

1

**Minutes of October 15, 2013  
Mayor and Board of Aldermen**

Be it remembered that two 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 15<sup>th</sup> day of October, 2013, 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, Kelly Griffin, Ronnie Hammons, Jr., Mark E. Lishen, Alan Young, City Clerk Rebecca E. Schruuff and City Attorney James C. Simpson, Jr.

Alderman Bernie Parker 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.

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Alderman Ponthieux made motion seconded by Alderman Carrubba and unanimously carried to adopt Minute Book 77 as the next consecutive official minute book of the Mayor and Board of Alderman.

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The first public hearing to determine whether or not a parcel of property situated in the City of Long Beach, Mississippi, located at 413 South Burke Avenue and assessed to Victor Michael Panetta, Jr., is in such a state of uncleanness as to constitute a menace to the public health and safety of the community was called to order.

The Mayor recognized the City Clerk for her report, whereupon, Alderman Young made motion seconded by Alderman Griffin and unanimously carried to make said report a part of the record of this public hearing, as follows:

- The Clerk reported that she did cause to be sent, via certified mail, electronic receipt requested, legal notice, public hearing to the property owner, Victor Michael Panetta, Jr., 413 South Burke Avenue, Long Beach, Mississippi, 39560 and 239 Fernwood Drive, Pass Christian, Mississippi, 39571, as the same appears of record on the 2013 Harrison County Real Property Tax Rolls.
- The legal notices sent to Victor Michael Panetta, Jr., 413 South Burke Avenue, Long Beach, Mississippi, 39560 and 239 Fernwood Drive, Pass Christian, Mississippi, 39571, were returned by the USPS, "Attempted, Not Known - Unable to Forward".
- The Clerk reported that the legal notices were posted on the subject property, 413 South Burke Avenue, Long Beach, Mississippi; the bulletin boards at the Long Beach City Hall, the Building Permit Office, the Water Department, 201 Jeff Davis Avenue; the Long Beach Public Library, 209 Jeff Davis Avenue; and

# Minutes of October 15, 2013

## Mayor and Board of Aldermen

posted on the City of Long Beach official website, [www.cityoflongbeachms.com](http://www.cityoflongbeachms.com).

Said notice is as follows:

### City of Long Beach

BOARD OF ALDERMEN  
 Leonard G. Carrubba, Sr. - At-Large  
 Gary J. Ponthieux - Ward 1  
 Bernie Parker - Ward 2  
 Kelly Griffin - Ward 3  
 Ronnie Hammons, Jr. - Ward 4  
 Mark E. Lishen - Ward 5  
 Alan Young - Ward 6



WILLIAM SKELLIE, JR.  
 MAYOR

September 17, 2013

CITY CLERK  
 TAX COLLECTOR  
 Rebecca E. Schuff

CITY ATTORNEY  
 James C. Simpson, Jr.

MAILED  
 Date: 9/18/13

Victor Michael Planetta, Jr.  
 413 Burke Avenue  
 Long Beach, MS 39560

91 7108 2133 3939 0116 0823

#### 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 September 17, 2013, hold a public hearing at 5:00 p.m., Tuesday, October 15, 2013, 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 Victor Michael Planetta, Jr. and situated in the City of Long Beach, Mississippi, at 413 Burke 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: 413 Burke Avenue, Long Beach, Mississippi

Parcel Number: 0612B-02-072.000

Legal Description: BEG AT BURKE AVE & 5<sup>TH</sup> ST & RUN E 150 FT N 75 FT W 150 FT S 75 FT TO BEG BLK 15 ORIGINAL LONG BEACH

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

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[www.cityoflongbeachms.com](http://www.cityoflongbeachms.com)

Minutes of October 15, 2013  
Mayor and Board of Aldermen

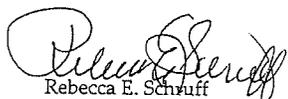
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expense of cleaning of said property shall not exceed an aggregate amount of Twenty Thousand Dollars (\$20,000.00) per year, or the fair market value of the property subsequent to cleaning, whichever is less. If it is determined by the governing authority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

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

Done by order of the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, this the 17<sup>th</sup> day of September, 2013.

  
Rebecca E. Schuff  
City Clerk

# Minutes of October 15, 2013 Mayor and Board of Aldermen

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



91 7108 2133 3939 0116 0823

**REASON CHECKED**

- Unclaimed
- Return to Sender
- Insufficient Address
- No Such Street
- No Such Number
- No Such Office in State
- Do not remain in this envelope

*PAK*

NAME \_\_\_\_\_  
 1st Notice \_\_\_\_\_  
 2nd Notice \_\_\_\_\_  
 Return \_\_\_\_\_

Victor Michael Planetta, Jr.  
413 Burke Avenue  
Long Beach, MS 39560

NAME *Victor Planetta*  
 1st Notice \_\_\_\_\_  
 2nd Notice \_\_\_\_\_  
 Return \_\_\_\_\_

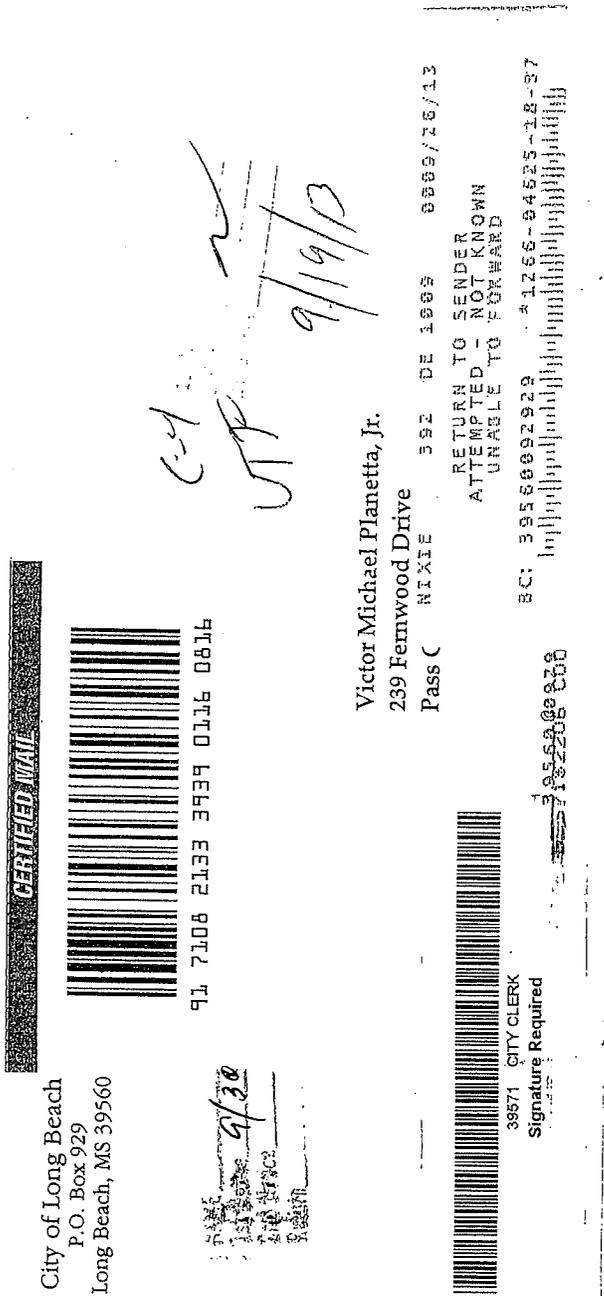


39560 CITY CLERK  
Signature Required

3956038117 0001

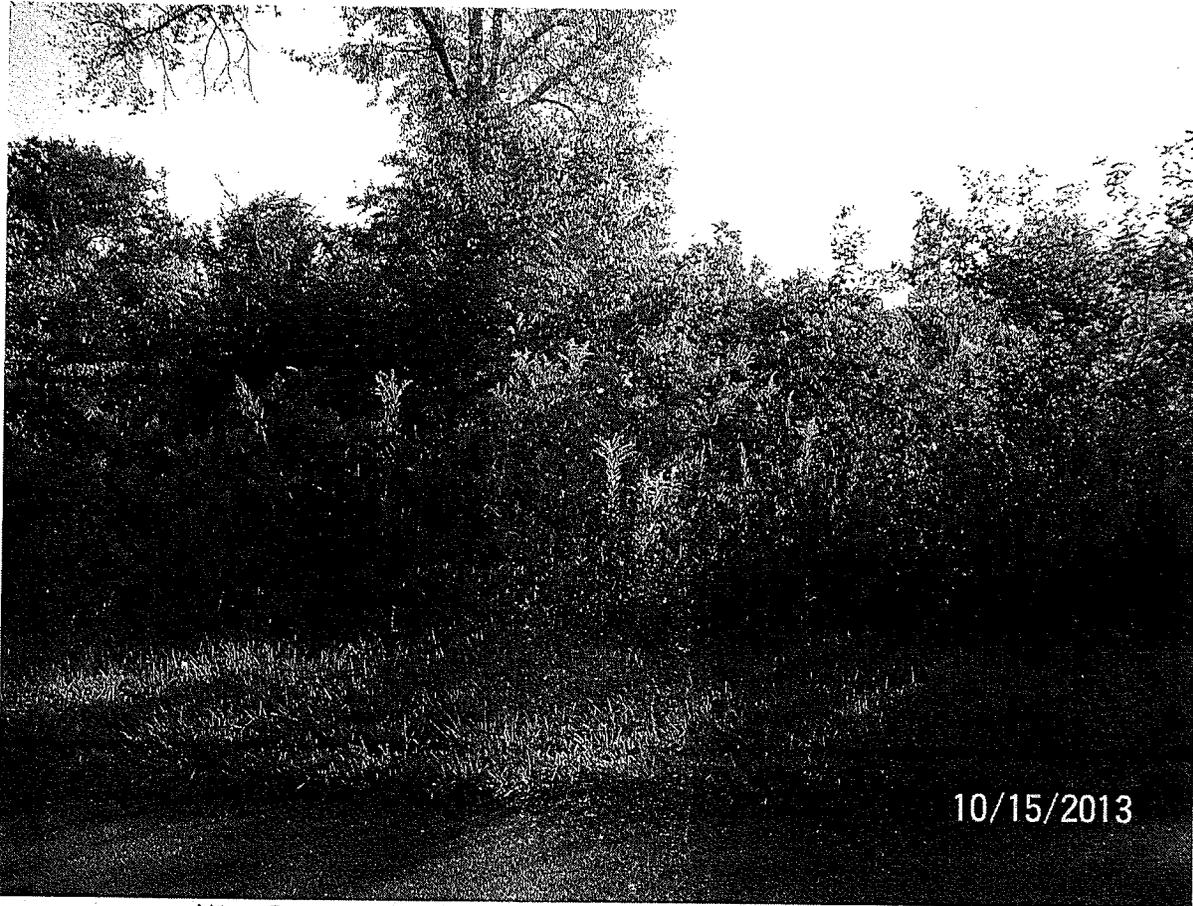


Minutes of October 15, 2013  
Mayor and Board of Aldermen



- The Clerk submitted photographs depicting the subject property, 413 South Burke Avenue, Long Beach, Mississippi, taken October 15, 2013, as follows:

Minutes of October 15, 2013  
Mayor and Board of Aldermen



413 Burke Ave

- The Clerk submitted a sworn affidavit from Building Official Earl Levens affirming the posting of legal notice on the subject property, 413 South Burke Avenue, Long Beach, Mississippi and photographs of the subject property taken October 15, 2013. Said affidavit is as follows:

Minutes of October 15, 2013  
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 of the City of Long Beach, Mississippi, who being by me first duly sworn, deposes and says on oath as follows, to-wit:

1. That he is the duly appointed and acting Building Official of the City of Long Beach, Mississippi;
2. That in such capacity, he is responsible for the posting of notices of public hearings for the purpose of determining whether or not certain properties are in such a state of uncleanliness as to constitute a menace to the public health and safety of the community; he is responsible for the taking of photographs of those certain properties to determine the state of the property in its then condition on the date of such public hearings; and other matters pertaining to such public hearings and the business of the zoning/code enforcement in and for the City of Long Beach;
3. That on or before September 30, 2013, he did cause to be posted, Notice of Hearing, a copy of which is attached hereto, on property assessed to Victor Michael Panetta, Jr., and located at 413 South Burke Avenue, Long Beach, Mississippi and at the City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi; and that on October 15, 2013, he did take and cause to be processed photographs depicting said property in its then condition, to be submitted as exhibits at the public hearing scheduled for October 15, 2013.

This the 15<sup>th</sup> day of October, 2013.

  
 REBECCA E. SCHRUFF, AFFIANT

SWORN TO AND SUBSCRIBED before me on this the 15<sup>th</sup> day of October, 2013.

  
 NOTARY PUBLIC

-My Commission Expires-



AFFIDAVIT-PHOTOS;POST NOTICE

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\*

**Minutes of October 15, 2013  
Mayor and Board of Aldermen**

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

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

**Minutes of October 15, 2013  
Mayor and Board of Aldermen**

The Mayor and Board of Aldermen, Long Beach, Mississippi, took up the matter of the public hearing on the property located at 413 South Burke Avenue, Long Beach, Mississippi, to determine and consider the condition of said property. After conducting the hearing and considering all matters produced there at and after hearing all persons interested and appearing, the Board of Aldermen declared the hearing finally closed. After a discussion of the subject, Alderman Lishen 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 413 SOUTH BURKE 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 413 South Burke 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 September 17, 2013, 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 October 15, 2013, and directed notice of said hearing be served on the owner of said property in the manner as provided by said MCA Section 21-19-11;

2. That, having served the owner of said property, either by registered mail as is evidenced by the return receipt included in the materials produced at said hearing, or by 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

**Minutes of October 15, 2013  
Mayor and Board of Aldermen**

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 413 South Burke Avenue, Long Beach, Mississippi, which parcel of land is identified by Harrison County Tax Parcel Number 0612B-02-072.000, and according to said tax records is owned by Victor Michael Panetta, Jr., 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 fourteen (14) days from the entry of this Resolution and Order, and that such cleaning shall include:

Removal of all discarded materials, dangerous items, and such other rubbish and/or debris as described in any notice or as appearing on said property contributing to the property constituting a nuisance and menace overall to the public health and safety, and abate or cause to be abated the conditions otherwise existing and constituting a menace to public safety and health as testified and/or described in general at the hearing, and as contained in the report letter of Claire Leatherwood, Zoning Enforcement Officer, dated June 10, 2013, and attached hereto.

3. That in the event that said owner shall fail to complete cleaning of the subject property within fourteen (14) 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 Young 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

Minutes of October 15, 2013  
Mayor and Board of Aldermen

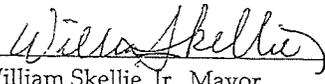
follows:

Alderman Bernie Parker	voted	Absent, Not Voting
Alderman Gary J. Ponthieux	voted	Aye
Alderman Kelly Griffin	voted	Aye
Alderman Alan Young	voted	Aye
Alderman Leonard G. Carrubba, Sr.	voted	Aye
Alderman Mark E. Lishen	voted	Aye
Alderman Ronnie Hammons, Jr.	voted	Aye

The question having received the Affirmative vote of all the Aldermen present and voting, the Mayor declared the motion carried and the resolution and order adopted and approved this the 15<sup>th</sup> day of October, 2013.



APPROVED:

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

ATTEST:  
  
 Rebecca E. Schruff, City Clerk

Minutes of October 15, 2013  
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. Schruiff  
  
CITY ATTORNEY  
James C. Simpson, Jr.

June 10, 2013

91 7108 2133 3938 0607 5093

NOTICE OF NON COMPLIANCE WITH ZONING ORDINANCE

Planetta Victor Michael Jr.  
239 Fernwood Drive  
Pass Christian, Ms.39571

Reference:413 So. Burke Street.  
Long Beach, Ms. 39560  
Parcel # 0612B-02-072.000

Dear Mr. Planetta,

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

After inspecting the above referenced property, it has been determined that you are in violation of overgrown grass and weeds. You have 14 days to bring this matter into compliance. You may call 228-863-1554, my cell 228-669-2318, or take this notice with you to the Permit Office, located at 201 Jeff Davis Avenue for directions and/or corrective measures..

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

By order of

City of Long Beach  
*Claire Leatherwood*  
Claire leatherwood  
Ordinance Zoning

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

Minutes of October 15, 2013  
Mayor and Board of Aldermen

ing Beach Mississippi  
P.O. Box 929  
39560

YF  
6/27/13

YF

e/11/13

CERTIFIED MAIL



91 7108 2133 3938 0607 5073

UNITED STATES POSTAGE  
PITNEY BOWEN  
02 1P \$004.810  
0003155530 JUN 10 2013  
MAILED FROM ZIP CODE 39560

Mr. Victor Planetta  
239 Junwood Drive

Pass Christian, MS 39501

1st NOTICE \_\_\_\_\_  
2nd NOTICE \_\_\_\_\_  
RETURNED \_\_\_\_\_

RETURN TO SENDER  
NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD

395723220929

BC: 39560092929 \*1256-06067-10-43

**Minutes of October 15, 2013**  
**Mayor and Board of Aldermen**

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The second public hearing to determine whether or not a parcel of property situated in the City of Long Beach, Mississippi, located at 302 Joyce Avenue and assessed to Laurie H. and Charlotte Rivenbark ~Est~, is in such a state of uncleanliness as to constitute a menace to the public health and safety of the community was called to order.

The Mayor recognized the City Clerk for her report, whereupon, Alderman Carrubba made motion seconded by Alderman Young and unanimously carried to make said report a part of the record of this public hearing, as follows:

- The Clerk reported that she did cause to be sent, via certified mail, electronic receipt requested, legal notice, public hearing to the property owner, Laurie H. and Charlotte Rivenbark ~Est~, 302 Joyce Avenue, Long Beach, Mississippi, 39560, as the same appears of record on the 2013 Harrison County Real Property Tax Rolls.
- The legal notices sent to Laurie H. and Charlotte Rivenbark ~Est~, 302 Joyce Avenue, Long Beach, Mississippi, were returned by the USPS, "Attempted, Not Known – Unable to Forward".
- The Clerk reported that the legal notices were posted on the subject property, 302 Joyce Avenue, Long Beach, Mississippi; the bulletin boards at the Long Beach City Hall, the Building Permit Office, the Water Department, 201 Jeff Davis Avenue; the Long Beach Public Library, 209 Jeff Davis Avenue; and posted on the City of Long Beach official website, [www.cityoflongbeachms.com](http://www.cityoflongbeachms.com). Said notice is as follows:

Minutes of October 15, 2013  
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  
Kelly Griffin - Ward 3  
Ronnie Hammons, Jr. - Ward 4  
Mark E. Lishen - Ward 5  
Alan Young - Ward 6



WILLIAM SKELLIE, JR.  
MAYOR

CITY CLERK  
TAX COLLECTOR  
Rebecca E. Schruoff

CITY ATTORNEY  
James C. Simpson, Jr.

September 17, 2013

MAILED

Date: 9/18/13

Laurie H. Rivenbark & Charlotte Rivenbark ~Est-  
302 Joyce Avenue  
Long Beach, Mississippi 39560

91 7108 2133 3939 0116 0830

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 September 17, 2013, hold a public hearing at 5:00 p.m., Tuesday, October 15, 2013, 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 Laurie H. Rivenbark & Charlotte Rivenbark ~Est-, and situated in the City of Long Beach, Mississippi, at 302 Joyce Avenue, 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: 302 Joyce Avenue, Long Beach, Mississippi  
Parcel Number: 0612D-01-056.002  
Legal Description: LOT 2 BLK B REINIKE SUBD 4<sup>TH</sup> ADD

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

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www.cityoflongbeachms.com

Minutes of October 15, 2013  
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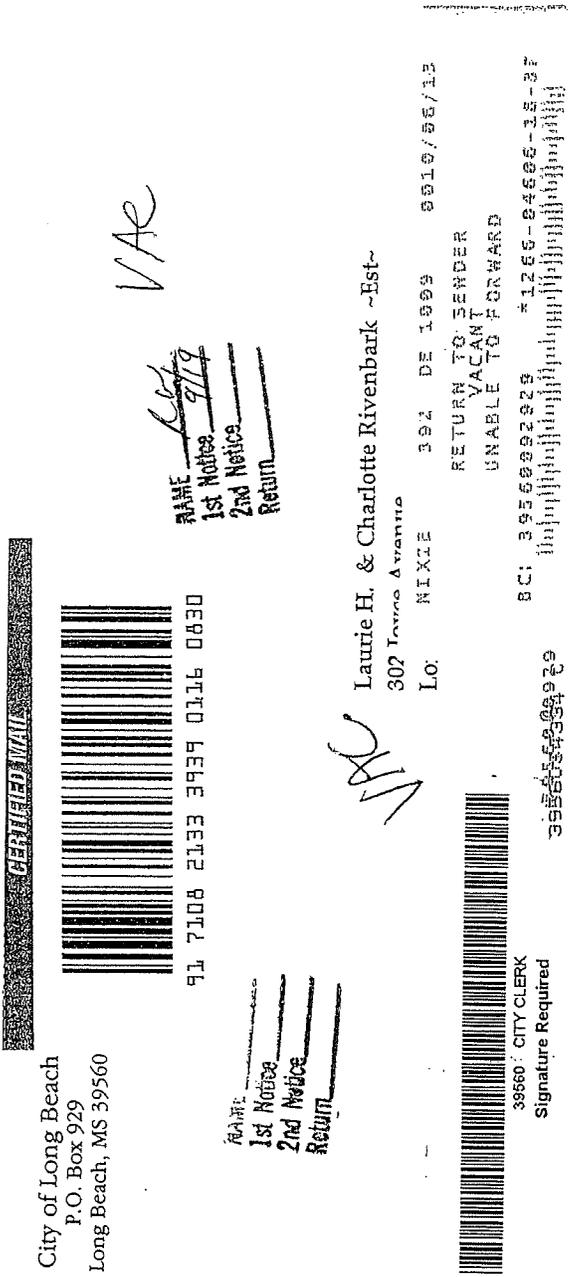
expense of cleaning of said property shall not exceed an aggregate amount of Twenty Thousand Dollars (\$20,000.00) per year, or the fair market value of the property subsequent to cleaning, whichever is less. If it is determined by the governing authority that it is necessary to clean the property or land more than once within a calendar year, then the municipality may clean it provided notice to the property owner is given by United States mail to the last known address at least ten (10) days before cleaning the property. The governing authority may assess the same penalty for each time the property or land is cleaned as otherwise provided in this section. The penalty provided herein shall not be assessed against the State of Mississippi upon request for reimbursement under Section 29-1-145, nor shall a municipality clean a parcel owned by the State of Mississippi without first giving notice. In the event the governing authority declares, by resolution, that the cost and any penalty shall be collected as a civil debt, the governing authority may authorize the institution of a suit on open account against the owner of the property in court of competent jurisdiction in the manner provided by law for the cost and any penalty, plus court costs, reasonable attorney's fees and interest from the date that the property was cleaned. In the event that the governing authority does not declare that the cost and any penalty shall be collected as a civil debt, then the assessment above provided for shall be a lien against the property and may be enrolled in the office of the circuit clerk of the county as other judgments are enrolled, and the tax collector of the municipality shall, upon order of the board of governing authorities, proceed to sell the land to satisfy the lien as now provided by law for the sale of lands for delinquent municipal taxes as provided by *Section 21-19-11 Mississippi Code, Annotated*.

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

Done by order of the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, this the 17<sup>th</sup> day of September, 2013.

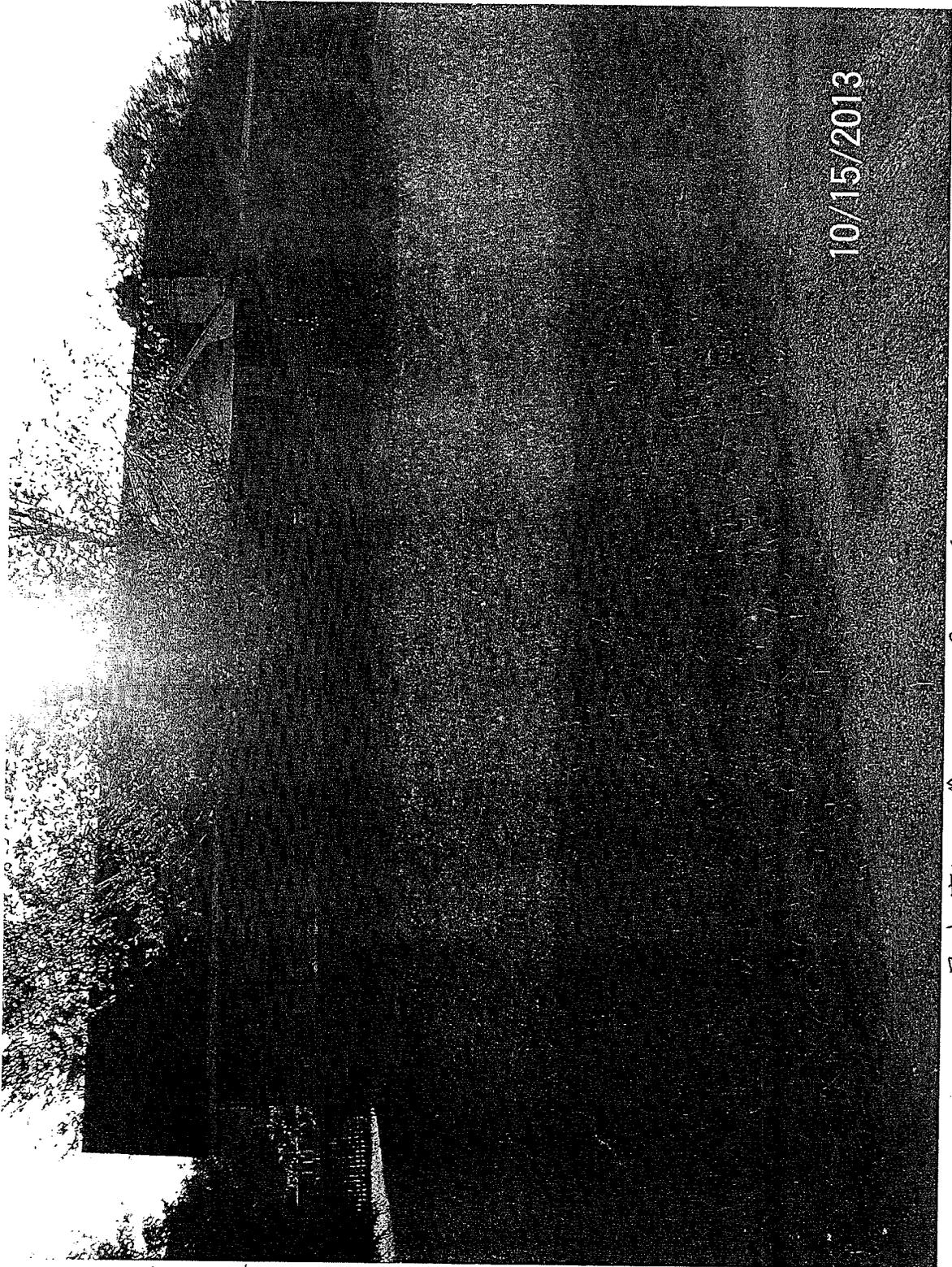
  
Rebecca E. Schuff  
City Clerk

Minutes of October 15, 2013  
Mayor and Board of Aldermen



- The Clerk submitted photographs depicting the subject property, 302 Joyce Avenue, Long Beach, Mississippi, taken October 15, 2013, as follows:

Minutes of October 15, 2013  
Mayor and Board of Aldermen



- The Clerk submitted a sworn affidavit from Building Official Earl Levens affirming the posting of legal notice on the subject property, 302 Joyce Avenue, Long Beach, Mississippi, and photographs of the subject property taken October 15, 2013. Said affidavit is as follows:

Minutes of October 15, 2013  
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 of the City of Long Beach, Mississippi, who being by me first duly sworn, deposes and says on oath as follows, to-wit:

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

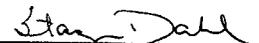
2. That in such capacity, he is responsible for the posting of notices of public hearings for the purpose of determining whether or not certain properties are in such a state of uncleanliness as to constitute a menace to the public health and safety of the community; he is responsible for the taking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

3. That on or before September 30, 2013, he did cause to be posted, Notice of Hearing, a copy of which is attached hereto, on property assessed to Laurie H. and Charlotte Rivenbark ~Est~, and located at 302 Joyce Avenue, Long Beach, Mississippi and at the City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi; and that on October 15, 2013, he did take and cause to be processed photographs depicting said property in its then condition, to be submitted as exhibits at the public hearing scheduled for October 15, 2013.

This the 15<sup>th</sup> day of October, 2013.

  
REBECCA E. SCHIRUFF, AFFIANT

SWORN TO AND SUBSCRIBED before me on this the 15<sup>th</sup> day of October, 2013.

  
NOTARY PUBLIC

-My Commission Expires-



AFFIDAVIT-PHOTOS;POST NOTICE

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\*

Minutes of October 15, 2013  
Mayor and Board of Aldermen

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 Hammons made motion seconded by Alderman Lishen and unanimously carried to close the public hearing.

\* \* \*

Based upon discussion held and information obtained during the course of this public hearing, Alderman Hammons made motion seconded by Alderman Lishen and unanimously carried finding that the property located at 302 Joyce Avenue, Long Beach, Mississippi, is in compliance with city ordinances and property maintenance codes at this time.

\*\*\*\*\*

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 October, 2013, 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, Kelly Griffin, Ronnie Hammons, Jr., Mark E. Lishen, Alan Young, 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.

\*\*\*\*\*

There were no bids, announcements, presentations, proclamations, amendments, or public comments regarding the agenda.

\*\*\*\*\*

Alderman Lishen made motion seconded by Alderman Hammons and unanimously carried to approve the regular meeting minutes of the Mayor and Board of Aldermen dated October 1, 2013, as submitted.

\*\*\*\*\*

Minutes of October 15, 2013  
Mayor and Board of Aldermen

Alderman Lishen made motion seconded by Alderman Griffin and unanimously carried to approve the regular meeting minutes of the Long Beach Planning Commission dated October 10, 2013, as submitted.

\*\*\*\*\*

Alderman Lishen made motion seconded by Alderman Ponthieux and unanimously carried to approve payment of invoices as listed in Docket of Claims number 101513.

\*\*\*\*\*

There was no report from the Mayor's Office.

\*\*\*\*\*

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

- Step Increase, Firefighter 1<sup>st</sup> Class Brad McGill, FS-9-X, effective November 16, 2013.

\*\*\*\*\*

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

\*\*\*\*\*

There came on for consideration additional CDBG funding for the City Hall Project and proposals for various repairs and improvements. Upon discussion, official action was taken, as follows:

- There came on for consideration a letter with attachments from City Clerk Rebecca E. Schruoff, as follows:

Minutes of October 15, 2013  
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  
Kelly Griffin - Ward 3  
Ronnie Hammons, Jr. - Ward 4  
Mark E. Lishen - Ward 5  
Alan Young - Ward 6



WILLIAM SKELLIE, JR.  
MAYOR

CITY CLERK  
TAX COLLECTOR  
Rebecca E. Schruff  
  
CITY ATTORNEY  
James C. Simpson, Jr.

October 4, 2013

Mayor and Board of Aldermen  
Long Beach, Mississippi

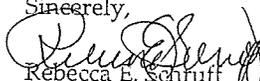
Please be advised that three (3) quotes were solicited for acoustical improvements in the City Hall Meeting Room. Proposals were received by the City Clerk over the course of several weeks, as follows:

Specialty Contractors & Associates, Inc.  
P.O. Box 7001  
Gulfport, MS 39506  
Total Bid: \$20,690.00

Bertucci Acoustical & Drywall  
606 35<sup>th</sup> Street - P.O. Box 7606  
Gulfport, MS 39506-7606  
Total Bid: \$22,401.52

Aladdin Construction  
12273 B Highway 67  
Biloxi, MS 39532  
Total Bid: \$25,000.00

The recommendation is to award the contract to Specialty Contractors & Associates, Inc., as lowest and best bid.

Sincerely,  
  
Rebecca E. Schruff  
City Clerk

201 Jeff Davis • P.O. Box 929 • Long Beach, MS 39560 • 863-1556 • FAX 865-0822  
[www.cityoflongbeachms.com](http://www.cityoflongbeachms.com)

Minutes of October 15, 2013  
Mayor and Board of Aldermen

10/03/2013 14:28 2288329851

SPECIALTY CONTRACTOR

PAGE 03



September 30, 2013

Ms. Charlene Stogner  
City of Long Beach  
201 Jeff Davis Avenue  
Long Beach, Mississippi 39560

Re: Long Beach City Council Chamber

Dear Charlene,

We appreciate the opportunity of offering a 60 day proposal for sound attenuating work in the Long Beach City Council Chamber room. The present condition of the room, as it currently exists, has a slow sound decay time, and a noticeable reverberant atmosphere for sound and voice activities. The floors are buffed and highly sound reflective terrazzo, and the walls and ceiling are painted gypsum board. Other than the seat cushions and backs, along with the carpet on the dais, there is very little sound absorption in the room. Understanding an audible conversation from the speaker system is a challenge for many in attendance at meetings.

Specialty Contractors & Associates, Inc. has done nearly 6,000 commercial jobs, with many of the projects being noise / sound abatement and remediation. We recently installed an extensive sound absorbing wall panel system in the new addition of the Mississippi Coast Coliseum Convention Center. In addition, we have installed sound attenuating materials in many Gulf Coast churches and assembly centers.

Our recommendations should not be considered as an engineered or scientific absolute noise and sound correction proposal, but rather an industry standard and very likely successful approach to the concern. Normally, sound remediation efforts are tiered or stepped processes. In our professional opinion, the recommendations included in this proposal would greatly enhance the quality of sound in the room. Absent a certified acoustical engineering sound survey and evaluation, we offer the following recommendation for the Council Chamber. Our recommendation would allow for maintaining the existing aesthetics of the room, while installing sound absorbing wall panels in critical areas for maximum sound attenuation. We feel utilizing Armstrong's "Soundsoak 85" panels in the areas specifically noted below, would offer the best blend of effective sound absorption, aesthetics, and cost considerations. All of the wall panels would be surface mounted to existing vertical wall surfaces, and color selection of the preferred fabric color finish would be from Armstrong's standard fabric color chart. Pertinent brochures are enclosed for your review.

Minutes of October 15, 2013  
Mayor and Board of Aldermen

10/03/2013 14:28 2288329851

SPECIALTY CONTRACTOR

PAGE 04

Ms. Charlene Stogner  
September 30, 2013  
Page 2

We allow for the Armstrong "Soundsoak 85" in the following locations:

- A. On all side columns at windows, from the ceiling down ten (10) feet. This includes five (5) columns at both the south and north side walls of the Chamber.
- B. On both back walls of dais behind Aldermen on sides (approximately 6' x 10' each). This detail is for one paneled area on each side of the radius center.
- C. On sides walls beside Aldermen (south and north), approximately 10' x 12' each.
- D. Above both east doors leading up to the dais, approximately 6' x 10' each.
- E. Above both side doors at east end of room (south and north walls), approximately 6' x 10' each.
- F. On back wall above pictures of Mayors, entire width, down approximately 10' from ceiling.

Please note that we have not allowed for any work on the existing troffered gypsum board ceiling. Proposed trim around the panels would be a white plastic slip on trim molding on all sides of panels. Our quotation includes liability and workers compensation insurance coverage, and our State of Mississippi license number is 5062 (Certificate of Responsibility). We include a building permit from the City of Long Beach, and required 3.5% sales tax. The above outlined work can be accomplished in 5 working days, with scheduling at the discretion of the City of Long Beach. Please allow approximately four (4) weeks delivery for the Armstrong "Soundsoak 85" materials.

**Total installed price would be \$20,690.00.**  
(Materials - \$10,200.00; Labor/Insurance/Taxes - \$10,490.00)

Should you need any additional information, please advise. Assuring you of our continued cooperation, I remain,

Very truly yours,

Dave Dennis, President  
Specialty Contractors & Associates, Inc.

Minutes of October 15, 2013  
Mayor and Board of Aldermen

10/03/2013 14:28 2288329851

SPECIALTY CONTRACTOR

PAGE 04

Ms. Charlene Stogner  
September 30, 2013  
Page 2

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**Total installed price would be \$20,690.00.**  
(Materials - \$10,200.00; Labor/Insurance/Taxes - \$10,490.00)

Should you need any additional information, please advise. Assuring you of our continued cooperation, I remain,

Very truly yours,

Dave Dennis, President  
Specialty Contractors & Associates, Inc.

Minutes of October 15, 2013  
Mayor and Board of Aldermen

10-02-2013 10:09 R M BERTUCCI 2282841583

PAGE 2

# PROPOSAL

by Bertucci Acoustical and Drywall

30 DAY DATE: 10/02/13

PROJECT:

City Hall

TERMS: Net Cash on or before the 10th of each month for all expenditures made during the preceding month. All past due accounts are subject to 1% per month carrying charge.

LOCATION:

Long Beach, MS.

This proposal, including all provisions as shown is valid only for the number of days shown above and when accepted by you becomes a contract in full force and effect.

BID TO:

"Charlene"  
(F) 865-0822  
(O) 863-1556

ACCEPTED BY: \_\_\_\_\_

DATE: \_\_\_\_\_

STARTING DATE: \_\_\_\_\_

BASED ON:

Visit to the job site:

WE PROPOSE TO FURNISH YOU

SCOPE:

1. FURNISH AND INSTALL 2" sound panels, west wall from case opening approx 8' off finish floor.

2. INCLUDES 10 columns on north and south walls from floor to ceiling.

3. INCLUDES east-wall stage area above all four (4) doors openings.

4. INCLUDES the area above windows on north & south sides. (Stage Area.)

MATERIALS: \$10,433.00

FREIGHT: 950.00

LABOR: 5,645.00

O/H & Profit: 3,908.00

Total: \$20,936.00

Taxes Total: 465.52

quote Total: \$22,401.52.00

INCLUDING: TOTAL: \$22,401.52

EXCLUDING:

\_\_\_\_ FEES FOR BUILDING PERMITS OR BONDS.

\_\_\_\_ FEES FOR SALES TAX ON MATERIALS.

\_\_\_\_ FEES FOR LABOR, INSURANCE AND TAXES.

BASE PRICE: \$

ALTERNATES:

DAYS WILL BE REQUIRED TO COMPLETE THE PORTION OF WORK ON OUR BASE BID

RESPECTFULLY SUBMITTED,

Bertucci Acoustical and Drywall

*Robert M. Bertucci*

ROBERT M. BERTUCCI

PO Box 7606, Gulfport, MS 39506-7606

228-864-5400--(C) 228-547-4581

(F) 228-864-5400

Call before faxing.

### CONDITIONS:

1. We reserve the right to route shipments.
2. Work will be executed according to your schedule subject to delays occasioned by causes beyond our reasonable control, during regular working hours. Extra charge will be made for authorized overtime work.
3. We assume no liability for damage to our materials after delivered and/or installed caused by your negligent employees or agents.
4. All materials will be installed according to manufacturer's recommendations and/or as specified.
5. There are no representations, warranties or conditions expressed or implied, except those herein stated.
6. Any modification to this proposal must be mutually agreed upon in writing.

REPLY TO:

P. O. BOX

PHONE

Minutes of October 15, 2013  
Mayor and Board of Aldermen



1027 EB Highway 67  
Beverly Hills, CA 90212  
Ph: 310-991-4497  
F: 310-991-2169  
www.aladcon.com

Quotation  
#0075-12

Date: 9/27/13  
To: City of Long Beach  
RE: Long Beach City Hall Acoustical Wall Panels in Meeting Room  
Attn: Rebecca E. Schruoff, City Clerk

Provide all labor, equipment, and material necessary to complete the following work:

- Install acoustical wall panels in meeting room

Clarifications:

- We will install approximately 1500 square feet of 2" thick panels by Golterman and Sabo, with fabric covering type and color to be decided

Exclusions:

- Work to be performed during regular hours. After hours or weekend work is excluded. Additional pricing for this can be provided.

**BID:**

Material:	\$18,457.56
Labor:	\$4,671.14
Equipment:	\$996.75
<b>Sub-total:</b>	<b>\$24,125.45</b>
<b>Contractors Tax:</b>	<b>\$874.55</b>
<b>Total:</b>	<b>\$25,000.00</b>

Prepared By: Kevin McDermott: 228-392-4497 or [kevin@aladcon.com](mailto:kevin@aladcon.com)

This quote is valid for 90 days.

Orwall Acoustical Solutions

Upon discussion, Alderman Ponthieux made motion seconded by Alderman Carrubba and unanimously carried to award the contract for acoustical improvements, City Hall Meeting Room, to Specialty Contractor and Associates, Inc., in the amount of \$20,690.00, as lowest and best proposal.

- There came on for consideration a letter with attachments from City Clerk Rebecca E. Schruoff, as follows:

Minutes of October 15, 2013  
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  
Kelly Griffin - Ward 3  
Ronnie Hammons, Jr. - Ward 4  
Mark E. Lishen - Ward 5  
Alan Young - Ward 6



WILLIAM SKELLIE, JR.  
MAYOR

CITY CLERK  
TAX COLLECTOR  
Rebecca E. Schruff  
  
CITY ATTORNEY  
James C. Simpson, Jr.

October 2, 2013

Mayor and Board of Aldermen  
Long Beach, Mississippi

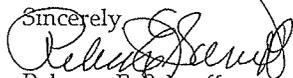
Please be advised that three (3) quotes were solicited for miscellaneous repairs to the ceiling/sheetrock in the City Hall Meeting Room. Proposals were received by the City Clerk on October 1, 2013, opened and reviewed by the Mayor and City Clerk on October 2, 2013, as follows:

Gibson Maintenance, LLC  
118 Dennis Lane  
P.O. Box 175  
Long Beach, MS 39560  
Total Bid Amount: \$14,231.25

B & B Service of South MS, LLC  
P.O. Box 205  
Long Beach, MS 39560  
Total Bid Amount: \$14,904.00

Coastal Restoration  
225 Rue Petit Bois  
Biloxi, MS 39531  
Total Bid Amount: \$17,500.00

The recommendation is to award the contract to Gibson Maintenance, LLC, as lowest and best bid.

Sincerely,  
  
Rebecca E. Schruff  
City Clerk

201 Jeff Davis • P.O. Box 929 • Long Beach, MS 39560 • 863-1556 • FAX 865-0822  
[www.cityoflongbeachms.com](http://www.cityoflongbeachms.com)

Minutes of October 15, 2013  
 Mayor and Board of Aldermen

GIBSON MAINTENANCE, LLC

118 DENNIS LANE  
 P.O. BOX 175  
 LONG BEACH, MS 39560

**BID PROPOSAL**

DATE	ESTIMATE NO.
9/17/2013	13-738

NAME / ADDRESS
CITY OF LONG BEACH P.O. BOX 929 LONG BEACH, MS 39560

P.O. NO.	PROJECT
	CITY HALL COURT RO...

DESCRIPTION	COST
THIS QUOTE IS TO MAKE MISCELLANEOUS REPAIRS TO CEILING/ SHEETROCK IN THE COURTROOM	
REPAIR DAMAGED SHEETROCK AROUND A/C REGISTERS ON CEILING- RETAPE, FLOAT & FINISH TOUCH UP PAINT - LABOR	8,500.00
EQUIPMENT RENTAL	1,850.00
MATERIALS	1,110.00
20 % PROFIT & OVERHEAD	2,290.00
3:5% MPC	481.25
**** PRICE INCLUDES DAVIS BACON WAGES	
KERRY S GIBSON, OWNER      THANK YOU!	(7.0%)      \$0.00
<b>TOTAL</b>	<b>\$14,231.25</b>

SIGNATURE \_\_\_\_\_

Phone #	Fax #
228-214-3529	228-822-0651

Minutes of October 15, 2013  
 Mayor and Board of Aldermen

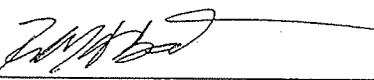
B & B SERVICES OF SOUTH MS., LLC.  
 P.O. BOX 205  
 LONG BEACH, MS 39560

**ESTIMATE**

Date	Proposal #
9/18/2013	187

Name / Address
CITY OF LONG BEACH JEFF DAVIS AVE LONG BEACH, MS 39560

Description	Project
	CITY HALL
	Total
REPAIR ALL AREAS OF CEILING WHERE CRACKED- LABOR	9,200.00
RENTAL OF EQUIPMENT	1,800.00
MATERIALS	1,000.00
20% P&O	2,400.00
3.5% MPC	504.00

  
 ROBERT H BATES, JR

<b>Total</b>	\$14,904.00
--------------	-------------

Phone #	Fax #	State License
228-596-7739	228-822-0651	R16209

Signature (Authorized Agent)

Minutes of October 15, 2013  
Mayor and Board of Aldermen

Coastal Restoration  
225 Rue Petit Bois  
Biloxi, MS 39531  
228-861-5230

QUOTATION

Name: City of Long Beach  
Address: Jeff Davis Avenue  
City: Long Beach State: MS Zip: 39560

Date: September 30, 2013

Quote #: 2013-45

ITEM #	Description	QTY	UNIT PRICE	ITEM TOTAL
1	Make repairs to all damaged sheetrock around ceiling area in courtroom			
2	Labor only to repair all damaged sheetrock around ceiling area (Davis Bacon Wage)			\$10,400.00
3	Materials, equipment and taxes			\$7,100.00
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				

Total Cost: \$17,500.00

*u/m*  
Comments:

Requested Terms: net 30 days  
Requested F.O.B: \_\_\_\_\_  
Date Promised: \_\_\_\_\_  
Signed: \_\_\_\_\_

Upon discussion, Alderman Carrubba made motion seconded by Alderman Young and unanimously carried to award the contract for ceiling/sheetrock repairs, City Hall Meeting Room, to Gibson Maintenance, LLC, in the amount of \$14,231.25, as lowest and best proposal.

\*\*\*\*\*

There came on for consideration a letter with attachments from Project Engineer Joe Culpepper, as follows:

Minutes of October 15, 2013  
Mayor and Board of Aldermen



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

520 33<sup>RD</sup> STREET  
GULFPORT, MS 39507

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

October 10, 2013

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

**RE: Change Order #1  
Drainage Improvements – Commission Rd**

Ladies and Gentlemen:

Please find the attached Change Order for the above referenced project. This Change is needed to add a pay item to reinstall an existing sewer service that is in conflict with the new 36" HDPE pipe. This conflict is due to unforeseen conditions on-site, but should be well within available contingency funds for the project. We recommend approval of this Change Order.

Sincerely,

Joe Culpepper, P.E.

jc:1881  
Enclosure

Minutes of October 15, 2013  
Mayor and Board of Aldermen

Change Order

No. 1

Date of Issuance: 10/9/2013 Effective Date: 10/15/2013

Project: \_\_\_\_\_ Owner: City of Long Beach Owner's Contract No.: \_\_\_\_\_  
Contract: Drainage Improvements Commission Road Date of Contract: 9/5/2013  
Contractor: TwIn L. Construction, Inc. Engineer's Project No.: 1964

The Contract Documents are modified as follows upon execution of this Change Order:

Description:

1. Add a pay item to reinstall an existing sewer service that is in conflict with the new 36" HDPE pipe.

Attachments: (List documents supporting change):

1. Price quote from contractor.

CHANGE IN CONTRACT PRICE:

Original Contract Price:  
\$88,240.00

(Decrease) in Contract Price from previous Change Orders No.  
n/a to No. n/a  
\$0.00

Contract Price prior to this Change Order:  
\$88,240.00

(Increase) in Contract Price due to this Change Order:  
\$1,500.00

Revised Contract Price incorporating this Change Order:  
\$89,740.00

CHANGE IN CONTRACT TIMES:

Original Contract Times:  Working Days 60 Calendar days  
Substantial completion (days or date): 11/21/2013  
Ready for final payment (days or date): \_\_\_\_\_

Change in Contract Time from previous Change Orders No.  
n/a to No. n/a  
Substantial completion (days or date): \_\_\_\_\_  
Ready for final payment (days or date): \_\_\_\_\_

Contract Times prior to this Change Order:  
Substantial completion (days or date): 11/21/2013  
Ready for final payment (days or date): \_\_\_\_\_

Change in Contract Time due to this Change Order:  
Substantial completion (days or date): \_\_\_\_\_  
Ready for final payment (days or date): \_\_\_\_\_

Contract Times Incorporating this Change Order:  
Substantial completion (days or date): 11/21/2013  
Ready for final payment (days or date): \_\_\_\_\_

RECOMMENDED:  
(ENGINEER)

ACCEPTED:  
(CONTRACTOR)

ACCEPTED:  
(OWNER)

By: \_\_\_\_\_ By: \_\_\_\_\_ By: \_\_\_\_\_

Date: \_\_\_\_\_ Date: \_\_\_\_\_ Date: \_\_\_\_\_

Minutes of October 15, 2013  
Mayor and Board of Aldermen

PROJECT NO. 1964

1

ATTACHMENT TO CHANGE ORDER NUMBER

NO.	DESCRIPTION	CURRENT QUANTITY	UNIT PRICE	CURRENT CONTRACT AMOUNT	QUANTITY THIS C.O.	EXTENSION THIS C.O.	TOTAL CONTRACT QUANTITY	TOTAL CONTRACT AMOUNT
1-1	REMOVE AND DISPOSE EXISTING DRAINAGE PIPE >15" SIZE	180 L.F.	\$4.50	\$810.00		\$0.00	180	\$810.00
2-1	MISCELLANEOUS SITE PREPARATION	1 L.S.	\$2,000.00	\$2,000.00		\$0.00	1	\$2,000.00
2-2	*INSTALL PIPE BEDDING/FOUNDATION MATERIAL	50 C.Y.	\$10.00	\$500.00		\$0.00	50	\$500.00
2-3	*INSTALL SELECT SANDY BACKFILL	135.0 C.Y.	\$10.00	\$1,350.00		\$0.00	135	\$1,350.00
3-1	**GEOTEXTILE FABRIC	100 S.Y.	\$3.00	\$300.00		\$0.00	100	\$300.00
3-1	**UTILITY CONDUITS	1 L.S.	\$4,500.00	\$4,500.00		\$0.00	1	\$4,500.00
4-1	*INSTALL 15" PERFORATED PE CULVERT PIPE	125 L.F.	\$3.125	\$3,125.00		\$0.00	125	\$3,125.00
4-2	*INSTALL 36" PERFORATED PE CULVERT PIPE	330 L.F.	\$35.00	\$11,550.00		\$0.00	330	\$11,550.00
4-3	*INSTALL 15" RCP PIPE	70 L.F.	\$50.00	\$3,500.00		\$0.00	70	\$3,500.00
4-4	*INSTALL 15" RCP PIPE	35 L.F.	\$25.00	\$875.00		\$0.00	35	\$875.00
5-1	PROVIDE AND INSTALL CLASS "B" STRUCTURAL CONCRETE SS-2 INLETS	4 EA.	\$2,500.00	\$10,000.00		\$0.00	4	\$10,000.00
5-2	PROVIDE AND INSTALL CLASS "B" STRUCTURAL CONCRETE SS-3 INLETS	5 EA.	\$2,500.00	\$12,500.00		\$0.00	5	\$12,500.00
5-3	PROVIDE AND INSTALL CLASS "B" STRUCTURAL CONCRETE JUNCTION BOX	1 EA.	\$3,500.00	\$3,500.00		\$0.00	1	\$3,500.00
6-1	*INSTALL 8" LIMESTONE UNDER HOT MIX ASPHALT	270 S.Y.	\$10.00	\$2,700.00		\$0.00	270	\$2,700.00
6-2	5" HOT MIX ASPHALT (2 LIFTS REQUIRED) (COMMISSION RD.)	175 S.Y.	\$35.00	\$6,125.00		\$0.00	175	\$6,125.00
6-3	2" HOT MIX ASPHALT (REEVES ST. AND JAWARICA ST.)	100 S.Y.	\$30.00	\$3,000.00		\$0.00	100	\$3,000.00
6-4	VEGETATIVE COVER (GRASSING)	300 S.Y.	\$3.00	\$900.00		\$0.00	300	\$900.00
6-5	SOLID SOD	50 S.Y.	\$5.50	\$275.00		\$0.00	50	\$275.00
6-6	EROSION CONTROL MAT	50 S.Y.	\$6.50	\$325.00		\$0.00	50	\$325.00
6-7	COMBINATION CONCRETE CURB & GUTTER	80 L.F.	\$18.00	\$1,440.00		\$0.00	80	\$1,440.00
6-8	CONCRETE DRIVEWAY, WITH REINFORCEMENT	30 S.Y.	\$48.00	\$1,440.00		\$0.00	30	\$1,440.00
6-9	SAW CUT JOINT	100 L.F.	\$6.00	\$600.00		\$0.00	100	\$600.00
6-10	GRANULAR DRIVEWAY	20 S.Y.	\$30.00	\$600.00		\$0.00	20	\$600.00
7-1	MAINTENANCE OF TRAFFIC	1 L.S.	\$3,500.00	\$3,500.00		\$0.00	1	\$3,500.00
8-1	STORMWATER MANAGEMENT	1 L.S.	\$3,500.00	\$3,500.00		\$0.00	1	\$3,500.00
9-1	REMOVE AND REPLACE EXISTING WATER MAIN WITH 8" PVC OR DUCTILE IRON	300 L.F.	\$15.00	\$4,500.00		\$0.00	300	\$4,500.00
9-2	*INSTALL DUCTILE IRON FITTING	0 TONS	\$300.00	\$75.00		\$0.00	0	\$75.00
10-1	*INSTALL 8" GATE VALVE WITH BOX	1 EA.	\$400.00	\$400.00		\$0.00	1	\$400.00
11-1	*RELOCATE EXISTING FIRE HYDRANT	1 EA.	\$600.00	\$600.00		\$0.00	1	\$600.00
12-1	*LOCATE AND CONNECT TO EXISTING WATER MAIN	3 EA.	\$1,000.00	\$3,000.00		\$0.00	3	\$3,000.00
13-1	*LOCATE AND CONNECT TO EXISTING WATER SERVICE	3 EA.	\$250.00	\$750.00		\$0.00	3	\$750.00
CO1-1	REINSTALL EXISTING SEWER SERVICE IN CONFLICT WITH NEW 36" HDPE	0 L.S.	\$1,500.00	\$0.00	1.00	\$1,500.00	1	\$1,500.00
			TOTAL	\$88,740.00		\$1,500.00		\$89,740.00

\* MATERIAL PROVIDED BY CITY, (OTHER ITEMS WILL BE PROVIDED & INSTALLED BY CONTRACTOR).  
\*\* THIS PAY ITEM IS INTENDED FOR THE CONTRACTOR TO LOCATE, PROTECT, AND PRESERVE ALL EXISTING UTILITIES IN THE WORK AREA NOT DESIGNATED FOR REPLACEMENT.

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TWIN L CONSTRUCTION, INC.

8292 FIRETOWER RD.  
PASS CHRISTIAN, MS 3957  
(228) 255-7930  
(228) 255-4155 - FAX  
Pamibear@aol.com

Oct. 8, 2013

To: A. Garner Russell & Assoc.  
Attn: Joe Culpepper  
Re: Commission Road Project

Twin L Construction, Inc. is please to submit the following price for your consideration.

Twin L will furnish supervision, labor, and equipment to perform the following work:

To relay an existing sewer service that is conflict with the new 36" HDPE for the price of

TOTAL PRICE: \$ 1500.00

Thank you  
*Richard Ladner*  
Richard Ladner  
President

Based upon the recommendation of Mr. Culpepper, Alderman Hammons made motion seconded by Alderman Carrubba and unanimously carried to approve Change Order #1, Twin L Construction, Inc., Drainage Improvements Commission Road, all as set forth above.

\*\*\*\*\*

Alderman Young made motion seconded by Alderman Carrubba and unanimously carried to approve the 2013-2014 Holiday Schedule, as follows:

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HOLIDAY SCHEDULE \*

2013

Monday, November 11 <sup>th</sup>	Closed-Veteran's Day
Wednesday, November 27 <sup>th</sup>	Close Noon ( <u>ALL</u> administrative employees taking off at noon <u>MUST</u> utilize leave or remain at work for their normal work day)
Thursday, November 28 <sup>th</sup>	Closed-Thanksgiving Holidays
Friday, November 29 <sup>th</sup>	Closed-Thanksgiving Holidays
Monday, December 23 <sup>rd</sup>	Closed-( <u>ALL</u> administrative employees taking off <u>MUST</u> utilize leave or remain at work for their normal work day)
Tuesday, December 24 <sup>th</sup>	Closed-Christmas Holidays
Wednesday, December 25 <sup>th</sup>	Closed-Christmas Holidays
Tuesday, December 31 <sup>st</sup>	Close Noon ( <u>ALL</u> administrative employees taking off at noon <u>MUST</u> utilize leave or remain at work for their normal work day)

2014

Wednesday, January 1, 2014	Closed- New Year's Day
Monday, January 20 <sup>th</sup>	Closed-Martin Luther King's and Robert E. Lee's Birthday
Monday, February 17 <sup>th</sup>	Closed-President's Day
Monday, April 28 <sup>th</sup>	Closed-Confederate Memorial Day
Monday, May 26 <sup>th</sup>	Closed-Memorial Day
Friday, July 4 <sup>th</sup>	Closed-Independence Day
Monday, September 1 <sup>st</sup>	Closed-Labor Day
Tuesday, November 11 <sup>th</sup>	Closed-Honor Veteran's Day
Wednesday, November 26 <sup>th</sup>	Close Noon ( <u>ALL</u> administrative employees taking off at noon <u>MUST</u> utilize leave or remain at work for their normal work day)
Thursday, November 27 <sup>th</sup>	Closed-Thanksgiving Holidays
Friday, November 28 <sup>th</sup>	Closed-Thanksgiving Holidays
Wednesday, December 24 <sup>th</sup>	Closed-Christmas Holidays
Thursday, December 25 <sup>th</sup>	Closed-Christmas Holidays
Friday, December 26 <sup>th</sup>	Closed-( <u>ALL</u> administrative employees taking off <u>MUST</u> utilize leave or remain at work for their normal work day)
Thursday, January 1, 2015	Closed- New Year's Day
Friday, January 2, 2015	Closed-( <u>ALL</u> administrative employees taking off <u>MUST</u> utilize leave or remain at work for their normal work day)

\*HOLIDAYS ARE SUBJECT TO CHANGE IN ACCORDANCE WITH GOVERNOR'S PROCLAMATION

\*\*\*\*\*

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Alderman Hammons made motion seconded by Alderman Young and unanimously carried to approve Police Department Budget Amendments, Fiscal Year 2013-2014, as follows:

**Comptroller's Office**

# Memo

**To:** Becky Schruff  
**From:** Kini Gonsoulin KE  
**Date:** 10/15/2013  
**Re:** Budget Amendment

---

Please submit the attached budget amendment for consideration on the October 15, 2013 board meeting. The amendment is to accept donations received and to budget them so they may be spend for the 2013 National Night Out Against Crime event.

If you have any questions regarding this request, please do not hesitate to ask. Thank You.

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228-863-7292  
FAX 228-863-1557



LONG BEACH POLICE DEPARTMENT

P.O. BOX 929 LONG BEACH, MS 39560

Date: October 10, 2013

To: Kini Gonsoulin

From: Wayne McDowell

Re: Donated Funds for 2013 National Night Out Against Crime

Kini,

The Police Department has received donated funds for the purpose of supporting our 2013 National Night Out Against Crime event, which will be held on October 24, 2013. The funds were donated in the form of checks for said purpose. The checks are as follows:

Ace Data Storage, Inc	made out to Long Beach Police Department	Amount: \$250.00
Long Beach Rotary Club	made out to City of Long Beach	Amount: \$250.00
St. Thomas Church	made out to Long Beach Police Department	Amount: \$100.00

I'm am requesting that theses be placed in the Police Departments budget under Misc. Services and Charges (213-627900) so that we may purchase needed items, such as food, drinks, and supplies for our event with the community.

Thank you,

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

Wayne McDowell

Chief of Police

City of Long Beach  
 Budget Amendment Request

Fund Name \_\_\_\_\_ Date \_\_\_\_\_  
 Department # 213 Budget Entry # \_\_\_\_\_  
 Department Name Police Department

	Original Budget	Prior Amendments	This Amendment	Revised Budget
Misc. Services & Charges 213-627900	5,000		600	5,600
Donations 010-560200	-		(600)	(600)
	5,000	-	-	5,000

Amendment to donations received for National Night Out Against Crime.

Amendment # 1

\*\*\*\*\*

Alderman Carrubba made motion seconded by Alderman Griffin and unanimously carried acknowledging receipt of the September, 2013, Revenue/Expense Report.

\*\*\*\*\*

Alderman Hammons made motion seconded by Alderman Young and unanimously carried to accept the Fiscal Year 2011-2012 Annual Financial Statement

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submitted by the firm of Alexander, Van Loon, Sloan, Levens, Favre, LLC, Certified Public Accountants.

\*\*\*\*\*

There came on for consideration derelict properties and official action was taken, as follows:

- Alderman Carrubba made motion seconded by Alderman Lishen and unanimously carried to schedule a public hearing, Tuesday, November 19, 2013, 5:00 o'clock p.m., City Hall Meeting Room, 201 Jeff Davis Avenue, Long Beach, Mississippi, to determine whether or not a parcel property located at 39 Linda Lane, assessed to David Pinney and 5 Michael Court, assessed to Byron C. and Kathryn A. Koby, are in such a state of uncleanliness as to constitute a menace to the public health and safety of the community.
- Alderman Carrubba made motion seconded by Alderman Griffin and unanimously carried determining that property located at 108 McGuire Drive, assessed to William Kaden and Wife, is in compliance with city ordinances and property maintenance codes at this time.

\*\*\*\*\*

Alderman Hammons made motion seconded by Alderman Carrubba and unanimously carried to approve the contract by and between the City of Long Beach, Mississippi and the Humane Society of South Mississippi, authorizing the Mayor and City Clerk to execute same, as follows:

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STATE OF MISSISSIPPI  
COUNTY OF HARRISON

**ANIMAL CONTROL SERVICES AGREEMENT**

This Animal Control Services Agreement (hereinafter the "Agreement") is executed this day by and between the undersigned, CITY OF LONG BEACH, MISSISSIPPI (hereinafter the "City"), a municipal corporation, and the HUMANE SOCIETY OF SOUTH MISSISSIPPI (hereinafter "HSSM"), a Mississippi non-profit corporation, which do hereby mutually agree as follows:

1. Animal Shelter Services. In furtherance of animal control in City of Long Beach, Mississippi, HSSM agrees to accept animals properly delivered by the animal control officers of the City at HSSM's shelter located at 2615 25th Avenue, Gulfport, Mississippi, 39501, as provided in this Agreement. In accordance with the Mississippi State Animal Welfare Laws, HSSM agrees to hold these animals and provide them with shelter, care, food, and water for a minimum of five (5) business days unless otherwise prescribed in this Agreement (hereinafter "holding period").

At the conclusion of the prescribed holding period, HSSM further agrees to provide adoption services for said animals, and if necessary, at the sole discretion of HSSM, to provide humane euthanasia service and sanitary disposal of remains of said animals, as needed, and in accordance with the Mississippi State Animal Welfare Laws.

2. Delivery of Animals. The City agrees to deliver stray, lost, abandoned, seized or otherwise captured animals to HSSM by physically transporting said animals to HSSM's shelter located at 2615 25th Avenue, Gulfport, Mississippi, 39501, and further place said animals into cages, pens, or other containment areas as directed by the shelter staff of HSSM. The City further agrees that its animal control officers shall assist and otherwise cooperate to the fullest extent with the shelter staff of HSSM during these deliveries so as to facilitate the transfer of said animals.

3. Payment. As base compensation for the services to be rendered under this Agreement, the City agrees to pay HSSM the monthly sum of Five Hundred Forty Dollars and 00/100 (\$540), payable on the first day of each month, with the first payment being due on October 1, 2013, and continuing each month thereafter during the term of this Agreement. All payments shall be delivered to HSSM at 2615 25th Avenue, Gulfport, Mississippi, 39501 by hand or by U.S. first class mail, postage prepaid.

4. Term. The term of this Agreement is for one (1) year, commencing on October 1, 2013 and continuing through September 30, 2014, provided however, that each party agrees and reserves the right to terminate this Agreement, without cause, upon days written notice to the other party of its desire to terminate this Agreement issued not less than sixty (60) days prior to the effective date of said termination.

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5. Renewal of Agreement. Provided that the City is not in default under the terms of this Agreement, the City shall have the option to renew this Agreement for up to two (2) consecutive renewal terms which renewal periods will consist of one (1) year each. In order for the City to exercise this option to renew, the City must provide written notice of its intent to renew to HSSM at the address contained in this Agreement or at such other address as HSSM may designate from time to time at least sixty (60) days prior to the termination of the primary term of this Agreement. Should the City fail to provide HSSM with such notice, the City's right to renew this Agreement shall expire and be of no further force or effect. Provided that the City exercises its initial option to renew this Agreement for the first one (1) year renewal period, the City shall be required to provide HSSM with an additional written notice(s) as set forth above in order to exercise the option for the second renewal period. It is the intent of the parties that HSSM must receive a separate written notice for each renewal period. Should the City exercise its option to renew this Agreement all terms and conditions of the original Agreement shall remain in full force and effect during the renewal periods.

6. Acceptance of Bite and/or Court Animals.

A. Bite Animals. HSSM agrees to accept from the animal control officers of the City those animals alleged to have bitten a person, as provided in this Agreement. For every such animal delivered, the City agrees to deliver to HSSM at 2615 25th Avenue, Gulfport, Mississippi, 39501 a police report describing the bite incident within forty-eight (48) hours of delivery of the animal. HSSM will hold said animals for a period of not more than ten (10) days after which time the bite case shall have been resolved or the impounding animal control agency shall take charge of the care of the animal.

B. Court Animals. Those animals that are ordered by a court of law to be held and/or seized by the City will be accepted by HSSM from the animal control officers of the City as provided in this Agreement. For every such animal delivered, the City agrees to deliver to HSSM at 2615 25th Avenue, Gulfport, Mississippi, 39501 within forty-eight (48) hours of delivery of the animal the pertinent court documentation evidencing the court's intent to hold, seize or otherwise retain said animal. If such documentation is not forthcoming within forty eight (48) hours of delivery of the animal, disposition of the animal is left to the sole discretion of the HSSM.

HSSM may hold any such animal for a period of not more than forty (40) days after which time the court case shall have been resolved or the impounding animal control agency shall take charge of the care of the animal.

C. Limitations. It is understood and agreed that HSSM will accept for care a maximum of twenty-two (22) bite or court case animals at one time from all agencies, municipalities or other entities serviced by HSSM. Once the maximum number of bite or court case animals is achieved, HSSM agrees to provide the

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City with written notice of the same which further advises that no further bite or court case animals will be accepted for care from any entity serviced by HSSM, and the City agrees to comply with said notice until otherwise directed by HSSM. Disposition of unclaimed animals after the requisite holding period is left to the sole discretion of HSSM.

D. Medical Evaluations. HSSM and the City mutually understand and agree that medical evaluation of the animals described in Paragraph 5 herein is not the responsibility of HSSM, but at its sole discretion, HSSM may render necessary medical treatment as prescribed by a licensed veterinarian to any such animal in order to relieve pain and/or extreme discomfort. The parties further agree that all fees, costs or other charges associated with such treatment shall be paid solely by the City in addition to the compensation set forth in Paragraph 3 hereinabove.

E. Additional Fees. In addition to all other amounts described in this Agreement, the City shall pay to the HSSM the sum of twelve dollars and 50/100 (\$12.50) per day for any animal held at the shelter pursuant to Paragraph 6 herein. In the case of a bite animal, if the animal is surrendered by the owner, the City shall be responsible for the costs of the ten (10) day quarantine and necessary medical treatments, unless the animal is returned to the owner, upon which the owner shall be responsible for said costs.

If the Animal Control agency requests a forensic necropsy service or medical evaluation of an animal, HSSM's veterinarian may perform these services as requested by the agency at a cost of \$50 per hour billed to the City. Any requests for such services must be made to HSSM in writing prior to performance of the same.

F. Billing. Invoices for any additional amounts to be paid by the City as described in Paragraph 6 herein will be submitted monthly by HSSM and any amounts due and owing shall be paid to HSSM at 2615 25th Avenue, Gulfport, Mississippi, 39501, shall be paid timely, as provided by law.

7. Medical Care. The City understands and acknowledges that HSSM is unable to provide emergency veterinary care of animals twenty-four (24) hours per day, seven (7) days per week, and shall not provide emergency veterinary care for animals delivered or to be delivered to HSSM after normal business hours (being Monday - Friday, 8:00 A.M. - 5:00 P.M.) and this responsibility rests solely with the City. The City understands and agrees that no animal which is injured, suffering or is otherwise in need of emergency veterinary care shall be brought by the City to HSSM or any temporary shelter after 5:00 P.M. on Monday through Friday or anytime on Saturday or Sunday.

8. Seizures. In the event of a mass seizure of animals ordered or conducted by the City, the City agrees to make arrangements and pay for the humane containment and care of those animals seized. HSSM agrees to use its best efforts to assist the City in these seizures. If space allows, HSSM may accept these animals for care at the shelter for a time period determined in the sole discretion of HSSM. If HSSM does

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agree to assist the City in a mass intake of animals, any additional costs incurred by HSSM will be the responsibility of the City to be billed pursuant to the billing terms described herein.

9. Default. Any nonpayment or material breach of any provision of this Agreement, by either party, shall be deemed a default of this Agreement. In the event of default, the nonbreaching party may suspend this Agreement until the default is cured by providing the breaching party with written notice of the same. If the nonbreaching party fails to cure its default within thirty (30) days of the date of said notice, this Agreement may be deemed terminated.

10. Indemnification. To the extent allowed by law, the City agrees to indemnify and hold harmless HSSM, and/or its agents, volunteers, employees, Board of Directors, officer, successors and assigns, from any responsibility for or liability resulting from the physical condition and/or actions of the animals transported and delivered by the City, and/or its agents, employees, officers or officials, pursuant to this Agreement both during the holding period and after their release, if any, and/or from and against any responsibility or liability, including, without limitations, lawsuits, claims, demands, and causes of actions, resulting from or in any way arising out of acts or omissions of the City, and/or its agents, employees, or officials, relating to the capture, seizure, transporting or delivery of said animals to HSSM or any other act or omission occurring while said animals are in the custody or control of the City.

HSSM agrees to indemnify and hold the City, and/or its agents, employees, officers, and officials harmless from and against any responsibility or liability, including, without limitations, lawsuits, claims, demands, and causes of actions, resulting from or in any way arising out of acts or omissions of HSSM, and/or its agents, volunteers, employees, Board of Directors, officers, successors, and assigns, including, but not limited to, those involving the condition of HSSM's facilities or any animals kept or detained there or the disposition of any animals by way of adoption, return to owners, euthanasia, or otherwise.

11. Compliance with Governing Laws/Independent Contractor. HSSM agrees that it and its agents, volunteers, employees, Board of Directors, officers, and officials shall comply with all laws and regulations which may govern or otherwise pertain to any of the services or activities that the HSSM is to perform as set out in this Agreement. It is further acknowledged and understood that HSSM and its agents, employees, servants, officers, and officials and all others who provide or will provide service in connection with this Agreement are not employees or servants of the City or in any joint venture, partnership, or corporate, business, or agency relationship with the City but instead are solely independent contractors.

12. Entire Agreement; Amendments. The instant agreement constitutes the entire agreement of the parties and supersedes and cancels all previous written or oral agreements between HSSM and the City. This Agreement may not be amended, supplemented or modified except by a written document signed by authorized representatives of both parties.

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13. Severability. Should any clause, portion or section of this Agreement be unenforceable or invalid for any reason, the parties acknowledge and agree that such unenforceability or invalidity shall not affect the enforceability or validity of the remainder of the agreement.

14. Governing Law. The parties acknowledge and agree that this agreement shall be construed in accordance with the laws of the State of Mississippi.

15. Notices/Points of Contact. All notices described herein, whether the same are required to be in writing or otherwise, shall be provided to the following:

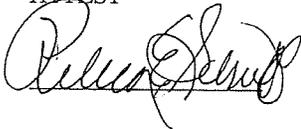
To the City at:  
City of Long Beach  
Wayne McDowell, Chief of Police  
202 Alexander Road  
Long Beach, MS 39560

To HSSM at:  
Humane Society of South Mississippi  
Attn: Tara High, Executive Director  
2615 25th Avenue, Gulfport, Mississippi 39501

With a copy to:  
Mark C. Orgler, HSSM Board Attorney  
Schwartz, Orgler & Jordan, PLLC  
12206 Highway 49  
Gulfport, MS 39503

IN WITNESS WHEREOF, The parties have respectively caused this Agreement to be executed by their undersigned duly authorized representatives, this the 15<sup>th</sup> day of October, 2013.

ATTEST



CITY OF LONG BEACH, MISSISSIPPI

BY:



NAME:  
TITLE:



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HUMAN SOCIETY OF SOUTH MISSISSIPPI

BY: \_\_\_\_\_  
NAME:  
TITLE:

\_\_\_\_\_  
ATTEST

\*\*\*\*\*

Alderman Lishen made motion seconded by Alderman Young and unanimously carried to appoint Jimmy Johnson to the Long Beach Recreation Board as the representative for Ward 5, October, 2013-October, 2017.

\*\*\*\*\*

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There came on for consideration at a duly constituted meeting of the Board of Aldermen and Mayor of the City of Long Beach held on 15th day of October 2013, the following Resolution, which was reduced to writing and presented in advance of the meeting for reading and examination:

**RESOLUTION SEEKING THE ASSISTANCE OF THE HARRISON COUNTY BOARD OF SUPERVISORS IN PAVING RUSSELL STREET IN THE CITY OF LONG BEACH, AND FOR OTHER PURPOSES;**

**WHEREAS**, The City of Long beach and the Board of Supervisors of Harrison County, Mississippi have hereto for entered into an Interlocal Agreement to allow and provide for the exchange of services and the provision of assistance between them on behalf of the citizens of Long Beach and Harrison County; and

**WHEREAS**, from time to time and on occasion the City seeks the assistance of Harrison County in providing paving on certain roads located responded and complied when possible; and

**WHEREAS**, Russell Street in Long Beach has suffered extreme deterioration due to use, wet weather conditions, construction activity, and other causes, which may possibly have caused Russell Street to have deteriorated to the point of being in a hazardous condition and threat to public safety; and

**WHEREAS**, being without sufficient resources to pay the cost of paving such street, the City of Long Beach hereby seeks the assistance of the Harrison County Board of Supervisors to pave such street for the protection, health and safety of all citizens of Harrison County using said roadway.

**NOW, THEREFORE**, be it resolved by the Board of Aldermen of the City of Long Beach that the Harrison County Board of Supervisors be, and same hereby are requested to provide such assistance as may be available to the City of Long Beach and the citizens of Harrison County utilizing Russell Street in the City of Long Beach in the form of asphalt paving for such distance and in all such are as is in need, or for which resources are available.

**BE IT FURTHER RESOLVED**, by the Mayor and Board of Aldermen of the City of Long Beach that we express our appreciation to Supervisor Marlin Ladner and the entire Harrison County Board of Supervisors for any assistance it is able to provide in this request.

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The above and foregoing Resolution having been introduced in writing, was first read and considered section by section and then as a whole. Alderman Ponthieux moved the adoption of the foregoing resolution, seconded by Alderman Lishen 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 Kelly Griffin	voted	Aye
Alderman Alan Young	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 October, 2013.



APPROVED:

*William Skellie, Jr.*  
William Skellie, Jr., Mayor

ATTEST:

*Rebecca E. Schruiff*  
Rebecca E. Schruiff, City Clerk

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\*\*\*\*\*

Alderman Carrubba made motion seconded by Alderman Lishen and unanimously carried to approve the special event application, "National Night out against Crime", sponsored by the Long Beach Police Department on the Town Green.

It was noted for the record that it is a city sponsored event, covered under the city's insurance and rental fees do not apply.

\*\*\*\*\*

The Mayor recognized the City Attorney for his report and official action was taken, as follows:

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The Mayor and Board of Aldermen took up the matter of finding certain property as surplus in accordance with Miss. Code Annotated Section 21-17-1 is in the best interest of the city, and authorizing sale of same in accordance with law. After a discussion of the subject, Alderman Hammons 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 A PORTION OF THAT CERTAIN MUNICIPAL PROPERTY THE PROPERTY LOCATED AT 120 EAST 2ND STREET WITHIN THE CITY OF LONG BEACH TO BE SURPLUS, NO LONGER NEEDED FOR ANY PUBLIC PURPOSE, FINDING FURTHER THAT THE SALE OF SAME IN THE MANNER OTHERWISE PROVIDED BY LAW IS NOT NECESSARY OR DESIRABLE FOR THE FINANCIAL WELFARE OF THE MUNICIPALITY, AND THE USE FOR WHICH THE PROPERTY WILL BE PUT WHEN SOLD WILL PROMOTE AND FOSTER DEVELOPMENT AND IMPROVEMENT OF THE CITY OF LONG BEACH, AND THE CIVIC, SOCIAL, EDUCATIONAL, CULTURAL, MORAL, ECONOMIC AND INDUSTRIAL WELFARE THEREOF, AND AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO TAKE SUCH STEPS AS ARE NECESSARY AND PROPER AND EXECUTE ANY SUCH DOCUMENTS AS ARE NECESSARY AND PROPER TO COMPLETE SUCH SALE, AND FOR RELATED PURPOSES.

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

1. That, the City has made due investigation into the current and future needs and uses of certain real property owned by the City located at 120 East 2<sup>nd</sup> Street, which is currently occupied in part by the City of Long Beach Fire Station Number 2, and a portion of which is currently unused by the City of Long Beach; and

2. That, the City has made considered the matter with its Fire Department and Governing Authorities, and has determined that the unused property at the location is surplus, and not now or in any foreseeable future needed by The City of Long Beach for Fire Department or other purposes, and that the surplus portion of such property should be placed back into commerce within the City of Long Beach in order to promote and foster development and improvement of the city of Long Beach, and improve the civic, social, educational, cultural, moral, economic and industrial welfare thereof; and

3. That such excess property does in fact adjoin and abut certain lands owned and occupied by Darwell Dale Yeager, Jr., d/b/a/Darwell's Restaurant, a business operating and paying taxes within the City of Long Beach and fostering development and improvement within the City of Long Beach; that the property is likely desirable and useable only by Darwell's to

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expand and operate its business, and is likely not large enough to operate any other business or operation, and therefor the sale of the subject property to Darwell's Restaurant will uniquely foster development and improvement within the City of Long Beach and improve the civic, social, educational, cultural, moral, economic and industrial welfare thereof .

3. That, having made such determination, the City hereby declares and determines that (a) the portion of property described above is surplus, and no longer needed for municipal or related purposes and is not to be used in the operation of the City, and (b) that the sale of such property in the manner otherwise provided by law is not necessary or desirable for the financial welfare of the municipality, and (c) that the use of such real property for the purpose for which it is to be put by the proposed purchaser will promote and foster the development and improvement of the City of Long Beach and the civic, social, educational, cultural, moral, economic and/or industrial welfare thereof.

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

RESOLVED AND ORDERED , that the portion of the parcel of land lying and being situated in the City of Long Beach, First Judicial District, Harrison County, Mississippi, and having the street address of 120 East 2nd Street as described on Exhibit A attached is hereby found, declared and adjudicated to be (a) municipally owned real property that is no longer needed for municipal or related purposes and is not to be used in the operation of the municipality, (b) that the sale of such property in the manner otherwise provided by law is not necessary or desirable for the financial welfare of the municipality, and (c) that the use of such property for the purpose for which it is to be sold, conveyed or leased will promote and foster the development and improvement of the City of Long and the civic, social, educational, cultural, moral, economic and/or industrial welfare thereof.

RESOLVED AND ORDERED FURTHER, that the Mayor and City Clerk shall be hereby authorized and directed to proceed with the sale of such property in accordance with law, including obtaining proper legal descriptions or surveys and appraisals, including payment of the City's share of the costs of same, and thereafter execution of deeds of conveyance, closing statements, and any other documents or actions necessary and proper to complete such disposition in accordance with law.

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RESOLVED AND ORDERED FURTHER, that the consideration for the conveyance of the property shall be not less than the average of the fair market price for such property as determined by at least two (2) professional property appraisers selected by the municipality and approved by the purchaser. Appraisal and survey fees shall be shared equally by the municipality and the lessee.

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

Alderman Bernie Parker	voted	Absent, Not Voting
Alderman Gary J. Ponthieux	voted	Aye
Alderman Kelly Griffin	voted	Aye
Alderman Alan Young	voted	Aye
Alderman Leonard G. Carrubba, Sr.	voted	Aye
Alderman Mark E. Lishen	voted	Aye
Alderman Ronnie Hammons, Jr.	voted	Aye

The question having received the Affirmative vote of all the Aldermen present and voting, the Mayor declared the motion carried and the resolution and order adopted and approved this the 15<sup>th</sup> day of October, 2013.

APPROVED:

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

ATTEST:

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

Minutes of October 15, 2013  
Mayor and Board of Aldermen

EXHIBIT A TO RESOLUTION OF MAYOR AND BOARD OF  
ALDERMEN DATED OCTOBER 15, 2013 ADJUDICATING A PORTION  
OF THAT CERTAIN MUNICIPAL PROPERTY THE PROPERTY  
LOCATED AT 120 EAST 2ND STREET WITHIN THE CITY OF LONG  
BEACH TO BE SURPLUS.

The description of the property declared surplus, and no longer needed for municipal or related purposes and is not to be used in the operation of the City and sold as provided in the Resolution is as follows:

A portion of parcel number 0612B-03-012.000 , being generally identified as 120 East 2nd Street, Long Beach, Mississippi, said portion to be conveyed being generally described as commencing from the existing north west property line of Darwell Dale Yeager, Jr., being parcel number 0612B-03-003.000, and go approximately thirty feet westerly along the right of way of First Street to a point to be determined by survey; thence southeasterly approximately 150 feet to the northwest corner of the property now or formerly owned by Peter Eagan, Jr., being parcel number 0612B-03-013.000; thence easterly approximately thirty feet along the north property line of Egan to the southwest corner of Darwell Dale Yeager, Jr.'s property, being parcel number 0612B-03-003.000; thence northerly along the west line of said Yeager property approximately 150 feet to the POINT OF BEGINNING.

The exact legal description may be determined by survey, and provided in the instrument of conveyance.

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Minutes of October 15, 2013  
 Mayor and Board of Aldermen

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

**PUBLIC COMMENTS PERTAINING TO MATTERS NOT APPEARING ON THE AGENDA**

**NOTE:** All comments shall be directed to the Chairman (Mayor) at the end of the meeting.  
 Comments of a personal nature regarding individual members of the Governing Authority (Mayor and Board of Aldermen), City Staff and/or Personnel, other Citizens, disruptive comments or improper actions will not be permitted.  
 Public Comments will be limited to a total of ten (10) minutes and limited to a maximum of two (2) minutes per person.  
 Except as otherwise directed by the Chairman (Mayor), Public Comments will not be permitted before or after the allotted time. Disruption of the regular business meeting will be cause for removal from the public meeting.

PLEASE PRINT:		
	NAME / ADDRESS / TELEPHONE	SUBJECT MATTER
1	UNLICENSED VENDORS	GUS HARRIS 300 E. BEACH 863-5548
2		
3		
4		
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City of Long Beach, Mississippi  
 Mayor and Board of Aldermen Meeting  
 Date: \_\_\_\_\_

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

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Minutes of October 15, 2013  
Mayor and Board of Aldermen

There being no further business to come before the Mayor and Board of Aldermen at this time, Alderman Carrubba made motion seconded by Alderman Lishen 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

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Alderman Gary J. Ponthieux, Ward 1

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Alderman Bernie Parker, Ward 2

\_\_\_\_\_  
Alderman Kelly Griffin, Ward 3

\_\_\_\_\_  
Alderman Ronnie Hammons, Jr., Ward 4

\_\_\_\_\_  
Alderman Mark E. Lishen, Ward 5

\_\_\_\_\_  
Alderman Alan Young, Ward 6

\_\_\_\_\_  
Date

ATTEST:

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