

**Minutes of May 1, 2012
Mayor and Board of Aldermen**

Be it remembered that three (3) public hearings before the Mayor and Board of Aldermen, Long Beach, Mississippi, were begun and held, at 5:00 o'clock p.m., Tuesday, the 1st day of May, 2012, in the Long Beach City Hall, 201 Jeff Davis Avenue, in said City, and the same being the time, date and place fixed by order of the Mayor and Board of Aldermen for holding said public 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, Kaye H. Couvillon, Ronnie Hammons, Jr., Carolyn J. Anderson, City Clerk Rebecca E. Schruff and City Attorney James C. Simpson, Jr.

Alderman Mark E. Lishen was absent the public hearings.

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 to inform the public of the proposed redistricting plans to redraw voting district lines and to allow the public to offer any comments about the proposed plans was called to order. It was noted for the record that this is the second public hearing regarding redistricting, the first public hearing having been duly held and convened on April 17, 2012.

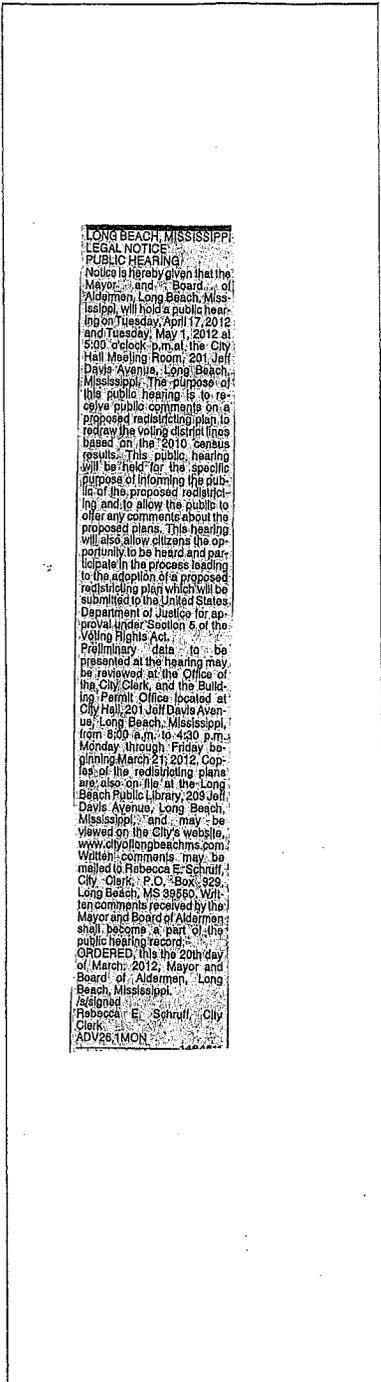
* * *

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 March 20, 2012, she did cause to be published in The Sun Herald, a newspaper with general circulation in the City of Long Beach and published in Harrison County, Mississippi, Legal Notice, Public Hearing, as evidenced by the Publisher's Proof of Publication.

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

Minutes of May 1, 2012
Mayor and Board of Aldermen

PROOF OF PUBLICATION



STATE OF MISSISSIPPI
COUNTY OF HARRISON

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

- Vol. 128 No., 175 dated 26 day of March, 2012
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____; 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____

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

Angela Thomas
Clerk

Sworn to and subscribed before me this 26 day of March, A.D., 2012



Kangia Barkley
Notary Public

The Clerk further reported that the Legal Notice of Public Hearing was posted on the bulletin boards at City Hall, the Building Permit Office, the Water Department, the Long Beach Public Library, on the City's official website, www.cityoflongbeachms.com and a public service announcement stating the date, time, place and subject matter of the public hearing was sent via the automated mass notification system, Blackboard Connect. Said notice is as follows:

Minutes of May 1, 2012
Mayor and Board of Aldermen

391

LONG BEACH, MISSISSIPPI

LEGAL NOTICE

PUBLIC HEARING

Notice is hereby given that the Mayor and Board of Aldermen, Long Beach, Mississippi, will hold a public hearing on Tuesday, April 17, 2012 and Tuesday, May 1, 2012 at 5:00 o'clock p.m. at the City Hall Meeting Room, 201 Jeff Davis Avenue, Long Beach, Mississippi. The purpose of this public hearing is to receive public comments on a proposed redistricting plan to redraw the voting district lines based on the 2010 census results. This public hearing will be held for the specific purpose of informing the public of the proposed redistricting and to allow the public to offer any comments about the proposed plans. This hearing will also allow citizens the opportunity to be heard and participate in the process leading to the adoption of a proposed redistricting plan which will be submitted to the United States Department of Justice for approval under Section 5 of the Voting Rights Act.

Preliminary data to be presented at the hearing may be reviewed at the Office of the City Clerk, and the Building Permit Office located at City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi, from 8:00 a.m. to 4:30 p.m. Monday through Friday beginning March 21, 2012. Copies of the redistricting plans are also on file at the Long Beach Public Library, 209 Jeff Davis Avenue, Long Beach, Mississippi, and may be viewed on the City's website, www.cityoflongbeachms.com Written comments may be mailed to Rebecca E. Schruff, City Clerk, P.O. Box 929, Long Beach, MS 39560. Written comments received by the Mayor and Board of Aldermen shall become a part of the public hearing record.

ORDERED, this the 20th day of March, 2012, Mayor and Board of Aldermen, Long Beach, Mississippi.

/s/signed

Rebecca E. Schruff, City Clerk

Alderman Couvillon made motion seconded by Alderman Anderson and unanimously carried to make the aforesaid report a part of the record of this public hearing.

*

*

The Clerk reported that Ms. Karen Clark, GIS Analyst, Southern Mississippi Planning and Development District, submitted a spreadsheet depicting the variances and percentages in the proposed redistricting plans 1, 2, and 3.

Minutes of May 1, 2012
 Mayor and Board of Aldermen

Alderman Couvillon made motion seconded by Alderman Anderson and unanimously carried to make said spreadsheet a part of the record of this public hearing, as follows:

City of Long Beach - Proposed Redistricting Plans

Plan	Variance	District	Total Population	Population Deviation	Percent Deviation	Minority Population	Minority Percent
Current	49.37%	D1	1883	-582	-23.61%	251	13.33%
		D2	1812	-653	-26.49%	212	11.70%
		D3	2725	260	10.55%	548	20.11%
		D4	2634	169	6.86%	410	15.57%
		D5	3029	564	22.88%	275	9.08%
		D6	2705	240	9.74%	454	16.78%
Plan 1	6.98%	D1	2399	-66	-2.68%	323	13.46%
		D2	2571	106	4.30%	371	14.43%
		D3	2431	-34	-1.38%	434	17.85%
		D4	2516	51	2.07%	387	15.38%
		D5	2420	-45	-1.83%	202	8.35%
		D6	2455	-10	-0.41%	433	17.64%
Plan 2	4.87%	D1	2408	-57	-2.37%	340	14.12%
		D2	2480	15	0.60%	276	11.13%
		D3	2479	14	0.56%	514	20.73%
		D4	2418	-47	-1.94%	375	15.51%
		D5	2552	87	3.41%	212	8.31%
		D6	2455	-10	-0.41%	433	17.64%
Plan 3	5.68%	D1	2485	20	0.81%	324	13.04%
		D2	2399	-66	-2.68%	298	12.42%
		D3	2479	14	0.57%	514	20.73%
		D4	2407	-58	-2.35%	413	17.16%
		D5	2539	74	3.00%	175	6.89%
		D6	2483	18	0.73%	426	17.16%

The Mayor recognized Ms. Clark to answer questions and participate in discussion.

*

*

The Mayor opened the floor for public comments, as follows:

- Steve Nicosia, 515 Gulf View Avenue (Ward 2), Long Beach, Mississippi, stated that he supports Plan #2 provided that the beach front and harbor area is changed to Ward 2.

Ms. Clark stated for the record that any changes made to the existing plans would not have to be republished for public hearings when implemented as a result of public comments.

- David Reed, 125 Markham Drive (Ward 1), Long Beach, Mississippi, stated that he is in favor of Plan #2 or Plan #3 for south of the CSX Railroad.

* *

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

It was noted for the record that adoption of a final plan for submission to the Department of Justice for preclearance would be discussed in the regular meeting scheduled later during the course of this evening.

The second public hearing was called to order to determine whether or not a parcel of property situated in the City of Long Beach, located at 522 Trautman Avenue, and assessed to Scott and Ann Lynn Sanders, is in such a state of uncleanness 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 City Clerk for her report, whereupon, Alderman Ponthieux made motion seconded by Alderman Anderson and unanimously carried to make said 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 April 3, 2012, she did cause to be sent via certified mail, return receipt requested, Legal Notice, Public Hearing to Scott and Ann Lynn Sanders, 2202 Sylvester Drive, Gulfport, Mississippi, 39501, as the same appears of record on the 2011 Harrison County Real Property Tax Rolls.
- The Clerk further reported that said certified mail was returned "Unable to Forward" by the USPS. Said notice is as follows:

**Minutes of May 1, 2012
Mayor and Board of Aldermen**

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.

April 3, 2012

91 7108 2133 3938 0607 0043

MAILED
Date: 4/4/12

Scott & Ann Lynn Sanders
2202 Sylvester Drive
Gulfport, MS 39501

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 April 3, 2011, hold a public hearing at 5:00 p.m., Tuesday, May 1, 2012, 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 Scott & Ann Lynn Sanders, and situated in the City of Long Beach, Mississippi, at 522 Trautman Avenue, is in such a state of uncleanness 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: 522 Trautman Avenue
Parcel Number: 0612F-02-085.000

Legal Description: LOT 100 X0155 IRR BEG 675 FT N OF INTER OF W MAR OF TRAUTMAN AVE & N MAR OF BECH BLVD W 140 FT S 100 FT E 155 FT TO W MAR OF AVE N 100 FT ALONG AVE TO POB BEING PART OF

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

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

Minutes of May 1, 2012
Mayor and Board of Aldermen

395

Page 2 of 2

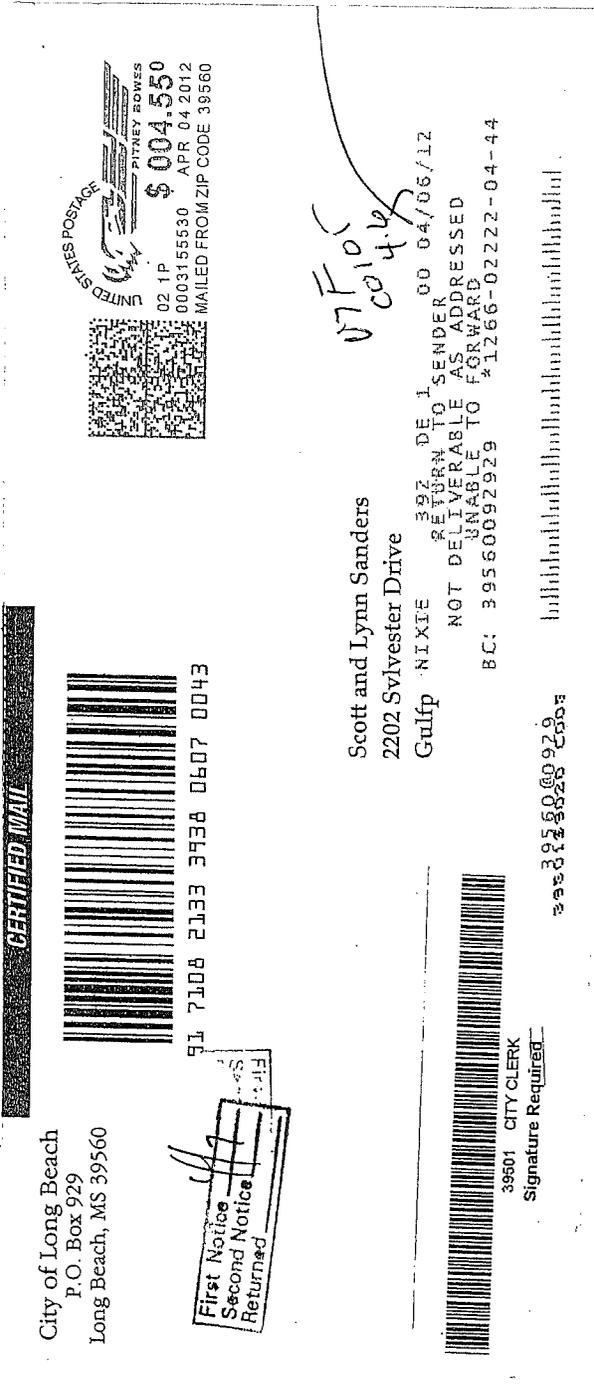
expense of cleaning of said property shall not exceed an aggregate amount of Twenty Thousand Dollars (\$20,000.00) per year, or the fair market value of the property subsequent to cleaning, whichever is less. If it is determined by the governing authority that it is necessary to clean the property or 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 3rd day of April, 2012.


Rebecca E. Schruoff
City Clerk

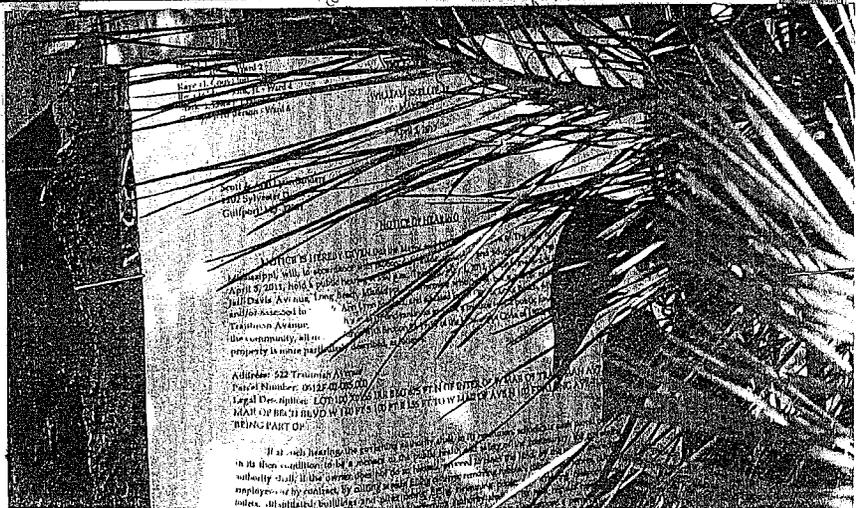
Minutes of May 1, 2012
Mayor and Board of Aldermen



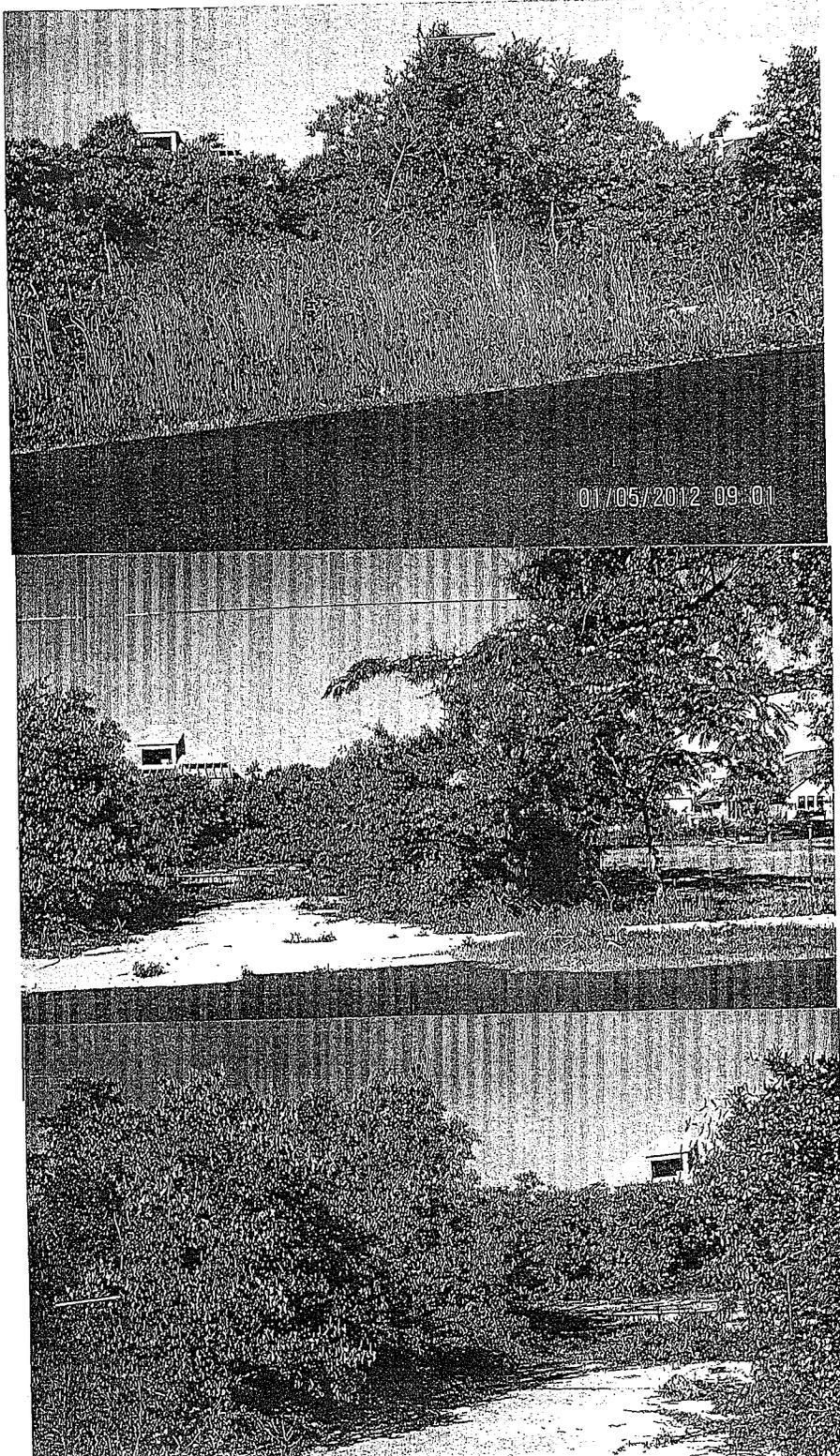
- The Clerk further reported that the Legal Notice of Public Hearing was posted at City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi, and on the subject property, 522 Trautman Avenue, Long Beach, Mississippi, by Building Official Earl Levens.
- The Clerk submitted photographs depicting the condition of the subject property taken by Zoning Enforcement Officer Claire Leatherwood on May 1, 2012, as follows:

522 Tractman

PS Cassette No. / Twin Check



Minutes of May 1, 2012
Mayor and Board of Aldermen



- The Clerk submitted an affidavit affirming the posting of said Notice of Public Hearing and the validity of photographs depicting the subject property, 522 Trautman Avenue, Long Beach, Mississippi, as of May 1, 2012; said affidavit is as follows:

Minutes of May 1, 2012
Mayor and Board of Aldermen

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 and CLAIRE LEATHERWOOD known to me to be the Zoning Enforcement Officer both 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 Earl Levens is the duly appointed and acting Building Official and Claire Leatherwood is the duly appointed and acting Zoning Enforcement Officer of the City of Long Beach, Mississippi;

2. That in such capacity, they are 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; they are 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;

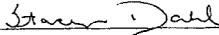
3. That on or before April 16, 2012, Earl Levens did cause to be posted, Notice of Hearing, a copy of which is attached hereto, on property assessed to Scott and Ann Lynn Sanders and located at 522 Trautman Avenue, Long Beach, Mississippi and at the City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi; and that on May 1, 2012, Claire Leatherwood 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 May 1, 2012.

This the 1st day of May, 2012.


REBECCA E. SCHRUFF, AFFIANT

SWORN TO AND SUBSCRIBED before me on this the 1st day of May, 2012.

-My Commission Expires-


NOTARY PUBLIC



AFFIDAVIT-PHOTOS;POST NOTICE

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

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

**Minutes of May 1, 2012
Mayor and Board of Aldermen**

The Mayor and Board of Aldermen took up the matter of the public hearing on the property located at 522 Trautman Avenue 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 Ponthieux 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 522 TRAUTMAN AVENUE, 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 522 Trautman Avenue, 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 April 3, 2012, 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 uncleanness 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 May 1, 2012, 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;

Minutes of May 1, 2012
Mayor and Board of Aldermen

401

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 uncleanness 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 Long Beach, Mississippi, which parcel of land is identified by Harrison County Tax Parcel Number 0612F-02-085.000, and according to said tax records is owned by Scott and Ann Lynn Sanders, is at present in such a state of uncleanness 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:

**Minutes of May 1, 2012
Mayor and Board of Aldermen**

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, City Zoning Enforcement Officer, August 24, 2011, 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	Aye
Alderman Carolyn J. Anderson	voted	Aye
Alderman Leonard G. Carrubba, Sr.	voted	Aye
Alderman Mark E. Lishen	voted	Absent, Not Voting
Alderman Ronnie Hammons, Jr.	voted	Aye

Minutes of May 1, 2012
Mayor and Board of Aldermen

403

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 1st day of May, 2012.

APPROVED:

/s/signed
William Skellie, Jr., Mayor

ATTEST:


Rebecca E. Schuff, City Clerk

Minutes of May 1, 2012
Mayor and Board of Aldermen

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.

August 24, 2011

91 7108 2133 3938 0607 0432

NOTICE OF NON COMPLIANCE WITH ZONING ORDINANCE

Sanders Scott & Ann Lynn
2202 Sylvester Drive
Gulfport, Ms. 39501

Reference: 522 Trautman Ave/ Long Beach, Ms. 39560
Parcel # 0612F-02-085.000

Dear Mr. & Mrs. Sanders,

**You are hereby notified that you are in violation of the following:
INTERNATIONAL PROPERTY MAINTENANCE CODE: CHAPTER 3 : SECTION
301.3, 302.1 & 302.4 & 302.5 (SEE ATTACHED)**

After inspecting the above referenced property, it has been determined that you are in violation of overgrown grass and weeds that is affecting the health & safety of the neighborhood. You have 7 (seven) days to bring this matter into compliance. You may call my cell 228-669-2318, within seven days from this notice.

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

By order of
City of Long Beach
Claire Leatherwood
Claire leatherwood
Ordinance /Zoning

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

CHAPTER 3

GENERAL REQUIREMENTS

SECTION 301
GENERAL

301.1 **Scope.** The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

301.2 **Responsibility.** The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

301.3 **Vacant structures and land.** All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302
EXTERIOR PROPERTY AREAS

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.

302.2 **Grading and drainage.** All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

302.3 **Sidewalks and driveways.** All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

302.4 **Weeds.** All premises and exterior property shall be maintained free from weeds or plant growth in excess of (jurisdiction to insert height in inches). 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.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the

property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

302.5 **Rodent harborage.** All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 **Exhaust vents.** Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

302.7 **Accessory structures.** All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 **Motor vehicles.** Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

302.9 **Defacement of property.** No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

SECTION 303
SWIMMING POOLS, SPAS AND HOT TUBS

303.1 **Swimming pools.** Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 **Enclosures.** Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure

The third public hearing was called to order to determine whether or not a parcel of property situated in the City of Long Beach, located at 318 Park Row and assessed to Donald Hughes, 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 City Clerk for her report, whereupon, Alderman Couvillon made motion seconded by Alderman Anderson and unanimously carried to

**Minutes of May 1, 2012
Mayor and Board of Aldermen**

make said 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 April 3, 2012, she did cause to be sent via certified mail, return receipt requested, Legal Notice, Public Hearing to Donald Hughes, P.O. Box 3541, Gulfport, Mississippi, 39505, as the same appears of record on the 2011 Harrison County Real Property Tax Rolls.
- The Clerk further reported that said certified mail was returned "Unable to Forward" by the USPS. Said notice is as follows:

Minutes of May 1, 2012
Mayor and Board of Aldermen

407

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. Schruoff

CITY ATTORNEY
James C. Simpson, Jr.

April 3, 2012

91 7108 2133 3938 0607 0036

Donald Hughes
P.O. Box 3541
Gulfport, MS 39505

MAILED
Date: 4/4/12

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 April 3, 2011, hold a public hearing at 5:00 p.m., Tuesday, May 2, 2012, 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 Donald Hughes, and situated in the City of Long Beach, Mississippi, at 318 Park Row, 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: 318 Park Row
Parcel Number: 0611O-01-037.001
Legal Description: LOT 19 & 20 & N 2.5 FT OF LOT 18 BLK 2 BRAZELTON SUBD

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

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

Minutes of May 1, 2012
Mayor and Board of Aldermen

Page 2 of 2

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*.

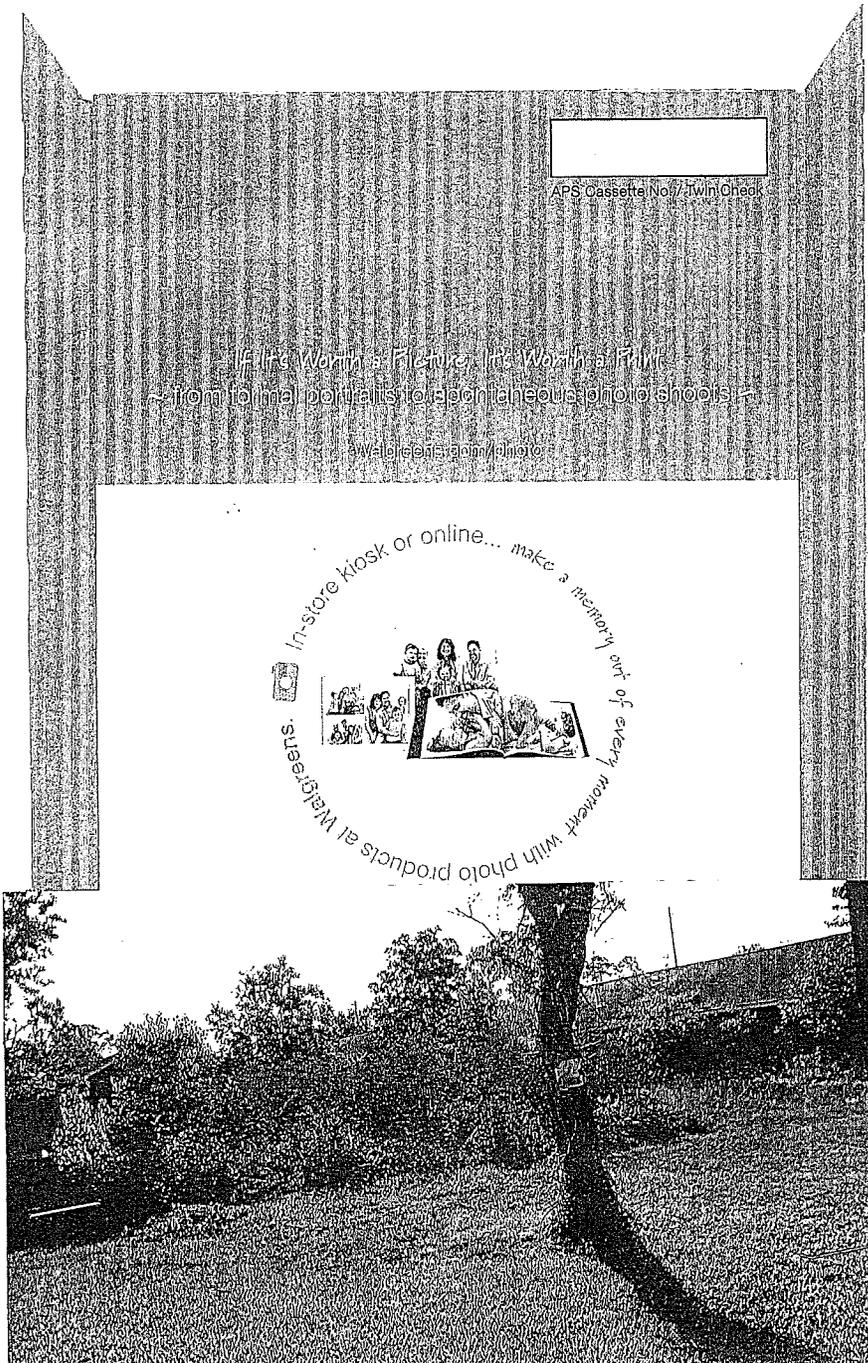
All decisions rendered under the provisions of this section may be appealed in the same manner as other appeals from municipal boards or courts are taken.

Done by order of the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, this the 3rd day of April, 2012.


Rebecca E. Schuff
City Clerk

- The Clerk further reported that the Legal Notice of Public Hearing was posted at City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi, and on the subject property, 318 Park Row, Long Beach, Mississippi, by Building Official Earl Levens.
- The Clerk submitted photographs depicting the condition of the subject property taken by Zoning Enforcement Officer Claire Leatherwood on May 1, 2012, as follows:

318 Park Row



Minutes of May 1, 2012
Mayor and Board of Aldermen



- The Clerk submitted an affidavit affirming the posting of said Notice of Public Hearing and the validity of photographs depicting the subject property, 318 Park Row, Long Beach, Mississippi, as of May 1, 2012; said affidavit is as follows:

Minutes of May 1, 2012
Mayor and Board of Aldermen

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 and CLAIRE LEATHERWOOD known to me to be the Zoning Enforcement Officer both 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 Earl Levens is the duly appointed and acting Building Official and Claire Leatherwood is the duly appointed and acting Zoning Enforcement Officer of the City of Long Beach, Mississippi;

2. That in such capacity, they are 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; they are 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 April 16, 2012, Earl Levens did cause to be posted, Notice of Hearing, a copy of which is attached hereto, on property assessed to Donald Hughes and located at 318 Park Row, Long Beach, Mississippi and at the City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi; and that on May 1, 2012, Claire Leatherwood 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 May 1, 2012.

This the 1st day of May, 2012.


REBECCA E. SCHRUPF, AFFIANT

SWORN TO AND SUBSCRIBED before me on this the 1st day of May, 2012.

-My Commission Expires-


NOTARY PUBLIC



AFFIDAVIT- PHOTOS; POST NOTICE

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

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

**Minutes of May 1, 2012
Mayor and Board of Aldermen**

The Mayor and Board of Aldermen took up the matter of the public hearing on the property located at 318 Park Row Avenue 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 Couvillon 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 318 PARK ROW AVENUE, 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 318 Park Row Avenue, 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 April 3, 2012, 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 May 1, 2012, 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;

Minutes of May 1, 2012
Mayor and Board of Aldermen

413

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 Long Beach, Mississippi, which parcel of land is identified by Harrison County Tax Parcel Number 0611O-01-037.001, and according to said tax records is owned by Donald Hughes, 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:

**Minutes of May 1, 2012
Mayor and Board of Aldermen**

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, City Zoning Enforcement Officer, January 31, 2012, 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	Aye
Alderman Carolyn J. Anderson	voted	Aye
Alderman Leonard G. Carrubba, Sr.	voted	Aye
Alderman Mark E. Lishen	voted	Absent, Not Voting
Alderman Ronnie Hammons, Jr.	voted	Aye

Minutes of May 1, 2012
Mayor and Board of Aldermen

415

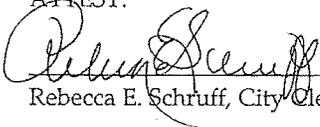
The question having received the Affirmative vote of all the Aldermen present and voting, the Mayor declared the motion carried and the resolution and order adopted and approved this 1st day of May, 2012.

APPROVED:

/s/signed

William Skellie, Jr., Mayor

ATTEST:


Rebecca E. Schuff, City Clerk

Minutes of May 1, 2012
Mayor and Board of Aldermen

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 31, 2012

91 7108 2133 3938 0607 1675

NOTICE OF NON COMPLIANCE WITH ZONING ORDINANCE

Donald Hughes
PO Box 3541
Gulfport, Ms. 39505

Reference: 318 Park Row/ Long Beach, Ms. 39560
Parcel # 06110-01-037.001

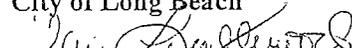
Dear Mr. Hughes,

**You are hereby notified that you are in violation of the following:
INTERNATIONAL PROPERTY MAINTENCE CODE:CHAPTER 3 : SECTIONS
301.3,302.1& 302.4 ,302.5, & 307.1 (SEE ATTACHED)**

After inspecting the above referenced property, it has been determined that you are in violation of overgrown grass and weeds that is affecting the health & safety of the neighborhood. You have 7 (Seven) days from the receipt of this letter to bring this matter into compliance by calling our office, 228-863-1554, or, my cell 228-669-2318, for directions and/or corrective measures..

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

By order of
City of Long Beach


Claire leatherwood
Zoning Department

CHAPTER 3

GENERAL REQUIREMENTS

SECTION 301
GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

301.2 Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

301.3 Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302
EXTERIOR PROPERTY AREAS

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.

302.2 Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

302.3 Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of (jurisdiction to insert height in inches). 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.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the

property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

302.5 Rodent harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

302.7 Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

SECTION 303
SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure

Be it remembered that a regular meeting of the Mayor and Board of Aldermen, 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 first Tuesday in May, 2012, 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.

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,

Minutes of May 1, 2012
Mayor and Board of Aldermen

Sr., Gary J. Ponthieux, Bernie Parker, Kaye H. Couvillon, Ronnie Hammons, Jr., Mark E. Lishen, Carolyn J. Anderson, City Clerk Rebecca E. Schruoff, 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.

Alderman Lishen arrived later during the course of this meeting via telephone and therefore was preliminarily absent the meeting.

There were no bids.

The Mayor and Board of Aldermen proclaimed May 6 – May 12, 2012, “Goodwill Industries Week”.

There were no amendments or comments to the Municipal Docket.

Alderman Parker made motion seconded by Alderman Anderson to approve the work session, public hearing and regular meeting minutes of the Mayor and Board of Aldermen dated April 17, 2012, as submitted; the motion carried upon the affirmative voice vote of all the Aldermen present and voting, with Alderman Carrubba present, not voting.

After considerable discussion, Alderman Ponthieux made motion seconded by Alderman Anderson and unanimously carried to approve the regular meeting minutes of the Planning Commission dated April 26, 2012, as submitted.

Alderman Lishen joined the meeting via telephone.

After considerable discussion and upon clarification of several matters, Alderman Anderson made motion seconded by Alderman Parker and unanimously carried to approve the regular meeting minutes of the Port Commission dated April 19, 2012, as submitted.

It was noted for the record that Port Commission President Phil Kies will contact Mr. Jimmy Levens, Blue Ridge Properties, LLC, to discuss minimizing the construction

“lay down” area on site at the harbor in order to alleviate parking problems for boat trailers.

Alderman Parker made motion seconded by Alderman Ponthieux and unanimously carried to approve payment of invoices as listed in Docket of Claims number 050112 inclusive of two (2) invoices to Wise, Carter, Child & Caraway, P.A., Attorneys at Law, as follows:

- Acquisition Buyout, 214 Palmyra, Long Beach, Mississippi, Lisa Desrosiers, \$790.00; and
- Acquisition Buyout, 6 Roddy Circle, Long Beach, Mississippi, James and Patricia Skinner, \$790.00.

There came on for consideration the matter of appointing three (3) Aldermen to serve as committee members with three (3) Port Commissioners to review and recommend revisions to live-a-board rules and regulations at the Long Beach Harbor.

After considerable discussion, Alderman Carrubba made motion seconded by Alderman Anderson and unanimously carried to appoint Aldermen Bernie Parker, Kaye Couvillon and Carolyn Anderson.

Alderman Parker made motion seconded by Alderman Anderson and unanimously carried authorizing the City Attorney to prepare a resolution for consideration at the next regular meeting, May 15, 2012, seeking assistance from CSX Railroad for improvements to White Harbor Road railroad crossing to accommodate truck traffic.

Alderman Hammons made motion seconded by Alderman Parker and unanimously carried to approve CDBG two (2) Requests for Cash and payment of two (2) invoices, as follows:

Minutes of May 1, 2012
Mayor and Board of Aldermen

MEMO

DATE: April 24, 2012
TO: Honorable William Skellie, Jr.
City of Long Beach
FROM: Ann Frazier
Jimmy G. Gouras Urban Planning
RE: City of Long Beach
Community Revitalization Grant
CDBG Project #R-109-235-03-KCR
Town Green
Request for Cash and Summary Support Sheet

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

1. FMA
Invoice number 5 in the amount of \$23,446.00
For Construction expense

Also enclosed is "Request for Cash and Summary Support Sheet No. 33" in the amount of \$23,446.00 for payment of the above invoices.

Please have the above invoices and Request for Cash and the supporting documentation placed on your next agenda for approval. After its approval, the appropriate official should sign the "Request for Cash and Cash Summary Support Sheet No. 33" and return it along with the supporting documentation for processing to our office at the following address:

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

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

REMINDER

From the date of deposit into your account you have only three (3) working days to distribute funds to avoid penalties from MDA.

enclosure

JIMMY G. GOURAS

URBAN PLANNING CONSULTANTS, INC.

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

MEMO

DATE: April 23, 2012
TO: Honorable William Skellie, Jr.
City of Long Beach
FROM: Ann Frazier
Jimmy G. Gouras Urban Planning
RE: City of Long Beach
CDBG Project #R-103-235-01-KP
Request for Cash and Summary Support Sheet

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

1. Ayers/Saint/Gross
Invoice #20606.02-0000011 in the amount of \$10,000.00
For Planning expense

Also enclosed is "Request for Cash and Summary Support Sheet No. 21" in the amount of \$10,000.00 for payment of the above invoices.

Please have the above invoices and Request for Cash and the supporting documentation placed on your next agenda for approval. After its approval, the appropriate official should sign the "Request for Cash and Cash Summary Support Sheet No. 21" and return it along with the supporting documentation for processing to our office at the following address:

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

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

Enclosures

JIMMY G. GOURAS

URBAN PLANNING CONSULTANTS, INC.

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

Alderman Parker made motion seconded by Alderman Anderson and unanimously carried to approve Change Order #9, CDBG Fire Station #2 Project, ReflecTech, Inc., as follows:

Minutes of May 1, 2012
Mayor and Board of Aldermen



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

228.694.2200
FAX 228.694.2020
EMAIL info@jbhm.com

April 25, 2012

E-mail and United States Postal Service

Mayor William Skellie, Jr.
City of Long Beach
201 Jeff Davis Avenue
Long Beach, MS 39560

RE: LONG BEACH FIRE STATION NO. 2 – CHANGE ORDER 009

Dear Mayor Skellie:

The enclosed Change Order 009 for the new Fire Station No. 2 documents the following changes to the contract:

Increased signage scope, including exterior numerals, exterior "entering shelter area" plaques, and interior room signage. Refer to the attached PCO-29 for additional detail; a total cost of \$3,591.86 and a requested time extension of zero (0) days.

Reconcile project allowances, including door hardware, brick, and access control and surveillance system. Refer to the attached Reconciliation of Project Allowances for additional detail; a total cost of \$2,080.07 and a requested time extension of zero (0) days.

I have reviewed all documentation and find the above requests to be in order and appropriate. Should the changes described above be approved by the Board of Aldermen, the Contract Sum will be increased by a total of \$5,671.93 and the Contract Time will not be increased. Therefore, the Contract Sum for the project will become \$3,621,918.34: \$1,968,646.09 for CDBG, PA, and Insurance, and \$1,653,272.25 for HMGP. Overall project closeout remains in process.

Enclosed you will find 4 copies of the above mentioned Change Order. If approved by the Board of Aldermen, please sign all 4 documents and return all copies to our JBHM – Biloxi Office for further processing. We will mail you a fully executed copy. Should you have additional questions concerning this change order, please do not hesitate to contact me.

Sincerely,

Richard McNeel, AIA

OFFICES
Biloxi
Columbus
Jackson
Tupelo

PRINCIPALS
JOSEPH S. HENDERSON, AIA
RICHARD H. MCNEEL, AIA
WILLIAM LEWIS, AIA

cc: Chief George Bass / Assistant Chief Mike Brown – Long Beach Fire Dept.
Larry Williamson / Janis Williamson – ReflecTech, Inc.
Ann Frazier – Jimmy G. Gouras Urban Planning Consultants
Ron Robertson – Broaddus and Associates
Liston Conrad – HORNE LLP
Ryan Florreich / Carl Bradley – JBHM
JBHM #07153.00.07

Minutes of May 1, 2012
Mayor and Board of Aldermen

 **AIA** Document G701™ – 2001

Change Order

PROJECT (Name and address): City of Long Beach Fire Station No. 2 120 East Second Street Long Beach, Mississippi 39560	CHANGE ORDER NUMBER: 009 DATE: April 11, 2012	OWNER: <input checked="" type="checkbox"/>
TO CONTRACTOR (Name and address): Reflectech, Inc. 100 Street A, Suite A Pacayune, Mississippi 39466	ARCHITECT'S PROJECT NUMBER: 07153 CONTRACT DATE: August 31, 2009 CONTRACT FOR: General Construction	ARCHITECT: <input checked="" type="checkbox"/> CONTRACTOR: <input checked="" type="checkbox"/> FIELD: <input checked="" type="checkbox"/> OTHER: <input type="checkbox"/>

THE CONTRACT IS CHANGED AS FOLLOWS:

(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)

Furnish and install increased signage scope, including exterior numerals, exterior "entering shelter area" plaques, and interior room signage. Refer to the attached PCO-29 for additional detail. \$3,591.86

RECONCILIATION OF ALLOWANCES:

Allowance Nos 1 and 4 - Door Hardware, Doors, and Installation

Total Allowance: \$94,500.00

Expensed to Capitol Hardware \$89,341.00

Expensed to Insulguard \$ 6,900.00

Expensed Total \$96,241.00

Payment due to Reflectech \$1,741.00

Allowance No. 2 - Brick 107,415 total purchased

Allowance \$475/1000 \$51,022.13

Expensed \$480/1000 \$51,559.20

Payment due to Reflectech \$ 537.07

Allowance No. 3 - Network Based Controlled Access System

Allowance \$36,120.00

Expensed \$35,922.00

Payment due Owner (\$198.00)

Total Increase to Contract \$5,671.93

The original Contract Sum was \$ 3,424,009.00

The net change by previously authorized Change Orders \$ 192,237.41

The Contract Sum prior to this Change Order was \$ 3,616,246.41

The Contract Sum will be increased by this Change Order in the amount of \$ 5,671.93

The new Contract Sum including this Change Order will be \$ 3,621,918.34

The Contract Time will be increased by Zero (0) days.

The date of Substantial Completion as of the date of this Change Order therefore is July 11, 2011.

NOTE: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

AIA Document G701™ – 2001. Copyright © 1979, 1987, 2000 and 2001 by The American Institute of Architects. All rights reserved. WARNING: This AIA Document is protected by U.S. Copyright Law and International Treaties. Unauthorized reproduction or distribution of this AIA Document, or any portion of it, may result in severe civil and criminal penalties, and will be prosecuted to the maximum extent possible under the law. This document was produced by AIA software at 14:23:25 on 04/25/2012 under Order No.5492270590_1 which expires on 05/31/2012, and is not for resale. User Notes: (860775277)

Minutes of May 1, 2012
Mayor and Board of Aldermen

425

228-863-7292
FAX 228-863-1557



LONG BEACH POLICE DEPARTMENT

P.O. BOX 929 LONG BEACH, MS 39560

Date: April 26, 2012

To: Mayor Skellie
Board of Alderman

From: Chief McDowell

Re: City Vehicle Policy

Dear Mayor & Board,

I have attached a revised vehicle policy to reflect fees to be charged for take home vehicles based on a scale according to distance driven outside the city limits; the duties that necessitate a take home vehicle; and clarifying the benefits to the city as directed on April 17, 2012. It was my understanding that a distance outside the city limits should be set in the policy, with that in mind I feel that a minimal distance of 25 miles could be feasible. The City of Biloxi does not even put a mileage limit on their program due to the benefits the City of Biloxi and its citizens receive from such a program. With this in mind, if the city decides to make police officers pay to take their vehicles home, which I do not agree with, there are only two current employees living beyond 25 miles from the city limits. Both have served this city and its citizens for over 8.5 years and have had a take home vehicle since completing their probationary period. I do request that the city allow an exception for only these officers (who are both within 45 miles of the city limits, original mileage given to me was over, and have them pay based on what the city of Biloxi charges their officers- \$100.00 monthly). One of these employees currently collects on average over \$2,000 a week in old fines for the city and has already surpassed \$35,600 so far this year alone. He is a court employee, but a sworn officer under the police department's supervision, if he were to leave, such a position could be left vacant until we could fill and train the vacancies in both departments. Our regular officers already process and collect such fines as well, but this just shows how much this one dedicated employee contributes to the city. The city also was a training ground up to just a couple years ago, we have only ten police officers that have been with the city for 10 years or longer, seven of which can retire and/or will be eligible to within 5 years. Fourteen of our officers have been with the city for 4 years or less, we need to retain our employees to benefit the citizens we serve.

Wayne McDowell

Chief of Police

**Minutes of May 1, 2012
Mayor and Board of Aldermen**

**Long Beach Police Department
Law Enforcement
Policies and Procedures**

Subject: Use of Department Vehicles	Policy Number: 4.08a
Issue Date:	Revision Date:
Approval Authority Title and Signature: Chief Wayne McDowell	

POLICY:

Long Beach Police Department will establish guidelines for the assignment, proper use, care and maintenance of all vehicles assigned to the Long Beach Police Department.

PROCEDURES:**Operation of Department's vehicles:**

Vehicles owned by the City of Long Beach and assigned to the department will be used for official business only. Departmental policy prohibits the use of a Long Beach owned vehicle for personal reasons. This section will not preclude department's employees from using Long Beach Vehicles for personal purposes incidental to official use (e.g., buying milk on the way home from shift); however, employees are prohibited from using Long Beach vehicles for general personal business.

Vehicles will be operated by departmental employees only, except as necessary by mechanics or other service personnel performing maintenance or other work on the vehicle.

Unless an exception is granted, the operator of a departmental vehicle will notify dispatch whenever the vehicle is in use and being operated for any purpose. The operator will provide name/call number to the dispatcher and any other information required by proper radio procedure.

Departmental vehicles will be operated in accordance with all State traffic laws, city ordinances, and policies and procedures of the Long Beach Police Department. All operators and passengers will wear seat belts and shoulder straps. Prisoners will be strapped in with seat belts whenever possible. Occupants will also comply with state child restraint laws when feasible and applicable.

RESTRICTED LAW ENFORCEMENT DATA

This data is proprietary and will not be duplicated, disclosed, or discussed, without the written permission of this agency. Data subject to this restriction is contained throughout this publication.

Page 1 of 9

**Minutes of May 1, 2012
Mayor and Board of Aldermen**

427

Law Enforcement Policies and Procedures, 4.08a Use of Department Vehicles

Except under extreme emergencies, departmental employees will remove keys from the ignition and lock the doors on any unattended departmental vehicle. Canine Officers are, under appropriate circumstances, exempt from this provision.

1. Officers who are authorized to keep police vehicles at their residences will use these vehicles only for police related activities.
2. Officers will not transport family members or other non-sworn personnel in police vehicles unless specifically authorized by the Chief of Police or the Asst. Chief.
3. The police radio will be on whenever an officer is operating a police vehicle.
4. Any off-duty officer operating a police vehicle will be alert for emergency radio traffic or calls for assistance by other officers. The officer shall exercise discretion in determining when to respond to such incidents and notify dispatch of their location and status; e.g., able to respond, unable to respond, able to establish a static post or in-possession of a specialized weapon.
5. Any off-duty officer operating a marked police unit will adhere to appropriate grooming standards and dress appropriately for the mission at hand.
6. Off-duty officers operating police vehicles will not presume any special consideration regarding parking or exemption from any traffic regulation.
7. Off-duty officers will not operate police vehicles after consuming alcohol or any prescription drugs that would impair their ability to safely operate a motor vehicle.
8. Any off-duty officer operating a police vehicle will have within the passenger area of the vehicle a handgun with which he/she is currently qualified, and his/her police credentials.
9. The Chief of Police or his designee shall ensure vehicles are appropriately reassigned when an officer is transferred to another division.

Fuel Consumption and Cost

Fuel costs and consumption should be a primary consideration for all department employees. Furthermore, all employees are expected to use good judgment and common sense measures to ensure all fuel savings measures are being employed. The following measures shall be employed whenever possible to aid in this endeavor:

1. The City of Long Beach utilizes the FUEL MAN system which permits city owned vehicles to obtain fuel, oil and transmission fluid at authorized FUEL MAN locations in and around the City of Long Beach. Department vehicles shall be fueled within the Long Beach city limits unless used for training or investigative purposes outside the area.

RESTRICTED LAW ENFORCEMENT DATA

This data is proprietary and will not be duplicated, disclosed, or discussed, without the written permission of this agency. Data subject to this restriction is contained throughout this publication.

Page 2 of 9

Minutes of May 1, 2012
Mayor and Board of Aldermen

Law Enforcement Policies and Procedures, 4.08a Use of Department Vehicles

2. Vehicles will not be operated with less than one-quarter tank of gasoline except under emergency conditions.
3. Vehicle operators will enter the correct vehicle odometer reading each time they fuel a department vehicle.
4. Vehicles should not be left idling if unoccupied. When officers are outside their units taking reports, investigating a crime scene or in shift briefing the unit should be shut down. The need to maintain battery life while operation emergency equipment is certainly an exception to this request. However, in many situations several units may respond to assist on a call. Additional unit(s) should be parked and shutdown if geographically safe to do so as soon as it is determined the additional emergency equipment is not required. If the officer's presence or his units' emergency equipment is not required he should not remain at the scene. Officer safety should be considered when determining how much manpower is required at a particular incident.
5. Supervisors are expected to monitor and control the number of units responding to a particular call.
6. Whenever possible, K-9 handlers should utilize kennels located outside the Police Department. K-9 units should be shutdown and not left to idle during shift briefing or any visit to the P.D. where a stay of longer than ten minutes is expected.
7. It is requested that during optimum weather conditions Officers consider turning off AC and travel with windows down. When writing reports select areas where Officers can safely and comfortably shut down units. The possibility of hearing criminal activity is much greater when the windows of the unit are down especially during the night.
8. Every effort should be made to have lunch as close to your assigned area or office as possible. Administrative personnel and Investigators are expected to car pool during lunch, local meetings, training, court appearances, and trials whenever possible.
9. Investigators will maintain a minimal wardrobe at the Police Department in the event of an unforeseen court appearance or deployment on uniformed detail, therefore eliminating a trip home.

RESTRICTED LAW ENFORCEMENT DATA

This data is proprietary and will not be duplicated, disclosed, or discussed, without the written permission of this agency. Data subject to this restriction is contained throughout this publication.

Minutes of May 1, 2012
Mayor and Board of Aldermen

429

Law Enforcement Policies and Procedures, 4.08a Use of Department Vehicles

10. Officers should shut down vehicles while monitoring traffic at stationary radar spots.
11. Officers should exercise other fuel saving measures to include checking tire pressures weekly, filling up when it's cool outside (preferably in the early morning or late evening) and avoiding fast takeoffs and high speed driving.

Inspection and Maintenance of Departmental Vehicles:

Officers will search their vehicles at the beginning and end of their shift for weapons, evidence, contraband, or any property left by prisoners or others.

Operators will examine their vehicles at the beginning and end of their shifts for damage. Any damage observed will be reported immediately to the supervisor. Any damage reported after the vehicle has been inspected and placed into service will be considered to have occurred during the operator's tour of duty. Operators will be responsible for the following:

1. Operators will ensure fluid levels, belts and hoses are inspected at least once per work cycle.
2. Employees will report any vehicle that is unsafe or in need of mechanical repairs immediately to their supervisor, who will take appropriate corrective action through the chain of command.
3. Employees who are assigned vehicles are responsible for scheduling routine maintenance and service of the vehicle, including cleaning and washing of the vehicle.
4. Employees will not undertake any mechanical work on their own and will not alter or otherwise tamper with any of the vehicle's safety features.
5. Maintenance other than routine fuel and the checking of fluids will be scheduled through the Bureau of Support Services.
6. The Bureau of Support Services will be responsible for the scheduling of:
 1. Grease and oil changes in accordance with the schedule recommended by the manufacturer.
 2. All manufacturer recall repairs. Vehicles will be scheduled for appointments at authorized dealerships to perform these recall functions.
 3. All other maintenance that may be required, other than routine service.
7. The maintenance of records on each vehicle noting the date, location and type of service performed on each Department vehicle will be maintained by the Bureau of Support Services. In addition copies of all accident reports will be maintained on each Department vehicle.

RESTRICTED LAW ENFORCEMENT DATA

This data is proprietary and will not be duplicated, disclosed, or discussed, without the written permission of this agency. Data subject to this restriction is contained throughout this publication.

Page 4 of 9

**Minutes of May 1, 2012
Mayor and Board of Aldermen**

Law Enforcement Policies and Procedures, 4.08a Use of Department Vehicles

Accidents Involving Departmental Vehicles:

All crashes involving a Long Beach Police Department vehicle will be reported to the on-duty supervisor immediately. The supervisor will determine who will investigate the incident; i.e., another patrol officer or another agency.

MODIFYING, INSTALLING OR AFFIXING EQUIPMENT

- A. To ensure passenger safety, maximum performance, and compliance with manufacturer's warranties, the following actions require written authorization of the Chief of Police.
1. Modifying or removing any existing equipment installed in or upon Department vehicles.
 2. Installing or permanently affixing any aftermarket equipment or accessories in or upon Department vehicles.
- NOTE:** All requests will be in writing and initialed by the members Commanding Officer in the form of a To-From-Subject report, and forwarded to the Chief of Police.

Upon receipt of written authorization, the Commanding Officer will contact the Commanding Officer of Support Services to conduct or supervise the approved modification, removal or installation.

Assignment of Vehicles

The Chief of Police or his designee will assign units to personnel as necessary, based on the following criteria:

1. The officer has successfully completed the initial probationary period of one year.
 - a. Officers laterally hired may request an exemption to this period by submitting a To-From-Subject request for exception to the Chief of Police.
2. The officer has not been disciplined within the preceding 12 months for abuse of vehicles, traffic offenses or a chargeable accident.
3. Officers not participating in the take-home vehicle program may leave their assigned vehicles at the police department, or another designated location as approved by the Chief of Police, within the city limits, when off-duty. These vehicles will not be assigned to other officers unless there are no other available units and only when specifically authorized by the on-duty shift supervisor.
4. Police vehicles will not normally be driven outside the corporate limits of the City of Long Beach by off-duty officers, except under the following conditions:
 - a. When traveling to or from the officer's residence when participating in the Vehicle Take Home Program as previously authorized by the Chief of Police.
 - b. When traveling to or from routine training sites, authorized training sessions or other authorized details.

RESTRICTED LAW ENFORCEMENT DATA

This data is proprietary and will not be duplicated, disclosed, or discussed, without the written permission of this agency. Data subject to this restriction is contained throughout this publication.

Minutes of May 1, 2012
Mayor and Board of Aldermen

Law Enforcement Policies and Procedures, 4.08a Use of Department Vehicles

- c. Other situations as specifically authorized in advance by the Chief of Police.
- 5. Such vehicle assignment may be revoked at the discretion of the Chief or Asst. Chief if an officer is assigned a vehicle but subsequently fails to meet the criteria listed above.

Take Home Vehicle Program

The Take Home Vehicle Program is an optional program. Employees electing not to participate may park their assigned vehicle at the station, police dispatch or any other safe location inside the city limits; e.g., fire stations. The Chief of Police will approve the location of any department vehicles not parked on police department property.

Department personnel with assigned vehicles may elect to participate in the take-home vehicle program if they live within 25 miles of the city limits of Long Beach. Participation in the program is voluntary. A monthly fee for the officer's participation in the program shall apply. All fees will be collected via payroll deduction as determined by the fee chart below. Mileage shall be calculated from the employee's residence to the nearest City of Long Beach jurisdictional boundary.

Employees on extended leave or training, and not using their assigned take home vehicle may request suspension of required monthly fuel payments. However, it is the employee's responsibility to notify the Chief of Police of the request. The request shall be submitted to Finance, in writing, with the Chief's approval. Upon notification, finance will not deduct the take home fee from the employee's payroll check until such time as the employee resumes use of the take home vehicle privilege.

Inside City Limits	= \$0.00 monthly
Outside City Limits	
0 – 4.99 miles	= \$15.00 monthly
5 – 9.99 miles	= \$25.00 monthly
10 – 14.99 miles	= \$35.00 monthly
15 – 19.99 miles	= \$45.00 monthly
20 – 25. miles	= \$55.00 monthly

No take home vehicles can be used for commuting purposes to and from work unless the following conditions are met:

RESTRICTED LAW ENFORCEMENT DATA

This data is proprietary and will not be duplicated, disclosed, or discussed, without the written permission of this agency. Data subject to this restriction is contained throughout this publication.

**Minutes of May 1, 2012
Mayor and Board of Aldermen**

Law Enforcement Policies and Procedures, 4.08a Use of Department Vehicles

Duties that necessitate a take home vehicle

1. A sworn law enforcement officer who may be called upon 24 hours a day/ 7 days a week for emergency response for public safety and protection of life or property.
2. Employees who have specialized training and equipment which may be called upon 24 hours a day/7 days a week for emergency response for public safety (e.g., Evidence Technician, Animal Control, Hostage Negotiator, or CVSA Examiner).

Benefits to the municipality and citizens of Long Beach

1. It is beneficial to the community and the citizens of Long Beach for a vehicle to be used for commuting to and from work. Examples would include a benefit to public safety whereby emergency response may be necessary and the need for after hour response for "emergency" functions is facilitated.
2. The Department has only 4 or 5 law enforcement personnel on duty at night and on weekends. In situations that may require additional law enforcement personnel (e.g., Active shooter situation, hostage/ barricade subject situation, school shootings, train derailments, etc.), the City of Long Beach and its citizens would be protected with the capability to call upon additional trained personnel to handle emergency situations in a timely manner.
3. The take home vehicle program allows a rapid response to emergency callouts. The officer doesn't have to go to the station to get a vehicle prior to responding. When we have a major event, rather than officers driving their personal vehicles to the station, where they would gather equipment, and be briefed, they leave directly from home to handle an incident and may be briefed and deployed over the radio saving critical time. Criminal Investigators would have to come to the department to pick up a unit and crime scene equipment before responding to major crime scenes, losing potentially valuable time. Take home vehicles allow for patrol officers, criminal investigators, and command staff to respond where needed, when needed. In situations such as a tornado or other major disaster, the department could activate all sworn officers in a relatively short time, and send officers directly to the assignment upon notification.

RESTRICTED LAW ENFORCEMENT DATA

This data is proprietary and will not be duplicated, disclosed, or discussed, without the written permission of this agency. Data subject to this restriction is contained throughout this publication.

Page 7 of 9

Minutes of May 1, 2012
Mayor and Board of Aldermen

433

Law Enforcement Policies and Procedures, 4.08a Use of Department Vehicles

4. Officers who take vehicles home typically render a significant amount of service while "off-duty". Take home vehicles increase the level of enforcement. Officers driving take-home cars off duty that observe serious violations and criminal activity are obligated to take enforcement action.
5. The take home vehicle program increases the back-up potential for officers on duty. In critical situations, while the nearest on-duty unit may be in another zone, an off-duty officer may be just around the corner from an emergency call for service, or another officer needing assistance.
6. Studies have shown that take home vehicles were better maintained, lowering the maintenance cost; that officers were more familiar with their operations and also drove with more care having a "sense of ownership" in the vehicles. These officers were involved in fewer accidents lowering liability claims. The typical life span of a police vehicle used 24/7 by several officer is 2-3 years. Take home vehicles can be expected to be in use for 5-7 years.
7. Officers are "on-duty" upon signing on in their vehicles at home en route to the station. This could be up to a half hour before their shift actually begins. During shift change these on coming officers routinely take calls for off going officers without being paid for this time. If officers were not already in vehicles on their way at the time, officers already on duty would have to respond (remaining past their shift and creating OT) or; these calls would have to be "stacked"-response delayed until the oncoming shift was available. The consequences of delaying response to motor vehicle accidents, in progress emergency calls, etc., is obvious.
8. Take home vehicles provide extra police presence and service, and improved officer job satisfaction. Citizens will see a more visible police presence. So will potential offenders, offering a deterrent effect.
9. Studies have shown on average when using a pool car it took between 28 to 40 minutes per day to check-out, load, and/or unload their pool car. On average a pool car was unavailable 5.6 days a month due to repairs, lost keys, etc. Changing to another car averaged 25 minutes, thereby adding an additional eight minutes per day to non-productive time. This equates to approximately 13 non-productive days per year. This does not include the paid time officers may take to get into uniform once they arrive at the station. Officers take better care of the

RESTRICTED LAW ENFORCEMENT DATA

This data is proprietary and will not be duplicated, disclosed, or discussed, without the written permission of this agency. Data subject to this restriction is contained throughout this publication.

Page 8 of 9

**Minutes of May 1, 2012
Mayor and Board of Aldermen**

Law Enforcement Policies and Procedures, 4.08a Use of Department Vehicles

take home vehicles than pool cars, because no one else can be blamed for poor care. They also don't run the vehicles as hard, which is better for fuel mileage.

10. Studies have found that take home vehicles have an impact as a recruitment tool for hiring officers and improving morale. It may become critical in attracting and retaining police personnel, given the number of other departments with take home vehicle programs.

Vehicle Take-Home Forms

All employees assigned a department vehicle will complete a Long Beach Police Department Take-Home Vehicle Verification Form. The form shall be completed by the assigned officer and forwarded through the chain of command to the Chief of Police. The Chief of Police will forward the form to Finance for payroll changes and filing. Forms shall be maintained until a new form is filed or the officer is no longer employed by with the city. A new verification form is required after any change in address.

Temporary Loss of Vehicle Privileges

The take home vehicle program is a privilege not, a right. Therefore, there are certain circumstances that may result in an issued vehicle being temporarily removed from the officer's possession; e.g., extended absences, disciplinary action, FMLA.

The Chief of Police may order the temporary removal of take-home authorization when an employee is administered disciplinary action resulting in a suspension or demotion. When a member's take-home privileges are suspended, the employee's vehicle is to be parked at the police station, except when on-duty. An employee may be granted annual leave during the take-home suspension period and, at the discretion of the member's Division Commander, the employee may leave the unit parked at the member's residence during the leave period. In these instances, the Division Commander shall ensure employee complies with the Chief's instructions.

When a member applies for and is granted any leave without pay, including FMLA, for a period to exceed two weeks (14 calendar days), the member shall leave his vehicle at the police station and ensure it is available for use by other department employees.

Division Commander's whose officers/employees are authorized take-home privileges and scheduled to attend training classes that exceed two weeks (14 calendar days) shall determine whether the employee's vehicle shall be parked at the station or remain at the employee's residence.

<p>RESTRICTED LAW ENFORCEMENT DATA</p>

<p>This data is proprietary and will not be duplicated, disclosed, or discussed, without the written permission of this agency. Data subject to this restriction is contained throughout this publication.</p>
--

Minutes of May 1, 2012
Mayor and Board of Aldermen

Long Beach Police Department Take-Home Vehicle Verification Form		
On _____, I received a copy of Department Policy 4.08a, Use of Department Vehicle, as amended on 01 May 2012. I understand the take-home policy requirements, including such aspects as vehicle operation, maintenance and fuel costs.		
Officer's Signature:		Date:
At this time, I do not wish to participate in the vehicle take home program. My assigned unit will remain at the location listed below when I am not on duty.		
Vehicle Location:		
Officer's Signature:		Date:
At this time, I do elect to participate in the vehicle take home program. I understand that my participation in this program is voluntary, and will result in a monthly fuel and maintenance fee deducted from my pay.		
Vehicle Number:		
<input type="checkbox"/> My residence is inside the City of Long Beach's jurisdiction		
<input type="checkbox"/> My residence is outside the City of Long Beach's jurisdiction. The number of driving miles from my residence to the nearest Long Beach boundary is _____.		
I authorize a bi-weekly payroll deduction in the amount of \$ _____ to cover the maintenance and fuel cost associated with participating in this program.		
Officer's Signature:		Date:
Supervisor Verification		
<input type="checkbox"/> Employee elects NOT to participate in the program and I <input type="checkbox"/> approve <input type="checkbox"/> do not approve of the off-duty parking location.		
<input type="checkbox"/> Employee elects to participate in the program and I have verified the mileage as provided.		
Supervisor:		Date:
Command Coordination		
Division Commander	<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	Date:
Assistant Chief	<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	Date:
Chief of Police	<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	Date:
Finance Officer	<input type="checkbox"/> Payroll Adjusted	Date:
Comments:		

Upon discussion, Alderman Anderson made motion seconded by Alderman Ponthieux to approve said policy as submitted and to allow the two currently employed police officers living outside the 25 mile limit to continue taking their vehicles home at a rate of \$100.00 per month.

After considerable discussion and debate, and upon clarification of several matters, Alderman Couvillon offered substitute motion seconded by Alderman Carrubba to adopt the Police Department "Take Home" Vehicle Policy, as submitted,

Minutes of May 1, 2012
Mayor and Board of Aldermen

and to allow the two currently employed police officers living outside the 25 mile limit to continue taking their vehicles home at a rate of \$100.00 per month, all effective October 1, 2012.

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

Alderman Bernie Parker	voted	Nay
Alderman Gary J. Ponthieux	voted	Aye
Alderman Kaye H. Couvillon	voted	Aye
Alderman Carolyn Anderson	voted	Aye
Alderman Leonard G. Carrubba, Sr.	voted	Aye
Alderman Mark E. Lishen	voted	Present, Not Voting
Alderman Ronnie Hammons, Jr.	voted	Aye

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

Alderman Lishen was absent the meeting.

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

- Step Increase, Patrolman 1st Class Justin Ford, PS-9-I, effective May 1, 2012;
- Reassignment, Admin Detective Brian Beeman, PSA-10-VI, effective May 1, 2012;
- Promotion, Lieutenant Ray Bell, PS-12-VII, effective May 1, 2012;
- Promotion to official recognized civil service rank of Lieutenant, (official recognized civil service rank only) Deputy Chief Alan Bond, PSA-12-IV, effective May 1, 2012.;
- Promotion, Sergeant Patrick Craig, PS-11-IV, effective May 1, 2012;
- Promotion, Lieutenant Eric Deitrick, PS-12-IX, effective May 1, 2012;
- Promotion, Sergeant Daniel Pavolini, PS-11-III, effective May 1, 2012;
- Promotion, Admin Detective Sergeant, PSA-11-III, effective May 1, 2012.

Upon clarification of several issues, Alderman Parker made motion seconded by Alderman Anderson and unanimously carried to approve seized/forfeited weapons surplus property, as follows:

Minutes of May 1, 2012
Mayor and Board of Aldermen

437

228-863-7292
FAX 228-863-1557



LONG BEACH POLICE DEPARTMENT

P.O. BOX 929 LONG BEACH, MS 39560

Date: April 26, 2012

To: Mayor Skellie
Board of Alderman

From: Chief McDowell

Re: Surplus seized/forfeited weapons

Dear Mayor & Board,

I have attached a list of seized/forfeited weapons, which have been turned over to the police department by court orders. I request these weapons to be declared surplus property so they can be disposed of properly.

A handwritten signature in black ink, appearing to read "Wayne McDowell".

Wayne McDowell

Chief of Police

Minutes of May 1, 2012
Mayor and Board of Aldermen

Forfeited Weapons

Make	Model	Ser
Ruger	P97DC	663-50223
Ruger	P90	661-74508
Raven	MP-25	1621416
Heritage	Rough Rider	HR 46272
Llama	45 cal	B28526
Astra	A-100	R7006
Taurus	PT92AF	TVJ-78797
Ruger	P94	341-44166
Ruger	P94	341-48749
Ruger	P94	341-45114
S & W	SW9VE	PDB5379
S & W	SW9VE	PBL3087
Rossi	38 cal	D290917
S & W	36	J195798 / 81738
Charter	38 cal	651715
S & W	64-3	ABR8442
Colt	Cobra	84024M
Kimber	Custom Covert II	K219338
Magnum Research	Desert Eagle	36204211
Springfield Armory	1911-A1	NM1S5020
Star	Super	331427
S & W	SW40VE	PBZ7215

Minutes of May 1, 2012
Mayor and Board of Aldermen

Tanfoglio	Witness-P	AE 79415
Remington	870	A 307668M
Mossberg	500-A	K682691
Mossberg	500-A	P859455
Marlin	60	15377610
Mossberg	500-A	P588171
Ruger	P-95	316-05436
Hi Point	4095	08896
Norinco	SKS Rifle	1749286H
S & W	16-3	15K6593
Taurus	.38 cal	UJ43294
Taurus	.38 cal	YH99166

There came on for consideration an ordinance adopting a redistricting plan for preclearance by the Department of Justice.

Upon discussion, Alderman Carrubba made motion seconded by Alderman Parker directing the City Attorney to prepare an ordinance for consideration and adoption at the next regular meeting, May 15, 2012, to adopt Plan #2, changing the beach side voting district to Ward 2.

Upon further discussion, Alderman Anderson offered substitute motion seconded by Alderman Ponthieux directing the City Attorney to prepare an ordinance

Minutes of May 1, 2012
Mayor and Board of Aldermen

for consideration and adoption at the next regular meeting, May 15, 2012, to adopt Plan #3 as submitted.

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

Alderman Bernie Parker	voted	Nay
Alderman Gary J. Ponthieux	voted	Aye
Alderman Kaye H. Couvillon	voted	Nay
Alderman Carolyn Anderson	voted	Aye
Alderman Leonard G. Carrubba, Sr.	voted	Nay
Alderman Mark E. Lishen	voted	Absent, Not Voting
Alderman Ronnie Hammons, Jr.	voted	Aye

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

There came on for consideration derelict properties and upon discussion, the City Attorney reported that the Adhere property on Jeff Davis Avenue, previously used for the Senior Citizen Program, is in ongoing litigation and requested that the Mayor and Board of Aldermen meet in executive session later during the course of this meeting to discuss this matter and another litigation matter.

Other derelict properties were discussed, none of which required official action; it was noted for the record to remind the Building Office to provide updated information regarding the status of derelict properties.

The ordinance requiring utility companies to obtain permits for routine maintenance/repairs was taken under advisement for further review and consideration at the next regular meeting, May 15, 2012.

Minutes of May 1, 2012
Mayor and Board of Aldermen

There came on for consideration at a duly constituted meeting of the Mayor and Members of the Board of Aldermen of the City of Long Beach, Mississippi, held on the 1st day of May, 2012, the following Resolution:

**A RESOLUTION BY THE GOVERNING AUTHORITIES OF THE CITY
OF LONG BEACH TO ENDORSE EFFORTS BY THE CITY OF
GULFPORT AND OTHER HARRISON COUNTY GOVERNMENTAL
ENTITIES TO HAVE U.S. HIGHWAY 90 IN HARRISON COUNTY
NAMED A SCENIC BYWAY**

WHEREAS, the National Scenic Byways Program was established by Congress in 1991, and the Mississippi Scenic Byways Program was established by the State Legislature in 2002 to recognize certain roads for the archeological, cultural, historic, natural, recreational and scenic qualities which are intrinsic to the corridor sought to be named a Mississippi Scenic Byway and a National Scenic Byway; and

WHEREAS, U.S. Highway 90 runs along the southern edge of the City of Long Beach and is traveled daily by thousands of our citizens and visitors to our community; and

WHEREAS, U.S. Highway 90 in Long Beach, and in all of Harrison County, possesses certain intrinsic qualities of an archeological cultural, historic, natural, recreational and scenic nature so as to qualify it for designation as a Mississippi Scenic Byway and a National Scenic Byway; and

WHEREAS, the City of Long Beach desires to seek designation of U.S. Highway 90 in Long Beach as a Mississippi Scenic Byway and desires to partner and work with the other municipalities in Harrison County through which U.S. Highway 90 passes and with Harrison County to undertake the required steps to seek designation of U.S. Highway 90 in Long Beach and in Harrison County as a Mississippi Scenic Byway.

**Minutes of May 1, 2012
Mayor and Board of Aldermen**

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

SECTION 1. That the matters, facts and things recited in the Preamble hereto are hereby adopted as the official findings of the Governing Authority.

SECTION 2. That the Governing Authorities of the City of Long Beach hereby endorses and expresses its support for the designation of U.S. Highway 90 in the City of Long Beach as a Mississippi Scenic Byway and authorizes the Administration to partner and work with the other municipalities in Harrison County through which U.S. Highway 90 passes and with Harrison County to undertake those steps and actions required to complete a joint application for submission, as required in the Program Guidelines attached hereto as Exhibit "A", seeking designation of U.S. Highway 90 in the City of Long Beach as a Mississippi Scenic Byway.

SECTION 3. That this Resolution shall be in effect immediately after passage and enactment according to law, and shall be spread upon the minutes of the Long Beach Board of Aldermen.

The above and foregoing Resolution was introduced in writing by Alderman Anderson who moved its adoption. Alderman Carrubba seconded the motion to adopt the foregoing resolution, 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	Aye

Minutes of May 1, 2012
Mayor and Board of Aldermen

Alderman Carolyn J. Anderson	voted	Aye
Alderman Leonard G. Carrubba, Sr.	voted	Aye
Alderman Mark E. Lishen	voted	Absent, Not Voting
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 1st day of May, 2012.

APPROVED:

William Skellie, Jr., Mayor

ATTEST:

Rebecca E. Schruoff, City Clerk

The crosswalk at Jeff Davis Avenue and East 2nd Street was taken under advisement for further consideration and review at the next regular meeting, May 15, 2012.

It was noted for the record that the Area 5 FEMA Project at Carroll Avenue is under warranty and Hemphill Construction Company will be put on notice regarding drainage problems.

**Minutes of May 1, 2012
Mayor and Board of Aldermen**

The City Attorney reported on litigation regarding the BP oil spill and the Adhere property on Jeff Davis Avenue previously used for the Senior Citizen Program.

Upon discussion, Alderman Carrubba made motion seconded by Alderman Ponthieux and unanimously carried to meet in Closed Session to preliminarily determine whether or not to declare an Executive Session.

The meeting resumed in open session and, based upon discussion held and information obtained in Closed Session, Alderman Hammons made motion seconded by Alderman Couvillon to meet in Executive Session for the transaction of public business, to-wit: to discuss with and seek the legal advice and counsel of the City Attorney regarding ongoing litigation.

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	Aye
Alderman Carolyn Anderson	voted	Aye
Alderman Leonard G. Carrubba, Sr.	voted	Aye
Alderman Mark E. Lishen	voted	Absent, Not Voting
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.

The meeting resumed in open session, and based upon discussion held and information obtained in Executive Session, official action was taken as follows:

Minutes of May 1, 2012
Mayor and Board of Aldermen

445

RESOLUTION AUTHORIZING EMPLOYMENT OF COUNSEL TO REPRESENT THE CITY OF LONG BEACH, MISSISSIPPI, IN PROSECUTING CLAIMS RELATING TO THE DEEP HORIZON OIL SPILL

WHEREAS, the City of Long Beach, Mississippi, is suffering economic loss due to the effects of the Deep Horizon Oil Spill; and,

WHEREAS, it will be necessary to pursue recovery of or compensation for those losses through negotiation and litigation; and,

WHEREAS, it is necessary to employ the services of a law firm with experience in large and complicated legal matters for this task, and James C. Simpson, Jr., of the firm of Wise Carter Child & Caraway, P.A. is qualified to represent the interests of the City of Long Beach, Mississippi;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONG BEACH, MISSISSIPPI, AS FOLLOWS:

That James C. Simpson, Jr., is hereby employed to represent the City of Long Beach, Mississippi, with regard to claims for recovery of economic and other losses associated with the Deep Horizon Oil Spill, according to the terms and conditions contained in the contract attached hereto and made a part hereof. The Mayor and Municipal Clerk are hereby authorized to execute a contract with said lawyer in substantially the form as the document attached as an Exhibit hereto.

The above and foregoing Resolution was introduced in writing by Alderman Ponthieux who moved its adoption. Alderman Couvillon seconded the motion to adopt the foregoing resolution, and the question being put to a roll call vote by the mayor, the result was as follows:

**Minutes of May 1, 2012
Mayor and Board of Aldermen**

Alderman Bernie Parker	voted	Aye
Alderman Gary J. Ponthieux	voted	Aye
Alderman Kaye H. Couvillon	voted	Aye
Alderman Carolyn J. Anderson	voted	Aye
Alderman Leonard G. Carrubba, Sr.	voted	Aye
Alderman Mark E. Lishen	voted	Absent, Not Voting
Alderman Ronnie Hammons, Jr.	voted	Aye

The question having received the Affirmative vote of all the Aldermen present and voting, the Mayo declared the motion carried and the resolution and order adopted and approved this 1st day of May, 2012.

APPROVED:

William Skellie, Jr., Mayor

ATTEST:

Rebecca E. Schuff, City Clerk

Minutes of May 1, 2012
Mayor and Board of Aldermen

447

MUNICIPALITY
ATTORNEY-CLIENT CONTINGENCY FEE
CONTRACT FOR LEGAL SERVICES REGARDING
DEEP WATER HORIZON BLOW OUT AND SUBSEQUENT EVENTS

Whereas, the City of Long Beach is a municipal corporation existing under the laws of the State of Mississippi; and

Whereas, the City, has determined that the effects from the Deep Water Horizon blow out and subsequent events will have a lasting, long term effect on the Mississippi Gulf Coast and after having duly considered the possible long term consequences to the City and its citizens, has determined that it is in the best interest of the City to retain legal counsel to represent the City's interests in seeking a full recovery of its losses and damages as a result of the Deep Water Horizon blow out and subsequent events;

Whereas, the City has considered that prior to the Deep Water Horizon, the most well known oil spill event in the United States was the Exxon Valdez and litigation continues to surround the Exxon Valdez event many years after the actual spill and effects from the oil spill continue to reveal themselves years after the spill was contained.

Whereas the City recognizes that due to the likely long term nature and great expense associated with prosecuting claims against the various entities involved with the Deep Water Horizon blow out and subsequent oil spill and the uncertain effect such events will have on the City and its citizens and so as to not burden the City budget by retaining attorneys on an hourly basis to represent its interests, does hereby recognize that the most efficient manner to handle this situation is to retain counsel based upon a contingency fee arrangement.

Accordingly, this contract is made and entered into between the City of Long Beach and James C. Simpson, Jr., City Attorney, (Simpson) under the following terms and conditions:

1. The City hereby employs Simpson to represent it, including the institution of legal action, if necessary, to collect its losses and damages against BP and any third party, person, firm, corporation, or other entity that may be liable for losses and damages sustained by the City arising from the oil spill and/or oil leak occurring in the Gulf of Mexico in 2010 from the BP oil well.
2. This contract does not apply to the City's collection of its costs or expenses associated with preparing for and participating in the clean up from the oil spill. This contract does apply to the collection of any other losses or damages sustained by the City, including but not limited to lost sales tax, gaming tax, property tax and any other losses, damages or expenses suffered as a result of the incident. It is recognized that recovery of monies for the City may not occur for many months or even several years, and that until recoveries are made, Simpson will only bill the City for any reasonable and necessary expenses.
3. It is agreed and understood that this employment is upon a contingent fee basis, whereby the City agrees that Simpson will be paid twenty-percent (20%) of the sums recovered. The said twenty-percent (20%) shall be paid by BP, or any other party, or from any settlement or project funds. If no

Minutes of May 1, 2012
Mayor and Board of Aldermen

recovery is made, the City shall not owe Simpson any sums whatsoever. The contingency fee will be calculated on the gross sums recovered. Accordingly, the City agrees to pay to Simpson 20% of all recoveries obtained less any attorneys' fees Simpson recovered or negotiated, if any, from BP, or any other party, after litigation is filed.

The City understands and has considered the fact that the long-term effects of the oil spill on the City are currently unknown and difficult to ascertain. Accordingly, the above fee schedule reflects both the complexity of the case and the on going nature of what may be a long term event.

4. It is understood that some portions of City's case may be handled through Class actions, multi-district litigation, court hearings, trials, court-approved settlements, administrative claims processing, or as a result of bankruptcy proceedings. The amount of attorneys' fees permitted under such group recovery varies in each instance, and Simpson agrees that in the event that it is able to recover an amount of attorney's fees awarded and paid to it, then that amount shall be credited toward satisfaction of the 20% contingency fees.

5. Simpson is authorized to pursue and engage in settlement negotiations if and when appropriate in its professional judgment and if settlement offers are made, it shall promptly communicate them to the City. No settlement shall be final and binding unless agreed to and approved by the City.

6. The City understands and agrees that Simpson may handle this case as part of a group of cases similarly situated for purposes of settlement and/or trial. The City is aware that certain common expenses may be incurred on behalf of the group and The City authorizes Simpson to prorate such expenses among the group.

7. Simpson is authorized in its discretion to associate additional counsel to assist in the handling of this case with any fees to be paid to additional counsel being paid out of the portion of the settlement or litigation proceeds allocated to Simpson and not from the City's portion of any settlement or payment following litigation.

WITNESS THE SIGNATURES of the parties this the 1st day of May, 2012.

CITY OF LONG BEACH

BY: _____
WILLIAM SKELLIE, JR., MAYOR

BY: _____
JAMES C. SIMPSON, JR., CITY ATTORNEY

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

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

Minutes of May 1, 2012
Mayor and Board of Aldermen

449

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