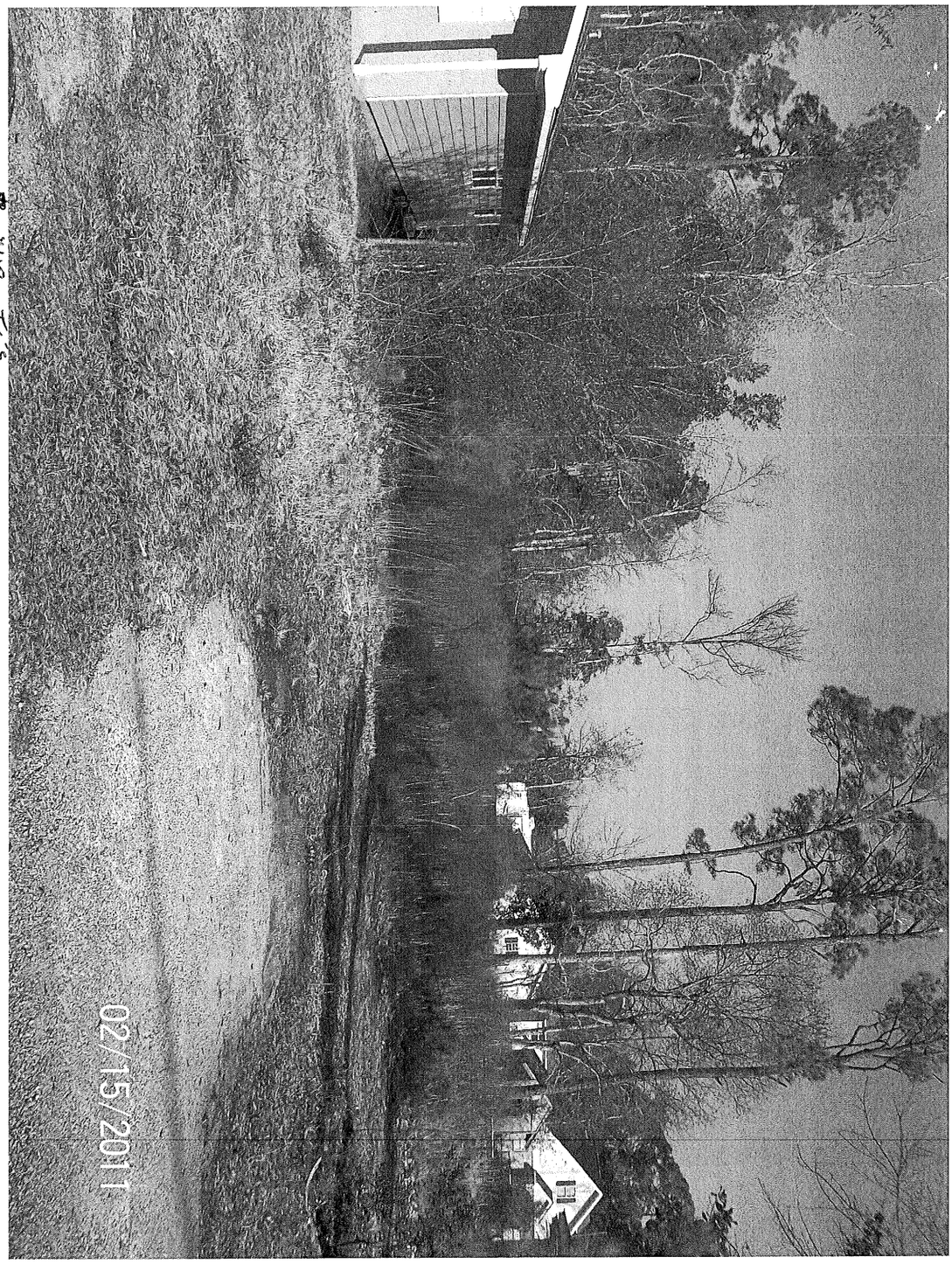
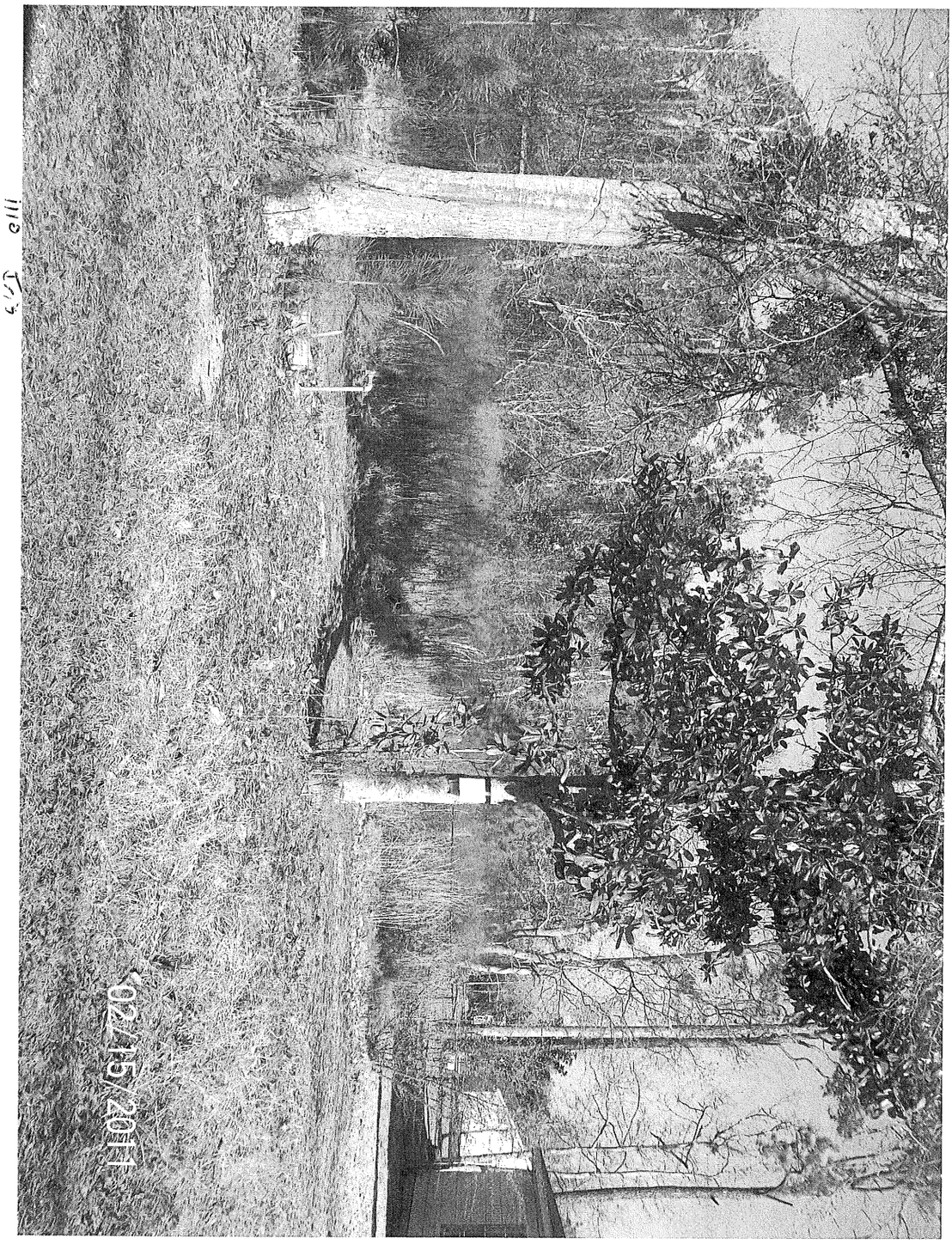
- The Clerk reported that the legal notice of public hearing was posted at the Long Beach City Hall and on the subject property, 1110 Iris Street, Long Beach, Mississippi, by the Building Official as required by state law.

- The Clerk submitted photographs depicting the subject property taken on February 15, 2011, by Building Official Earl Levens, as follows:





- The Clerk submitted a sworn affidavit affirming the posting of said Notice of Public Hearing and the validity of the photographs depicting the subject property, 1115 Iris Street, Long Beach, Mississippi, as of February 15, 2011; said affidavit is as follows:

AFFIDAVIT

STATE OF MISSISSIPPI
COUNTY OF HARRISON
CITY OF LONG BEACH

BEFORE ME, the under signed legal authority authorized to administer oaths in and for the jurisdiction aforesaid, on this day personally appeared EARL LEVENS, known to me to be the Building Official of the City of Long Beach, Mississippi, who being by me first duly sworn, deposes and says on oath as follows, to-wit:

1. That he is the duly appointed and acting Building Official of the City of Long Beach, Mississippi;

2. That in such capacity, he is responsible for the posting of notices of public hearings for the purpose of determining whether or not certain properties are in such a state of uncleanliness as to constitute a menace to the public health and safety of the community; he is responsible for the taking of photographs of those certain properties to determine the state of the property in its then condition on the date of such public hearings; and other matters pertaining to such public hearings and the business of the zoning/code enforcement in and for the City of Long Beach;

3. That on or before February 4, 2011, he did cause to be posted, Notice of Hearing, a copy of which is attached hereto, on property assessed to Madeline P. Hosford, II, et al, and located at 1110 Iris Street, Long Beach, Mississippi and at the City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi; and that on February 15, 2011, he did take and cause to be processed photographs depicting said property in its then condition, to be submitted as exhibits at the public hearing scheduled for February 15, 2011.

This the 15th day of February, 2011.

REBECCA E. SCHRUFF, AFFIANT

SWORN TO AND SUBSCRIBED before me on this the 15th day of February, 2011.

NOTARY PUBLIC

-My Commission Expires-

STATE OF MISSISSIPPI NOTARY PUBLIC ID # 4842 STACEY DAHL Commission Expires Dec. 5, 2011 HARRISON COUNTY

AFFIDAVIT-PHOTOS;POST NOTICE

The Mayor opened the floor for public comments from the property owner or her representative and no one came forward to be heard.

There being no further discussion or comments, Alderman Lishen made motion seconded by Alderman Anderson and unanimously carried to close the public hearing and take formal action, as follows:

Minutes of February 15, 2011
Mayor and Board of Aldermen

The Mayor and Board of Aldermen, Long Beach, Mississippi, took up the matter of the public hearing on the property located at 1110 Iris Street, Long Beach, Mississippi, to determine and consider the condition of said property. After conducting the hearing and considering all matters produced there at and after hearing all persons interested and appearing, the Board of Aldermen declared the hearing finally closed. After a discussion of the subject, Alderman Parker offered and moved the adoption of the following Resolution and Order:

RESOLUTION AND ORDER BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI ADJUDICATING THE PROPERTY LOCATED AT 1110 IRIS STREET, LONG BEACH, MISSISSIPPI, TO BE A MENACE TO THE PUBLIC HEALTH AND SAFETY OF THE COMMUNITY AND REQUIRING OWNER OF SUCH PROPERTY TO CLEAN SAID PROPERTY.

WHEREAS, the Mayor and Board of Aldermen having made due investigation therefore do now find, determine, declare and order as follows:

1. That on complaint and motion of the Governing Authorities of the City of Long Beach wherein lies the property known as 1110 Iris Street, Long Beach, Mississippi, (hereinafter referred to as the subject parcel), and after discussion of same, the Mayor and Board of Aldermen, at its regular meeting of January 18, 2011, on its own motion did set a hearing to determine whether or not the subject parcel, in its then condition, was in such a state of uncleanliness as to be a menace to the public health and safety of the community in accordance with Miss Code Annotated Section 21-19-11, as amended, said hearing to be held February 15, 2011, and directed notice of said hearing be served on the owner of said property in the manner as provided by said MCA

Section 21-19-11;

2. That, having served the owner of said property, either by registered mail as is evidenced by the return receipt included in the materials produced at said hearing, or by personal service by police officer as evidenced by the return of service of such police officer, or my posting and publication of same, such service being in accordance with said MCA Section 21-19-11, and proof of same being spread upon the minutes of the Governing Authorities taken of such hearing, hereby made a part of the record of these proceedings;

3. That the Mayor and Board of Aldermen having considered testimony evidence adduced at hearing regarding the condition of the subject property and the observations of individual Aldermen concerning the condition of the subject property in its condition on the date of hearing, and being fully advised in the premises, do find and adjudicate that the property is, in its present condition, in such a state of uncleanliness as to be a menace to the public health and safety of the community and constitutes an attractive nuisance. It is therefore,

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

1. That the parcel of land lying and being situated in the City of Long Beach, First Judicial District of Harrison County, Mississippi, and having the street address of 1110 Iris Street, Long Beach, Mississippi, which parcel of land is identified by Harrison County Tax Parcel Number 0611L-03-042.000, and according to said tax records is owned by Madeline P. Hosford, II, et al, is at present in such a state of uncleanliness as to be a menace to the public health and safety of the community and an attractive nuisance.

2. That the aforesaid owner is hereby order to clean said parcel of land

within **ten (10) days** from the entry of this Resolution and Order, and that such cleaning shall include:

Removal of all discarded materials, dangerous items, and such other rubbish and/or debris as described in any notice or as appearing on said property contributing to the property constituting a nuisance and menace overall to the public health and safety, and abate or cause to be abated the conditions otherwise existing and constituting a menace to public safety and health as testified and/or described in general at the hearing, and as contained in the report letter of Claire Leatherwood, Zoning Enforcement Officer, dated November 12, 2010, and attached hereto.

3. That in the event that said owner shall fail to complete cleaning of the subject property within ten (10) days from entry of this Resolution and Order, then the governing authority shall proceed to clean the subject property as required by paragraph 2, above, by the use of municipal employees or by contract, with the cost of same, together with a penalty of $1,500.00 or 50% of such actual cost, whichever is greater, to be, at the next regular meeting after completion of such clean-up, assessed against the said parcel of land.

Alderman Anderson seconded the motion to adopt the foregoing resolution and order, and the question being put to a roll call vote by the Mayor, the result was as follows:

Alderman Bernie Parker	voted	Aye
Alderman Gary J. Ponthieux	voted	Aye
Alderman Kaye H. Couvillon	voted	Absent, not voting
Alderman Carolyn J. Anderson	voted	Aye
Alderman Leonard G. Carrubba, Sr.	voted	Aye
Alderman Mark E. Lishen	voted	Aye

Alderman Ronnie Hammons, Jr. voted Aye

The question having received the Affirmative vote of all the Aldermen present and voting, the Mayor declared the motion carried and the resolution and order adopted and approved this the 15th day of February, 2011.

APPROVED:

_____
William Skellie, Jr., Mayor

ATTEST:

_____
Rebecca E. Schruff, City Clerk

City of Long Beach

BOARD OF ALDERMEN
Leonard G. Carrubba, Sr. - At-Large
Gary J. Ponthieux - Ward 1
Bernie Parker - Ward 2
Kaye H. Couvillon - Ward 3
Ronnie Hammons, Jr. - Ward 4
Mark E. Lishen - Ward 5
Carolyn J. Anderson - Ward 6

WILLIAM SKELLIE, JR.
MAYOR

CITY CLERK
TAX COLLECTOR
Rebecca E. Schruff

CITY ATTORNEY
James C. Simpson, Jr.

November 12, 2010

NOTICE OF NON COMPLIANCE WITH ZONING ORDINANCE

Hosford
228 Queens Avenue
Biloxi, Ms.39560

Reference: 1110 Iris Street

91 7108 2133 3938 0606 8583

Parcel # 0611L-03-042.000

Dear Ms. Hosford,

You are hereby notified that you are in violation of the following:

(X) INTERNATIONAL PROPERTY MAINTENCE CODE
CHAPTER 3 SECTION(s) 301.2, 301.3, 302.1, 302.4, 302.5(see attached)
Overgrown grass weeds, rodent harborage,

After receiving a complaint and inspecting the above referenced property, it has been determined that you are in violation of storing equipment and vehicles on the above referenced lot. You have **14** days to bring this matter into compliance. You may call 228-863-1554, my **cell# 228-669-2318** or take this notice with you to the Permit Office, located at 645 Klondyke Road for directions and/or corrective measures. You have the right to appeal this decision

Failure to comply with this notice constitutes a violation and is chargeable as a misdemeanor

By order of
Claire Leatherwood
City of Long Beach

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www.cityoflongbeachms.com

****

The second public hearing was called to order to determine whether or not a parcel of property situated in the City of Long Beach and located at 117 Markham Drive and assessed to Central Progressive Bank, is in such a state of uncleanliness as to constitute a menace to the public health and safety of the community, all in accordance with §21-19-11 of the Mississippi Code 1972, as amended.

The Mayor recognized the Deputy City Clerk for her report, whereupon, Alderman Anderson made motion seconded by Alderman Ponthieux and unanimously

carried to make the aforesaid report a part of the record of this public hearing, collective Exhibit "A", as follows:

- The Clerk reported that pursuant to that certain order of the Mayor and Board of Aldermen at a regular meeting duly held and convened on January 18, 2011, that she did cause to be sent, via certified mail, return receipt requested, Legal Notice of Public Hearing, to Central Progressive Bank, at the mailing address, 4517 West Esplanade Avenue, Metairie, Louisiana, 70008, as the same appears of record on the Harrison County 2010 Real Property Tax Rolls.
- The Clerk further reported that the legal notice was returned not deliverable and unable to forward by the United States Postal Service. Said notice as follows:

City of Long Beach

BOARD OF ALDERMEN
Leonard G. Carrubba, Sr. - At-Large
Gary J. Ponthieux - Ward 1
Bernie Parker - Ward 2
Kaye H. Couvillon - Ward 3
Ronnie Hammons, Jr. - Ward 4
Mark E. Lishen - Ward 5
Carolyn J. Anderson - Ward 6

WILLIAM SKELLIE, JR.
MAYOR

CITY CLERK
TAX COLLECTOR
Rebecca E. Schruff

CITY ATTORNEY
James C. Simpson, Jr.

January 19, 2011

MAILED
Date: 1/19/2011

Central Progressive Bank
4517 West Esplanade Avenue
Metairie, LA 70006

91 7108 2133 3938 9856 3539

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Mayor and Board of Aldermen of The City of Long Beach, Mississippi, will, in accordance with motion duly made, seconded and adopted at its regular meeting January 18, 2011, hold a public hearing at **5:00 p.m., Tuesday, February 15, 2011**, at the Long Beach City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi, to determine whether or not a parcel of land owned by and/or assessed to Central Progressive Bank, and situated in the City of Long Beach, Mississippi, at 117 Markham Drive, is in such a state of uncleanliness as to be a menace to the public health and safety of the community, all in accordance with Section 21-19-11 of the Mississippi Code of 1972, as amended. Said property is more particularly described, as follows:

Address: 117 Markham Drive
Parcel Number: 0512J-01-033.000
Legal Description: N 87 FT OF S ½ OF N 350-07 FT OF LOTS 1 TO 3 INC BLK 7 THOMAS SUBD BEING PART OF LOTS 33 TO 35 OF THE WHITE & CALVERT SURVEY IN NW ¼ OF SEC 22-8-12

If at such hearing, the governing authority shall, in its resolution, adjudicate such parcel of land in its then condition to be a menace to the public health and safety of the community, the governing authority shall, if the owner does not do so himself, proceed to clean the land, by the use of municipal employees or by contract, by cutting weeds; filling cisterns; removing rubbish, dilapidated fences, outside toilets, dilapidated buildings and other debris; filling swimming pools; and draining cesspools and standing water therefrom. Thereafter, the governing authority shall, at its next regular meeting, by resolution adjudicate the actual cost of cleaning the property and may also impose a penalty of One Thousand Five Hundred Dollars($1,500.00) or fifty (50%) of such actual cost, whichever is more. The cost and any penalty may become a civil debt against the property owner, or, at the option of the governing authority, an assessment against the property. The cost assessed against the property means the cost to the municipality of using its own employees to do the work or the cost to the municipality of any contract executed by the municipality to have the work done. The action herein authorized shall not be undertaken against any one (1) parcel of land more than six (6) times in any one (1) calendar year, and the

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expense of cleaning of said property shall not exceed an aggregate amount of Twenty Thousand Dollars ($20,000.00) per year, or the fair market value of the property subsequent to cleaning, whichever is less. If it is determined by the governing authority that it is necessary to clean the property or land more than once within a calendar year, then the municipality may clean it provided notice to the property owner is given by United States mail to the last known address at least ten (10) days before cleaning the property. The governing authority may assess the same penalty for each time the property or land is cleaned as otherwise provided in this section. The penalty provided herein shall not be assessed against the State of Mississippi upon request for reimbursement under Section 29-1-145, nor shall a municipality clean a parcel owned by the State of Mississippi without first giving notice. In the event the governing authority declares, by resolution, that the cost and any penalty shall be collected as a civil debt, the governing authority may authorize the institution of a suit on open account against the owner of the property in court of competent jurisdiction in the manner provided by law for the cost and any penalty, plus court costs, reasonable attorney's fees and interest from the date that the property was cleaned. In the event that the governing authority does not declare that the cost and any penalty shall be collected as a civil debt, then the assessment above provided for shall be a lien against the property and may be enrolled in the office of the circuit clerk of the county as other judgments are enrolled, and the tax collector of the municipality shall, upon order of the board of governing authorities, proceed to sell the land to satisfy the lien as now provided by law for the sale of lands for delinquent municipal taxes as provided by *Section 21-19-11 Mississippi Code, Annotated.*

All decisions rendered under the provisions of this section may be appealed in the same manner as other appeals from municipal boards or courts are taken.

Done by order of the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, this the 18th day of January, 2011.

Rebecca E. Schruff
City Clerk

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Label/Receipt Number: **9171 0821 3339 3898 5635 39**
Class: **First-Class Mail®**
Service(s): **Return Receipt Electronic**
Status: **Delivered**

Your item was delivered at 2:31 pm on January 31, 2011 in LONG BEACH, MS 39560.

Track & Confirm
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Detailed Results:

- **Delivered, January 31, 2011, 2:31 pm, LONG BEACH, MS 39560**
- **Notice Left, January 31, 2011, 8:10 am, LONG BEACH, MS 39560**
- **Arrival at Unit, January 31, 2011, 7:48 am, LONG BEACH, MS 39560**
- **Undeliverable as Addressed, January 22, 2011, 5:24 am, METAIRIE, LA 70002**
- **Undeliverable as Addressed, January 21, 2011, 3:44 pm, METAIRIE, LA 70006**
- **Electronic Shipping Info Received, January 19, 2011**

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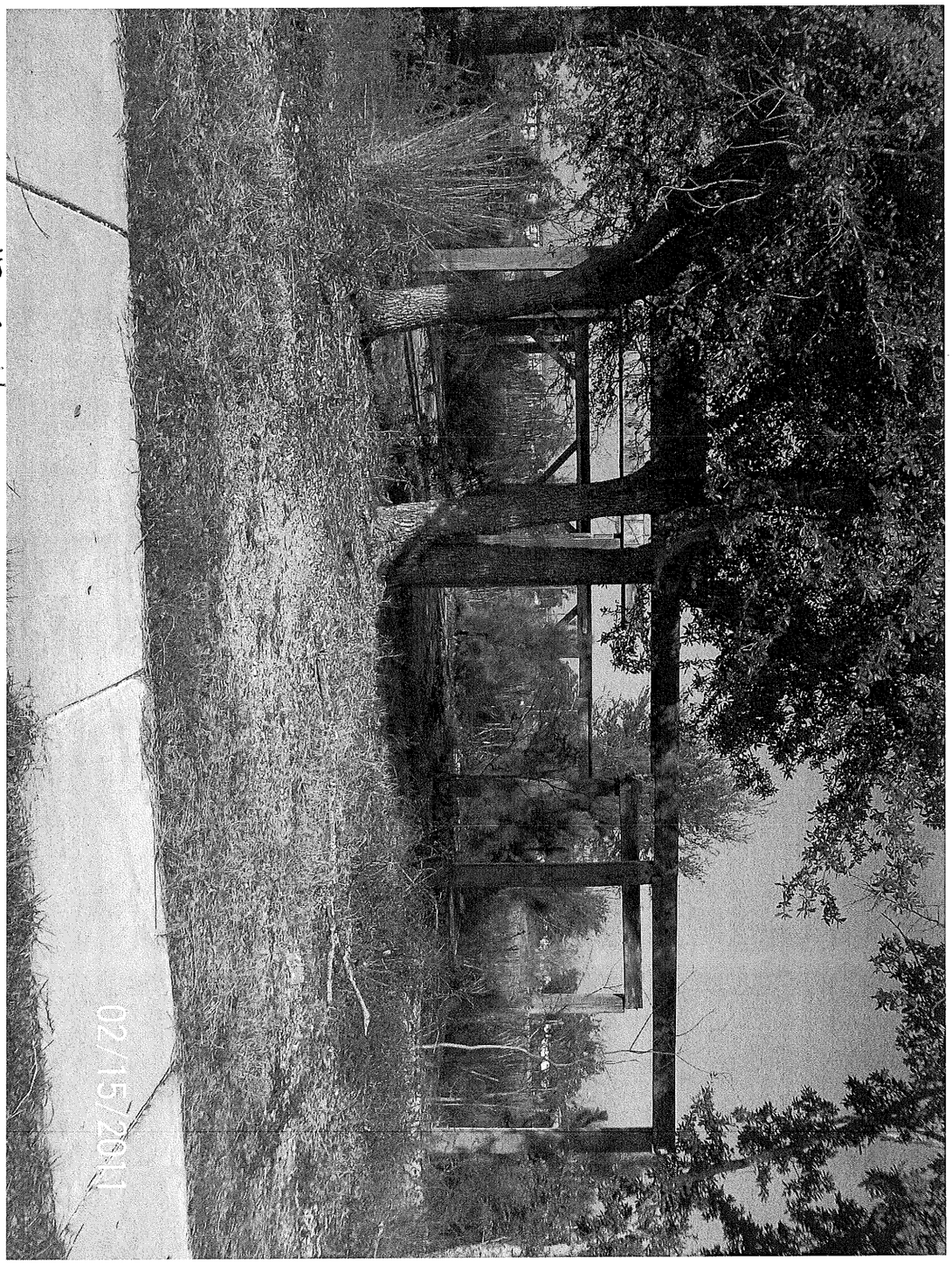
- The Clerk reported that the legal notice of public hearing was posted at the Long Beach City Hall and on the subject property, 117 Markham Drive, Long Beach, Mississippi, by the Building Official as required by state law.
- The Clerk submitted photographs depicting the subject property taken on February 15, 2011, by Building Official Earl Levens, as follows:



- The Clerk submitted a sworn affidavit affirming the posting of said Notice of Public Hearing and the validity of the photographs depicting the subject property, 117 Markham Drive, Long Beach, Mississippi, as of February 15, 2011; said affidavit is as follows:

AFFIDAVIT

STATE OF MISSISSIPPI
COUNTY OF HARRISON
CITY OF LONG BEACH

BEFORE ME, the under signed legal authority authorized to administer oaths in and for the jurisdiction aforesaid, on this day personally appeared EARL LEVENS, known to me to be the Building Official of the City of Long Beach, Mississippi, who being by me first duly sworn, deposes and says on oath as follows, to-wit:

1. That he is the duly appointed and acting Building Official of the City of Long Beach, Mississippi;

2. That in such capacity, he is responsible for the posting of notices of public hearings for the purpose of determining whether or not certain properties are in such a state of uncleanliness as to constitute a menace to the public health and safety of the community; he is responsible for the taking of photographs of those certain properties to determine the state of the property in its then condition on the date of such public hearings; and other matters pertaining to such public hearings and the business of the zoning/code enforcement in and for the City of Long Beach;

3. That on or before February 4, 2011, he did cause to be posted, Notice of Hearing, a copy of which is attached hereto, on property assessed to Central Progressive Bank, and located at 117 Markham Drive, Long Beach, Mississippi and at the City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi; and that on February 15, 2011, he did take and cause to be processed photographs depicting said property in its then condition, to be submitted as exhibits at the public hearing scheduled for February 15, 2011.

This the 15th day of February, 2011.

REBECCA E. SCHRUFF, AFFIANT

SWORN TO AND SUBSCRIBED before me on this the 15th day of February, 2011.

-My Commission Expires-

NOTARY PUBLIC

NOTARY PUBLIC
ID # 4842
STACEY DAHL
Commission Expires
Dec. 5, 2011
HARRISON COUNTY

AFFIDAVIT-PHOTOS;POST NOTICE

The Mayor opened the floor for public comments from the property owner or a representative and no one came forward to be heard.

There being no further discussion or comments, Alderman Anderson made motion seconded by Alderman Ponthieux and unanimously carried to close the public hearing and take formal action, as follows:

Minutes of February 15, 2011
Mayor and Board of Aldermen

The Mayor and Board of Aldermen, Long Beach, Mississippi, took up the matter of the public hearing on the property located at 117 Markham Drive, Long Beach, Mississippi, to determine and consider the condition of said property. After conducting the hearing and considering all matters produced there at and after hearing all persons interested and appearing, the Board of Aldermen declared the hearing finally closed. After a discussion of the subject, Alderman Anderson offered and moved the adoption of the following Resolution and Order:

RESOLUTION AND ORDER BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI ADJUDICATING THE PROPERTY LOCATED AT 117 MARKHAM DRIVE, LONG BEACH, MISSISSIPPI, TO BE A MENACE TO THE PUBLIC HEALTH AND SAFETY OF THE COMMUNITY AND REQUIRING OWNER OF SUCH PROPERTY TO CLEAN SAID PROPERTY.

WHEREAS, the Mayor and Board of Aldermen having made due investigation therefore do now find, determine, declare and order as follows:

1. That on complaint and motion of the Governing Authorities of the City of Long Beach wherein lies the property known as 117 Markham Drive, Long Beach, Mississippi, (hereinafter referred to as the subject parcel), and after discussion of same, the Mayor and Board of Aldermen, at its regular meeting of January 18, 2011, on its own motion did set a hearing to determine whether or not the subject parcel, in its then condition, was in such a state of uncleanliness as to be a menace to the public health and safety of the community in accordance with Miss Code Annotated Section 21-19-11, as amended, said hearing to be held February 15, 2011, and directed notice of said hearing be served on the owner of said property in the manner as provided by said MCA

Section 21-19-11;

2. That, having served the owner of said property, either by registered mail as is evidenced by the return receipt included in the materials produced at said hearing, or by personal service by police officer as evidenced by the return of service of such police officer, or my posting and publication of same, such service being in accordance with said MCA Section 21-19-11, and proof of same being spread upon the minutes of the Governing Authorities taken of such hearing, hereby made a part of the record of these proceedings;

3. That the Mayor and Board of Aldermen having considered testimony evidence adduced at hearing regarding the condition of the subject property and the observations of individual Aldermen concerning the condition of the subject property in its condition on the date of hearing, and being fully advised in the premises, do find and adjudicate that the property is, in its present condition, in such a state of uncleanliness as to be a menace to the public health and safety of the community and constitutes an attractive nuisance. It is therefore,

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

1. That the parcel of land lying and being situated in the City of Long Beach, First Judicial District of Harrison County, Mississippi, and having the street address of 117 Markham Drive, Long Beach, Mississippi, which parcel of land is identified by Harrison County Tax Parcel Number 0512J-01-033.000, and according to said tax records is owned by Central Progressive Bank, is at present in such a state of uncleanliness as to be a menace to the public health and safety of the community and an attractive nuisance.

2. That the aforesaid owner is hereby order to clean said parcel of land

within **ten (10) days** from the entry of this Resolution and Order, and that such cleaning shall include:

Removal of all discarded materials, dangerous items, and such other rubbish and/or debris as described in any notice or as appearing on said property contributing to the property constituting a nuisance and menace overall to the public health and safety, and abate or cause to be abated the conditions otherwise existing and constituting a menace to public safety and health as testified and/or described in general at the hearing, and as contained in the report letter of Earl Levens, City Building Official dated August 9, 2010, and attached hereto.

3. That in the event that said owner shall fail to complete cleaning of the subject property within ten (10) days from entry of this Resolution and Order, then the governing authority shall proceed to clean the subject property as required by paragraph 2, above, by the use of municipal employees or by contract, with the cost of same, together with a penalty of $1,500.00 or 50% of such actual cost, whichever is greater, to be, at the next regular meeting after completion of such clean-up, assessed against the said parcel of land.

Alderman Lishen seconded the motion to adopt the foregoing resolution and order, and the question being put to a roll call vote by the Mayor, the result was as follows:

Alderman Bernie Parker	voted	Aye
Alderman Gary J. Ponthieux	voted	Aye
Alderman Kaye H. Couvillon	voted	Absent, not voting
Alderman Carolyn J. Anderson	voted	Aye
Alderman Leonard G. Carrubba, Sr.	voted	Aye
Alderman Mark E. Lishen	voted	Aye

Alderman Ronnie Hammons, Jr. voted Aye

The question having received the Affirmative vote of all the Aldermen present and voting, the Mayor declared the motion carried and the resolution and order adopted and approved this the 15th day of February, 2011.

APPROVED:

_____
William Skellie, Jr., Mayor

ATTEST:

_____
Rebecca E. Schruff, City Clerk

City of Long Beach

BOARD OF ALDERMEN
Leonard G. Carrubba, Sr. - At-Large
Gary J. Ponthieux - Ward 1
Bernie Parker - Ward 2
Kaye H. Couvillon - Ward 3
Ronnie Hammons, Jr. - Ward 4
Mark E. Lishen - Ward 5
Carolyn J. Anderson - Ward 6

WILLIAM SKELLIE, JR.
MAYOR

CITY CLERK
TAX COLLECTOR
Rebecca E. Schruff

CITY ATTORNEY
James C. Simpson, Jr.

NOTICE OF VIOLATION

August 9, 2010 91 7108 2133 3938 0606 6077

Central Progressive Bank
4517 W. Esplanade Avenue
Metairie, LA 70006

Reference: 117 Markham Drive; Long Beach, MS 39560
Tax Parcel Number(s) 0512J-01-033.000 and 0512J-01-033.001

Dear Central Progressive Bank:

After receiving complaints, I've inspected the above referenced property and find that you are in violation of the City of Long Beach Zoning Ordinance #344/2003 International Property Maintenance Code for the City of Long Beach, MS as listed below:

2003 International Property Maintenance Code, Chapter 3, Section 302.1: Sanitation. "All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition."

2003 International Property Maintenance Code, Chapter 3, Section 302.4: Weeds. "All premises and exterior property shall be maintained free from weeds or plant growth in excess. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

2003 International Property Maintenance Code, Chapter 3, Section 307.1: Accumulation of rubbish or garbage. "All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

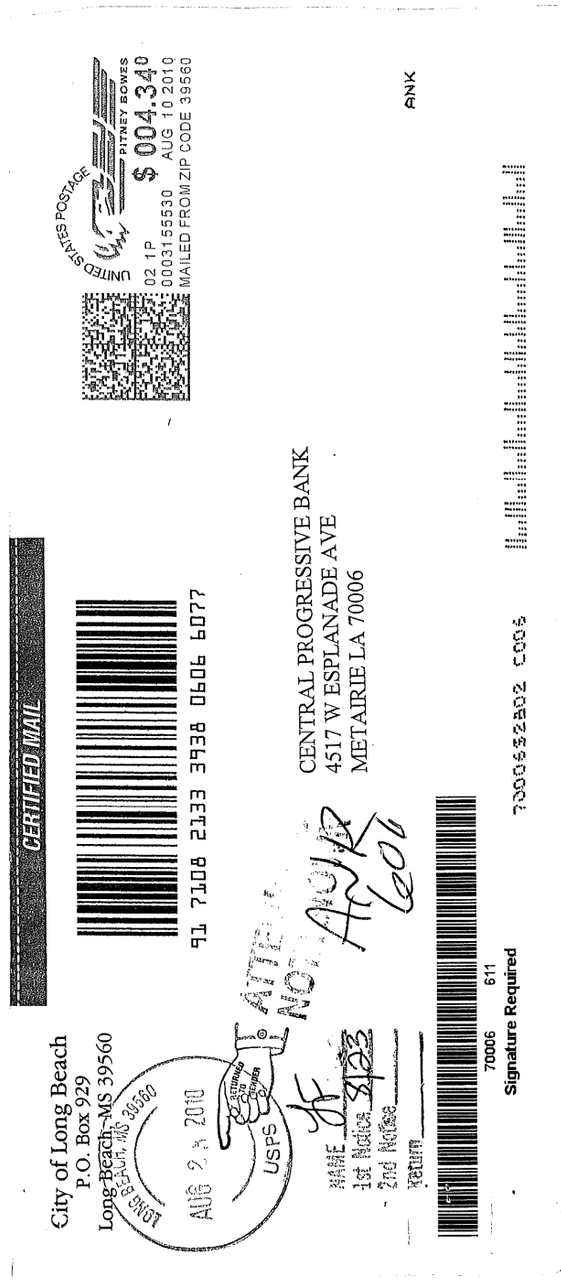
2003 International Property Maintenance Code, Chapter 3, Section 307.2: Disposal of rubbish. "Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

You have until **fourteen (14) days** from date above, to comply with this notice in order to avoid cost and expense and inconvenience to you incident to a public hearing and such further actions as may be determined upon such hearing. For directions and/or corrective action you may take this notice to the Zoning Enforcement Office located at 645 Klondyke Road or call 228-863-1554. Failure to comply with this notice constitutes a violation, is punishable as a misdemeanor and will result in further legal action.

Sincerely,

Earl Levens
Building Code Official

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



****

The third public hearing was called to order to determine whether or not a parcel of property situated in the City of Long Beach at 5 Michael Court and assessed to Byron C. and Kathryn A. Koby, is in such a state of uncleanliness as to constitute a menace to the public health and safety of the community, all in accordance with §21-19-11 of the Mississippi Code 1972, as amended.

The Mayor recognized the Deputy City Clerk for her report, whereupon, Alderman Anderson made motion seconded by Alderman Carrubba and unanimously

carried to make the aforesaid report a part of the record of this public hearing, collective Exhibit "A", as follows:

- The Clerk reported that pursuant to that certain order of the Mayor and Board of Aldermen at a regular meeting duly held and convened on January 18, 2011, that she did cause to be sent, via certified mail, return receipt requested, Legal Notice of Public Hearing, to Byron C. and Kathryn A. Koby, at their mailing address, 5 Michael Court, Long Beach, Mississippi, 39560, as the same appears of record on the Harrison County 2010 Real Property Tax Rolls.
- The Clerk further reported that the legal notice was returned not deliverable and unable to forward by the United States Postal Service. Said notice is as follows:

City of Long Beach

BOARD OF ALDERMEN
Leonard G. Carrubba, Sr. - At-Large
Gary J. Ponthieux - Ward 1
Bernie Parker - Ward 2
Kaye H. Couvillon - Ward 3
Ronnie Hammons, Jr. - Ward 4
Mark E. Lishen - Ward 5
Carolyn J. Anderson - Ward 6

WILLIAM SKELLIE, JR.
MAYOR

CITY CLERK
TAX COLLECTOR
Rebecca E. Schruff

CITY ATTORNEY
James C. Simpson, Jr.

January 19, 2011

MAILED
Date: 1/19/2011

Byron C. and Kathryn A. Koby
5 Michael Court
Long Beach, MS 39560

91 7108 2133 3938 9856 3515

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Mayor and Board of Aldermen of The City of Long Beach, Mississippi, will, in accordance with motion duly made, seconded and adopted at its regular meeting January 18, 2011, hold a public hearing at **5:00 p.m., Tuesday, February 15, 2010,** at the Long Beach City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi, to determine whether or not a parcel of land owned by and/or assessed to Byron C. and Kathryn A. Koby, and situated in the City of Long Beach, Mississippi, at 5 Michael Court, is in such a state of uncleanliness as to be a menace to the public health and safety of the community, all in accordance with Section 21-19-11 of the Mississippi Code of 1972, as amended. Said property is more particularly described, as follows:

Address: 5 Michael Court
Parcel Number: 0612C-01-032.004
Legal Description: LOT 5 MICHAEL COURT SUBD SEC 14-8-12

If at such hearing, the governing authority shall, in its resolution, adjudicate such parcel of land in its then condition to be a menace to the public health and safety of the community, the governing authority shall, if the owner does not do so himself, proceed to clean the land, by the use of municipal employees or by contract, by cutting weeds; filling cisterns; removing rubbish, dilapidated fences, outside toilets, dilapidated buildings and other debris; filling swimming pools; and draining cesspools and standing water therefrom. Thereafter, the governing authority shall, at its next regular meeting, by resolution adjudicate the actual cost of cleaning the property and may also impose a penalty of One Thousand Five Hundred Dollars($1,500.00) or fifty (50%) of such actual cost, whichever is more. The cost and any penalty may become a civil debt against the property owner, or, at the option of the governing authority, an assessment against the property. The cost assessed against the property means the cost to the municipality of using its own employees to do the work or the cost to the municipality of any contract executed by the municipality to have the work done. The action herein authorized shall not be undertaken against any one (1) parcel of land more than six (6) times in any one (1) calendar year, and the

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www.cityoflongbeachms.com

expense of cleaning of said property shall not exceed an aggregate amount of Twenty Thousand Dollars ($20,000.00) per year, or the fair market value of the property subsequent to cleaning, whichever is less. If it is determined by the governing authority that it is necessary to clean the property or land more than once within a calendar year, then the municipality may clean it provided notice to the property owner is given by United States mail to the last known address at least ten (10) days before cleaning the property. The governing authority may assess the same penalty for each time the property or land is cleaned as otherwise provided in this section. The penalty provided herein shall not be assessed against the State of Mississippi upon request for reimbursement under Section 29-1-145, nor shall a municipality clean a parcel owned by the State of Mississippi without first giving notice. In the event the governing authority declares, by resolution, that the cost and any penalty shall be collected as a civil debt, the governing authority may authorize the institution of a suit on open account against the owner of the property in court of competent jurisdiction in the manner provided by law for the cost and any penalty, plus court costs, reasonable attorney's fees and interest from the date that the property was cleaned. In the event that the governing authority does not declare that the cost and any penalty shall be collected as a civil debt, then the assessment above provided for shall be a lien against the property and may be enrolled in the office of the circuit clerk of the county as other judgments are enrolled, and the tax collector of the municipality shall, upon order of the board of governing authorities, proceed to sell the land to satisfy the lien as now provided by law for the sale of lands for delinquent municipal taxes as provided by *Section 21-19-11 Mississippi Code, Annotated.*

All decisions rendered under the provisions of this section may be appealed in the same manner as other appeals from municipal boards or courts are taken.

Done by order of the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, this the 18th day of January, 2011.

Rebecca E. Schruff
City Clerk

UNITED STATES POSTAL SERVICE

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Track & Confirm

Search Results

Label/Receipt Number: **9171 0821 3339 3898 5635 15**
Class: **First-Class Mail®**
Service(s): **Return Receipt Electronic**
Status: **Delivered**

Your item was delivered at 1:52 pm on February 04, 2011 in LONG BEACH, MS 39560.

Track & Confirm
Enter Label/Receipt Number.
Go >

Detailed Results:

- **Delivered, February 04, 2011, 1:52 pm, LONG BEACH, MS 39560**
- **Notice Left, February 04, 2011, 8:15 am, LONG BEACH, MS 39560**
- **Moved, Left no Address, January 20, 2011, 9:41 am, LONG BEACH, MS**
- **Undeliverable as Addressed, January 20, 2011, 8:42 am, LONG BEACH, MS 39560**
- **Arrival at Unit, January 20, 2011, 7:57 am, LONG BEACH, MS 39560**
- **Electronic Shipping Info Received, January 19, 2011**

Notification Options

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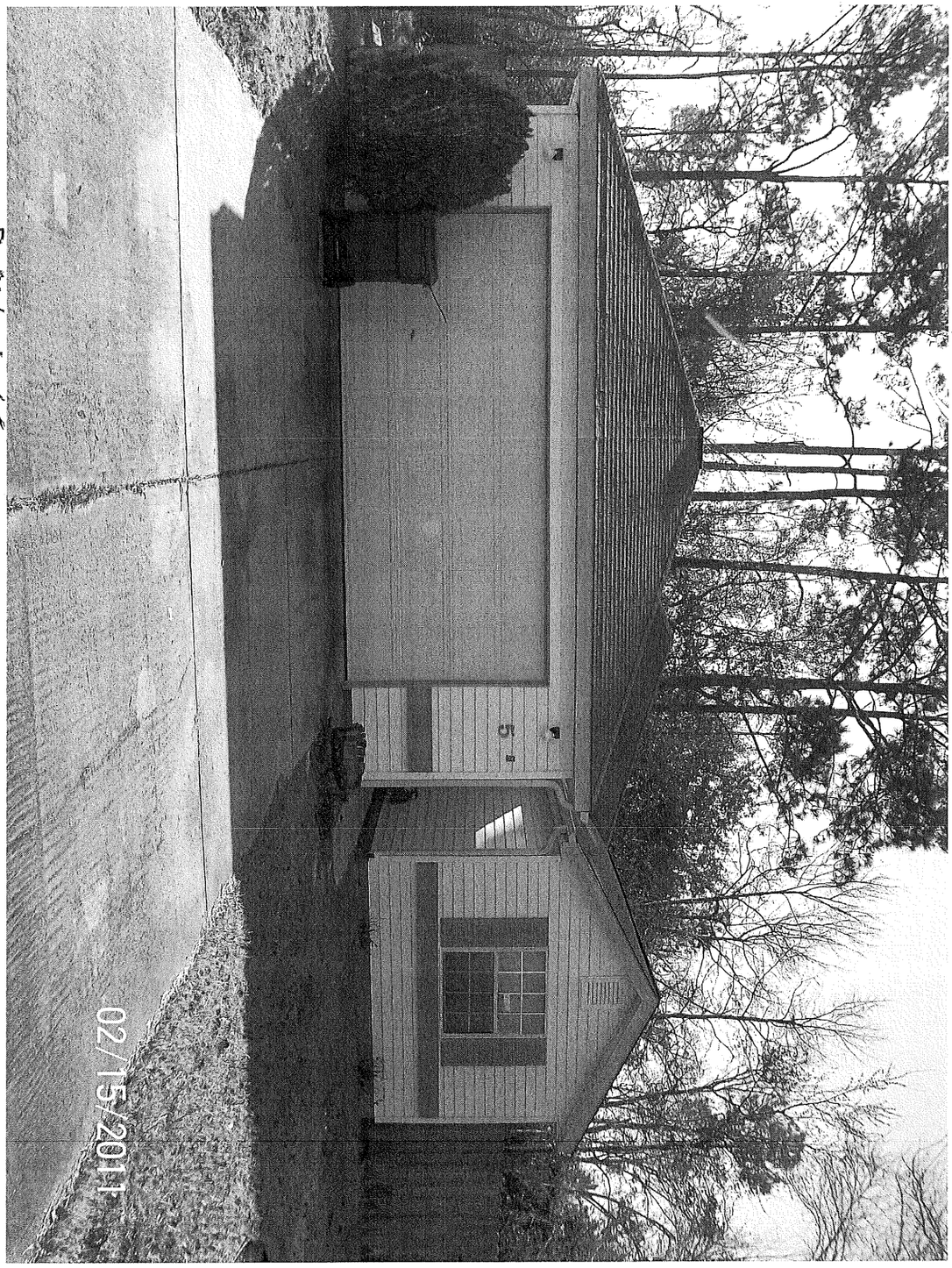
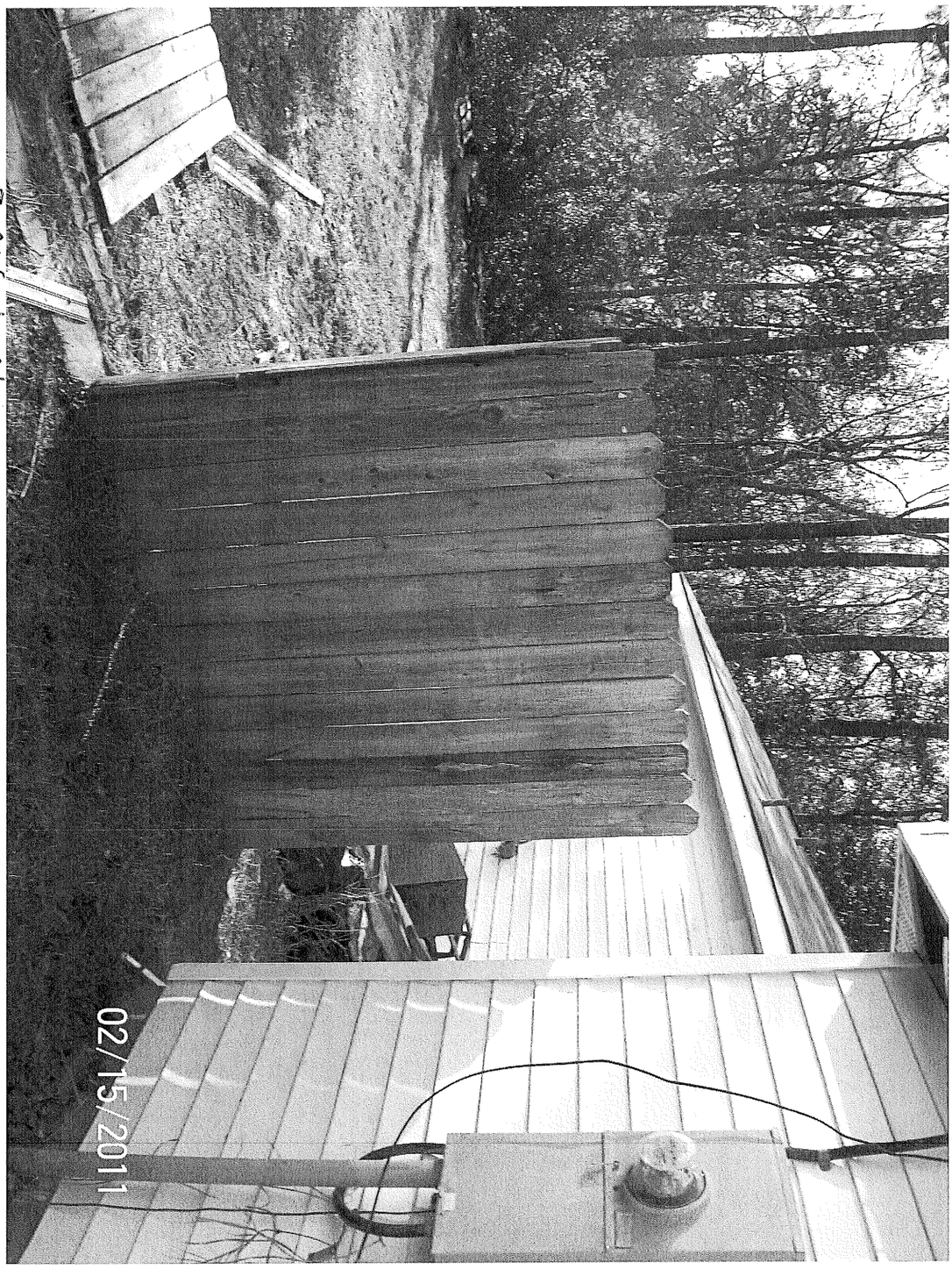
- The Clerk reported that the legal notice of public hearing was posted at the Long Beach City Hall and on the subject property, 5 Michael Court, Long Beach, Mississippi, by the Building Official as required by state law.
- The Clerk submitted photographs depicting the subject property taken on February 15, 2011, by Building Official Earl Levens, as follows:


5 Michael CT
02/15/2011



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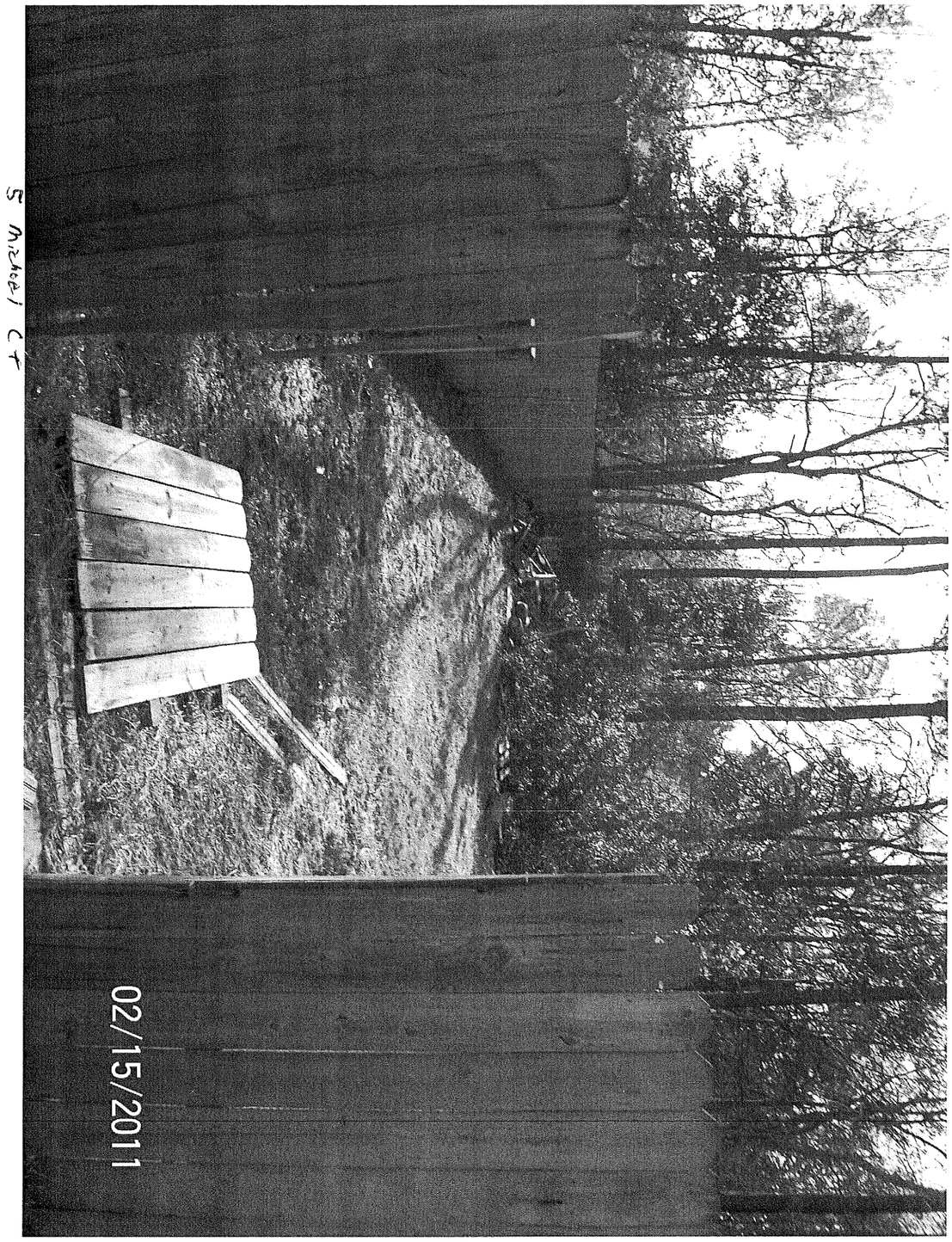

- The Clerk submitted a sworn affidavit affirming the posting of said Notice of Public Hearing and the validity of the photographs depicting the subject property, 5 Michael Court, Long Beach, Mississippi, as of February 15, 2011, said affidavit is as follows:

AFFIDAVIT

STATE OF MISSISSIPPI
COUNTY OF HARRISON
CITY OF LONG BEACH

BEFORE ME, the under signed legal authority authorized to administer oaths in and for the jurisdiction aforesaid, on this day personally appeared EARL LEVENS, known to me to be the Building Official of the City of Long Beach, Mississippi, who being by me first duly sworn, deposes and says on oath as follows, to-wit:

1. That he is the duly appointed and acting Building Official of the City of Long Beach, Mississippi;

2. That in such capacity, he is responsible for the posting of notices of public hearings for the purpose of determining whether or not certain properties are in such a state of uncleanliness as to constitute a menace to the public health and safety of the community; he is responsible for the taking of photographs of those certain properties to determine the state of the property in its then condition on the date of such public hearings; and other matters pertaining to such public hearings and the business of the zoning/code enforcement in and for the City of Long Beach;

3. That on or before February 4, 2011, he did cause to be posted, Notice of Hearing, a copy of which is attached hereto, on property assessed to Byron C. And Kathryn A. Koby and located at 5 Michael Court, Long Beach, Mississippi and at the City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi; and that on February 15, 2011, he did take and cause to be processed photographs depicting said property in its then condition, to be submitted as exhibits at the public hearing scheduled for February 15, 2011.

This the 15th day of February, 2011.

REBECCA E. SCHRUFF, AFFIANT

SWORN TO AND SUBSCRIBED before me on this the 15th day of February, 2011.

-My Commission Expires-

NOTARY PUBLIC

AFFIDAVIT-PHOTOS;POST NOTICE

The Mayor opened the floor for public comments from the property owner or their representative and no one came forward to be heard.

There being no further discussion or comments, Alderman Hammons made motion seconded by Alderman Parker and unanimously carried to close the public hearing and take formal action, as follows:

Minutes of February 15, 2011
Mayor and Board of Aldermen

The Mayor and Board of Aldermen, Long Beach, Mississippi, took up the matter of the public hearing on the property located at 5 Michael Court, Long Beach, Mississippi, to determine and consider the condition of said property. After conducting the hearing and considering all matters produced there at and after hearing all persons interested and appearing, the Board of Aldermen declared the hearing finally closed. After a discussion of the subject, Alderman Parker offered and moved the adoption of the following Resolution and Order:

RESOLUTION AND ORDER BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI ADJUDICATING THE PROPERTY LOCATED AT 5 MICHAEL COURT, LONG BEACH, MISSISSIPPI, TO BE A MENACE TO THE PUBLIC HEALTH AND SAFETY OF THE COMMUNITY AND REQUIRING OWNER OF SUCH PROPERTY TO CLEAN SAID PROPERTY.

WHEREAS, the Mayor and Board of Aldermen having made due investigation therefore do now find, determine, declare and order as follows:

1. That on complaint and motion of the Governing Authorities of the City of Long Beach wherein lies the property known as 5 Michael Court, Long Beach, Mississippi, (hereinafter referred to as the subject parcel), and after discussion of same, the Mayor and Board of Aldermen, at its regular meeting of January 18, 2011, on its own motion did set a hearing to determine whether or not the subject parcel, in its then condition, was in such a state of uncleanliness as to be a menace to the public health and safety of the community in accordance with Miss Code Annotated Section 21-19-11, as amended, said hearing to be held February 15, 2011, and directed notice of said hearing be served on the owner of said property in the manner as provided by said MCA

Section 21-19-11;

2. That, having served the owner of said property, either by registered mail as is evidenced by the return receipt included in the materials produced at said hearing, or by personal service by police officer as evidenced by the return of service of such police officer, or my posting and publication of same, such service being in accordance with said MCA Section 21-19-11, and proof of same being spread upon the minutes of the Governing Authorities taken of such hearing, hereby made a part of the record of these proceedings;

3. That the Mayor and Board of Aldermen having considered testimony evidence adduced at hearing regarding the condition of the subject property and the observations of individual Aldermen concerning the condition of the subject property in its condition on the date of hearing, and being fully advised in the premises, do find and adjudicate that the property is, in its present condition, in such a state of uncleanliness as to be a menace to the public health and safety of the community and constitutes an attractive nuisance. It is therefore,

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

1. That the parcel of land lying and being situated in the City of Long Beach, First Judicial District of Harrison County, Mississippi, and having the street address of 5 Michael Court Long Beach, Mississippi, which parcel of land is identified by Harrison County Tax Parcel Number 0612C-01-032.004, and according to said tax records is owned by Byron C. and Kathryn A. Koby, is at present in such a state of uncleanliness as to be a menace to the public health and safety of the community and an attractive nuisance.

2. That the aforesaid owner is hereby order to clean said parcel of land

within **ten (10) days** from the entry of this Resolution and Order, and that such cleaning shall include:

Removal of all discarded materials, dangerous items, and such other rubbish and/or debris as described in any notice or as appearing on said property contributing to the property constituting a nuisance and menace overall to the public health and safety, and abate or cause to be abated the conditions otherwise existing and constituting a menace to public safety and health as testified and/or described in general at the hearing, and as contained in the report letter of Claire Leatherwood, Zoning Enforcement Officer, dated September 24, 2010, and attached hereto.

3. That in the event that said owner shall fail to complete cleaning of the subject property within ten (10) days from entry of this Resolution and Order, then the governing authority shall proceed to clean the subject property as required by paragraph 2, above, by the use of municipal employees or by contract, with the cost of same, together with a penalty of $1,500.00 or 50% of such actual cost, whichever is greater, to be, at the next regular meeting after completion of such clean-up, assessed against the said parcel of land.

Alderman Hammons seconded the motion to adopt the foregoing resolution and order, and the question being put to a roll call vote by the Mayor, the result was as follows:

Alderman Bernie Parker	voted	Aye
Alderman Gary J. Ponthieux	voted	Aye
Alderman Kaye H. Couvillon	voted	Absent, not voting
Alderman Carolyn J. Anderson	voted	Aye
Alderman Leonard G. Carrubba, Sr.	voted	Aye
Alderman Mark E. Lishen	voted	Aye

Alderman Ronnie Hammons, Jr. voted Aye

The question having received the Affirmative vote of all the Aldermen present and voting, the Mayor declared the motion carried and the resolution and order adopted and approved this the 15th day of February, 2011.

APPROVED:

_____
William Skellie, Jr., Mayor

ATTEST:

_____
Rebecca E. Schruff, City Clerk

City of Long Beach

BOARD OF ALDERMEN
Leonard G. Carrubba, Sr. - At-Large
Gary J. Ponthieux - Ward 1
Bernie Parker - Ward 2
Kaye H. Couvillon - Ward 3
Ronnie Hammons, Jr. - Ward 4
Mark E. Lishen - Ward 5
Carolyn J. Anderson - Ward 6

WILLIAM SKELLIE, JR.
MAYOR

CITY CLERK
TAX COLLECTOR
Rebecca E. Schruff

CITY ATTORNEY
James C. Simpson, Jr.

September 24, 2010

91 7108 2133 3938 0606 7371

NOTICE OF NON COMPLIANCE WITH ZONING ORDINANCE

Byron Koby
5 Michael Ct.
Long Beach, Ms.39560

Reference:5 Michael Court
Long Beach, Ms. 39560
Parcel # 0612C-01-032.004

Dear Mr. & or Mrs. Byron,

You are hereby notified that you are in violation of the following:
INTERNATIONAL PROPERTY MAINTENCE CODE:CHAPTER 3 : SECTION 302.1& 302.4 (SEE ATTACHED)
After inspecting the above referenced property, it has been determined that you are in violation of overgrown grass and weeds. You have **14** days to bring this matter into compliance. You may call 228-863-1554, **my cell 228-669-2318,** or take this notice with you to the Permit Office, located at 645 Klondyke Road for directions and/or corrective measures..

Failure to comply with this notice constitutes a violation and is chargeable as a misdemeanor

By order of
City of Long Beach
Claire leatherwood
Ordinance Officer

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

* *

Be it remembered that a regular meeting of the Mayor and Board of Aldermen, City of Long Beach, Mississippi, was begun and held at 5:00 o'clock p.m., Long Beach City Hall, 201 Jeff Davis Avenue, in said City, it being the third Tuesday in February, 2011, and the same being the time, date, and place fixed by Laws of the State of Mississippi and ordinance of the City of Long Beach for holding said meeting.

Minutes of February 15, 2011
Mayor and Board of Aldermen

There were present and in attendance on said board and at the meeting the following named persons: Mayor William Skellie, Jr., Aldermen Leonard G. Carrubba, Sr., Gary J. Ponthieux, Bernie Parker, Kaye H. Couvillon, Ronnie Hammons, Jr., Mark E. Lishen, Carolyn J. Anderson, Deputy City Clerk Stacey Dahl, and City Attorney James C. Simpson, Jr.

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

* *

The meeting was called to order, whereupon, Alderman Carrubba made motion seconded by Alderman Anderson and unanimously carried to adopt Executive Session Minute Book Number 2.

* *

Alderman Lishen made motion seconded by Alderman Parker and unanimously carried to Advertise for Bids – Senior Citizen & Recreation Center – Furnish and Install Door & Window Shutters.

* *

Alderman Ponthieux made motion seconded by Alderman Anderson and unanimously carried proclaiming February 11, 2011 Arbor Day.

* *

There were no amendments or public comments regarding the Municipal Docket.

* *

Alderman Lishen made motion seconded by Alderman Carrubba to approve the regular meeting minutes of the Mayor and Board of Aldermen dated February, 1, 2011.

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

Alderman Parker	voted	Present, not voting
Alderman Ponthieux	voted	Aye
Alderman Couvillon	voted	Aye
Alderman Anderson	voted	Present, not voting
Alderman Carrubba	voted	Aye
Alderman Lishen	voted	Aye

Alderman Hammons voted Aye

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

* *

Alderman Lishen made motion seconded by Alderman Anderson and unanimously carried to approve the Planning Commission Minutes of February 10, 2011, as submitted.

* *

Alderman Parker made motion seconded by Alderman Anderson and unanimously carried to approve payment of invoices as listed in Docket of Claims number 021511, inclusive of Application for Payment Number 13B, ReflecTech, Inc., in the amount of $258,157.75, HMGP Fire Station Number 2 Project.

* *

Upon the recommendation of Mayor William Skellie, Alderman Ponthieux made motion seconded by Alderman Lishen and unanimously carried to appoint a selection committee for the HMGP Drainage Project. Said committee to consist of Mayor William Skellie, Jr., City Engineer David Ball, Alderman Mark E. Lishen, Utility Partner Project Manager Derrell Wilson, and Fire Chief George Bass.

* *

The Mayor apprised the board that Ms. Cindy Williams has withdrawn her application to serve as a member of the Long Beach District School Board.

* *

Alderman Parker made motion seconded by Alderman Carrubba and unanimously carried to approve Fire Department Personnel actions as follows:

Step Increase, Jared McGill, FS12-III, effective March 1, 2011
Step Increase, Heath Mitchell, FS10-III, effective March 16, 2011

* *

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

* *

There was no action required or taken regarding CDBG Requests for Cash.

* *

Minutes of February 15, 2011
Mayor and Board of Aldermen

There came on for consideration the Construction Contract FEMA 361 Hurricane Shelter; Hobbs Construction. Said contract ordered spread upon the minutes of this meeting in words and figures as follows:

City Clerk

SNC·LAVALIN
Capital Engineering

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

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

January 4, 2011

Mr. Hobbs Mize
President
Hobbs Construction Company, Inc.
10441 Lemoyne Blvd.
D'Iberville, MS 39540

Subject: City of Long Beach Mississippi
Hurricane Katrina Recovery
Long Beach Police Station
Hurricane Shelter
Furnish and Install a Complete Facility

Dear Mr. Mize:

The Long Beach Board of Aldermen awarded a contract to you for the above referenced project at their meeting of September 21, 2010, based upon your bid of July 13, 2010. We have recently received approval from FEMA and MEMA to proceed with construction. Enclosed are three copies of the Agreement for the project. Please execute and return all three copies to this office, together with the required bonds and insurance certificates. Please refer to Supplemental General Conditions for insurance requirements.

We look forward to working with you on this project.

Sincerely yours,

Louis A. Traina

Louis A. Traina, P.E.
Project Manager
SNC Lavalin Capital Engineering
6933 Indianapolis Blvd.
Hammond, IN 46324
Phone: 219-844-1984
Cell: 219-718-8610

Attachment

cc: Mayor Skellie
David Ball
Patrick Moore
File Project No. 8524

EJCDC
SUGGESTED FORM OF AGREEMENT
BETWEEN OWNER AND CONTRACTOR FOR
CONSTRUCTION CONTRACT (STIPULATED PRICE)

THIS AGREEMENT is by and between City of Long Beach, P.O. Box 929, Long Beach, MS 39560

(Owner) and Hobbs Construction 10441 Lemoyne Blvd., D'Iberville, MS 39540

(Contractor).

Owner and Contractor, in consideration of the mutual covenants set forth herein, agree as follows:

ARTICLE 1 - WORK

1.01 Contractor shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as follows:

Hurricane Katrina Recovery
Long Beach Police Station Hurricane Shelter
Furnish and Install a Complete Facility

ARTICLE 2 - THE PROJECT

2.01 The Project for which the Work under the Contract Documents may be the whole or only a part is generally described as follows:

The entire bid project, items 1 through 16 of the bid proposal. The total price is $297,727.00 (Two Hundred Ninety Seven Thousand Seven Hundred Twenty Seven Dollars and 00 cents), per Page 6 of the Hobbs Construction Proposal dated July 13, 2010.

ARTICLE 3 - ENGINEER

3.01 The Project has been designed by

Capital Engineering, Inc., 6933 Indianapolis Blvd., Hammond, IN 46324

(Engineer), who is to act as Owner's representative, assume all duties and responsibilities, and have the rights and authority assigned to Engineer in the Contract Documents in connection with the completion of the Work in accordance with the Contract Documents.

ARTICLE 4 - CONTRACT TIMES

4.01 Time of the Essence

A. All time limits for Milestones, if any, Substantial Completion, and completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.

4.02 Dates for Substantial Completion and Final Payment

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A. The Work will be substantially completed on or before _____, _____, and completed and ready for final payment in accordance with Paragraph 14.07 of the General Conditions on or before _____, _____.

[or]

4.02 Days to Achieve Substantial Completion and Final Payment

A. The Work will be substantially completed within 150 days after the date when the Contract Times commence to run as provided in Paragraph 2.03 of the General Conditions, and completed and ready for final payment in accordance with Paragraph 14.07 of the General Conditions within 150 days after the date when the Contract Times commence to run.

4.03 Liquidated Damages

A. Contractor and Owner recognize that time is of the essence of this Agreement and that Owner will suffer financial loss if the Work is not completed within the times specified in Paragraph 4.02 above, plus any extensions thereof allowed in accordance with Article 12 of the General Conditions. The parties also recognize the delays, expense, and difficulties involved in proving in a legal or arbitration proceeding the actual loss suffered by Owner if the Work is not completed on time. Accordingly, instead of requiring any such proof, Owner and Contractor agree that as liquidated damages for delay (but not as a penalty), Contractor shall pay Owner $100 for each day that expires after the time specified in Paragraph 4.02 for Substantial Completion until the Work is substantially complete. After Substantial Completion, if Contractor shall neglect, refuse, or fail to complete the remaining Work within the Contract Time or any proper extension thereof granted by Owner, Contractor shall pay Owner $100 for each day that expires after the time specified in Paragraph 4.02 for completion and readiness for final payment until the Work is completed and ready for final payment.

NOTES TO USER

1. Where failure to reach a Milestone on time is of such consequence that the assessment of liquidated damages for failure to reach one or more Milestones on time is to be provided, appropriate amending or supplementing language should be inserted here.

ARTICLE 5 - CONTRACT PRICE

5.01 Owner shall pay Contractor for completion of the Work in accordance with the Contract Documents an amount in current funds equal to the sum of the amounts determined pursuant to Paragraph 5.01.A below:

A. For all Work, at the prices stated in Contractor's Bid, attached hereto as an exhibit.

ARTICLE 6 - PAYMENT PROCEDURES

6.01 Submittal and Processing of Payments

A. Contractor shall submit Applications for Payment in accordance with Article 14 of the General Conditions. Applications for Payment will be processed by Engineer as provided in the General Conditions.

6.02 Progress Payments; Retainage

A. Owner shall make progress payments on account of the Contract Price on the basis of Contractor's Applications for Payment on or about the 10th day of each month during performance of the Work as provided in Paragraphs 6.02.A.1 and 6.02.A.2 below. All such payments will be measured by the schedule of values established as provided in Paragraph 2.07.A of the General Conditions (and in the case of Unit Price Work based on the number of units completed) or, in the event there is no schedule of values, as provided in the General Requirements:

1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below but, in each case, less the aggregate of payments previously made and less such amounts as Engineer may determine or Owner may withhold, including but not limited to liquidated damages, in accordance with Paragraph 14.02 of the General Conditions:

a. 95 percent of Work completed (with the balance being retainage). If the Work has been 50 percent completed as

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determined by Engineer, and if the character and progress of the Work have been satisfactory to Owner and Engineer, Owner, on recommendation of Engineer, may determine that as long as the character and progress of the Work remain satisfactory to them, there will be no additional retainage; and

b. 95 percent of cost of materials and equipment not incorporated in the Work (with the balance being retainage).

2. Upon Substantial Completion, Owner shall pay an amount sufficient to increase total payments to Contractor to 98 percent of the Work completed, less such amounts as Engineer shall determine in accordance with Paragraph 14.02.B.5 of the General Conditions and less _____ percent of Engineer's estimate of the value of Work to be completed or corrected as shown on the tentative list of items to be completed or corrected attached to the certificate of Substantial Completion.

6.03 Final Payment

A. Upon final completion and acceptance of the Work in accordance with Paragraph 14.07 of the General Conditions, Owner shall pay the remainder of the Contract Price as recommended by Engineer as provided in said Paragraph 14.07.

ARTICLE 7 - INTEREST

7.01 All moneys not paid when due as provided in Article 14 of the General Conditions shall bear interest at the rate of per law percent per annum.

ARTICLE 8 – CONTRACTOR'S REPRESENTATIONS

8.01 In order to induce Owner to enter into this Agreement Contractor makes the following representations:

A. Contractor has examined and carefully studied the Contract Documents and the other related data identified in the Bidding Documents.

B. Contractor has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.

C. Contractor is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, and performance of the Work.

D. Contractor has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the Site (except Underground Facilities) which have been identified in the Supplementary Conditions as provided in Paragraph 4.02 of the General Conditions and (2) reports and drawings of a Hazardous Environmental Condition, if any, at the Site which has been identified in the Supplementary Conditions as provided in Paragraph 4.06 of the General Conditions.

E. Contractor has obtained and carefully studied (or assumes responsibility for doing so) all additional or supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the Site which may affect cost, progress, or performance of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by Contractor, including any specific means, methods, techniques, sequences, and procedures of construction expressly required by the Bidding Documents, and safety precautions and programs incident thereto.

F. Contractor does not consider that any further examinations, investigations, explorations, tests, studies, or data are necessary for the performance of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract Documents.

G. Contractor is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Contract Documents.

H. Contractor has correlated the information known to Contractor, information and observations obtained from visits to the Site, reports and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.

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I. Contractor has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Contractor has discovered in the Contract Documents, and the written resolution thereof by Engineer is acceptable to Contractor.

J. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

ARTICLE 9 - CONTRACT DOCUMENTS

9.01 Contents

A. The Contract Documents consist of the following:

1. This Agreement (pages 520-1 to 520-8, inclusive).
2. Performance bond (pages 610-1 to 610-5, inclusive).
3. Payment bond (pages 615-1 to 615-5, inclusive).
4. General Conditions (pages 700-1 to 700-45, inclusive).
5. Supplementary Conditions (pages 1 to 3, inclusive).
6. Special Conditions (page 1).
7. Specifications as listed in the table of contents of the Project Manual.
8. Drawings consisting of the Drawings listed on attachment no. 1.
9. Addenda (numbers 1 inclusive).
10. Exhibits to this Agreement (enumerated as follows):
    a. Contractor's Bid (pages 1 to 11, inclusive), including the letter acknowledging addendum no. 1, a proposed bar chart schedule, and a chart of accounts for the 16 construction divisions.
11. The following which may be delivered or issued on or after the Effective Date of the Agreement and are not attached hereto:
    a. Notice to Proceed.
    b. Work Change Directives.
    c. Change Order(s).

B. The documents listed in Paragraph 9.01.A are attached to this Agreement (except as expressly noted otherwise above).

C. There are no Contract Documents other than those listed above in this Article 9.

D. The Contract Documents may only be amended, modified, or supplemented as provided in Paragraph 3.04 of the General Conditions.

ARTICLE 10 - MISCELLANEOUS

10.01 Terms

A. Terms used in this Agreement will have the meanings stated in the General Conditions and the Supplementary Conditions.

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10.02 Assignment of Contract

A. No assignment by a party hereto of any rights under or interests in the Contract will be binding on another party hereto without the written consent of the party sought to be bound; and, specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

10.03 Successors and Assigns

A. Owner and Contractor each binds itself, its partners, successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in the Contract Documents.

10.04 Severability

A. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon Owner and Contractor, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

10.05 Other Provisions

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IN WITNESS WHEREOF, Owner and Contractor have signed this Agreement in duplicate. One counterpart each has been delivered to Owner and Contractor. All portions of the Contract Documents have been signed or identified by Owner and Contractor or on their behalf.

NOTES TO USER

1. See I-21 and correlate procedures for format and signing between the two documents.

This Agreement will be effective on January 6, 2011 (which is the Effective Date of the Agreement).

OWNER:

City of Long Beach, MS

By: William Skelley

Title: Mayor

[CORPORATE SEAL]

Attest: Pilar Scruggs

Title: City Clerk

Address for giving notices:

201 Jeff Davis Ave.

Long Beach, MS 39560

(If Owner is a corporation, attach evidence of authority to sign. If Owner is a public body, attach evidence of authority to sign and resolution or other documents authorizing execution of Owner-Contractor Agreement.)

CONTRACTOR:

Hobbs Construction

By: Hobbs Mize

Title: President

[CORPORATE SEAL]

Attest: Bethany Wiegel

Title: Office Assistant

Address for giving notices:

10441 Lemoyne Blvd.

D'Iberville, MS 39540

228-392-1900

License No.: Certificate of Responsibility No. 15268-MC
(Where applicable)

Agent for service or process:

(If Contractor is a corporation or a partnership, attach evidence of authority to sign.)

EJCDC C-520 Suggested Form of Agreement Between Owner and Contractor for Construction Contract (Stipulated Price)
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Attachment No. 1

Drawings

Drawing Number	Description	Rev.	Date
8524-01	Site Plan & General Notes	2	05-11-10
8524-02	Foundation Plan	2	05-11-10
8524-03	Floor Plan	2	
8524-04	General Roof Plan	2	05-11-10
8524-05	Elevations	2	05-11-10
8524-06	Elevations	2	05-11-10
8524-07	Wall Sections	2	05-11-10
8524-08	Wall Sections	2	05-11-10
8524-09	Wall Sections	2	05-11-10
8524-10	Door & Room Finish Schedule	2	05-11-10
8524-11	Water & Sewage Tanks Sections	2	05-11-10
8524-E01	Lighting Plan	2	05-11-10
8524-E02	Electrical Power Plan	2	05-11-10
8524-E03	Power Distribution	2	05-11-10
8524-E04	Electrical B/M, Notes & Legend	2	05-11-10
8524-E05	Incoming Feed Schematic Diag.	2	05-11-10
8524-H01	HVAC Plan	2	05-11-10
8524-P01	Hot/ Cold Water and Wast	2	
	& Drain Piping Plan	2	05-11-10
8524-P02	Underground Storage Tank Details	2	05-11-10
8524-P03	Isometric Piping Diagrams	2	05-11-10
8524-P04	City Water & Sewer Connections	2	05-11-10

EJCDC C-520 Suggested Form of Agreement Between Owner and Contractor for Construction Contract (Stipulated Price)
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Exhibit No. 1

- Hobbs Construction Proposal Dated July 13, 2010.
- Hobbs Construction's letter acknowledging receipt of addendum no. 1
- Hobbs Construction's proposed construction schedule.
- Hobbs Construction's chart of accounts for 16 construction divisions.

EJCDC C-520 Suggested Form of Agreement Between Owner and Contractor for Construction Contract (Stipulated Price)
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PERFORMANCE BOND

Any singular reference to Contractor, Surety, Owner, or other party shall be considered plural where applicable.

CONTRACTOR:
HOBBS CONSTRUCTION, LLC
10441 LeMoyne Blvd
D'Iberville, MS. 39540

SURETY (Name and Address of Principal Place of Business):
AMERICAN SOUTHERN INSURANCE COMPANY
1301 Hightower Trail Suite 210
Atlanta, Georgia 30350

OWNER (Name and Address):
City of Long Beach
P.O. Box 929
Long Beach, MS. 39560

CONTRACT
Date:
Amount: $297,727.00
Description (Name and Location): Hurricane Katrina Recovery
Long Beach Police Station Hurricane Shelter
Furnish and Install a Complete Facility.

BOND
Bond Number: 58455
Date (Not earlier than Contract Date):
Amount: $297,727.00
Modifications to this Bond Form:

Surety and Contractor, intending to be legally bound hereby, subject to the terms printed on the reverse side hereof, do each cause this Performance Bond to be duly executed on its behalf by its authorized officer, agent, or representative.

1. Contractor and Surety, jointly and severally, bind themselves, their heirs, executors, administrators, successors, and assigns to Owner for the performance of the Contract, which is incorporated herein by reference.

2. If Contractor performs the Contract, Surety and Contractor have no obligation under this Bond, except to participate in conferences as provided in Paragraph 3.1.

3. If there is no Owner Default, Surety's obligation under this Bond shall arise after:

3.1. Owner has notified Contractor and Surety, at the addresses described in Paragraph 10 below, that Owner is considering declaring a Contractor Default and has requested and attempted to arrange a conference with Contractor and Surety to be held not later than 15 days after receipt of such notice to discuss methods of performing the Contract. If Owner, Contractor and Surety agree, Contractor shall be allowed a reasonable time to perform the Contract, but such an agreement shall not waive Owner's right, if any, subsequently to declare a Contractor Default; and

3.2. Owner has declared a Contractor Default and formally terminated Contractor's right to complete the Contract. Such Contractor Default shall not be declared earlier than 20 days after Contractor and Surety have received notice as provided in Paragraph 3.1; and

3.3. Owner has agreed to pay the Balance of the Contract Price to:

1. Surety in accordance with the terms of the Contract;

2. Another contractor selected pursuant to Paragraph 4.3 to perform the Contract.

4. When Owner has satisfied the conditions of Paragraph 3, Surety shall promptly and at Surety's expense take one of the following actions:

4.1. Arrange for Contractor, with consent of Owner, to perform and complete the Contract; or

4.2. Undertake to perform and complete the Contract itself, through its agents or through independent contractors; or

4.3. Obtain bids or negotiated proposals from qualified contractors acceptable to Owner for a contract for performance and completion of the Contract, arrange for a contract to be prepared for execution by Owner and Contractor selected with Owner's concurrence, to be secured with performance and payment bonds executed by a qualified surety equivalent to the bonds issued on the Contract, and pay to Owner the amount of damages as described in Paragraph 6 in excess of the Balance of the Contract Price incurred by Owner resulting from Contractor Default; or

9. Any proceeding, legal or equitable, under this Bond may be instituted in any court of competent jurisdiction in the location in which the Work or part of the Work is located and shall be instituted within two years after Contractor Default or within two years after Contractor ceased working or within two years after Surety refuses or fails to perform its obligations under this Bond, whichever occurs first. If the provisions of this paragraph are void or prohibited by law, the minimum period of limitation available to sureties as a defense in the jurisdiction of the suit shall be applicable.

10. Notice to Surety, Owner, or Contractor shall be mailed or delivered to the address shown on the signature page.

11. When this Bond has been furnished to comply with a statutory requirement in the location where the Contract was to be performed, any provision in this Bond conflicting with said statutory requirement shall be deemed deleted herefrom and provisions conforming to such statutory requirement shall be deemed incorporated herein. The intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

12. Definitions.

12.1 Balance of the Contract Price: The total amount payable by Owner to Contractor under the Contract after all proper adjustments have been made, including allowance to Contractor of any amounts received or to be received by Owner in settlement of insurance or other Claims for damages to which Contractor is entitled, reduced by all valid and proper payments made to or on behalf of Contractor under the Contract.

12.2. Contract: The agreement between Owner and Contractor identified on the signature page, including all Contract Documents and changes thereto.

12.3. Contractor Default: Failure of Contractor, which has neither been remedied nor waived, to perform or otherwise to comply with the terms of the Contract.

12.4. Owner Default: Failure of Owner, which has neither been remedied nor waived, to pay Contractor as required by the Contract or to perform and complete or comply with the other terms thereof.

FOR INFORMATION ONLY – Name, Address and Telephone Surety Agency or Broker Owner's Respresentative (engineer or other party)

HOBBS CONSTRUCTION, LLC
CONTRACTOR AS PRINCIPAL
Company: Hobbs Construction
Signature: _____ (Seal)
Name and Title: Hobbs Mize President

SURETY AMERICAN SOUTHERN INSURANCE COMPANY
_____ (Seal)
Surety's Name and Corporate Seal
By: D. J. Kersey
Donald J. Kersey, Attorney in Fact
Signature and Title
(Attach Power of Attorney)

(Space is provided below for signatures of additional parties, if required.)

Attest: Katherine deJuan
Signature and Title
Katherine DeJuan, Assistant Underwriter

CONTRACTOR AS PRINCIPAL
Company:
Signature: _____ (Seal)
Name and Title:

SURETY
_____ (Seal)
Surety's Name and Corporate Seal
By: _____
Signature and Title
(Attach Power of Attorney)
Attest: _____
Signature and Title:

EJCDC No. C-615 (2002 Edition)
Originally prepared through the joint efforts of the Surety Association of America, Engineers Joint Contract Documents Committee, the Associated General Contractors of America, the American Institute of Architects, the American Subcontractors Association and the Associated Specialty Contractors.

3. Not having been paid within the above 30 days, have sent a written notice to Surety and sent a copy, or notice thereof, to Owner, stating that a claim is being made under this Bond and enclosing a copy of the previous written notice furnished to Contractor.

5. If a notice by a Claimant required by Paragraph 4 is provided by Owner to Contractor or to Surety, that is sufficient compliance.

6. When a Claimant has satisfied the conditions of Paragraph 4, the Surety shall promptly and at Surety's expense take the following actions:

6.1. Send an answer to that Claimant, with a copy to Owner, within 45 days after receipt of the claim, stating the amounts that are undisputed and the basis for challenging any amounts that are disputed.

6.2. Pay or arrange for payment of any undisputed amounts.

7. Surety's total obligation shall not exceed the amount of this Bond, and the amount of this Bond shall be credited for any payments made in good faith by Surety.

8. Amounts owed by Owner to Contractor under the Contract shall be used for the performance of the Contract and to satisfy claims, if any, under any performance bond. By Contractor furnishing and Owner accepting this Bond, they agree that all funds earned by Contractor in the performance of the Contract are dedicated to satisfy obligations of Contractor and Surety under this Bond, subject to Owner's priority to use the funds for the completion of the Work.

9. Surety shall not be liable to Owner, Claimants, or others for obligations of Contractor that are unrelated to the Contract. Owner shall not be liable for payment of any costs or expenses of any Claimant under this Bond, and shall have under this Bond no obligations to make payments to, give notices on behalf of, or otherwise have obligations to Claimants under this Bond.

10. Surety hereby waives notice of any change, including changes of time, to the Contract or to related Subcontracts, purchase orders and other obligations.

11. No suit or action shall be commenced by a Claimant under this Bond other than in a court of competent jurisdiction in the location in which the Work or part of the Work is located or after the expiration of one year from the date (1) on which the Claimant gave the notice required by Paragraph 4.1 or Paragraph 4.2.3, or (2) on which the last labor or service was performed by anyone or the last materials or equipment were furnished by anyone under the Construction Contract, whichever of (1) or (2) first occurs. If the provisions of this paragraph are void or prohibited by law, the minimum period of limitation available to sureties as a defense in the jurisdiction of the suit shall be applicable.

Minutes of February 15, 2011
Mayor and Board of Aldermen

AMERICAN SOUTHERN INSURANCE COMPANY

Home Office: 3715 Northside Parkway, NW
Bldg. 400, Suite 800
Atlanta, Georgia 30327

Mailing Address: P. O. Box 723030
Atlanta, GA 31139-0030

GENERAL POWER OF ATTORNEY

Know all men by these Presents, that the American Southern Insurance Company had made, constituted and appointed, and by these presents does make, constitute and appoint Stefan E. Tauger of Parker, Colorado; Donald J. Kersey of Birmingham, Alabama; Arthur S. Johnson of Atlanta, Georgia; Donald H. Gibbs of Atlanta, Georgia; Andrew C. Heaner of Atlanta, Georgia; Richard L. Shanahan of Atlanta, Georgia; Katherine S. Grimsley of Tampa, Florida; Jeffery L. Booth of Parma, Ohio; James E. Feldner of West Lake, Ohio; Cheryl L. Torrao of Canton, Georgia; Garry W. Black of Murfreesboro, Tennessee; Martha G. Ross of Charlotte, North Carolina; David R. Brett of Columbia, South Carolina; or Diane L. McLain of Fitchburg, Wisconsin, EACH as its true and lawful attorney for it and its name, place and stead to execute on behalf of the said company, as surety, bonds, undertakings and contracts of suretyship to be given to all obligees provided that no bond or undertaking or contract of suretyship executed under this authority shall exceed in amount of the sum of $1,000,000 (one million dollars), including but not limited to consents of surety for the release of retained percentages and/or final estimates on construction contracts or similar authority requested by the Department of Transportation, State of Florida; and the execution of such undertakings, bonds, recognizances and other surety obligations, in pursuance of the presents, shall be as binding upon the Company as if they had been duly signed by the President and attested by the Secretary of the Company in their own proper persons.

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted pursuant to due authorization by the Executive Committee of the Board of Directors of the American Southern Insurance Company on the 26th day of May, 1998:

RESOLVED, that the Chairman, President or any Vice President of the Company be, and that each or any of them hereby is, authorized to execute Powers of Attorney qualifying the attorney named in the given Power of Attorney to execute in behalf of the American Southern Insurance Company bonds, undertakings and all contracts of suretyship; and that any Secretary or any Assistant Secretary be, and that each or any of them hereby is, authorized to attest the execution of any such Power of Attorney, and to attach thereto the seal of the Company.

FURTHER RESOLVED, that the signature of such officers and the seal of the Company may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company when so affixed and in the future, with respect to any bond undertaking or contract of suretyship to which it is attached.

In Witness Whereof, the American Southern Insurance Company has caused its official seal to be hereto affixed, and these presents to be signed by its President and attested by its Secretary this 17th day of December, 2009.

Attest: Gail A. Lee
Gail A. Lee, Secretary

American Southern Insurance Company
By:
Scott G. Thompson, President

STATE OF GEORGIA
SS:
COUNTY OF FULTON

On this 17th day of December, 2009, before me personally came Scott G. Thompson to me known, who being by me duly sworn, did depose and say that he resides in Atlanta, in the County of Fulton, State of Georgia, at 421 Hollydale Court; that he is the President of American Southern Insurance Company, the corporation described in and which executed the above instrument; that he knows the seal of the said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed and that he signed his name thereto pursuant to due authorization.

Candace T. Cheatham
Notary Public, State of Georgia
Qualified in DeKalb County
Commission Expires December 7, 2013

STATE OF GEORGIA
SS:
COUNTY OF FULTON

I, the undersigned, a Vice President of American Southern Insurance Company, a Kansas Corporation, DO HEREBY CERTIFY that the foregoing and attached Power of Attorney remains in full force and has not been revoked; and, furthermore, that the Resolution of the Executive Committee of the Board of Directors set forth in the Power of Attorney is now in force.

Signed and sealed at the City of Atlanta, Dated the _____ day of _____.

John R. Huot
Vice President

Power No. 22117

Alderman Parker made motion seconded by Alderman Anderson and unanimously carried to approve the aforesaid contract, authorizing the Mayor to execute same.

* *

Per City Engineer David Ball, Change Order #5; Infrastructure Repairs Area 4 was removed from the agenda.

* *

Per City Engineer David Ball, Change Order #7; Infrastructure Repairs Area 6 was removed from the agenda.

* *

There came on for consideration police department personnel matters; whereupon Alderman Parker made motion seconded by Alderman Carrubba and unanimously carried to approve the following personnel actions:

Step Increase, Donald Bass, PSA16-IX, effective March 1, 2011

Step Increase, Jessica Bennett, PS2-B, effective March 1, 2011

Step Increase, Chrystal Dubose, CSA3-VIII, effective March 1, 2011

Step Increase, Kenneth Lassabe, PS11-IV, effective March 16, 2011

Step Increase, Carl Taylor, PS7-B, PS7-B, effective March 1, 2011

* *

There came on for consideration the Long Beach Harbor Pier 2 Improvement and Modification Project. Alderman Parker made motion seconded by Alderman Ponthieux and unanimously carried to approve the aforesaid project.

* *

There came on for consideration the Tidelands Grant Agreement, Fiscal Year 2011. Said agreement ordered spread upon the minutes of this meeting in words and figures as follows:

STATE OF MISSISSIPPI
Haley Barbour
Governor

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
William W. Walker, Ph.D., Executive Director

January 31, 2011

The Honorable William Skellie, Jr.
City of Long Beach
P.O. Box 929
Long Beach, MS

Re: FY2011-P106 FY2011 Harbor Improvements

Dear Mayor Skellie:

Enclosed you will find your Tidelands Grant Agreement, Fiscal Year 2011 for the above referenced project (Attachment 1). Please execute the agreement and return to the MDMR Tidelands Office at 1141 Bayview Avenue, Suite 101, Biloxi, MS 39530. The Department of Marine Resources shall make progress payments in installments based on the work completed and material used in the performance of a tidelands project only after receiving written verification of the work completed using attached Form TTF-3. One other provision of this agreement is to provide the Department of Marine Resources with a detailed progress report beginning June 30, 2011, and every six months thereafter for the duration of the project. The Department asks that you use the attached blank copy of the progress report form (TTF-4) to submit your reports. Upon completion of the project, a Notice of Completion (TTF-5) will need to be submitted and before final reimbursement can be paid. Additionally, the agreement states that a prominent, permanent sign be erected at all funded public access and construction related projects. Please note that the exact wording of your project sign should be as follows:

> "Funds for this project appropriated by the Mississippi Legislature, 2011 Tidelands Trust Fund, through the Secretary of State Delbert Hosemann, and the Mississippi Department of Marine Resources"

A new sign is needed to reflect the new fiscal year funding if your project is a continuation from the previous year.

Should you have any questions regarding this matter, please do not hesitate to contact Joe Ziegler or Michaela Hill, at (228) 374-5000.

Sincerely,

Joe Ziegler
Chief of Staff

Enclosures

1141 Bayview Avenue • Biloxi, MS 39530-1613 • Tel: (228) 374-5000 • www.dmr.ms.gov
An Equal Opportunity Employer

FY2011-P106

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

Tidelands Grant Agreement
City of Long Beach - FY2011 Harbor Improvements
FISCAL YEAR 2011

City of Long Beach hereby agrees to expend funds as authorized by the 2010 Mississippi Legislature in H.B. 1634 and Mississippi Code Section 29-15-9.

The Mississippi Department of Marine Resources will disburse funds in the amount of $150,000 for this project, FY2011 Harbor Improvements, upon (1) receipt of this signed document; (2) DMR possession of amended application with complete and final project designs and plans; (3) release of funds from the Mississippi Department of Finance and Administration; and (4) availability of said funds. The Mississippi Department of Marine Resources shall make progress payments in installments based on work completed and material used in the performance of a tidelands project only after receiving written verification using Form TTF-3 (Attachment 1) and Form TTF-4 or Form TTF-5.

The City of Long Beach agrees to:

1) Expend monies for the project as designated by the Legislature H.B. 1634 for FY2011 Harbor Improvements and Mississippi Code Section 29-15-9, and be subject to an audit by the State Auditor.

2) Provide the Department of Marine Resources with detailed reports beginning June 30, 2011, and every six months thereafter for the duration of project, using the attached form TTF-4 (Attachment 2). Project reports will include:

-Final project design
-Benefits to the public and community
-Visual presentation (photographs) of project
-Narrative description of project
- Description of Work Completed
- Milestones for Completion
- Funds expended (to include Tidelands and Matching Funds)

3) Provide the Department of Marine Resources with a Notification of Completion – TTF-5 (to be included in final payment request - Form TTF-3) to include a detailed final report of entire project, using the attached forms (Attachment 3).

4) Erect a prominent, permanent sign to be displayed at all funded public access and construction related projects. The sign shall read "Funds for this project appropriated by the Mississippi Legislature, 2011 Tidelands Trust Fund, through the Secretary of State, Delbert Hosemann, and the Mississippi Department of Marine Resources."

On behalf of City of Long Beach, I have read, understand, and agree to all terms listed above, and recognize that failure to comply with any portion of this Grant Agreement could jeopardize the receipt of any future Tidelands Trust Funds Appropriations.

Dr. William W. Walker, Executive Director
Department of Marine Resources

1-24-11
Date

William Skellie, Jr., Mayor
City of Long Beach

Date

Alderman Lishen made motion seconded by Alderman Ponthieux and unanimously carried to approve the aforesaid agreement, authorizing the Mayor to execute same.

* *

There came on for consideration a harbor personnel issue in which Harbormaster Bill Angley suspended Harbor Guard Danny Ladnier for 15 days.

After brief discussion, Alderman Anderson made motion seconded by Alderman Parker and unanimously carried to uphold the suspension.

* *

Alderman Parker made motion seconded by Alderman Anderson and unanimously carried to accept the resignation of Judge Pro Tem Stephen J. Maggio; expressing their appreciation and gratitude for his years of service.

* *

Alderman Carrubba made motion seconded by Alderman Hammons and unanimously carried to acknowledge the receipt of the City of Long Beach Revenue and Expense reports for January, 2011.

* *

Alderman Carrubba made motion seconded by Alderman Hammons and unanimously carried to acknowledge the receipt of the City of Long Beach Fiscal Year 2009 Audit Report.

* *

There came on consideration an Ordinance to Adopt Building and Various Related Regulating Codes 2006; as requested by the Fire Department and Building Official, whereupon Alderman Ponthieux made motion seconded by Alderman Lishen to discuss. After brief discussion regarding the ordinance and the feasibility of adopting an even more current building code, Alderman Ponthieux withdrew his motion and Alderman Lishen withdrew his second.

Alderman Carrubba made motion seconded by Alderman Lishen and unanimously carried to take the matter under advisement.

* *

There came on for discussion derelict properties, whereupon Alderman Ponthieux made motion seconded by Alderman Lishen and unanimously carried to schedule public hearings on March 15, 2011, at 5:00 o'clock p.m., on the following properties:

Pineville Partners, LLC
20156 Pineville Road
Long Beach, MS 39560

Llewellyn and Patricia A. Powell
500 Mason Avenue

Long Beach, MS 39560

LA Home Recovery LLC
0 West Beach Boulevard (SE corner Beach View Circle and W. Beach)
Long Beach, MS 39560

* *

Discussion continued on the status of other derelict properties within the city, whereupon Alderman Couvillon made motion seconded by Alderman Lishen and unanimously carried to direct the City Attorney move forward with Mr. Ronald Jefferson's property on Beatline Road.

* *

It was the consensus of the Board to direct Building Official Earl Levens furnish the derelict properties spread sheet once a month, as requested previously.

* *

It was the consensus of the Board to schedule a work session at the March 15, 2011, meeting of the Mayor and Board of Aldermen to prioritize projects for the Drainage Bond.

* *

The position of Economic Development Director was tabled until further notice.

* *

There came on for consideration the School Board Trustee appointment and citing a possible conflict of interest, Mayor William Skellie, Jr., Alderman Bernie Parker, and Alderman Carolyn J. Anderson were recused from the public meeting.

* *

Alderman-at-Large Leonard G. Carrubba, Sr., chaired the meeting, serving in his capacity as Mayor Pro-Tempore.

* *

The Mayor Pro-Tempore recognized City Attorney James C. Simpson, Jr., for his report; whereupon it was acknowledged a veto had been submitted regarding the Long Beach School District Board of Trustee Appointment as follows:

Minutes of February 15, 2011
Mayor and Board of Aldermen

RECEIVED FEB 10 2011 11:35AM

To: The Board of Aldermen of the City of Long Beach
City Clerk Rebecca E. Schruff
The Long Beach School District Board of Trustees
Long Beach Zone Enforcement Officer Claire Leatherwood
Long Beach City Attorney James C. Simpson

From: City of Long Beach Mayor Pro Temp Leonard G. Carrubba, Sr.

Re: Long Beach School District Board of Trustees Appointment of Claire Leatherwood

Date: 2/10/2011

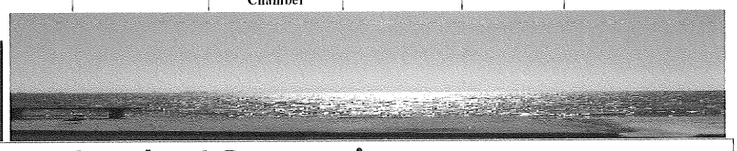
As mayor pro temp for the City of Long Beach, I am exercising my authority to veto the action of the Board of Aldermen on the appointment of Claire Leatherwood as trustee of the Long Beach School District, which took place February 1, 2011.

In listening and carefully considering the discussion and facts presented regarding Ms. Leatherwood's employment status and the legality of her appointment, I am not certain that Ms. Leatherwood's legal status as an appointee is without doubt. She may be a municipal employee under applicable law (please see attached: printout of city web Page, "Building/Code/Permit Department" listing Ms. Leatherwood as Zoning Enforcement Officer). Based on the uncertainty of her status, I fear that a question could linger as to the legality of her service and possibly subject the city or school district to possible litigation. In an effort to make our city government more open and clear on its positions and to be sure our city government acts lawfully, the Board of Aldermen should reconsider this decision. Other qualified applicants have applied for the position. The Board of Aldermen, if it wishes, may also seek additional applications which do not create uncertainty or doubt as to the legality of the appointment to fill the position.

For these reasons, I hereby veto the appointment of Ms. Leatherwood to the position of School Board Trustee.

Leonard G. Carrubba, Sr.

Leonard G. Carrubba, Sr., Mayor Pro Temp



Building/Code/Permit Department

BUILDING/CODE OFFICIAL - EARL D. LEVENS
201 JEFF DAVIS AVENUE
PO BOX 929
LONG BEACH, MS 39560
228-863-1554
fax 228-863-1558
earl@cityoflongbeachms.com

NOTICE TO HOMEOWNERS
(insured by wind pool)

- If your house was built in 1995 or later, you may be entitled to a discount of 10-15% by presenting a C.O. (Certificate of Occupancy) to your insurance company.
- The Building/Code office has computerized data dating back to 2001, to generate a C.O., If your home was built prior to 2001, you need to visit the Harrison County Tax Assessor's office located in Gulfport, MS, and request a print out of when your house was placed on the tax roll. The print out from the Tax Assessor's can be used to generate a handwritten C.O.
- The Building/Code office can also provide an I.C.C. (Increased Cost of Compliance) letter, if you had flood insurance prior to Hurricane Katrina. I.C.C. is standard in all flood policies and can provide up to $30,000 that can be used to clear the slab, rebuild a new structure and/or meet higher elevation requirements.

Applications for permit

All the forms on this page use Adobe Acrobat Reader. If you do not have the Acrobat reader you may download it here.

** **Ordinances 494 Schedule of Permit fees** **

Contractor License | Building permit | Electrical Permit | Plumbing Permit | Mechanical Permit
Gas Permit | Tree Removal | Fence Permit | Sign Permit | Privilege License
Drainage Permit | Storm Water Runoff | Flood Awareness | NFIP

ZONING ENFORCEMENT OFFICER - CLAIRE LEATHERWOOD
P.O. Box 929
Long Beach, MS 39560

to contact the Zoning Officer
by Phone: 228-863-1554
by Phone: 228-669-2318

by fax: 228-865-1558
zoningenforcement@cityoflongbeachms.com

- As we approach the 5th Anniversary following Hurricane Katrina, derelict properties continue to be a problem in Long Beach. A new law, House Bill No. 572 (View a copy), was recently passed, allowing cities to clear properties deemed as derelict. Effective July 1, 2008, fees incurred by the City to have these properties cleared will be assessed to the property owner's taxes, you will not be allowed to pay your property taxes until you pay the City or county assessment for that property. **PLEASE BRING YOUR PROPERTY UP TO CODE.**

  The City is asking anyone living next to or if you know of property that is in need of clearing or that has been abandoned to please stop by the City of Long Beach Zoning Department to complete a complaint form. Our office is located at 645 Klondyke Road, Long Beach, Mississippi. If you are unable to stop by our office a form (see below) can be mailed to the address listed above or you may send an e-mail to zoningenforcement@cityoflongbeachms.com please include the following information in your email.

1. The Complainant's name, address and phone number (this will allow us to contact you if additional information is needed).
2. The address of where the violation is, if you do not have this information please give a detailed description as to where the property is located.
3. A description of the violation and if you feel that the property is a menace to public health and safety.

- Property Complaint Form

The City Attorney apprised the Board that a vote of five (5) would be required to over-turn a veto; therefore the veto cannot be overridden and would stand.

Upon continued discussion, Alderman Hammons made motion seconded by Alderman Lishen and unanimously carried to re-advertise for School Board Trustee Appointment as provided by ordinance.

* *

Mayor William Skellie, Jr., Alderman Bernie Parker, and Alderman Carolyn J. Anderson returned to the public meeting.

* *

The City Attorney reported on other matters of which no action was required or taken.

* *

Alderman Lishen and Alderman Anderson left the meeting.

* *

The Mayor opened the floor for public comments no appearing on the agenda, as follows:

PUBLIC COMMENTS PERTAINING TO MATTERS NOT APPEARING ON THE AGENDA		
NOTE: All comments **shall** be directed to the Chairman (Mayor) at the end of the meeting. Comments of a personal nature regarding individual members of the Governing Authority (Mayor and Board of Aldermen), City Staff and/or Personnel, other Citizens, disruptive comments or improper actions **will not** be permitted. Public Comments will be limited to a total of **ten (10) minutes** and limited to a maximum of **two (2) minutes** per person. Except as otherwise directed by the Chairman (Mayor), Public Comments will not be permitted before or after the allotted time. Disruption of the regular business meeting will be cause for removal from the public meeting.		
	PLEASE PRINT: **NAME / ADDRESS / TELEPHONE**	**SUBJECT MATTER**
1	RAY GARRISON 136 SEA OAKS BLVD 864-2567	PAVING (OR LACK OF) ON SEA OAKS BLVD.
2		
3		
4		
5		
6		
7		
8		
9		
10		

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

Excel Worksheet: public comments - agenda PUBLIC COMMENTS-NOT ON AGENDA

* *

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

* *

Minutes of February 15, 2011
Mayor and Board of Aldermen

APPROVED:

_____
Alderman Leonard G. Carrubba, Sr., At-Large

_____
Alderman Gary J. Ponthieux, Ward 1

_____
Alderman Bernie Parker, Ward 2

_____
Alderman Kaye H. Couvillon, Ward 3

_____
Alderman Ronnie Hammons, Jr., Ward 4

_____
Alderman Mark E. Lishen, Ward 5

_____
Alderman Carolyn J. Anderson, Ward 6

_____
Date

ATTEST:

_____
Rebecca E. Schruff, City Clerk