

Minutes of May 15, 2012  
Mayor and Board of Aldermen

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 third 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, Sr., Gary J. Ponthieux, Kaye H. Couvillon, Ronnie Hammons, Jr., Mark E. Lishen, Carolyn J. Anderson, City Clerk Rebecca E. Schruoff, and City Attorney James C. Simpson, Jr.

Alderman Bernie Parker was absent the meeting.

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

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There was no action required or taken regarding bids.

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The Mayor and Board of Aldermen recognized former Port Commissioner James Hancock for his nineteen years of dedicated service to the Port Commission and presented him with a Certificate of Recognition.

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There were no amendments to the Municipal Docket.

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There were no public comments regarding items on the agenda.

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Alderman Anderson made motion seconded by Alderman Lishen and unanimously carried to approve the public hearings and regular meeting minutes of the Mayor and Board of Aldermen dated May 1, 2012, as submitted.

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Alderman Lishen made motion seconded by Alderman Carrubba and unanimously carried to accept the regular meeting minutes of the Planning Commission dated May 10, 2012, noting for the record that there were an insufficient number of duly appointed commissioners present to constitute a quorum.

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Alderman Lishen made motion seconded by Alderman Carrubba and unanimously carried to approve payment of invoices as listed in Docket of Claims number 051512 inclusive of two additional invoices, as follows:

- Bay South Limited, Inc., Application for Payment #4, 2009 B.I.G. Improvement Project, in the amount of \$158,651.52;
- M&D Construction, Company, Inc., Application for Payment #2, Harbor Modifications to Pier 2 Project, in the amount of \$39,357.21.

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The Mayor gave updates on several projects, none of which required any official action.

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There was no action required or taken regarding CDBG Projects.

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There came on for consideration a letter from Library Director Jeannie Ripoll, as follows:

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*Long Beach Public Library*  
209 Jeff Davis Avenue  
Long Beach, Mississippi 39560  
228-863-0711  
Fax 228-863-8511

May 10, 2012

To: Mayor Skellie and Board of Aldermen

From: Jeannie Ripoll, Director

Re: Used computer equipment

I have 10 computers and 8 monitors that need to be declared surplus property for destruction. I will have our computer person wipe out the hard drives before this property is disposed of so that library business is protected.

Thank you.

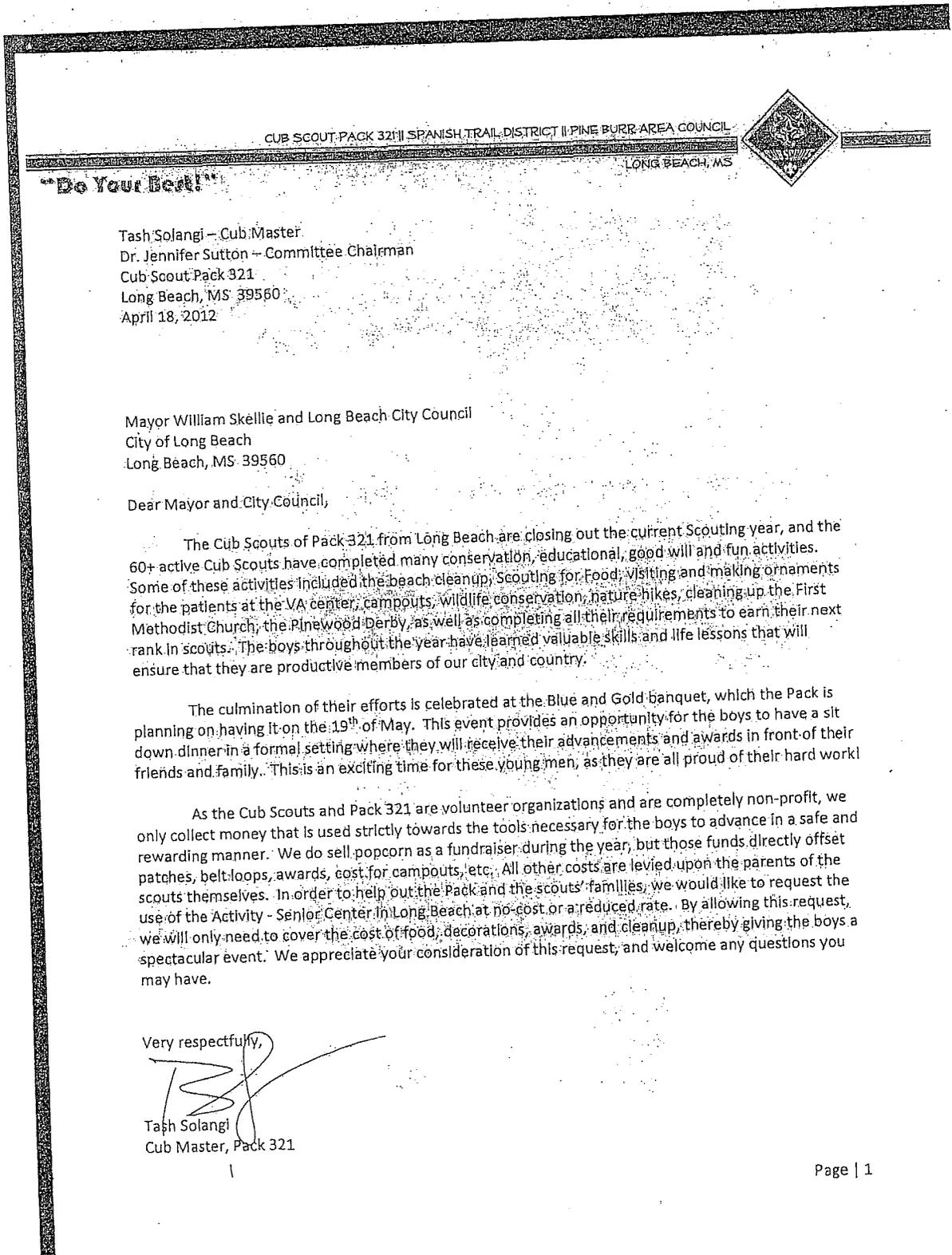


Based upon the recommendation of Ms. Ripoll, Alderman Anderson made motion seconded by Alderman Couvillon and unanimously carried to declare the Library computers surplus property for destruction, as set forth above.

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There came on for consideration a letter of request from Cub Master, Tash Solangi, Pack 321, as follows:

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CUB SCOUT PACK 3211 SPANISH TRAIL DISTRICT II PINE BURR AREA COUNCIL  
LONG BEACH, MS

**"Do Your Best!"**

Tash Solangi - Cub Master  
Dr. Jennifer Sutton - Committee Chairman  
Cub Scout Pack 321  
Long Beach, MS 39560  
April 18, 2012

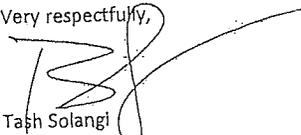
Mayor William Skellie and Long Beach City Council  
City of Long Beach  
Long Beach, MS 39560

Dear Mayor and City Council,

The Cub Scouts of Pack 321 from Long Beach are closing out the current Scouting year, and the 60+ active Cub Scouts have completed many conservation, educational, good will and fun activities. Some of these activities included the beach cleanup, Scouting for Food, visiting and making ornaments for the patients at the VA center, campouts, wildlife conservation, nature hikes, cleaning up the First Methodist Church, the Pinewood Derby, as well as completing all their requirements to earn their next rank in scouts. The boys throughout the year have learned valuable skills and life lessons that will ensure that they are productive members of our city and country.

The culmination of their efforts is celebrated at the Blue and Gold banquet, which the Pack is planning on having it on the 19<sup>th</sup> of May. This event provides an opportunity for the boys to have a sit down dinner in a formal setting where they will receive their advancements and awards in front of their friends and family. This is an exciting time for these young men, as they are all proud of their hard work!

As the Cub Scouts and Pack 321 are volunteer organizations and are completely non-profit, we only collect money that is used strictly towards the tools necessary for the boys to advance in a safe and rewarding manner. We do sell popcorn as a fundraiser during the year, but those funds directly offset patches, belt loops, awards, cost for campouts, etc. All other costs are levied upon the parents of the scouts themselves. In order to help out the Pack and the scouts' families, we would like to request the use of the Activity - Senior Center in Long Beach at no cost or a reduced rate. By allowing this request, we will only need to cover the cost of food, decorations, awards, and cleanup, thereby giving the boys a spectacular event. We appreciate your consideration of this request, and welcome any questions you may have.

Very respectfully,  
  
Tash Solangi  
Cub Master, Pack 321

Upon discussion, the City Attorney advised that the Cub Scouts qualify for consideration to waive or reduce fees providing all like organizations are provided the same consideration.

After considerable discussion and debate, Alderman Anderson made motion seconded by Alderman Lishen and unanimously carried to waive fees for this event only and to review and revise, if necessary, the policy for waiving/reducing fees as it applies to non-profit organizations.

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There came on for consideration the matter of broken hot water heaters at the Recreation/Senior Citizen Facility due to faulty installation.

The Mayor recognized Recreation Director Bob Paul to answer questions and provide additional information.

After considerable discussion, Alderman Lishen made motion seconded by Alderman Ponthieux to purchase one residential grade 80 gallon gas hot water heater for installation at the Recreation/Senior Citizen Facility.

Upon further discussion, Alderman Ponthieux offered substitute motion seconded by Alderman Hammons and unanimously carried to purchase one residential grade 80 gallon gas hot water heater for installation at the Recreation/Senior Citizen Facility and directing the City Attorney to contact Allen Plumbing Company, apprising them of the City's dissatisfaction with their job performance and to seek resolution of this matter.

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Alderman Ponthieux made motion seconded by Alderman Anderson and unanimously carried to approve personnel matters, as follows:

Fire Department:

- Step Increase, Assistant Chief Mike Brown, FSA-15-XIII, effective June 16, 2012;
- Step Increase, Lieutenant Tim Darden, FS-12-V, effective June 1, 2012;
- Step Increase, Lieutenant Neal Gatian, FS-12-V, effective June 1, 2012;
- Step Increase, Firefighter 1<sup>st</sup> Class Tim Harrison, FS-9-II, effective June 16, 2012;
- Step Increase, Lieutenant Rockford Ladnier, FS-12-IV, effective June 1, 2012;
- Step Increase, Firefighter 1<sup>st</sup> Class Richard LeNormand, FS-9-II, effective June 1, 2012;
- Step Increase, Driver/Operator Richard Scott, FS-10-VII, effective June 1, 2012.

Police Department:

- Payment of 40.76 hours accumulated compensation time, Lieutenant Kevin Brazil, in the amount of \$783.30.

General Administration:

- Step Increase Deputy City Clerk Stacey Dahl, CSA-9-XIII, effective June 1, 2012
- Step Increase City Clerk Rebecca E. Schruoff, CSA-10-XIV, effective July 1, 2012.

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There came on for consideration at a duly constituted meeting of the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, held on the 15<sup>th</sup> day of May, 2012, the following Ordinance, which was reduced to writing and presented in advance of the meeting for reading and examination:

ORDINANCE NO. 590

AN ORDINANCE BY THE LONG BEACH TO RECONSTITUTE AND DESCRIBE POLLING PRECINCTS AND DESIGNATE POLLING PLACES WITHIN EACH PRECINCT; AND TO DIRECT THE CITY CLERK AS REGISTRAR TO ARRANGE THE ROLLS OF THE QUALIFIED ELECTORS OF THE CITY OF LONG BEACH FOR EACH PRECINCT; AND TO SUBMIT THE ORDINANCE TO THE UNITED STATES DEPARTMENT OF JUSTICE ACCORDING TO SECTION 5 OF THE VOTING RIGHTS ACT OF 1965, AND TO EFFECT AND IMPLEMENT THIS ORDINANCE FOR THE REGULARLY SCHEDULED QUADRENNIAL MUNICIPAL ELECTIONS IN THE YEAR 2013, AND SUBSEQUENT ELECTIONS, AND FOR ANY GENERAL REFERENDUM BY THE CITY OF LONG BEACH REQUIRING AN ELECTION AFTER VALIDATION OF THIS ORDINANCE UNDER THE REQUIREMENTS OF SECTION 5 OF THE VOTING RIGHTS ACT OF 1965.

WHEREAS, the City of Long Beach, Mississippi, (hereinafter "the City") is a municipal corporation located in the First Judicial District of Harrison County, Mississippi, organized and existing according to the laws of the State of Mississippi; and

WHEREAS, the City exists under the Code Charter statutory form of government as provided by Miss. Code Ann. (1972), as amended, Sec. 21-8-1, et seq., and the City of Long Beach continues to be governed and to operate under the Code Charter form of municipal government composed of six (6) districts known as wards from which one (1) alderman is elected from each ward ("single member wards") and one at-large alderman elected from the entire city, in accordance with the statutes of the State of Mississippi and ordinances of the City of Long Beach; and

WHEREAS, in adopting a plan for redistricting of wards and validating voting precincts for the redistricted wards, the Long Beach Board of Aldermen recognizes that as a result of the latest decennial census ("2010 Census") to conform with the "apportionment clause" of the United States Constitution, Article I, Section 2, and of the Voting Rights Act of 1965, Section 5 [42 U.S.C. > 1973(c)], it is required by state and

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federal law to adopt by ordinance and to submit to the United States Department of Justice, Civil Rights Division, Voting Rights Section, its plan for redistricting, realignment and reconstituting (herein "redistricting") of the six (6) single member wards from which alderpersons shall be elected to represent the citizens of the City of Long Beach residing in each particular ward as nearly as reasonably practical to comply with the "one-man, one-vote" doctrine to achieve equal representation, while seeking to preserve the guarantees of the Fifteenth Amendment to the United States Constitution that the "right of citizens to vote shall not be abridged on account of race, color or previous condition of servitude", and while seeking to maintain and establish voting practices that avoid dilution of minority voting strength to the extent possible respecting clear and traditional municipal boundaries and preserving the core of prior districts, with a goal of achieving compactness and retaining continuity in the redistricting process; and no municipal election has been conducted by the City of Long Beach since the official 2010 Census data has been in effect as a requirement to redistrict the municipality; and

WHEREAS, before a redistricting plan was selected and approved by the Long Beach Board of Aldermen, public hearings were scheduled, and advance notice of the public hearings was duly published in The Sun Herald, a newspaper with a general circulation in the City of Long Beach and published in Harrison County, Mississippi, and accordingly public hearings were held in which requirements and alternative plans for redistricting based on the 2010 census were discussed, and public comment was received and transcribed as follows:

*Tuesday, April 17, 2012, at 5:00 p.m., City Hall Meeting Room, 201 Jeff Davis Avenue, Long Beach, Mississippi;*

*Tuesday, May 1, 2012, at 5:00 p.m., City Hall Meeting Room, 201 Jeff Davis Avenue, Long Beach, Mississippi.*

WHEREAS, at each Public Hearing, the City's Redistricting Consultant, hired by

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the Governing Authority, presented in detail the plans developed at the time of each meeting, together with a map delineating the current City ward lines, and a table identifying the distribution of the population among the wards under prior data and the 2010 census data, such data being provided for total population, voting age population, white, black, and other distribution of population, which indicates that the percentage of population had shifted throughout the City; and

WHEREAS, in addition to large maps (42 inches tall by 36 inches wide), handout copies of maps (11 inches tall by 17 inches wide) data were available for all in attendance and citizens were permitted to address the Mayor and Board of Aldermen; and

WHEREAS, a representative from the City Attorney's Office was present during each Public Hearing; and

WHEREAS, during a regularly scheduled meeting of the Board of Aldermen on May 1, 2012 after consideration of all comments made during the Public Hearings, and all comments submitted to the Municipal offices, the Board of Aldermen discussed, took public comment and selected Plan Number 3 as the 2012 Redistricting Plan for the City of Long Beach, created in response to the first Public Hearing, and subsequently directed the City's Redistricting Consultant to prepare legal descriptions for Plan 3, a copy of the Map for the approved plan is attached hereto as Exhibit "A-1"; and

WHEREAS, this Ordinance incorporates the 2012 Redistricting Plan that the City Board of Aldermen found and approved as the most practical, workable, reasonable and fair plan, adopted in good faith to comply with the statutory laws of the State of Mississippi and federal laws and the United States Constitution, and controlling judicial decisions, preserving as nearly as possible the "one-man, one-vote" requirement, and this Ordinance officially describes voting precincts within each of the six (6) single member wards, and designates and locates the official voting (polling) places for each precinct, contingent on any and all necessary agreements being obtained for use of

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facilities not owned by the City of Long Beach; and this Ordinance appearing to conform in all respects to the approved 2012 Redistricting Plan of the City of Long Beach, and the voting (polling) precincts and polling places appearing to be as reasonable and convenient to qualified voters as facilities are available to the City for public use, the City Board of Aldermen finds that this Ordinance should be approved as hereby submitted, and should be thereafter submitted with all necessary documentation, data and maps to the U.S. Department of Justice, Civil Rights Division, Voting Section pursuant to Section 5 of the Voting Rights Act, 42 U.S. C. 1973c, and after final preclearance, it should be implemented and applied for subsequent municipal elections as hereinafter directed and ordained, and

WHEREAS, the Governing Authorities of the City of Long Beach do now wish to adopt and implement such plan, in the form as attached hereto.

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

SECTION 1. That the matters, facts and things recited in the above and foregoing Preamble be, and they are hereby determined and adjudicated to be the official findings of the Board of Aldermen of the City of Long Beach, Mississippi.

SECTION 2. That in accordance with the 2012 Redistricting Plan of the City of Long Beach, the precincts and polling places for the City of Long Beach, Mississippi, be, and are submitted as herein provided.

SECTION 3. That the location of the voting (polling) places at which voting in all municipal elections for each voting precinct, Exhibit "A-2", and the boundary and all territory included therein of each precinct are shown on Exhibit "A-3" *all attached hereto.*

SECTION 4. For the election of Members of the Long Beach City Board of Aldermen, this Ordinance shall not serve as the basis for representation until the next regular quadrennial municipal election scheduled by state statute to be held in the year 2013,

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and subject to validation of this Ordinance according to Section 5 of the Voting Rights Act of 1965, this Ordinance shall be in effect for any other subsequent election or referendum of the municipality in which an election is required, and shall be in effect and implemented for the 2013 quadrennial municipal election, and shall be the basis of representation from the time that the Board of Aldermen members are elected by said 2013 election to take office, and at all times thereafter.

SECTION 5. That the City Clerk, as Registrar for the City of Long Beach in Harrison County, Mississippi, is hereby directed to rearrange the voter rolls of the qualified electors of the City of Long Beach, Mississippi, in accordance with the wards established by Ordinance No. 590, approved May 15, 2012, and the precincts and polling places established herein, so as to complete the preparation of voting rolls in ample time for the party primaries scheduled to be held for the regular quadrennial municipal election if 2013, and in sufficient time to give notice to all registered voters.

SECTION 6. That subject to validation of this Ordinance according to Section 5 of the Voting Rights Act of 1965, the next regular quadrennial municipal election of city Board of Aldermen members scheduled by state statute in the year 2013, and any and all other municipal elections held after validation hereof, shall be held in the wards previously approved and at the voting (polling) places for each ward, and each voting precinct within each ward where the polling place is located as set forth in Sections 3, 4, 5, 6, 7, 8 and above, and as delineated on the map of precincts and polling places attached hereto as Exhibit "A-1", "A-2", and "A-3"; and the clerks and managers for holding said elections shall be appointed for each of the polling places as provided by law.

SECTION 7. Subject to validation hereof, all ordinances, resolutions, orders, or other acts of the Governing Authority of the City of Long Beach, Mississippi, or ay parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed; and if any section, clause, or other part of this Ordinance is invalidated or becomes legally unenforceable or rendered invalid by any law, judicial

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decision, or overriding governmental regulation, all remaining sections, clauses or parts hereof shall continue in full force and effect.

SECTION 8. This Ordinance shall take effect thirty (30) days after the date of passage

SECTION 9. Notice of adoption of this Ordinance shall be published in accordance with Miss.

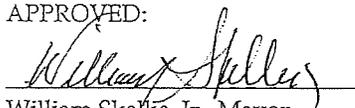
Code Ann. Sec. 21-37-25, as amended.

The above and foregoing Ordinance Number 590 was introduced in writing by Alderman Ponthieux who moved its adoption. Alderman Anderson 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:

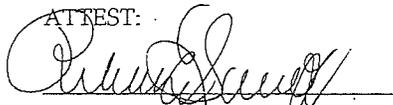
Alderman Bernie Parker	voted Absent, Not Voting
Alderman Gary J. Ponthieux	voted Aye
Alderman Kaye H. Couvillon	voted Nay
Alderman Carolyn J. Anderson	voted Aye
Alderman Leonard G. Carrubba, Sr.	voted Nay
Alderman Mark E. Lishen	voted Aye
Alderman Ronnie Hammons, Jr.	voted Aye

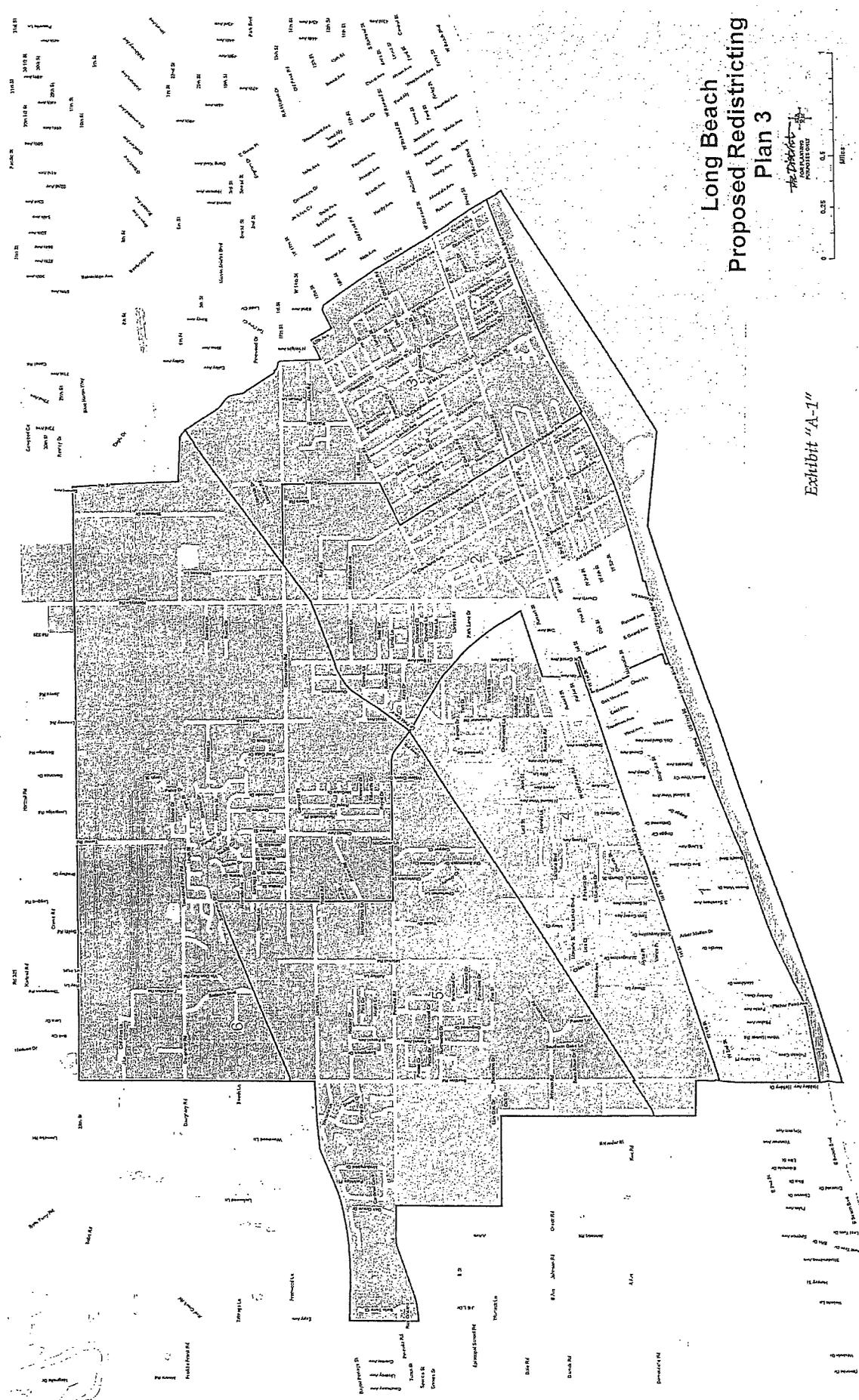
The question having received the Affirmative vote of a majority of the Aldermen present and voting, the Mayor declared the motion carried and Ordinance Number 590 adopted and approved this 15<sup>th</sup> day of May, 2012.

APPROVED:

  
William Skelton, Jr., Mayor

ATTEST:

  
Rebecca E. Schuff, City Clerk



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LONG BEACH VOTING DISTRICT	LONG BEACH VOTING PRECINCT	Contact Information
WARD 1	Methodist Church-Christian Life Center 208 Pine Street Long Beach, MS 39560	Rev. Rod Dixon-Rishel 228-863-9619
WARD 2	Long Beach Public Library 109 Jeff Davis Avenue Long Beach, MS 39560	Rev. Rob Butler 228-863-7633 <a href="mailto:robbutler@cablone.net">robbutler@cablone.net</a>
WARD 3	Technology Learning Center University of Southern Mississippi Gulf Park Campus 703 East Beach Boulevard Long Beach, MS 39560	Frances Lucas, PhD Gulf Coast Vice- President/Campus Executive Officer 228-865-4531 <a href="mailto:frances.lucas@usm.edu">frances.lucas@usm.edu</a>
WARD 4	Thomas L. Reeves Elementary St. Augustine Drive Long Beach, MS 39560	Police Chief Wayne McDowell 228-865-1981 <a href="mailto:chief@cityoflongbeachms.com">chief@cityoflongbeachms.com</a>
WARD 5	Grace Lutheran Church 19221 Pineville Road Long Beach, MS 39560	Rev. Barbara Hunter 228-864-4248
WARD 6	Quarles Elementary School Commission Road Long Beach, MS 39560	Carolyn Hamilton Superintendent of Education 228-864-1146 <a href="mailto:hamilton@lbsdk12.com">hamilton@lbsdk12.com</a>

*Exhibit "A-2"*

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Ward 1:

Beginning at the intersection of the northern margin of U.S. Highway 90 with the west boundary of the corporate limits of Long Beach; thence northerly along the west boundary of the corporate limits of Long Beach to the centerline of the L&N Railroad; thence easterly along the centerline of the L&N Railroad to the intersection of the southerly extension of the centerline of Alexander Road; thence northerly along the centerline of Alexander Road to the intersection of the centerline of West Old Pass Road; thence easterly along the centerline of West Old Pass Road to the intersection of the centerline of South Seal Avenue; thence northerly along the centerline of South Seal Avenue to the intersection of the centerline of Larosa Road; thence easterly along the centerline of Larosa Road to the intersection of the centerline of Klondyke Road; thence southerly along the centerline of Klondyke Road or the southerly extension thereof to the intersection of the centerline of the L&N Railroad; thence easterly along the centerline of the L&N Railroad to the intersection of the centerline of Jeff Davis Avenue; thence southerly along the centerline of Jeff Davis Avenue to the northern margin of U.S. Highway 90; thence westerly following the northern margin of U.S. Highway 90 to the point of beginning.

Ward 2:

Beginning at the intersection of the northern margin of U.S. Highway 90 with the west boundary of the corporate limits of Long Beach; thence easterly along the northern margin of U.S. Highway 90 to the intersection of the centerline of Jeff Davis Avenue; thence northerly along the centerline of Jeff Davis Avenue to the intersection of the centerline of the L&N Railroad; thence westerly along the centerline of the L&N Railroad to the southerly extension of the centerline of Klondyke Road; thence northerly along the centerline of Klondyke Road to the intersection of the centerline of Larosa Road; thence westerly along the centerline of Larosa Road to the intersection of the centerline of South Seal Avenue; thence southerly along the centerline of South Seal Avenue to the intersection of the centerline of West Old Pass Road; thence westerly along the centerline of West Old Pass Road to the intersection of the centerline of Alexander Road; thence northerly and northeasterly following the centerline of Alexander Road to the intersection of the centerline of Pineville Road; thence northwesterly and westerly following the centerline of Pineville Road to the intersection of the centerline of Royal Drive; thence northerly along the centerline of Royal Drive to the intersection of the centerline of Commission Road; thence easterly along the centerline of Commission Road to the intersection of the centerline of Klondyke Road; thence northerly along the centerline of Klondyke Road and North Klondyke Road to the intersection with the northern boundary of the corporate limits of Long Beach; thence easterly and southerly following the boundary of the corporate limits of Long Beach to the intersection of the centerline of 28<sup>th</sup> Street; thence easterly along the centerline of 28<sup>th</sup> Street to the eastern boundary of the corporate limits of Long Beach; thence southeasterly following the boundary of the corporate limits of Long Beach to the intersection of the centerline of Commission Road; thence westerly along the centerline of Commission Road to the intersection of the centerline of Paula Drive; thence southerly along the centerline of Paula Drive to the intersection of the centerline of Allen Road; thence westerly along the centerline of Allen Road to the intersection of the centerline of Nicholson Avenue; thence southerly along the centerline of Nicholson Avenue to the northern margin of U.S. Highway 90; thence easterly along the northern margin of U.S. Highway 90 to the eastern boundary of the corporate limits of Long Beach; thence southeasterly to the southeastern corner of the boundary of the corporate limits of Long Beach (a point 5000 feet South 28 degrees East of the southeastern corner of Lot #7 of the Gottschalk Survey); thence westerly parallel with and 5000 feet distant from the shoreline of the Mississippi Sound along the southern boundary of the corporate limits of Long Beach to the southerly extension of the east line of Section 21, Township 8 South, Range 12 West; thence northerly along the southerly extension of the east line of Section 21, Township 8 South, Range 12 West to the point of beginning.

*Exhibit "A-3"*

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Ward 3:

Beginning at the intersection of the northern margin of U.S. Highway 90 with the centerline of Nicholson Avenue; thence northerly along the centerline of Nicholson Avenue to the intersection of the centerline of Allen Road; thence easterly along the centerline of Allen Road to the intersection of the centerline of Paula Drive; thence northerly along the centerline of Paula Drive to the intersection of the centerline of Commission Road; thence easterly along the centerline of Commission Road to the intersection with the eastern boundary of the corporate limits of Long Beach; thence southeasterly along the corporate limits of Long Beach to the northern margin of U.S. Highway 90; thence westerly along the northern margin of U.S. Highway 90 to the point of beginning.

Ward 4:

Beginning at the intersection of the centerline of L&N Railroad with the western boundary of the corporate limits of Long Beach; thence northerly, westerly, northerly, westerly, and northerly following the corporate limits of Long Beach to the intersection of the centerline of Pineville Road; thence easterly along the centerline of Pineville Road to the intersection of the centerline of Beatline Road; thence southerly along the centerline of Beatline Road to the intersection of the centerline of Canal No. 1; thence northeasterly along the centerline of Canal No. 1 to the intersection of the centerline of Pineville Road; thence southeasterly along the centerline of Pineville Road to the intersection of the centerline of Alexander Road; thence southeasterly and southerly following the centerline of Alexander Road to the intersection of the centerline of the L&N Railroad; thence westerly along the centerline of the L&N Railroad to the point of beginning.

Ward 5:

Beginning at the intersection of the Canal No. 2 with the western boundary of the corporate limits of Long Beach; thence easterly following the corporate limits of Long Beach to the centerline of Beatline Road; thence southerly along the centerline of Beatline Road to the intersection of the centerline of Lovers Lane; thence easterly along the centerline of Lovers Lane to the intersection of the centerline of Daugherty Road; thence southerly along the centerline of Daugherty Road to the intersection of the centerline of Pineville Road; thence easterly following the centerline of Pineville Road to the centerline of Canal No. 1; thence southwesterly along the centerline of Canal No. 1 to the centerline of Beatline Road; thence northerly along the centerline of Beatline Road to the intersection of the centerline of Pineville Road; thence westerly following the centerline of Pineville Road to the intersection with the western boundary of the corporate limits of Long Beach; thence northerly along the western boundary of the corporate limits of Long Beach to the point of beginning.

Ward 6:

Beginning at the intersection of the centerline of Beatline Road with the centerline of Lovers Lane; thence northerly along the centerline of Beatline Road following the corporate limits of Long Beach to the intersection of the centerline of 28<sup>th</sup> Street; thence easterly along the centerline of 28<sup>th</sup> Street following the corporate limits of Long Beach to the intersection of the centerline of North Klondyke Road; thence southerly along the centerline of North Klondyke Road and Klondyke Road to the intersection of the centerline of Commission Road; thence westerly along the centerline of Commission Road to the intersection of the centerline of Royal Drive; thence southerly along the centerline of Royal Drive to the intersection of the centerline of Pineville Road; thence westerly along the centerline of Pineville Road to the intersection of the centerline of Daugherty Road; thence northerly along the centerline of Daugherty Road to the intersection of the centerline of Lovers Lane; thence westerly along the centerline of Lovers Lane to the point of beginning.

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Alderman Ponthieux made motion seconded by Alderman Carrubba and unanimously carried to schedule a work session, Monday, June 4, 2012, at 5:30 p.m., City Hall Meeting Room, 201 Jeff Davis Avenue, Long Beach, Mississippi, to discuss the Fiscal Year 2012-2013 budget.

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Alderman Carrubba made motion seconded by Alderman Lishen and unanimously carried to acknowledge the April, 2012, Revenue/Expense Report.

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There came on for consideration a memo from Comptroller Kini Gonsoulin, as follows:



# Memo

**To:** Mayor Skellie  
Board of Aldermen  
**From:** Kini Gonsoulin, Comptroller *KG*  
**Date:** 5/10/2012  
**Re:** City Credit Cards

I would like to request permission to apply for four (4) City credit cards. These cards would only be used for the purposes of training, travel, and business retention and promotion. I would like to request a combined credit limit of \$5,000 for all four cards.

Upon approval, cards would be issued to the following:

- Mayor
- General Admin - Becky Schruff
- Police Department - William Seal
- Fire Department - Mike Brown

The above mentioned personnel will responsible for all charges made to the credit card. This person must also make sure all signed receipts are turned into the Comptroller's office. I will reconcile each monthly bill and code it for the docket.

If you have any questions or suggestions, please don't hesitate to call. Thank you.

Based upon the recommendation of Ms. Gonsoulin, Alderman Ponthieux made motion seconded by Alderman Anderson and unanimously carried to approve the applications for city credit cards, as set forth above, requesting no annual fee and that the "City of Long Beach" appears on the cards along with the individual names.

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There came on for consideration derelict properties, as follows:

- Evaluate the condition of 235 South Lang Avenue, Long Beach, Mississippi, to determine whether or not to schedule a public hearing.

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- Alderman Lishen reported that he received information on Ward 5 properties from Building Official Earl Levens and no further action was required or taken.

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There came on for consideration at a duly constituted meeting of the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, held on the 15<sup>th</sup> day of May, 2012, the following Resolution:

**A RESOLUTION BY THE GOVERNING AUTHORITIES OF THE CITY OF LONG BEACH SEEKING AND REQUESTING ASSISTANCE FROM THE CSX RAILROAD IN MAKING IMPROVEMENTS TO CERTAIN RAILROAD CROSSINGS WITHIN THE CITY OF LONG BEACH, AND FOR OTHER PURPOSES.**

WHEREAS, the CSX currently runs through the entire breadth of City of Long Beach in a course more or less parallel to U.S. Highway 90 , which Highway runs along the southern edge of the land area of the City of Long Beach ; and

WHEREAS, only a limited number of rail crossing exist within the City of Long Beach by which commercial and truck traffic can cross the said CSX railroad, and none exist which reasonably facilitate truck and commercial traffic to and from the Long Beach Industrial Park and areas in the western area of the City of Long Beach; and

WHEREAS, the lack of an improved crossing at or near the Long Beach Industrial Park and the western part of the City is believed to deter and impede economic growth in the City, and specifically in the Long Beach Industrial Park; and

WHEREAS, and it is the desire of the City to request CSX Railroad to undertake the required steps to improve the railroad crossing at White Harbor Road near the western area to the extent and in such a manner as to provide for the safe crossing of trucks and other commercial vehicles at such location, so that the western part of the municipality is accessible to commercial traffic and trucks between U.S. Highway 90 and the areas to the north of the CSX railroad, including the Long Beach Industrial Park.

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Now Therefore, Be it Resolved by the Mayor and 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 requests CSX Railroad to undertake the required steps to improve the railroad crossing at White Harbor Road near the western boundary of the City of Long Beach to the extent and in such a manner as to provide for the safe crossing of trucks and other commercial vehicles at such location, so that the western part of the municipality is accessible to commercial traffic and trucks between U.S. Highway 90 and the areas to the north of the CSX railroad, including the Long Beach Industrial Park.

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 City Council.

The above and foregoing Resolution was introduced in writing by Alder man Carrubba who moved its adoption. Alderman Ponthieux 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	Absent, Not Voting
Alderman Gary J. Ponthieux	voted	Aye
Alderman Kaye H. Couvillon	voted	Aye

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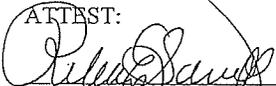
Alderman Carolyn J. Anderson	voted	Aye
Alderman Leonard G. Carrubba, Sr.	voted	Aye
Alderman Mark E. Lishen	voted	Aye
Alderman Ronnie Hammons, Jr.	voted	Aye

The question having received the Affirmative vote of all the Aldermen present and voting, the Mayor declared the motion carried and the resolution and order adopted and approved this 15<sup>th</sup> day of May, 2012.

APPROVED:

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

ATTEST:

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

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There came on for consideration at a duly constituted meeting of the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, held on the 15<sup>th</sup> day of May, 2012, the following Ordinance, which was reduced to writing and presented in advance of the meeting for reading and examination:

ORDINANCE NO. 591

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMAN OF THE CITY OF LONG BEACH, MISSISSIPPI, ESTABLISHING GENERAL RULES AND REGULATIONS AND REQUIRING PRIOR PERMITTING OF ALL OF EXCAVATING, DIGGING, AND TRENCHING OPERATIONS WITHIN THE CITY OF LONG BEACH, MISSISSIPPI; AND FOR RELATED PURPOSES.

WHEREAS, the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, having made due investigation therefore, do now find, determine, adjudicate and declare that it is necessary and proper to adopt the following ordinance governing and relating to and establishing general rules and regulations and requiring prior permitting of all of excavating, digging, and trenching operations within the city limits of the City of Long Beach, Mississippi; now therefore,

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

CITY OF LONG BEACH  
STREET TRENCHING AND RIGHT-OF-WAY MANAGEMENT

- Sec. 1. - Definitions.
- Sec. 2. - Excavating, digging, and trenching prohibited; permit required.
- Sec. 3. - Permit application.
- Sec. 4. - Fees.
- Sec. 5. - Completion of work.
- Sec. 6. - Bond required.
- Sec. 7. - Work hours; notification of work.
- Sec. 8. - Excavation and backfill.
- Sec. 9. - Joint excavation.
- Sec. 10. - Resurfacing; restoration.
- Sec. 11. - Safety; lighting and barricading required.
- Sec. 12. - Existing signs; removal and replacement.
- Sec. 13. - Danger lights on excavations, unfinished fill, other obstructions.
- Sec. 14. - Dragging articles over streets, sidewalks.
- Sec. 15. - Repair of sunken pavement over excavation.

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- Sec. 16 - Moratorium.
- Sec. 17 - Cleaning up of streets/rights-of-way.
- Sec. 18. - Street closings.
- Sec. 19. - Trees; shrubs.
- Sec. 20. - Posting of permits.
- Sec. 21. - Additional requirements.
- Sec. 22. - Suspension; revocation of permit.
- Sec. 23. - Liability of the city.
- Sec. 24. - Violations and penalties.
- Sec. 25. - Appeal.

**Sec.1 - Definitions.**

The following words and phrases, whenever used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) *Applicant* means any owner, contractor, developer, or builder who has submitted an application for a permit to excavate or perform work or construction on, within, or under any street, alley, or public right-of-way.
- (b) *City* shall mean the City of Long Beach, Mississippi.
- (c) *City engineer* means the duly appointed city engineer, director of the city's engineering department, or other person designated by the mayor or city engineer.
- (d) *Director of public works* means the director of the public works department, or other person designated by the mayor or the director of public works.
- (e) *Emergency* shall mean the repair of a utility which must be made to restore service, to avoid property damage, or to eliminate danger to the public. An application shall be made for a permit for all emergency cuts, digging, or excavations within forty-eight (48) hours after the cuts, digging, or excavations have been made. However, a prospective applicant shall give verbal notice immediately to the Director of public works or his or her designee upon determination that "emergency" work or construction is needed and prior to commencing this work. All other provisions of this article shall apply to "emergency" cuts, digging, or excavations.
- (f) *Excavation* shall mean any opening in the paved or improved surface or subsurface of the public right-of-way.
- (g) *Excavation influence area* means the mandatory minimum areas for resurfacing an excavation.
- (h) *Franchise right* means any government or statutory conferred right to engage in a specific business.
- (i) *Franchise agreement* means any agreement validly entered into between the

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franchisee and a governmental entity.

- (j) *Installations* means any legally authorized type of structure, plant, equipment, or other property installed in the public rights-of-way.
- (k) *Notice* means a written notification which is deemed to have been received on the date on which it was faxed or three (3) days after the date on which it was mailed via first class United States Mail, postage pre-paid.
- (l) *Owner* means the company or business authorized to construct, repair, or adjust a utility or to perform the work or construction referred to in the application or permit.
- (m) *Pavement* means the fully improved roadway surface of the public rights-of-way, designed and constructed to support the movement of vehicular traffic. Pavement typically consists of asphaltic concrete or cement concrete and it includes any subgrade installations.
- (n) *Person* means any natural person, corporation, partnership, or any governmental agency, department, or subdivision of the city, county, or the state, or United States of America.
- (o) *Permit* means a permit to perform an excavation, trenching, or cutting across a street or within a right-of-way as it has been approved or may be amended or renewed by the city engineer or his or her designee.
- (p) *Permit application* means the prescribed "permit application for the construction, repair, or adjustment of a utility or for work within, on, or under city rights-of-way" or such other application as approved by the city engineer.
- (q) *Pothole* means a limited excavation used to determine the actual vertical and horizontal location of underground installations.
- (r) *Public rights-of-way or rights-of-way* means the paved area across, along, beneath, in, on, over, under, upon, and within the city streets, as they now exist or hereafter will exist and which are or will be under the permitting jurisdiction of the department of urban development and department of engineering.
- (s) *Public utility company* means any company, provider, or organization that installs, operates and/or maintains infrastructure for a public service.
- (t) *Resurface or resurfacing* means any or all of the following as directed the director or public works or city engineer or their authorized representative(s):
  1. Any removal and replacement necessary for sub-base repairs using either cement concrete, of full depth base repairs using either cement concrete, or full depth base asphaltic concrete.

2. Coldplanning/milling the gutter-line, and making horizontal header cuts to a minimum depth of one (1) inch, for a minimum of six (6) feet in width, or if required by the city engineer, cold planning/milling of the entire street width.
  3. Replacement of any damaged traffic signal detection loops.
  4. Placement of pavement reinforcing fabrics, if required by the city engineer.
  5. The placement of hot mix asphaltic concrete upon the existing roadbed, in varying thicknesses as directed by the city engineer.
  6. The adjustment of any affected city manholes and gate valve covers.
  7. The permanent layout and installation of pavement markings.
- (u) *Street* shall mean any public highway, road, street, avenue, alley, lane, drive, way, easement, place, court, or trail, which has been accepted, or is hereafter accepted, by the city into the city road system or in which the city has easement or ownership interests.
- (v) *Trenchless technology* means methods, material, equipment and techniques that can be used to install, replace, renew or repair underground infrastructure with minimal surface disturbance. Trenchless technology includes drilling, auguring, boring and tunneling.
- (w) *Unimproved rights-of-way* means city rights-of-way that do not have pavement and do not have a sidewalk, curb or gutters.

**Sec. 2. - Excavating, digging, and trenching prohibited; permit required.**

It shall be unlawful for any person to open, excavate, cut, trench, bore, tunnel, undermine, or dig or cause to do so in, on, or under any public street, public place, or right-of-way for the installation, repair, or removal of any pipe, conduit, duct, tunnel, utility pole, or any other facility or installation or for any other purpose without having first obtained a permit from the Building official, and approval from Director of public works or his or her designee in accordance with the provisions of this article and all work performed which relates to such activities shall be performed in compliance with the provisions hereof provided. Projects that involve the placement of multiple utility poles may be applied for in a single permit, provided that the applicant includes a detailed description of the number, location and installation schedule of each utility pole to be installed as part of the project. A permit shall not be required for the replacement of existing or maintenance of an existing pole, but notification shall still be required.

**Sec. 3. - Permit application.**

(1) No permit shall be issued without a completed application on the form approved by the Director of Public works. The application shall be submitted to the city's Building Official, who will then forward a copy of the application to the Director of Public works,

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and shall minimally include:

- (a) A detailed description along with a sketch of the size, type, nature, and extent of the work or construction to be done;
- (b) The exact location and approximate area where the anticipated work or construction is expected to occur, including the approximate length and width and, if the excavation or digging is in a street or alley, whether it is parallel or transverse to the direction of the travel lanes;
- (c) The name and residential or business address and telephone number for the permittee;
- (d) The name and residential or business address and telephone number for the project manager or person to oversee and/or manage the anticipated work or construction;
- (e) The dates of commencement and completion of the work; and
- (f) The purpose of the work or construction.

No application authorized or imposed by this article shall be construed to affect or alter in any way any obligation of public and private utilities with facilities installed in any city street to relocate the facilities at no cost to the city, in the event that relocation is required by the city to accommodate the relocation of a public road.

(2) Along with the application for a permit, an applicant must submit evidence acceptable to the city that the applicant or person to perform the work or construction has sufficient expertise and ability to timely repair the street, road, or right-of-way and shall execute an indemnification and hold harmless agreement to the city which indemnifies, protects, and holds harmless the city from the actions of the applicant or permittee and their agents and representatives in any way arising out of or stemming from their construction or work.

(3) For new construction, an applicant must submit three (3) sets of project construction plans at the time of filing an application for a permit. Plans are not required for routine maintenance and service installations; however applicants must provide a sketch for maintenance and service applications showing location and scope of any such work to be performed. Such plans shall include the location(s), width, and arrangement of the proposed work or construction; the distance between any existing entrances within one hundred (100) feet of the proposed work or construction; distance(s) from the centerline of the traveled way to any structures, gasoline pumps, or other obstructions within one hundred (100) feet of the proposed work or construction; property lines and easements within one hundred (100) feet of the proposed work or construction; the length, size and location of existing pipes, culverts, catch basins or manholes, conduit, curbing, curb and gutter, and/or sidewalks, and above ground utilities within one hundred (100) feet of the proposed work or construction; and the proposed location of new pipes, conduit, culverts, catch basins or manholes, curbing, work or construction sought to be completed. The construction plans will be promptly reviewed and a permit will be issued or denied within five (5) working days after the application has been properly submitted along with the plans. The applicant is responsible for the engineering and design of its project and construction and the integration of its

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maintenance and construction responsibilities.

(4) No permit shall be issued until the applicant has presented a utility location request number from the Mississippi One-Call Program (811) which meets requirements of notification, except in case of emergencies as defined in Section (e). The applicant is responsible for locating all utilities within the area of the proposed work or construction and any damage to other utilities shall be at the sole cost and expense of the applicant or permittee, as the case may be.

(5) In order to expedite the issuance of a permit, a permit may be issued with conditions on construction and work hours.

(6) No permit shall be transferable.

(7) Except for requirements subject to the exclusive jurisdiction of another regulatory agency or governing state or federal body or any valid agreement or franchise, the location, depth and other physical characteristics of any facilities or construction for which a permit is issued hereunder shall be subject to approval of the Director of Public works or his or her designee, such approval not to be reasonably withheld and to be based on, but not limited to, maintenance, operation, and oversight of the affected streets, alleys, sidewalks, rights-of-way and construction areas.

**Sec. 4. - Fees.**

(1) *Initial/base permit filing fee.* Except as otherwise provided herein, at the time an application is submitted or filed with the permitting division of the city department of urban development, the following nonrefundable fees shall accompany this application and be paid to the city through the permitting division for the issuance of permits herein and associated with the servicing of such permits, inspection of affected areas, and general compliance with this article:

(a) Openings or excavations up to one hundred (100) feet—Two hundred dollars (\$200.00); and

(b) Openings or excavations over one hundred (100) feet—Two dollars (\$2.00) per foot for every foot over one hundred (100) feet plus one hundred dollars (\$100.00).

(2) *Street/right-of-way temporary closure fee.* In addition to any other fees required under this article, permits requiring the temporary closure of any portion of the city's streets or rights-of-way shall be subject to the following fees:

Length of Closure	Application	Inspection
3 days or less	\$15.00	\$0.00
4 days through 10 days	15.00	10.00
11 days through 20 days	15.00	20.00

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21 days through 30 days	15.00	30.00
31 days through 45 days	15.00	45.00
46 days through 90 days	15.00	50.00 plus \$1.00/day beyond 50 days
Closures in excess of ninety (90) days are prohibited.		

(3) *Exemptions.* Any applicant who declares that it is a public agency, a public utility company, or who has a valid franchise agreement contract with the city or has statutorily granted franchise rights shall be exempt from the fees set forth in subsection (1) provided that the applicant submits along with their application a statement providing the reason for exemption and a nonrefundable fee of fifty dollars (\$50.00) for the servicing of such permits, inspection of affected areas, and general compliance with this article. After the initial application, verification of the exemption shall be submitted annually. Any applicant who declares a valid exemption shall provide a written pavement life performance warranty in a form acceptable to the city. The warranty shall provide that in the event that subsurface material or pavement over or within the trench influenced area becomes depressed, broken, or otherwise fails at any time after the excavation (or joint excavation) has been completed, the applicant shall repair or restore such condition pursuant to the procedure set forth in this ordinance.

(4) *[Waivers.]* The city, by and through the Director of Public works or his or her designee, may waive any or all permit fees for work performed by a governmental agency, whether this work is performed by employees of the governmental agency or by a private firm or corporation under contract with the governmental agency.

**Sec.5. - Completion of work.**

(1) A permit issued under the terms of this article shall expire and be of no further force or effect if work authorized by such permit shall not be commenced within thirty (30) days from the date of issuance, and further, that such authorized work be completed and restored within fourteen (14) days of the start of such work or as approved by the Director of Public works or his or her designee for additional time. Exceptions to those provisions may be granted by the Director of Public works or his or her designee when unusual circumstances are demonstrated. Failure to comply with any conditions relating to issuance of a permit shall be cause for revocation of such permit and shall constitute a violation of this article. The city reserves the right to make emergency repairs if deemed required for public safety. The cost of those repairs shall be borne by the permit holder and will be taken from the performance bond if not paid.

(2) All work performed under a permit issued hereunder shall be in conformance with all applicable and current codes, regulations, and laws and the permittee is responsible for all work performed pursuant to the permit, regardless of who performs

the work. A permittee shall not obstruct a street, alley, curb, gutter, sidewalk, or right-of-way so that the natural free and clear passage of water through the gutters or other waterways shall be interfered with.

**Sec.6. - Bond required.**

Every person obtaining a permit shall at the time of receiving the same, make, execute and deliver to the permitting division of the city's department of urban development or any authorized representative, a good and sufficient bond, to cover the costs of replacing permanent pavement and any improvements, payable to the city with a surety company doing business in the state as surety thereon, in such amount as the Director of Public works or his or her designee may require, not less than five thousand dollars (\$5,000.00) nor more than ten thousand dollars (\$10,000.00). Such bond shall be utilized to repair any necessary damage or lack of sufficient or adequate resurfacing and/or restoration and any surplus shall be returned upon final inspection by the city's department of engineering.

Any general contractor or public utility using the streets or rights-of-way, or any part thereof, may execute a like bond, general in terms, to cover any and all work that may be done by such contractor or public utility in the streets or within public rights-of-way for an amount not less than five thousand dollars (\$5,000.00) nor more than ten thousand dollars (\$10,000.00). Such bond when executed and delivered shall be in lieu of the bond hereinabove required in each case.

Bonding for organizations or companies that operate under a franchise right or agreement with the city shall be governed by their franchise agreements, to the extent covered or governed therein, but these organizations are still subject to all other requirements of this article.

Subject to the approval of the Director of Public works, or his or her designee, any company or organization that annually provides proof of insurance or self-insurance in an amount of at least five hundred thousand dollars (\$500,000.00) may submit proof of insurance in lieu of a bond. Any company or organization providing proof of coverage in lieu of a bond must provide within fourteen (14) days of any change in coverage amounts or provider, documentation detailing the change to the Director of Public works. If any company or organization previously authorized to submit insurance in lieu of a bond no longer carries insurance of at least five hundred thousand dollars (\$500,000.00) or cannot annually provide proof of insurance or self-insurance, the company or organization shall be required to submit a bond according to the terms provided in this section.

**Sec. 7. - Work hours; notification of work.**

(1) Except for emergency repairs or as approved by the Director of Public works or his or her designee, work conducted or pursued in accordance with a permit shall be between the hours of 7:00 a.m. and 6:00 p.m., prevailing time. Starting or warming up equipment prior to 7:00 a.m. is prohibited. Work on the weekend or legal holidays is prohibited unless specifically authorized by the Director of Public works or his or her designee.

(2) At least five (5) days in advance of any permitted work occurring, the permittee shall provide written notice to each owner of property that is located or found to be

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within two hundred (200) feet of any of the work or construction to occur. Such notice shall minimally include a written description of the project and where the work is to occur and a schedule for completion of the work. Within the same time parameters, the permittee shall further notify emergency agencies and television, radio, and print media within the city of any road closures or obstructions due to anticipated work or construction.

(3) The permittee shall further coordinate his or her activities associated with the permitted work or construction with the Director of Public works. If, during the course of construction or work, any city-owned or maintained sewer, underdrain, manhole, catch basin, curb, guardrail, sidewalk, or other facility, appurtenance, or improvement is damaged, destroyed, or disturbed, such condition shall be reported immediately to the Director of Public works or director of public works, who shall then prescribe, direct, supervise, and inspect the necessary corrective action, with inspection costs as well as all the costs of repair and all other resulting expense being borne by the permittee.

**Sec. 8. - Excavation and backfill.**

(1) [*Construction methods.*] Methods of construction for excavation and backfill shall be in accordance with the standard specifications for road and bridge construction as adopted by the Mississippi Department of Transportation or construction standards for the city as determined by the Director of Public works, whichever is stricter or more stringent, and such provisions as are included herein and as may be added in the special conditions. No opening or excavation off a cross trench shall extend beyond the centerline of the road before being backfilled, compacted and the surface of the roadway temporarily restored. All trenches will be backfilled in six-inch lifts and compacted with vibratory mechanical compaction. No excavation shall take place unless the mechanical vibratory compactor is actually on the site. All utility facilities shall be located sufficiently ahead of trench excavation work to avoid damage of those facilities and to permit their relocation, if necessary. Storm drains, pipe culverts or other facilities encountered shall be adequately protected by the permittee. If the work performed interferes with the established drainage system of any street, road, or alley, adequate provision shall be made by the permittee to provide proper drainage during construction and to restore the existing system, all to the satisfaction of the Director of Public works or his or her designee. No dewatering equipment, wells, points, or piping shall occupy the traveled portion of roadways unless specifically approved and adequately protected to the satisfaction of the Director of Public works or his or her designee. Effluent from dewatering systems shall be discharged in such a manner that erodible soils are not adversely affected. All silt sediments being carried in the dewatering effluent must be intercepted prior to effluent discharge into any drainage system through use of a sedimentation basin designed to allow retention of discharge for sufficient time to render such waters free of suspended silt and sediments. The use of screening devices in lieu of sedimentation basin must receive specific approval from the Director of Public works or his or her designee and be employed only for minor flows. Any gravel, earth or other excavated material which is caused to roll, flow, or wash upon any road shall be removed from the roadway after deposit and such removal shall not occur more than twenty-four (24) hours therefrom. In the event the earth, gravel or other excavated material so deposited is not removed, the city or another on behalf of the city may remove the material and any and all costs incurred shall be paid by the permittee or applied from his or her bond. The permittee shall employ construction methods and rests that will keep flying dust to the minimum to the satisfaction of the Director of

Public works or his or her designee. At the first sign of precipitation, all work on the shoulders and traveled way of streets and alleys shall stop and they shall be cleared of all dirt, gravel, and loose materials and the area backfilled until the weather permits resumption of work.

(2) *Backfilling.* Before backfilling of any cuts, trenches, or openings in streets, roads, or rights-of-way, the permittee shall request an inspection by the Director of Public works or his or her designee. All backfill material will be free from cinders, ashes, refuse, vegetable or organic matter, boulders, rocks or stones, wet material, or other materials which renders same unsuitable to obtain a firm and compact cover for the installed pipe. The backfill shall be placed in layers not to exceed six (6) inches and each layer shall be thoroughly compacted to not less than ninety-five (95) percent of the maximum dry density as defined by a Standard Proctor Test. Flowable fill will be substituted for compacted back-fill when directed by the Director of Public works or his or her designee. A Standard Proctor Test (ASTM D698) shall be conducted by an independent soil testing firm and the results given to the Director of Public works or his or her designee. The cost of this test shall be borne by the permittee or the person, firm, or corporation doing the backfill.

**Sec. 9. - Joint excavation.**

Whenever applicants propose work or construction in the same block or area of the city, the city shall condition permits for such work in a manner that maximizes coordination and minimizes the total period of construction. Such work may be conditioned to require the applicants to participate in a single excavation with the bond to reflect the pro rata share of the work. Applicants may seek a waiver of the joint excavation requirements with respect to a particular excavation. Within twenty (20) calendar days of receipt of a written request for a waiver, the Director of Public works or his or her designee shall render a decision upon such a request, taking into account the impact of the proposed excavation on the neighborhood and the public health, safety, welfare, and convenience.

**Sec. 10. - Resurfacing; restoration.**

(1) *Resurfacing.* Resurfacing shall include, but is not limited to:

- (a) Where the excavation is in the direction of traffic, the permittee shall resurface the entire length of the excavation area plus the excavation influence area on each end, and the entire width of the public right-of-way from curb line to curb line, or where a raised median is present the owner shall resurface from the curb line to the median. Where there has been a fifty (50) percent or greater surface area impacted, the permittee will be required to resurface the entire lane within the construction area. Where there has been a fifty (50) percent or greater surface area impacted on an entire roadway, the permittee will be required to resurface the entire road section within the construction area.
- (b) Where the excavation is perpendicular to the direction of traffic, the permittee shall resurface the length of the excavation from curb line to curb line or the length of the excavation plus the excavation influence area extending on each end of the excavation, whichever is less. This resurface shall also include the excavation area plus the excavation influence area on each side of the excavation.

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- (c) Where a raised median is present and the excavation is perpendicular to the direction of traffic, the permittee shall resurface either from the raised median to the curb line, or for the length of the excavation, plus the excavation influence area extending on each end of the excavation, whichever is less. This resurface shall also include the excavation plus the excavation influence area on each side of the excavation.
- (2) *Restoration.* In addition to any required resurfacing, any areas affected by work or construction shall be restored within three (3) days of completion of work or construction on the property or areas affected thereby so that each such property or area shall, to the best extent possible, be placed in the same or better condition it was in prior to the commencement of work or construction. Such restoration shall include, but not be limited to, the replacement of all markings and/or stripping per the current Manual on Uniform Traffic Control Devices and city construction standards and the resodding of like or higher-quality turf or replacement of similar vegetation that was adversely affected or damaged by the work as well as the replacement or restoration of any and all sidewalks, driveways, shoulders, curbs, curb cuts, manholes, and any other improvements. Replacement of improvements necessitated by work authorized by a permit shall be made in accordance with prevailing and governing industry standards, codes, regulations, and laws at the time of the replacement. If a sidewalk, curb, and/or gutter were damaged by the permittee, the permittee shall be responsible for all costs associated with its replacement. Sidewalks, curb, and gutter shall be saw cut three (3) inches prior to replacement to provide a clean edge. Except as otherwise provided in this section, the permittee shall be responsible for cracks or settling of same for a period of two (2) years from date of repair. Restoration of grassy areas that were, in the opinion of the Director of Public works, not generally maintained prior to commencement of work authorized under a permit, may include reseeding of grass in lieu of resodding of turf. All such restoration efforts shall be inspected by the Director of Public works or his or her designee. The permittee's bond shall not be released or surrendered for the work or permit until acceptance of all restoration efforts has been made by the Director of Public works or his or her designee. By restoring the rights-of-way and areas affected by construction or work permitted hereunder, the permittee guarantees its work for twenty-four (24) months following its completion and acceptance by the Director of Public works or his or her designee. During this twenty-four-month period, the permittee shall, upon notification from the Director of Public works or his or her designee, correct all restoration work to the extent necessary using the method required by the Director of Public works department and such work shall be completed within the time specified by the Director of Public works or his or her designee.

**Sec.11. - Safety; lighting and barricading required.**

The permittee shall be responsible to comply with all current and applicable federal, state and local safety regulations, codes, requirements, and laws. The permittee shall further be responsible at all times for the safety of the area(s) where work or construction is to occur under a permit issued hereunder as well as for the safety of the public who may encounter such area(s). The permittee shall further ensure that any work authorized by a permit hereunder which is left overnight or in an unfinished condition at any time when construction is not actually occurring or during actual construction is made safe, which shall minimally include the placement of danger or warning lights and barricades as required by any applicable or governing safety or traffic codes, regulations, and laws and in accordance with the Manual on Uniform

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Traffic Control Devices.

**Sec. 12. - Existing signs; removal and replacement.**

Right-of-way or property monuments and/or markers, traffic-control devices and other devices or signs on public rights-of-way shall not be removed or disturbed unless permission to do so is first obtained in writing from the Director of Public works or his or her designee. Permission shall be granted only upon the condition that the permittee shall pay all expenses incident to the replacement and/or relocation of such monuments, signs, and/or devices.

**Sec. 13. - Danger lights on excavations, unfinished fill, other obstructions.**

At all times, including nonwork and overnight hours, the permittee shall be responsible for the safety of the area where any excavation, unfinished fill or any obstruction of any kind whatever is placed in any street, alley, sidewalk, or right-of-way and permitted to remain or exist. Such area shall minimally be marked with good and sufficient danger or warning lights, with barricades, and in such manner as to plainly show or reveal the place and extent of such excavation, unfinished fill or obstruction. Danger or warning lights shall be erected and illuminated not later than sunset of each evening and kept burning continuously until sunrise the next morning. The placement, type, and form of danger or warning lights and barricades and ensuring the safety of these areas shall be in accordance with any and all applicable or governing safety or traffic codes, regulations, and laws and with the Manual on Uniform Traffic Control Devices.

**Sec. 14. - Dragging articles over streets, sidewalks.**

It shall be unlawful for any person to drag or move over or along any street, alley, or sidewalk in the city that is paved with asphalt or concrete or improved with brick or any other kind of paving material any article, the weight or character of which is liable to displace or loosen the paving material or otherwise damage the pavement or improvement; provided, however, that such article may be dragged or moved over or along such streets and sidewalks if such article is supported and moved on wheels or rollers of sufficient width to cause no damage to the pavement or improvement.

**Sec.15. - Repair of sunken pavement over excavation.**

If the subsurface material or pavement over or within the trench influence area associated with an area of construction or work in a permit becomes depressed or broken at any time within two (2) years after the excavation has been completed and accepted and before resurfacing of the city street or at any time prior to such time as the street surface is completely resurfaced, the bond shall be used to cover the costs of the repair and the person or persons who excavated the area as well as those who were responsible for the excavation, including, but not limited to, the permittee, shall be liable for any and all remaining costs arising out of such repair.

**Sec. 17. - Moratorium.**

Excavation, cutting, or digging in, around, under, or through newly created, renovated, or resurfaced city streets is prohibited for five (5) years after the filing of a notice of completion or acceptance of a new street or structural overlay of the street,

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except as follows:

- (1) Emergency which endangers life or property, such as an occurrence that
  - a. Endangers the health and safety of property; and
  - b. Requires excavation in order to remediate the emergency;
- (2) Repair or modification to prevent interruption of essential utility service;
- (3) Relocation work that is mandated by city, county, state or federal law;
- (4) Service for buildings where no other reasonable means of providing service exists, as determined by the director of public works and the Director of Public works, or their authorized representative(s);
- (5) In a city street that the city has scheduled for resurfacing either during the fiscal year (October 1 to September 30) when the excavation permit is issued or during the following fiscal year and the work takes place prior to the resurfacing;
- (6) For potholing to verify utility depth or location;
- (7) Trenchless excavations greater than three (3) feet in depth of cover over the utility facility not requiring a significant surface incision greater than industry bore pit standards may be allowed at the discretion of the Director of Public Works, or his authorized representative;
- (8) New service to a specific location that cannot be provided;
  - a. Through existing conduit; or
  - b. Where trenchless technology is impractical due to one (1) or more of the following:
    1. Soil conditions; or
    2. Proximity of installations; or
    3. Where a large conduit package is being installed; or
    4. Where trenchless technology is economically impractical compared to trenching and resurfacing performed in accordance with approved standards; or
- (9) Other situations deemed by the director of public works, or his authorized representative, to be in the best interest of the general public.

**Sec. 18. - Cleaning up of streets/rights-of-way.**

In every case and at all times, it shall be the duty and responsibility of the permittee to properly remove or caused to be removed from streets, alleys, rights-of-way and work or construction areas all obstructions, surplus materials, debris and waste matter of every description caused by and/or accumulated from the work or construction that is the subject of the permit or which arises therefrom.

**Sec. 19. - Street closings.**

Any anticipated closing of any streets, roads, or alleys due to construction or repair must be approved by the Director of Public works or his or her designee with detailed plans and plans for emergency vehicle access submitted to him or her for review and approval a minimum of seven (7) days in advance of any anticipated closing

or anticipated traffic pattern change. The city reserves the right to alter the construction schedules of the applicant or permittee in the coordination of traffic flow through an area where multiple openings are to take place. All construction signing, protection devices, warnings, and flaggers must be in accordance with applicable or governing codes, regulations, and laws, including, but not limited to, the Manual on Uniform Traffic Control Devices.

**Sec. 20. - Trees; shrubs.**

In the course of any work in the right-of-way, the permittee shall not remove or damage or cause to be removed or damaged any trees or shrubs which exist in or along a street, alley, or right-of-way area without first obtaining the approval of the Director of Public works or his or her designee and the city tree protection advisor and only if the same would not be in violation of any other ordinance, regulation, or code.

**Sec. 21. - Posting of permits.**

At all times while work or construction is in progress, the permittee shall keep and publicly post the original permit or a copy thereof at or near the work or construction site and shall, on demand, exhibit the permit to the Director of Public works or his or her designee or any police officer.

**Sec. 22. - Additional requirements.**

Upon completion of work permitted under this article and in compliance with a permit hereunder, and at the discretion of the Director of Public works or his or her designee, permittee shall furnish as-built plans of such completed work which show a correct plan view to scale, details and a profile showing the locations of all elements of the installation based on data obtained in the field during construction.

**Sec. 23. - Suspension; revocation of permit.**

If work under an issued permit fails to conform to the conditions of the permit or the requirements of this article or existing ordinances of the city, the permit may be revoked or suspended. If the permit is suspended, work shall be stopped until such time as the permittee gives assurance to the Director of Public works of his or her ability and intention to complete the work in accordance with the conditions of the permit and this ordinance and the other ordinances of the city. Any notice of revocation, suspension or stop work shall be delivered in writing to the permittee or his or her designee or to a representative of the permittee, such as the project manager or the person who is overseeing or managing the work or construction, and shall state the reasons for such action.

**Sec. 24. - Liability of the city.**

Neither the city nor any officer or employee or agent thereof shall be held responsible for any damages caused by any work or construction in any street, alley, sidewalk, right-of-way, or other public place made by any person under the authority of a permit issued pursuant to the provisions of this article. The permittee shall be solely liable for any damage or loss occasioned by any act or omission occurring in connection

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with such work or construction, and shall fully indemnify, hold harmless and defend city, its officers, officials, and employees from and against any and all suits, actions, judgments, losses, costs, demands, claims, expenses (including attorney's fees), damages, and liabilities of every kind to which the city and its officers, officials, and employees may be subjected for injury of any type, death or property damage arising from or connected with any such act or omission. The city shall promptly notify a permittee, at the address(es) set forth in the permit, of any claim or suit served upon the city and alleging negligent or wrongful conduct by the permittee in connection with work or construction that is the subject of a permit.

**Sec. 25. - Violations and penalties.**

(1) Any person violating any of the provisions of this article shall be guilty of a misdemeanor. Each person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this article is committed or permitted. Upon conviction of any such violation, such person shall be punished by a fine of not more than one thousand dollars (\$1,000.00) for each violation.

(2) No person who has violated any provision of this article shall be issued another permit hereunder, nor shall any contractor or agent apply for or be issued such a permit on such person's behalf, until the outstanding violation is corrected or a plan for correction is approved by the director of public works or his authorized representative, which approval shall not be unreasonably withheld. The foregoing requirement or penalty is in addition to any penalty or remedy for violation that may be imposed or sought by the city at law or equity.

**Sec. 26. - Appeal.**

A person directly and adversely affected by a decision made in accordance with this article may appeal the decision by filing a written notice of appeal with the Director of Public works or his or her designee within ten (10) days of the decision or action being appealed. The notice must state the grounds for appeal. The appeal shall be heard by the Board of Aldermen within forty-five (45) days from the date the notice of appeal is received.

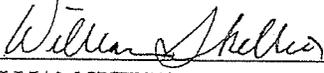
The above and foregoing Ordinance No. 591 was introduced in writing by Alderman Carrubba who moved its adoption. Alderman Anderson seconded the motion to adopt the Ordinance, and after discussion, no member of the Board of Aldermen having requested the Ordinance to be read by the City Clerk, and the question being put to a roll call vote, the result was as follows:

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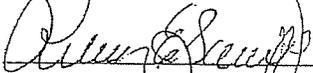
Alderman Bernie Parker	voted Absent, NotVoting
Alderman Gary J. Ponthieux	voted Aye
Alderman Kaye H. Couvillon	voted Aye
Alderman Carolyn Anderson	voted Aye
Alderman Leonard G. Carrubba, Sr.	voted Aye
Alderman Mark E. Lishen	voted Aye
Alderman Ronnie Hammons, Jr.	voted Aye

The question having received the affirmative vote of all the Aldermen present and voting, the Mayor declared the motion carried and the said Ordinance Number 591 adopted and approved this, the 15<sup>th</sup> day of May, 2012.

APPROVED:

  
WILLIAM SKELLIE, JR., MAYOR

ATTEST:

  
REBECCA E. SCHRUPP, CITY CLERK

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There came on for consideration again the matter of constructing a crosswalk at Jeff Davis Avenue and East 2<sup>nd</sup> Street, said matter having been taken under advisement from May 1, 2012, to obtain cost estimates.

Upon questioning, City Engineer David Ball and Project Manager Derrel Wilson, Utility Partners, LLC, stated that the estimated cost to construct a crosswalk in the same design as the rest of Jeff Davis Avenue intersections would be approximately \$8,000-\$10,000.

After considerable discussion and debate, it was the consensus of the Mayor and Board of Aldermen for Mr. Wilson to obtain a cost estimate to erect "pedestrian crossing" signs at the intersection, Jeff Davis Avenue and East 2<sup>nd</sup> Street, to match the sign at Jeff Davis Avenue and East 1<sup>st</sup> Street, for consideration at the next regular meeting, June 5, 2012.

\*\*\*\*\*

There came on for consideration quotes for equipment to video/record city board meetings, as follows:

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B&H Photo - Video, Inc. Page: 1  
New York, NY 10001  
420 Ninth Avenue  
Tel. No. (212) 444-6600  
Fax. No. (212) 239-7770



0 Quote No.: 387343680  
Date: 05/10/12  
Sold To: Ship To:  
City Of Longbeach City Of Longbeach  
201 Jeff Davis Ave 201 Jeff Davis Ave  
LONG BEACH, MS 39560 LONG BEACH, MS 39560

Bill Phone: (228)229-3524 (228)229-3524

Cust Code: 57843430 \*\*\*\*\*  
P.O. No.: Terms: Ship-Via: STANDARD  
\*\*\*\*\*  
Slsman: OVT

Qty	Brand	Item Description SKU#/Catalog#	Price	Total
1	LEIGHTRONIX	PRSYDVD/PRO-BUS VCR CONTROL INTERFACE/REG #LEPRSYDVD/PRSYDVD	248.95	248.95
1	SONY	DVP-SR200P PROGRESSIVE SCAN DVD PLAYER/REG #SODVPSR200P/DVPSR200PB	34.95	34.95
1	LEIGHTRONIX	MINI-T-NET EVENT CONTROLER w/8x1 SWTC/REG #LEMEN/MINITNET	1,035.00	1,035.00

This Item Has Free Shipping To The Continental USA.

@PLEASE NOTE: -----  
@ This quote is for information only. Prices, products, and availability  
@ are subject to change without notice.  
@ Certain items may be enforced by vendor to sell at the  
@ vendor-imposed price posted at the time of order.  
@ \*\*\*\*\*B&H HOLIDAY SCHEDULE\*\*\*\*\*  
@ B&H Will be CLOSED on Sunday May 27th & Monday May 28th  
@ We will REOPEN on Tuesday, May 29th at 9:00am

Payment Type	- Amount	Sub-Total:	1,318.90
N/A		Shipping:	9.42
		* Total:	1,328.32

B&H Photo Video

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DIVISION OF TOWER PRODUCTS, INC.  
 1 Tower Drive - Box 397 - Saugerties, NY 12477  
 Telephone: (845) 246-3036 Fax: (845) 246-1757  
 www.markertek.com GSA Contract# GS-03F-0035R

Quote Number  
 2140909-1  
 5/10/2012

**\*\*QUOTE\*\***

Quote Expires: 6/9/2012

SALESMAN: Christopher Buckley  
 800-522-2025 x7313  
 cbuckley@markertek.com  
 845-246-1757 Fax

Any questions regarding this quote must be directed to Christopher Buckley.  
 These prices cannot be invoiced without reference to this quote number.

Customer #:	Ship To:
476889	
Leonard Carrubba THE CITY OF LONG BEACH 201 Jefferson Davis Avenue Long Beach, MS 39560 USA PH: (228) 229-3524 x leonardcarrubba@gmail.com	Leonard Carrubba THE CITY OF LONG BEACH 201 Jefferson Davis Avenue Long Beach, MS 39560 (228) 229-3524 x leonardcarrubba@gmail.com

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Batch Code	#Items	Weight	Ship Via	Batch Info	
	3	10.50 lb.	UPS Ground	QUOTE-0 5/10/2012 3:58:38PM	
Qty	Item & Description	Weight	List Price	Item Price	Ext. Price
1	PRSYDVD - Interface Cable for Sony DVD Recorders	0.50 lb.	\$259.95	\$245.50	\$245.50
1	MINI-T-NET - Leightronix MINI-T-NET Video System Controller w/Internal 8x1 Switcher	10.00 lb.	\$1,095.00	\$1,030.00	\$1,030.00
1	DVPSR200P/B DVD / CD PLAYER sony	0.00 lb.	\$0.00	\$45.00	\$45.00

**\$1,320.50**

**PLEASE INCLUDE A COPY OF THIS QUOTE WITH YOUR PURCHASE ORDER.**

All quotes are valid for 30 days unless otherwise specified.  
 The above prices cannot be invoiced without reference to the above quote number.  
 NY customers must add sales tax unless an exemption certificate is provided.  
 All Custom/Special Order Items cannot be canceled or returned and may require a deposit.  
 Shipping estimates are based on UPS ground service unless stated otherwise.  
 Shipping costs quoted are an estimation and the actual shipping and handling may vary.  
 All quotes are valid for 30 days unless otherwise specified.

# ITEMS	3
TOTAL WEIGHT (LBS)	11
MISC. CHRGS	\$0.00
DISCOUNT	\$0.00
SHIPPING ESTIMATE	\$16.00
TAX	\$0.00

<b>QUOTE TOTAL</b>	<b>\$1,336.50</b>
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After considerable discussion, Alderman Carrubba made motion seconded by Alderman Anderson and unanimously carried to accept the quote submitted by B&H Photo – Video, Inc., authorizing the City Clerk to issue a purchase order and order the equipment, as set forth above.

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There was no report from the City Attorney.

\*\*\*\*\*

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

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

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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