

Minutes of April 15, 2014
Mayor and Board of Aldermen

The Mayor recognized the City Attorney for his report, as follows:

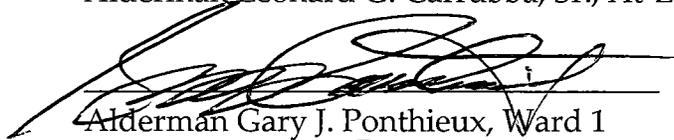
- Update on the Ronald Jefferson litigation.
- Signage at the Town Green.

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

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

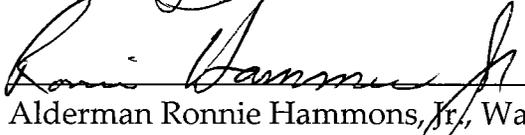
APPROVED:


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

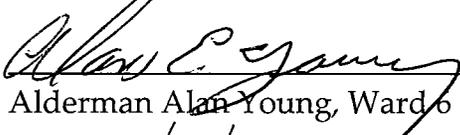

Alderman Gary J. Ponthieux, Ward 1


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

5/6/14
Date

ATTEST:

Rebecca E. Schuff, City Clerk

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Be it remembered that a regular meeting of the Mayor and Board of Aldermen, Long Beach, Mississippi, was begun and held at 5:00 o'clock p.m., Long Beach City Hall, 201 Jeff Davis Avenue, in said City, it being the first Tuesday in May, 2014, 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, Bernie Parker, Kelly Griffin, Ronnie Hammons, Jr., Mark E. Lishen, Alan Young, City Clerk Rebecca E. Schruff, and City Attorney James C. Simpson, Jr.

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

The meeting was called to order and the Mayor and Board of Aldermen proclaimed the week of May 4-10, 2014, as "Goodwill Industries Week".

There were no bids, presentations, or amendments to the Municipal Docket.

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The Mayor announced that Long Beach residents, Bill and Lois Kelly, celebrated their 70th wedding anniversary.

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

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**PUBLIC COMMENTS PERTAINING TO MATTERS ON THE AGENDA
ONLY**

NOTE: All comments shall be directed to the Chairman (Mayor).

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	AGENDA ITEM NO.	AGENDA ITEM SUBJECT MATTER
1 Kim Marmalich 5119 Mitchell Rd Long Beach MS 39560	2b	OPPOSED TO Primary Consumption Outside of a fully enclosed Business w/ Music as an accessory
2 Maxim van Norden 5142 Mitchell Rd L.B. MS 39560	2B	
3 Luca van Norden 5142 Mitchell Rd L.B. MS 39560	2B	
4 Dustin van Norden 5142 Mitchell Rd L.B. MS 39560	2B	
5 Erica Shirk	2B	
6		
7		
8		
9		
10		

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

Excel Worksheet: public comments - agenda PUBLIC COMMENTS-AGENDA

Ms. Kim Marmalich requested that her statements be made a part of the record, whereupon, Alderman Lishen made motion seconded by Alderman Carrubba and unanimously carried to spread said statements upon the minutes of this meeting in words and figures, as follows:

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Presentation by Kim Marmalich to Long Beach Board of Alderman on May 6, 2014 in opposition of the Long Beach Market and Deli's request for primary consumption outside of a fully enclosed building with live music as an accessory use.

- I want to start by saying that I have nothing against Max and Lucia (Mr. and Mrs. █████ Norden) personally and just like you, I believe that they are good, hard working people.
- This is a zoning issue and the answers are in the Zoning Ordinance.
- The Long Beach Market and Deli's Property is Zoned C-3. My property and that of my neighbors is Zoned R-1.
- For over 30 years, the Long Beach and Market Deli Property has operated as a convenience store with no primary consumption outside of a fully enclosed building including when it was first purchased by Max and Lucia.
- I have lived behind the Long Beach and Market and Deli for 16 years.
- During that time I have never had a complaint against any owner of that property and the property has changed hands several times.
- The archived Zoning Ordinance in effect when I purchased my property which I also believe to have been in effect when Max and Lucia purchased the Store stated the following:

Page 26 - The intent of R-1 District is to establish and preserve quiet single family home neighborhoods free from other uses except those that are both compatible and convenient to residents of such district.

Page 29 - The purpose of C-3 property is to provide primarily for retail shopping and personal service.

- If I had ever thought that the City would one day consider allowing a convenience store to attach a stage to the side of their building 30 feet from my property line and have primary consumption with live music as an accessory to use outside of a fully enclosed building, I assure you that I would have never purchased that property.

I promise you that no neighbor or concerned citizen that signed the latest petition that was passed around wants a stage built 30 feet from their property line.

- I have to believe that it was not the intent of the City to cause harm to its residents when the Zoning Ordinance was updated.
- I see nothing in the Current Zoning Ordinance that contradicts the ordinance in place when I purchased my property.

Pg 46 - Says an R-1 District is designed and intended to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment from which to live sheltered from incompatible and disruptive activities that properly belong in a nonresidential district.

Page 46 - Says a C-3 district may provide for a transition between commercial and residential areas. It also says the purpose of a C-3 is to primarily serve one neighborhood or area of the City as opposed to the region.

- That tells me the purpose of C-3 property is not to draw business from around the Coast to Long Beach which means that argument cannot be used as a reason to allow this.

Page 53 - Chart of Uses tells us that C-3 property is not permitted by right to have primary consumption outside of a fully enclosed building or to operate as a lounge.

It is evident from the Chart of Uses that Primary Consumption outside of a fully enclosed building is considered more intrusive than an indoor lounge.

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- Long Beach Market and Deli is not located near the central business district . It is surrounded by a residential area and other Service Oriented C-3 Properties that are not disrupted to the peace or safety of the surrounding residents.
- If you were to allow the Long Beach Market and Deli's request then downtown on Jeff Davis Avenue will be a more peaceful and safe place to be than our neighborhood.
- Based on the Zoning Ordinance and everything I just mentioned, I need someone to explain to me why allowing this is for the greater good of all of Long Beach at the expense of the surrounding residents that have been there for over 16 years.

I have 4 concerns:

1. I am concerned that primary consumption of beer outside of a fully enclosed building poses a threat to the surrounding residences.
2. I am opposed to the Long Beach Market and Deli hosting any live events because this significantly magnifies the threat of primary consumption of alcohol outside of a fully enclosed building. Patrons sit outside for the duration of these events and drink.
3. The stage is 30 feet from my property line and 60 feet from my home and the amplified music can be heard loudly inside my home and on my property.

In addition, the City is now considering modifying the **noise ordinance** which may require me to endure loud music inside my home and on my property based on proximity alone.

We have lived on our property for 16 years and I can't see why you would consider doing this to our family.

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- 4. I am very concerned about the precedent that will be set by the new use of the property going forward if and when the property changes hands and this property has changed hands several times over the past years.

Max has indicated that he and Lucia live in the neighborhood but what he hasn't mentioned is that they live half way down the street in a culdesac where they will be completely sheltered from the activities if the store was to change hands.

The Long Beach Market and Deli did not get proper approval from the Planning Commission or the Board for their new business model prior to attaching all of their structures to the outside of the building.

I am requesting that Long Beach Market and Deli not be allowed to have Outdoor Live Music as an Accessory to Use to mitigate the risk posed by primary consumption outside of a fully enclosed building.

I am requesting that right for primary consumption outside of a fully enclosed building be restricted to the time period when Max and Lucia are active owner managers of the business.

My request is a win for both parties. Long Beach Market and Deli gets to have primary consumption outside of a fully enclosed building. I get my family's peace, quality of life, and safety preserved.

This is a zoning issue and the decisions made today will set the precedent of what this property can be used for going forward and could negatively change the culture of a long established and peaceful neighborhood.

I respectfully ask that you protect the quality of life, safety, and culture of our neighborhood.

Thank You

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Alderman Carrubba made motion seconded by Alderman Lishen and unanimously carried to approve the regular meeting of the Mayor and Board of Aldermen dated April 15, 2014, as submitted.

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The Mayor and Board of Aldermen took up for consideration the matter of final approval for recording of the Re-Plat of BEAU CLAIR CONDOMINIUMS. After a discussion of the subject, Alderman Ponthieux offered and moved the adoption of the following Resolution:

RESOLUTION PROVIDING FOR FINAL APPROVAL FOR RECORDING
OF THE RE-PLAT OF BEAU CLAIR CONDOMINIUMS OF THE CITY OF
LONG BEACH, MISSISSIPPI, ACCEPTING THE DEDICATION
THEREOF AND FOR RELATED PURPOSES.

WHEREAS, the Mayor and Board of Aldermen (the "Governing Body") of the City of Long Beach, Mississippi (the "Municipality"), having made due investigation, do now find, determine, adjudicate and declare as follows:

1. Beau Clair Homeowners Association, as Owner of that parcel of land and improvements heretofore known as Beau Clair Condominiums, City of Long Beach, First Judicial District of Harrison County, Mississippi, the Plat of which condominium, and the curbs, drainage and utility easements, (and appurtenances thereto), as laid out, surveyed and platted for said Owner according to approved Plat of Beau Clair Condominiums as recorded in Plat Book 34 at Page 27, on October 11, 1984, has rebuilt and reconstructed the same condominiums and seeks to have approved a re-plat of the said premises and location..

2. The aforesaid Re-Plat of said Beau Clair Condominiums was examined and preliminarily approved by the Planning Commission of the Municipality as is reflected by the minutes of the February 13, 2014, meeting of that body.

3. A. Garner Russell & Associates, Inc., Consulting Engineers for the Municipality, have inspected and examined the improvements, sewage collection system, water distribution system, drainage system, and fixtures, equipment and appliances appurtenant thereto, constructed and installed by the Owner in the aforesaid subdivision, and said engineers have reported that all of the same are substantially complete and have recommended approval for recording of said Re-Plat.

4. The City Attorney has reported to the Governing Body of the Municipality that the form of the aforesaid Re-Plat of Beau Clair Condominiums is in substantial compliance with the subdivision regulations of the Municipality.

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5. After a discussion of all of the above, the Governing Body of the Municipality does further find, determine and adjudicate and declare that in the public interest, the aforesaid Re-Plat of Beau Clair Condominiums, and the Owner's certification and Dedication thereon should be accepted and approved for recording, and that any improvements, sewage collection system, drainage system, water distribution system, and all fixtures, equipment and appliances appurtenant thereto in said subdivision and indicated as dedicated to public use and ownership may be accepted for public maintenance.

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

SECTION 1. Approval of the Plat for Recording.

The Re-Plat of Beau Clair Condominiums, being a subdivision of that certain parcel of land situated in City of Long Beach, First Judicial District of Harrison County, Mississippi, and previously platted as Beau Clair Condominiums and recorded in Plat Book 34 at Page 27 , on October 11, 1984 be, and the same hereby is, accepted as a condominium development of the City of Long Beach, Mississippi, and said final Re-Plat of Beau Clair Condominiums, is hereby finally approved for recording, subject to the provisions of this Resolution.

SECTION 2. Acceptance for Public Maintenance.

Curbs, water distribution system, drainage system, and sewage collection system, and fixtures, equipment and appliances appurtenant thereto, constructed and installed in the aforesaid subdivision and indicated and dedicated for public ownership and maintenance are hereby accepted for public maintenance. Otherwise, all curbs, water distribution system, drainage system, and sewage collection system, and fixtures, equipment and appliances appurtenant thereto, constructed and installed in the aforesaid subdivision shall remain the property of the Owner, and be subject maintained thereby.

SECTION 3. Certificate of Approval of Re-Plat.

The Mayor and City Clerk of the Municipality are hereby authorized and directed, for and on behalf of the Municipality, to execute and deliver a certificate of approval for

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recording of the aforesaid Re-Plat of Beau Clair Condominiums, in substantially the form as set forth on the aforesaid Plat as attached hereto and as previously approved by the Planning Commission of the City of Long Beach as aforesaid..

SECTION 5. Effective Date.

This Resolution shall take effect and be in force from and after its adoption and being spread upon the minutes of the Governing Body of the Municipality.

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

Alderman Bernie Parker	voted Aye
Alderman Gary J. Ponthieux	voted Aye
Alderman 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 motion having received an affirmative vote of all the members present and voting, the Mayor declared the motion carried and the Resolution adopted, this the 6th day of May, 2014.



CITY OF LONG BEACH, MISSISSIPPI

BY: William Skellie, Jr.
Mayor William Skellie, Jr.

ATTEST:
Rebecca E. Schuff
Rebecca E. Schuff, City Clerk

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There came on for consideration a request for Planning Commission approval for "Carry-Out, Delivery, and Drive-In Services, Primary Consumption Outside Fully Enclosed Building w/Accessory use of Live Music Submitted by Max Norden, 20110 Pineville Road. The request was approved by the Planning Commission at their regular meeting duly held and convened on April 10, 2014, with the following stipulations:

- Only non-amplified, acoustic, live music can be played.
- Live music can be played on Saturdays only.
- Live music can be played only between the hours of 7:00 a.m. and 9:00 p.m., as stated in the Noise Ordinance #463A, Section IX, Sound Equipment.

The matter was appealed to the Mayor and Board of Aldermen at their regular meeting of April 15, 2014, and taken under advisement for further review and consideration at the regular meeting scheduled for May 6, 2014.

After considerable discussion and deliberation, Alderman Lishen made motion seconded by Alderman Parker and unanimously carried to uphold the action taken by the Planning Commission at their regular meeting duly held and convened on April 10, 2014.

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Alderman Parker made motion seconded by Alderman Lishen and unanimously carried to approve the regular meeting minutes of the Long Beach Planning Commission dated April 24, 2014, as submitted.

Alderman Young made motion seconded by Alderman Ponthieux and unanimously carried to approve the regular meeting of the Long Beach Port Commission dated April 24, 2014, as submitted; additional action was taken as follows:

- Alderman Carrubba made motion seconded by Alderman Griffin and unanimously carried to ratify Contract Amendment Number 1-B, A. Garner Russell and Associates, Inc., Hurricane Isaac Permanent Repairs (Piers and Electrical), as approved by the Long Beach Port Commission, authorizing the Mayor to execute same. [Port Commission Minute Book 8; Page 217].
- Alderman Lishen made motion seconded by Alderman Young and unanimously carried to ratify the Contract Agreement, A. Garner Russell and Associates, Inc., BIG Improvements, 2014, as approved by the Long Beach Port Commission, authorizing the Mayor to execute same. [Port Commission Minute Book 8; Page 221].

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- After considerable discussion and debate, Alderman Parker made motion seconded by Alderman Griffin and unanimously carried to ratify Change Order #2, Hurricane Isaac Pavement and Sidewalk Repairs, Gulf Breeze Landscaping, LLC, as approved by the Long Beach Port Commission, authorizing the Mayor to execute same. [Port Commission Minute Book 8; Page 229].

* * *

Upon clarification of sub-leases and lease amendments, Alderman Ponthieux made motion seconded by Alderman Lishen and unanimously carried to approve the recess meeting of the Long Beach Port Commission dated April 22, 2014, as submitted.

Alderman Carrubba made motion seconded by Alderman Griffin and unanimously carried to approve payment of invoices as listed in Docket of Claims Number 050614, inclusive of Harbor Sales Tax invoices in the amount of \$994.87 and \$717.89 for April, 2014.

REPORT FROM THE MAYOR'S OFFICE:

- The "Wind and Wave Festival" is requesting exception to Ordinance No. 350 [Open Container], Section 1-7, in order to have a beer concession; upon discussion, Alderman Ponthieux made motion seconded by Alderman Young and unanimously carried to approve the request, authorizing the Mayor and Police Chief Wayne McDowell to execute the appropriate letter.
- John D. Grower is requesting to donate a landlocked parcel of property located between Olson Avenue and South Island View to the City. The property could then be cut and maintained by the City and utilized to maintain a major drainage ditch; after considerable discussion and debate, Alderman Ponthieux made motion seconded by Alderman Parker to approve the donation, if the details can be worked out. The question being put to a roll call vote by the Mayor, the result was as follows:

Alderman Parker	voted	Aye
Alderman Ponthieux	voted	Aye
Alderman Griffin	voted	Aye
Alderman Young	voted	Aye
Alderman Carrubba	voted	Aye
Alderman Lishen	voted	Nay

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Alderman Hammons voted Aye

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

- The Mayor reported that four firefighters volunteered for the State Technical Advance Rescue Team (STAR) to assist in the search and recovery mission, Louisville, Mississippi, in the aftermath of devastating tornado damage. The team rescued three victims and recovered three deceased victims. The Mayor and Board of Aldermen expressed their sincere appreciation and gratitude to the Fire Department, specifically Firefighter Derek Palmer, Firefighter Josh Yarbrough, Firefighter Brian Moore, and Lieutenant Richard Scott.

Alderman Young made motion seconded by Alderman Griffin and unanimously carried to approve CDBG (2) Requests for Cash and Payment of (2) Invoices, as follows:

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MEMO

DATE: April 24, 2014
TO: Honorable William Skellie, Jr.
City of Long Beach
FROM: Ann Frazier
Jimmy G. Gouras Urban Planning
City of Long Beach
RE: Community Revitalization Grant
CDBG Project #R-109-235-03-KCR
Town Green
Request for Cash and Summary Support Sheet

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

1. Lightning Quick Signs
Invoice number 12460 in the amount of \$25,280.00
For Construction expense
2. Projector Screen Store
Invoice number 1343317 in the amount of \$375.99
For Construction expense

Also enclosed is "Request for Cash and Summary Support Sheet No. 40" in the amount of \$25,655.99 for payment of the above invoices.

Please have the above invoices and Request for Cash and the supporting documentation placed on your next agenda for approval. After its approval, the appropriate official should sign the "Request for Cash and Cash Summary Support Sheet No. 40" and return it along with the supporting documentation for processing to our office at the following address:

Debra Tompkins
Jimmy Gouras Urban Planning
3530 Manor Drive Suite 4
Vicksburg, MS 39180

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

3530 Manor Drive Suite 4 • Vicksburg, MS 39180 • 601-638-7121

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

POLICE DEPARTMENT:

- Resignation, Lieutenant Eric Dietrick, effective April 15, 2014;
- Step Increase, Clerk Cynthia Bolton, CSA-3-V, effective June 1, 2014;
- Step Increase, Sergeant Patrick Craig, PS-11-VI, effective May 1, 2014;
- Step Increase, Admin Detective Craig DeRoche, PSA-10-VIII, effective June 1, 2014;

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- Step Increase, Admin Detective Edward Hilliard, PSA-10-II, effective May 1, 2014;
- Step Increase, Police Officer 1st Class Clark Ladner, PS-10-II, effective May 16, 2014;
- Step Increase, Dispatch 1st Class Kevin Smyth, PS-3-XIII, effective June 16, 2014.

FIRE DEPARTMENT:

- Resignation, Firefighter 1st Class Levi Condif, effective April 30, 2014.

Alderman Parker made motion seconded by Alderman Ponthieux and unanimously carried to fund one "Movie Night" at the Town Green, utilizing \$450.00 of the \$2,500.00 in grant monies received from Wal-Mart, all to promote the City of Long Beach and advertise the opportunities and resources available.

There came on for consideration a letter for Siegfred L. Pitpitan, NMCB ONE Family Readiness Officer, as follows:

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NMCB ONE Family Readiness Group
NCBC Gulfport, MS 39501

Dear Sir/ Ma'am:

I am writing on behalf of NMCB ONE FRG, Family Readiness Group. The FRG is a non-profit organization that serves as a support network for our military members and their families. This is more critical when our battalion is away from home, and since May 2011 our Seabees have deployed to the most dangerous areas of the world defending our freedom and democracy.

As NMCB ONE FRG, it is our mission to provide support to all loved ones of our battalion's Seabees. We are currently planning a function to be held Saturday, June 7 for the families of our deployed Seabees. This will celebrate the families making it "over the hump" in our deployment countdown. This provides our families with the motivation and emotional support they need to get through the second half of this time away from their loved ones.

In order to make this a success, we are requesting that the NMCB ONE FRG be able to use the Long Beach Senior and Activities Center for this function and that the fees be waived.

If you have any questions or concerns, please contact me at 228-871-4569. Thank you for your time and for considering this request. We look forward to working with you and creating more resilient military families.

Very Respectfully,



EACS(SCW) Siegfried L. Pitpitan
NMCB ONE Family Readiness Officer

Upon discussion, Alderman Carrubba made motion seconded by Alderman Griffin and unanimously carried to approve the request as submitted, waiving fees in accordance with city policy for non-profit government affiliates.

Alderman Parker made motion seconded by Alderman Ponthieux and unanimously carried to approve Public Works surplus equipment, as follows:

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AUCTION LIST

1994 FORD F-150 VIN#1FTDF15Y4RNB45482

20 ' LOW BOY TRAILER

2000 FORD EXPLORER VIN # 1FMZU62X0YUB11219

LINCOLN WELDER SER # 9932-A1206238 MODEL 6-8000

2000 NEW HOLLAND 4630 SER # 1202264

WACKER HOT PATCH PACKER SER # 540304757

EZ LINER PAINT STRIPER SER # 1C00810AR MOD. # ACC-583

90 CASE TRACTOR SER. # CCJ0009705 MOD. # 245

BIG B 4' BRUSH HOG SER. # N102624 MOD. # SQ48-3

1997 DODGE CARAVAN VIN # 2B4FP2534VR227108

1989 FORD BUCKET TRUCK VIN # 2FDLF47M2KCA75088

1997 CHEV. BLAZER VIN # 1GNDD13W2V2247487

WAUKESHA ENGINE SER.# 141016 MOD. # F554GU

1996 JOHN DEERE BACKHOE SER # T051DB798422 MODEL 510D

2 HOMELITE MUD PUMPS

1997 DODGE CARAVAN VIN# 2B4FP2534VR227108

9 WEED EATERS

5 CHAIN SAWS

MISC. PARTS FOR EQUIPMENT AND VEHICLES WE NO LONGER HAVE

YAMAHA KODIAK ATV

TORO TIME CUTTER MOWER SER# 260007952 MODEL 74327

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

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Comptroller's Office

Memo

To: Rebecca Schruff, City Clerk
From: Kini Gonsoulin, Comptroller KG
Date: 4/29/2014
Re: Budget Amendment

Please submit the attached budget amendment for consideration on the May 6, 2014 Board Meeting.

In March of this year, we received a \$2,500 donation from Wal-Mart for recreation. Bob Paul plans to split this funding evenly with each of the athletic leagues and Movie Night. The City will purchase items requested by the leagues and make a donation to Movie Night. All expenses will be run through the docket of claims.

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

City of Long Beach
 Budget Amendment Request

Fund Name _____ Date _____
 Department # 435 Budget Entry # 5/6/2014
 Department Name Recreation

Original Budget	Prior Amendments	This Amendment	Revised Budget
Operating Supplies			
435-610700	4	2,500	6,504
Donations 010-560200	600	2,500	3,100

Amendment to budget donations received from Wal-Mart for Recreation.

Amendment #23

Based upon the recommendation of Ms. Gonsoulin, Alderman Carrubba made motion seconded by Alderman Griffin and unanimously carried to approve the budget amendment as set forth above.

There came on for consideration derelict properties, whereupon, Alderman Carrubba made motion seconded by Alderman Griffin and unanimously carried to schedule public hearings, Tuesday, June 3, 2014, at 5:00 o'clock p.m., City Hall Meeting Room, 201 Jeff Davis Avenue, to determine whether or not certain properties are in such

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a state of uncleanliness as to constitute a menace to the public health and safety of the community; said properties are as follows:

- 0 8th Street, Percy Floyd and/or Sharolyn Massey;
- 132 Markham Drive, Tom and Emma O'Donnell;
- 129 Markham Drive, Jean Bonazzoli;
- 0 and 127 Markham Drive, Paul McKnight;
- 135 Markham Drive, Dorothy Cummings.

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

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

520 33RD STREET
GULFPORT, MS 39507

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

MEMORANDUM

Date: 5/2/2014
To: City of Long Beach / Derrel Wilson
From: David Ball
RE: 28th / Klondyke Intersection

At the previous meeting of the Mayor & Board, there was some question about the final acceptance of the construction project for the referenced intersection. The improvements at this intersection were constructed as part of an ARRA (American Recovery & Reinvestment Act) constructed by a contractor working for the City, but utilizing MDOT Construction Documents and inspected by an MDOT consultant.

As we understand it, the main point in question was a small area of settlement in the north-bound, right-turn lane of Klondyke Rd. Along with Derrel Wilson, we have examined this small depression; and feel that it could be small area of poor compaction or a leaking joint of drainage culvert or other similar minor failure. We are awaiting receipt of "as-built" plans for the project from MDOT, which can be used to help determine the area of failure and the recommended repair.

However, there are a number of problems with this particular instance:

- The Contractor (Bond Paving) has actually gone out of business and is no longer a viable business concern.
- According to MDOT standard practice, there is no warranty period on work performed by a Contractor, meaning that once final payment is made and release of maintenance has been granted, there is no way to force the Contractor (or the bonding company) to return to make a repair.

Therefore, we can see no reason to withhold final acceptance of this project at this time. It is merely a formality which allows MDOT to close the project on their books, and furthermore, is one less "open" project on the City's books. MDOT considers this type of information in its audit and can place the City on suspension if projects remain open for too long.

Consequently, we recommend final acceptance of this project and, at your direction, we will coordinate with Derrel Wilson to determine the needed repairs on this area.

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**THE LPA GROUP INCORPORATED***A Unit of Michael Baker Corporation*

2113 Government Street, Suite D-3

Ocean Springs, Mississippi 39564

Phone: (228) 818-2839

Fax: (228) 875-5187

April 11, 2014

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

Re: KLONDYKE ROAD AND 28TH STREET INTERSECTION IMPROVEMENTS
STP-9082-00 (003) LPA 105719-701000
Final Acceptance and Release of Maintenance

Mayor Skellie:

The Mississippi Department of Transportation (MDOT) has issued Final Acceptance of the above referenced project. However, in order to officially close out the project and release all remaining grant funds to the City, MDOT requires that the City of Long Beach issue a letter indicating its final acceptance to the General Contractor. We certify that the project has been completed in accordance with the contract documents and recommend the City grant final acceptance and release of maintenance to Bond Paving Co., Inc.

Upon the Board's approval, please forward a copy of the signed final acceptance letter to our office so that we may submit it to the appropriate MDOT personnel. Upon receipt MDOT will process closeout and release the final reimbursement of construction costs immediately. You should expect funds from MDOT within 30 days.

Feel free to contact me if you have any questions or comments at (228) 818-2839.

Respectfully submitted,



Jeffrey D. May, P.E.
Project Manager

Cc: James Bond, Jr. – Bond Paving Co.

File: 08430002

Minutes of May 6, 2014
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.

April 10, 2014

Bond Paving Co., Inc.
P. O. Box 3147
Gulfport, MS 39505
Project: Klondyke Rd & 28th St Intersection Improvements
STP-9082-00(003) LPA/105719-701000

County: Harrison

Gentlemen:

This is our formal notice that all work required by your contract with the City of Long Beach, known as the Local Surface Transportation Program Project No. 9082-00 (003) LPA/105719-701000, Harrison County, has been satisfactorily completed and said work is hereby officially accepted by the undersigned, effective October 8, 2013.

This acceptance terminates your contract and releases you of any further obligations to the City of Long Beach.

Sincerely,

Mayor William Skellie, Jr.
City of Long Beach

pc:
Secretary to Commission (Amy Hornback)
Auditor - MDOT
LPA Engineer (Jeff May, P.E.)
State Construction Engineer (Brad Lewis, P.E.)
State Materials Engineer (James Williams, P.E.)
Planning Engineer (Jeff Pierce, P.E.)
Financial Management Director (Mark Valentine, P.E.)
District Engineer (Kelly Castleberry, P.E.)
District LPA Coordinator (David Seyfarth, P.E.)
Central Records (Ruth Ann Vercher)
FHWA

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www.cityoflongbeachms.com

Based upon the recommendation of Mr. Ball, Alderman Parker made motion seconded by Alderman Carrubba and unanimously carried to approve final acceptance and release of maintenance, MDOT Project Klondyke Road and 28th Street Intersection Improvements, authorizing the Mayor to execute the final acceptance letter, all as set forth above.
