

**Minutes of November 17, 2015
Mayor and Board of Aldermen**

Be it remembered that a public hearing before the Mayor and Board of Aldermen, Long Beach, Mississippi, was begun and held, at 5:00 o'clock p.m., Tuesday, the 17th day of November, 2015, in the Long Beach City Hall Meeting Room, 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 hearing.

There were present and in attendance on said board and at the public hearing the following named persons: Mayor William Skellie, Jr., Aldermen Leonard G. Carrubba, Sr., Bernie Parker, Kelly Griffin, Ronnie Hammons, Jr., Mark E. Lishen, Alan Young, City Clerk Rebecca E. Schruuff and City Attorney James C. Simpson, Jr.

Alderman Gary J. Ponthieux was absent the public hearing.

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

The public hearing was called to order to determine whether or not a parcel of property situated in the City of Long Beach, located at 0 Beach View Circle and assessed to Bert and Jonnie Clark, is in such a state of uncleanness as to constitute a menace to the public health and safety of the community.

The Mayor recognized the City Clerk for the 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, pursuant to that certain order of the Mayor and Board of Aldermen at a regular meeting duly held and convened on October 20, 2015, she did cause to be sent via certified mail, electronic receipt requested, to Bert and Jonnie Clark, 400 N 37th Avenue, Hattiesburg, Mississippi, 39401, as the same appears of record on the Harrison County 2014 Official Real Property Rolls. The aforementioned Notice of Hearing was returned by the USPS on November 3, 2015, marked "Return to Sender - Undeliverable as Addressed - Unable to Forward"; said Notice is as follows:

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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.

October 22, 2015

MAILED

Date: 10/22/15

Bert and Jonnie Clark
400 N 37th Avenue
Hattiesburg, MS 39401

91 7199 9991 7035 1110 9940

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 October 20, 2015, hold a public hearing at 5:00 p.m., Tuesday, November 17, 2015, at the Long Beach City Hall Meeting Room, 201 Jeff Davis Avenue, Long Beach, Mississippi, to determine whether or not a parcel of land owned by and/or assessed to Bert and Jonnie Clark, and situated in the City of Long Beach, Mississippi, at 0 Beach View Circle, 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: 0 Beach View Circle, Long Beach, Mississippi
Parcel Number: 0612E-03-081.000
Legal Description: LOT 1 BEACH VIEW SUBD

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

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

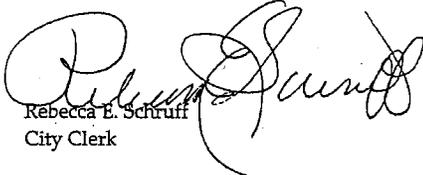
Minutes of November 17, 2015
Mayor and Board of Aldermen

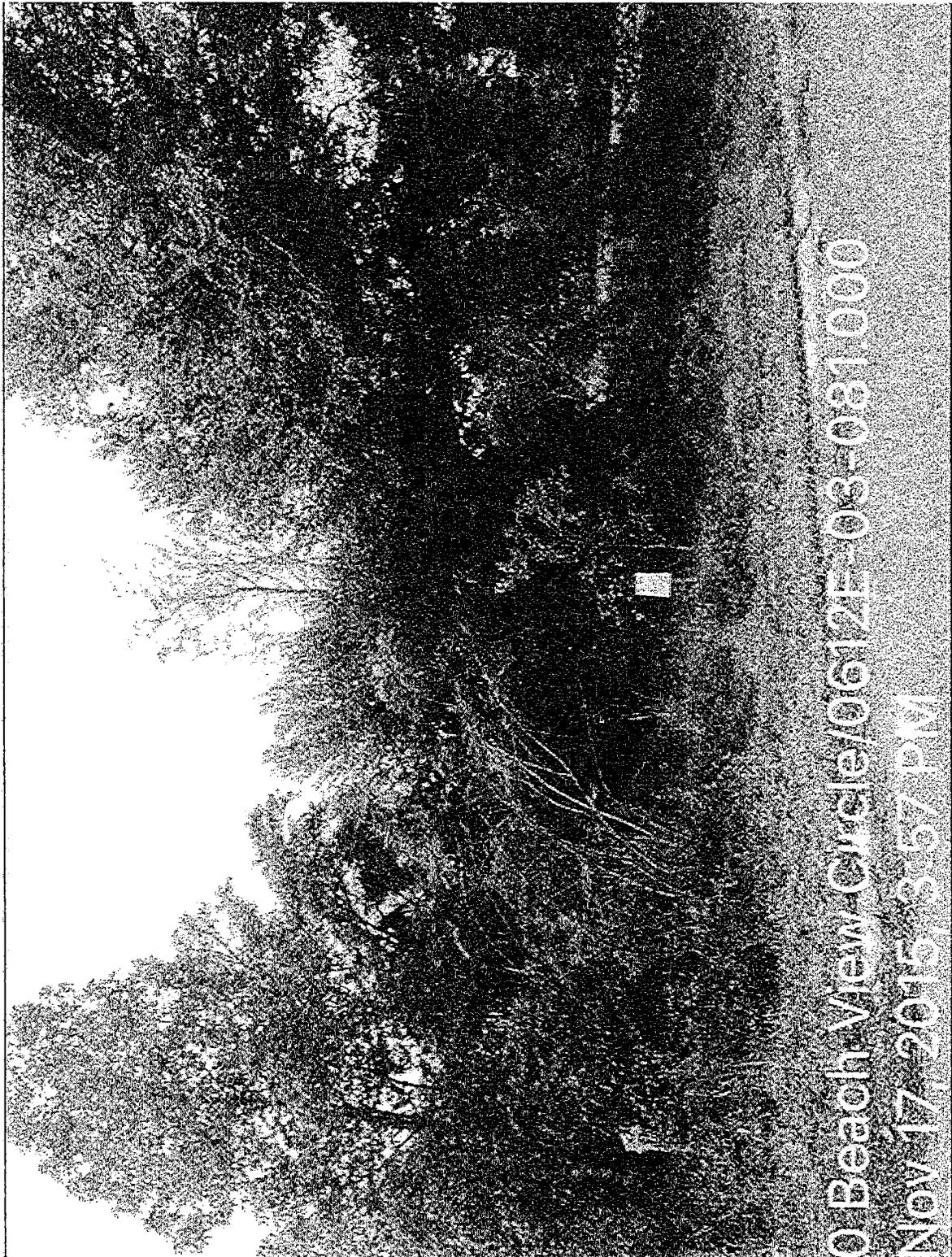
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expense of cleaning of said property shall not exceed an aggregate amount of Twenty Thousand Dollars (\$20,000.00) per year, or the fair market value of the property subsequent to cleaning, whichever is less. If it is determined by the governing authority 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 20th day of October, 2015.


Rebecca E. Schruiff
City Clerk



- The Clerk submitted a sworn affidavit from Building Official Josh Hayes affirming that photographs were taken of the subject property, 0 Beach View Circle, Long Beach, Mississippi, on November 17, 2015, and the Notice of Hearing was posted on said subject property on October 22, 2015; said affidavit is as follows:

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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 JOSH HAYES, 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 properties in their 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;

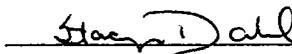
3. That on October 22, 2015, he did cause to be posted, Notice of Hearing, a copy of which is attached hereto, on property assessed to Bert and Jonnie Clark, 0 Beach View Circle, Long Beach, Mississippi and at the City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi; and that on November 17, 2015, 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 November 17, 2015.

This the 17th day of November, 2015.


REBECCA E. SCHREFF, AFFIANT

SWORN TO AND SUBSCRIBED before me on this the 17th day of November, 2015.

-My Commission Expires-


NOTARY PUBLIC



AFFIDAVIT-PHOTOS;POST NOTICE

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Mayor and Board of Aldermen**

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

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

**Minutes of November 17, 2015
Mayor and Board of Aldermen**

The Mayor and Board of Aldermen took up the matter of the public hearing on the property located at 0 Beach View Circle, 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 Griffin 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 0 BEACH VIEW CIRCLE, 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 0 Beach View Circle, 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 October 20, 2015, 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 November 17, 2015, and directed notice of said hearing be served on the owner of said property in the manner as provided by said MCA Section 21-19-11;

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

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3. That the Mayor and Board of Aldermen having considered testimony evidence adduced at hearing regarding the condition of the subject property and the observations of individual Aldermen concerning the condition of the subject property in its condition on the date of hearing, and being fully advised in the premises, do find and adjudicate that the property is, in its present condition, in such a state of uncleanliness as to be a menace to the public health and safety of the community and/or 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 0 Beach View Circle, Long Beach, Mississippi, which parcel of land is identified by Harrison County Tax Parcel Number 0612E-03-081.000 and according to said tax records is owned by Bert and Jonnie Clark, is at present in such a state of uncleanliness as to be a menace to the public health and safety of the community and/or an attractive nuisance.

2. That the aforesaid owner is hereby order to clean said parcel of land within ten (10) days from the entry of this Resolution and Order, and that such cleaning shall include:

Removal of all discarded materials, dangerous items, and such other rubbish and/or debris as described in any notice or as appearing on said property contributing to the property constituting a nuisance and menace overall to the public health and safety, and abate or cause to be abated the conditions otherwise existing and constituting a menace to public safety and health as testified and/or described in general at the hearing, and as contained in the report letter from Building Official Josh Hayes dated August 7, 2015, and attached hereto.

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

Alderman Parker seconded the motion to adopt the foregoing resolution and

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

Alderman Bernie Parker	voted	Aye
Alderman Gary J. Ponthieux	voted	Absent, Not Voting
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 17th day of November, 2015.

APPROVED:



William Skellie, Jr., Mayor

ATTEST:



Rebecca E. Schuff, City Clerk



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Mayor and Board of Aldermen



Building Department
201 Jeff Davis Ave.
Long Beach, MS 39560
228-863-1554

August 7, 2015

Bert and Jonnie Clark
400 N 37th Avenue
Hattiesburg, MS 39401

91 7108 2133 3938 0608 0653

Reference: Notice of Violation
0 Beach View Circle; Long Beach, MS 39560
Tax Parcel Number: 0612E-03-081.000

After receiving a complaint and inspecting the above referenced property, it is in violation as listed below:

2012 International Property Maintenance Code, Chapter 3, Section 302.4: Weeds. "All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens."

The purpose of this letter is to request that you inspect or have inspected the above referenced property and voluntarily have the violation corrected, within fourteen (14) days from date of this letter. Failure to comply or refusal to respond to this notice will result in a citation being issued to appear in the Long Beach Municipal court and/or a hearing before the Mayor and Board of Aldermen of the City of Long Beach. The board can then adjudicate the above property and may take action to bring the property into compliance and all cost in doing so will be assessed to the property or property owner.

Please notify my office by phone or by emailing at jhayes@cityoflongbeachms.com as soon as the referenced violation has been corrected, so that the premises can be inspected or if you have any questions or concerns. In the event you do not own the property in question, my office would appreciate being informed of these facts.

2012 International Property Maintenance Code, Chapter 1, Section 111.1 Application for appeal. "Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within twenty (20) days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code area adequately satisfied by other means."

Sincerely,

Josh Hayes, CFM
Building Official

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Mayor and Board of Aldermen**

Be it remembered that a regular meeting of the Mayor and Board of Aldermen, Long Beach, Mississippi, was begun and held at 5:00 o'clock p.m., Long Beach City Hall Meeting Room, 201 Jeff Davis Avenue, in said City, it being the third Tuesday in November, 2015, 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., Bernie Parker, Kelly Griffin, Ronnie Hammons, Jr., Mark E. Lishen, Alan Young, City Clerk Rebecca E. Schruoff, and City Attorney James C. Simpson, Jr.

Alderman Gary J. Ponthieux was absent the meeting.

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 Clerk reported that, pursuant to that certain order of the Mayor and Board of Aldermen at a regular meeting duly and convened on October 6, 2015, she did cause to be published in The Sun Herald, a newspaper with a general circulation in the City of Long Beach and published in Harrison County, Mississippi, Legal Notice, Advertise for Bids, "WATER MAIN IMPROVEMENTS NORTH SEASHORE DRIVE", as evidenced by the Publisher's Proof of Publication.

Alderman Carrubba made motion seconded by Alderman Young and unanimously carried to spread said Proof of Publication upon the minutes of this meeting in words and figures, as follows:

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Mayor and Board of Aldermen

Proof of Publication

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Before me, the undersigned Notary of Harrison County, Mississippi personally appeared Crista Brackett who, being by me first duly sworn, did depose and say that she is a clerk of The Sun Herald, a newspaper published in the city of Gulfport, in Harrison County, Mississippi, and the publication of the notice, a copy of which is hereto attached, has been made in said paper 2 times in the following numbers and on the following dates of such paper, viz:

- Vol. 132 No., 9 dated 12 day of Oct, 2015
- Vol. 132 No., 16 dated 19 day of Oct, 2015
- Vol. _____ No., _____ dated _____ day of _____, 20____
- Vol. _____ No., _____ dated _____ day of _____, 20____
- Vol. _____ No., _____ dated _____ day of _____, 20____
- Vol. _____ No., _____ dated _____ day of _____, 20____
- Vol. _____ No., _____ dated _____ day of _____, 20____

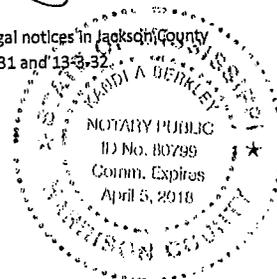
Affiant further states on oath that said newspaper has been established and published continuously in said county for a period of more than twelve months next prior to the first publication of said notice.

Crista Brackett
Clerk

Sworn to and subscribed before me this 19 day of Oct, A.D., 2015
Handberg
Notary Public

OCT 21 2015

*The Sun Herald has been deemed eligible for publishing legal notices in Jackson County to meet the requirements of Miss. Code 1972 Section 13-3-31 and 13-3-32.



ADVERTISEMENT FOR BIDS
City of Long Beach, Mississippi
The City of Long Beach, Mississippi, will receive bids for:
WATER MAIN IMPROVEMENTS - NORTH SEASHORE DRIVE
at the Office of City Clerk located at City Hall, 201 Jeff Davis Avenue, (P.O. Box 523) Long Beach, Mississippi, 39560, during normal office hours at any time prior to the designated bid date, or at the City Council Meeting Room at City Hall at 10:00 A.M. on the designated date for the bid opening. Bids will be publicly opened and read aloud at 10:00 A.M., Tuesday, November 10, 2015.
Bids are invited for all materials, labor, tools, and services necessary to install approximately 1,600 linear feet of new water main and associated appurtenances along a portion of North Seashore Drive.
Contract Documents, including Drawings and Technical Specifications, are on file at the Office of City Clerk, at City Hall, Long Beach, Mississippi, and may be obtained at the office of A. Garner Russell & Associates, Inc., Consulting Engineers, 520 3rd Street (at Howe Avenue), Gulfport, Mississippi 39507, upon payment of \$100.00 non-refundable fee.
A certified check or bank draft payable to the order of City of Long Beach, Mississippi, negotiable U. S. Government bonds (at par value), or a satisfactory Bid Bond executed by the Bidder and an acceptable surety, in an amount equal to five percent (5%) of the total bid for City of Long Beach, "WATER MAIN IMPROVEMENTS - NORTH SEASHORE DRIVE", shall be submitted with each bid.
For bids exceeding \$50,000 Bidder must indicate his Certificate of Responsibility Number on outside of sealed proposal as required by Mississippi Law. For bids not exceeding \$50,000, Bidder must either indicate his Certificate Number, or else write clearly "Bid does not exceed \$50,000."
The City of Long Beach, Mississippi, reserves the right to reject any or all bids or to waive any informalities in the bidding.
Bids may be held by the City of Long Beach, Mississippi, for a period not to exceed ninety (90) days from the date of the opening of bids for the purpose of reviewing the bids and investigating the qualifications of Bidders, prior to awarding of the Contract.
Done by order of the Mayor and Board of Aldermen, October 6, 2015.
City of Long Beach, Mississippi
By: REBECCA SCHRUFF
The CITY CLERK
Publish: Oct. 12 and Oct. 19, 2015

The Clerk further reported that five (5) bids were properly filed, opened and read aloud on November 10, 2015, at 10:00 o'clock a.m., in the City Hall Meeting Room, City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi, by City Clerk Rebecca E. Schruoff and Project Engineer David Ball. Also in attendance at said bid opening were bid company representatives; said bids are as follows:

A & C Industrial, Inc.
P.O. Box 507
Long Beach, MS 39560
COR#: 15112-MC
Bid Amount: \$132,234.42

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DNA Underground, LLC
16101 South Swan Road
Gulfport, MS 39503
COR#: 20907-SC
Bid Amount: \$148,481.00

Moran Hauling, Inc.
17078 Magnolia Cove Drive
Pass Christian, MS 39571
COR#: 09083-MC
Bid Amount: \$154,232.10

Myers Underground Utilities, LLC
408 Ryan Road
Hattiesburg, MS 39401-2108
COR#: 14736-MC
Bid Amount: \$139,765.10

Twin L Construction, Inc.
8292 Firetower Road
Pass Christain, MS 39571
COR#: 08365-MC
Bid Amount: \$167,064.50

The aforementioned bids were taken under advisement for review and tabulation with a recommendation from the Project Engineer, 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

November 12, 2015

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

RE: Water Main Improvements - North Seashore Drive

Ladies and Gentlemen:

We opened the referenced bids on November 10, 2015 at City Hall and have attached a Certified Tabulation of the bids. We received five bids total and the two low bids were within 6% with regard to total price. The low bid was offered by A&C Industrial, offering a bid price of \$132,241.62, which is slightly lower than our estimated construction cost. The City has contracted several times with this local Contractor and we are satisfied that they can complete the work in a timely and professional manner. We have also attached a statement from A&C regarding their qualifications, references, and key personnel.

Therefore, we have no hesitation in recommending award of the referenced contract to A&C Industrial, Inc., in the amount of their low bid.

Sincerely,

David Ball, P.E.

DB:2062
Enclosure

Minutes of November 17, 2015
Mayor and Board of Aldermen

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TABELATION OF BIDS CITY OF LONG BEACH WATER MAIN IMPROVEMENTS NORTH SEASHORE DRIVE																	
Bid Date: November 10, 2015																	
CONTRACTORS BIDDING: Certificate of Responsibility No. _____																	
Disbursement/Non-Collusion Certification: Bid Bond:																	
ITEM NO.	ITEM	PLAN QUANTITY	A & C Industrial, Inc. 15172-MC			Myers Underground Utilities, LLC 14735-MC			DNA Underground, LLC 20907-SC			Merano Hauling, Inc. 09083-MC			Twin L. Construction, Inc. 06365-MC		
			UNIT PRICE	EXTENSION	YES	YES	UNIT PRICE	EXTENSION	YES	YES	UNIT PRICE	EXTENSION	YES	YES	UNIT PRICE	EXTENSION	YES
D10-A	MOBILIZATION	1 L.S.	\$14,476.05	\$14,476.05		\$11,670.00	\$11,670.00		\$30,000.00	\$30,000.00		\$5,970.00	\$5,970.00		\$4,780.00	\$4,780.00	
100-A	8" WATER MAIN	1,565 L.F.	\$19.89	\$31,127.85		\$18.00	\$28,170.00		\$22.00	\$34,430.00		\$16.55	\$25,900.75*		\$39,125.00		
100-B	8" WATER MAIN, REQUIRED DUCTILE IRON	65 L.F.	\$45.27	\$2,940.75		\$33.65	\$2,188.75		\$40.00	\$2,620.00		\$35.45	\$2,304.75*		\$74.00	\$4,810.00	
100-C	DUCTILE IRON FITTINGS	2 TON	\$4,195.19	\$8,390.38		\$3,655.00	\$7,310.00		\$10.00	\$20.00		\$4,300.00	\$8,600.00		\$4,400.00	\$8,800.00	
100-D	LOCATE AND ABANDON EXISTING WATER MAIN IN-PLACE	1,565 L.F.	\$1.63	\$2,560.95		\$2.80	\$4,392.00		\$3.00	\$4,695.00		\$6.08	\$9,515.20		\$5.50	\$8,607.50	
110-A	8" GATE VALVE WITH BOX	1 EA.	\$1,208.31	\$1,208.31		\$1,195.00	\$1,195.00		\$1,100.00	\$1,100.00		\$1,500.00	\$1,500.00		\$1,200.00	\$1,200.00	
120-A	FIRE HYDRANT WITH VALVE (ANY DEPTH BURY)	3 EA.	\$3,431.15	\$10,293.45		\$2,880.00	\$8,640.00		\$3,600.00	\$10,800.00		\$3,400.00	\$10,200.00		\$3,250.00	\$9,750.00	
130-A	LOCATE AND DISCONNECT TO EXISTING WATER MAIN	1 EA.	\$268.08	\$268.08		\$1,225.00	\$1,225.00		\$3,500.00	\$3,500.00		\$1,500.00	\$1,500.00		\$1,450.00	\$1,450.00	
130-B	8" X 8" TAPPING SLEEVE WITH VALVE	2 EA.	\$2,755.93	\$5,511.86		\$2,200.00	\$4,400.00		\$4,000.00	\$8,000.00		\$3,500.00	\$7,000.00		\$4,000.00	\$8,000.00	
130-C	REMOVE EXISTING FIRE HYDRANT	1 EA.	\$214.46	\$214.46		\$225.00	\$225.00		\$500.00	\$500.00		\$850.00	\$850.00		\$150.00	\$150.00	
130-D	REMOVE EXISTING VALVE	1 EA.	\$214.46	\$214.46		\$175.00	\$175.00		\$500.00	\$500.00		\$850.00	\$850.00		\$150.00	\$150.00	
140-A	1" TAPPING ASSEMBLY	20 EA.	\$195.77	\$3,915.40		\$170.00	\$3,400.00		\$200.00	\$4,000.00		\$350.00	\$7,000.00		\$390.00	\$7,800.00	
140-B	1-1/2" TAPPING ASSEMBLY	4 EA.	\$354.25	\$1,417.00		\$285.00	\$1,132.00		\$400.00	\$1,600.00		\$445.00	\$1,780.00		\$750.00	\$3,000.00	
140-C	WATER SERVICE ASSEMBLY	28 EA.	\$198.27	\$5,551.56		\$281.00	\$7,868.00		\$250.00	\$7,000.00		\$325.00	\$9,100.00		\$455.00	\$12,740.00	
140-D	1-1/2" WATER LINE BORED UNDER PAVEMENT	150 L.F.	\$27.30	\$4,095.00		\$31.50	\$4,725.00		\$15.00	\$2,250.00		\$69.00	\$10,350.00		\$60.00	\$9,000.00	
140-E	LOCATE AND CONNECT TO EXISTING WATER SERVICE	28 EA.	\$107.23	\$3,002.44		\$95.50	\$2,686.00		\$100.00	\$2,800.00		\$165.00	\$4,620.00		\$265.00	\$7,420.00	
500-A	PIPE BEDDING/FOUNDATION MATERIAL	50 C.Y.	\$19.30	\$965.00		\$16.60	\$830.00		\$6.10	\$305.00		\$15.50	\$775.00		\$24.00	\$1,200.00	
500-B	SELECT SANDY BACKFILL	185 C.Y.	\$17.16	\$3,164.40		\$21.90	\$4,041.50		\$10.00	\$1,850.00		\$12.50	\$2,337.50		\$24.00	\$4,440.00	
500-C	GEOTEXTILE FABRIC	139 S.Y.	\$2.54	\$3,526.60		\$2.75	\$3,812.50		\$4.00	\$556.00		\$2.50	\$347.50		\$12.00	\$1,656.00	
510-A	8" LIMESTONE ROAD BASE	556 S.Y.	\$15.66	\$8,706.96		\$30.90	\$17,180.40		\$15.00	\$8,340.00		\$12.99	\$7,222.44*		\$18.00	\$10,008.00	
510-B	12" HOT BITUMINOUS PAVEMENT (5T-12.5mm MIX)	556 S.Y.	\$9,985.76	\$5,532,000.00		\$18.00	\$10,008.00		\$18.00	\$10,008.00		\$18.00	\$10,008.00		\$20.00	\$11,120.00	
510-C	CONCRETE DRIVE RESTORATION	176 S.Y.	\$18.23	\$3,203.18		\$41.00	\$7,216.00		\$40.00	\$7,040.00		\$33.00	\$5,808.00		\$25.00	\$4,400.00	
510-D	SAWCUT JOINT	831 L.F.	\$3.22	\$2,675.82		\$6.40	\$5,318.40		\$1.00	\$831.00		\$1.00	\$831.00		\$6.00	\$4,986.00	
510-E	GRANULAR DRIVE RESTORATION	20 S.Y.	\$21.45	\$429.00		\$25.35	\$507.00		\$15.00	\$300.00		\$3.00	\$60.00		\$24.00	\$480.00	
510-F	VEGETATIVE COVER	1 L.S.	\$1,890.14	\$1,890.14		\$560.00	\$560.00		\$1,500.00	\$1,500.00		\$500.00	\$500.00		\$600.00	\$600.00	
510-G	24" HDPE CULVERT	10 L.F.	\$93.80	\$938.00		\$120.00	\$1,200.00		\$60.00	\$600.00		\$40.00	\$400.00		\$90.00	\$900.00	
510-H	MISCELLANEOUS RESTORATION	1 L.S.	\$904.23	\$904.23		\$2,160.00	\$2,160.00		\$500.00	\$500.00		\$500.00	\$500.00		\$600.00	\$600.00	
520-A	MAINTENANCE OF TRAFFIC	1 L.S.	\$3,753.05	\$3,753.05		\$550.00	\$550.00		\$1,500.00	\$1,500.00		\$1,500.00	\$1,500.00		\$1,000.00	\$1,000.00	
530-A	STORMWATER MANAGEMENT	1 L.S.	\$482.54	\$482.54		\$620.00	\$620.00		\$1,500.00	\$1,500.00		\$2,500.00	\$2,500.00		\$600.00	\$600.00	
TOTAL BID				\$192,241.82*		\$139,874.30*		\$148,461.00		\$184,060.14*		\$167,064.50					

* Engineer's Corrected Figure



M. Scott Burge
M. Scott Burge, P.E.
Cert. No. 9550
November 12, 2015

Based upon the recommendation of Mr. Ball, Alderman Carrubba made motion seconded by Alderman Hammons and unanimously carried to award the contract, Water Main Improvements – North Seashore Drive, to A & C Industrial, as lowest and best bid, all as set forth above.

The Mayor and Board of Aldermen expressed their sympathy and concern for the citizens of Paris, France, in the aftermath of terrorist attacks; and expressed their condolences to the family of Jeremy Rolison at his passing.

Minutes of November 17, 2015
Mayor and Board of Aldermen

*

*

There were no presentations, proclamations, public comments, or amendments to the municipal docket.

Alderman Young made motion seconded by Alderman Griffin and unanimously carried to approve the public hearing and regular meeting minutes of the Mayor and Board of Aldermen dated November 3, 2015, as submitted.

Alderman Hammons made motion seconded by Alderman Parker and unanimously carried to approve the regular meeting minutes of the Long Beach Planning Commission dated November 12, 2015, as submitted.

Alderman Griffin made motion seconded by Alderman Hammons and unanimously carried to approve payment of invoices as listed in Docket of Claims number 111715.

There came on for consideration the donation of property on Galloway Avenue from the Estate of Donald O. Simmons, Sr., deceased, as follows:

Minutes of November 17, 2015
Mayor and Board of Aldermen

6/2/15
NB80/P6383

THE
McDonnell
LAW FIRM

JOHN G. McDONNELL
COURTNEY McDONNELL SNODGRASS

October 29, 2015

POST OFFICE BOX 1403
1015 HOWARD AVENUE
SUITE B
BILOXI, MISSISSIPPI 39533
(228) 432-7092
Fax: (228) 435-7879
e-mail: biloxilaw@cableone.net

City of Long Beach
Stephen Simpson, Esquire
Post Office box 929
Long Beach, MS 3560

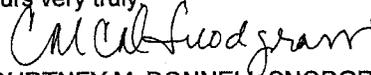
RE: The Estate of Donald O. Simmons, Sr., deceased

Dear Mr. Simpson:

Please find enclosed for your file the Executrix's Deed for the property that was donated to the City of Long Beach which has been recorded in the land records.

With kind regards, I remain

Yours very truly,



COURTNEY McDONNELL SNODGRASS

CMS/tlj

Minutes of November 17, 2015
Mayor and Board of Aldermen

SCANNED



J. J. J. 1st Judicial District
Instrument 2015 8018 D -J1
Filed/Recorded 10/23/2015 11:14 A
Total Fees \$ 14.00
6 Pages Recorded

Prepared by:
The McDonnell Law Firm
Post Office Box 1403
Biloxi, MS 39533
(228) 432-7092

Return to:
The McDonnell Law Firm
Post Office Box 1403
Biloxi, MS 39533
(228) 432-7092



STATE OF MISSISSIPPI
COUNTY OF HARRISON

EXECUTRIX'S DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars and 00/100ths (\$10.00), cash in hand paid, the receipt and sufficiency of which is hereby acknowledged, and other good and valuable considerations, I

**STELLA RUTH SIMMONS, as Executrix of the
Estate of DONALD O. SIMMONS, SR., deceased**
264 Southern Circle
Gulfport, MS 39501
(228) 897-1402

do hereby convey, warrant, and set over unto

CITY OF LONG BEACH
Post Office Box 929
Long Beach, MS 39560
(228) 863-1556

the following described property situated in Harrison County, State of Mississippi, and more particularly described as follows, to-wit:

(See Exhibit A)

INDEXING INSTRUCTIONS: S 5.7 feet of Lot 10 and all of Lots 11 and 12, Block D,
Belmont Sub., Harrison Co. MS

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It is understood and agreed that the taxes for the current year shall be the responsibility of the grantee, and all subsequent years will be assumed by the Grantee.

This conveyance is made subject to any and all restrictive covenants, rights-of-way, easements and prior reservation of oil, gas and mineral rights applicable to the subject property which are on file and of record in the office of the Chancery Clerk of Harrison County, Mississippi. This conveyance is also made subject to Court Order dated and filed on September 28, 2015 in the Estate of Donald O. Simmons, Sr., deceased in Cause No. C24CH1:13-cv-00154 (4). (A copy of which is attached hereto).

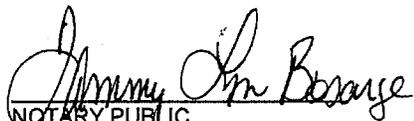
WITNESS MY SIGNATURE, this the 20 day of Oct 2015.


STELLA RUTH SIMMONS, Executrix of
the Estate of Donald O. Simmons, Sr.

STATE OF MISSISSIPPI
COUNTY OF HARRISON

PERSONALLY came and appeared before me on this the 20th day of Oct, 2015, the undersigned authority in and for the aforesaid jurisdiction, the within STELLA RUTH SIMMONS, Executrix of the Estate of Donald O. Simmons, Sr. signed executed and delivered the above and foregoing instrument on the day and year therein set forth in accordance with the attached Court Order.

WITNESS MY SIGNATURE AND SEAL OF OFFICE this the 20th day of Oct 2015.


NOTARY PUBLIC



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EXHIBIT "A"

S 5.7 feet of Lot 10 and all of Lots 11 and 12, Block D, Belmont Subdivision. Sec 22-8-12. Tax Parcel Number 0612E-01-029.000

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Mayor and Board of Aldermen

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IN THE CHANCERY COURT OF HARRISON COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT

FILED
SEP 28 2015

John M. Adams, Chancery Clerk
[Signature]

IN THE MATTER OF:

THE ESTATE OF DONALD O. SIMMONS, SR., Deceased

CAUSE NO. 24CH1:13-cv-00154 (4)

STELLA RUTH SIMMONS, Petitioner

ORDER AUTHORIZING EXECUTRIX TO DONATE REAL PROPERTY

THIS DAY THIS CAUSE came to be heard on the Petition for Authorization to Donate Real Property filed by the Petitioner, STELLA RUTH SIMMONS, Executrix of the Estate of Donald O. Simmons, Sr., and this Honorable Court having heard and considered same is of the opinion and finds and Orders as follows:

I.

This Honorable Court finds that the Petitioner is an adult resident citizen of Harrison County, Mississippi.

II.

This Honorable Court finds that the decedent departed this life, testate, on or about the 11th day of November 2012 having a fixed place of residence in the First Judicial District of Harrison County, Mississippi.

III.

This Honorable Court finds that the Petitioner was appointed Executrix over the estate with Letters Testamentary being issued on the 20th day of February 2013.

IV.

This Honorable Court finds that the Petitioner filed a Petition for Authorization to

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Mayor and Board of Aldermen**

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Donate Real Property and that all beneficiaries and interested parties have filed Consent and Waivers consenting to the donation of the real property.

V.

This Honorable Court authorizes the Executrix to donate the following described real property to the City of Long Beach:

S 5.7 feet of Lot 10 and all of Lots 11 and 12, Block D, Belmont Subdivision. Sec 22-8-12. Tax Parcel Number 0612E-01-029.000

VI.

This Honorable Court authorizes the Executrix to donate the following described real property to Habitat for Humanity:

Beginning at the Northeast corner of the NW ¼, Section 1, Township 8 South, Range 12 West, Harrison County, Mississippi; proceed thence South 00° 04' West 3969.7 feet; run thence North 89° 29' West 1320 feet; thence North 00° 04' East 3552.3 feet; thence South 89° 29' East 208.7 feet; thence North 00° 04' East 417.4 feet to the South margin of 28th Street; run thence South 89° 29' East along the South margin of 28th Street a distance of 787.3 feet; thence South 03° 15' East 91.2 feet; thence South 46° 37' East 389.5 feet to a stake; thence North 00° 04' East 342.5 feet to the South margin of 28th Street; thence South 89° 29' East a distance of 50 feet to the place of beginning.

LESS AND EXCEPT:

Royal Pines Estates Subdivision (Plat Book 32 at Page 6)

AND

Commencing at the intersection of the West line of the Northeast Quarter of the Northwest Quarter with the southerly margin of 28th Street; thence run South 00 degrees 04 minutes West 417.4 feet along the West line of the NE ¼ of the NW ¼ to the Point of Beginning; thence continue from said point of beginning South 00 degrees 04 minutes West 166.5 feet, more or less, to the Northwest corner of Lot 33 of Royal Pines Estates; thence run South 89 degrees 56 minutes East 635.0 feet along the North line of said Lot 33 to the Northeast corner of said Lot 33 and the westerly margin of Simmons Drive; thence run North 00 degrees 04 minutes East 583.9 feet along the westerly margin of Simmons Drive to the southerly margin of 28th Street; thence run westerly 426.3 feet along the southerly margin of 28th Street; thence run South 00 degrees 04 minutes West 417.4 feet; thence run North 89 degrees 56 minutes West 208.7 feet to the Point of Beginning.

AND

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"Pump Station Q"

Beginning at a point on the South margin of 28th Street, 141.50 feet East of the East margin of Simmons Drive, as laid out upon the official plat of Royal Pines Estates Subdivision, filed in the office of the Chancery Clerk of Harrison County, Mississippi in Plat Book 32, Page 4, of the Records of Plats of Harrison County, Mississippi, said point also being on the West margin of an easement previously conveyed to Mississippi Power Company by instrument recorded in Deed Book 505 at Page 203 of the Land Deed Records of Harrison County; thence Westerly along said South margin of 28th Street 25.0 feet; thence Southerly parallel with the said East margin of Simmons Drive 40.0 feet; thence Easterly parallel with south margin of 28th Street 25.0 feet thence Northerly 40.0 feet to the Point of Beginning.

This parcel is within and a part of the NE ¼ of the NW ¼ of Section 1, Township 8 South, Range 12 West, City of Long Beach, Harrison County, Mississippi.

IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED that this Honorable Court hereby authorizes the Petitioner to donate the above described real property to the City of Long Beach and Habitat for Humanity.

SO ORDERED AND ADJUDGED this the 28th day of Sept, 2015.

Sandy Beach
CHANCELLOR

Prepared by:
John G. McDonnell (MSB#2408)
Courtney McDonnell Snodgrass (MSB#100924)
The McDonnell Law Firm
Post Office Box 1403
Biloxi, MS 39533
(228) 432-7092 phone
(228) 435-7879 facsimile
biloxilaw@cableone.net

2 cc

[Signature]


[Signature]

After considerable discussion, Alderman Hammons made motion seconded by Alderman Parker to accept the property donation, contingent upon the Harrison County Tax Assessor changing the tax status of the parcel to "tax exempt" or stipulating that the back taxes must be paid by the Estate of Donald O. Simmons, Sr., deceased; the motion carried upon the affirmative voice vote of all the Aldermen present and voting, with Alderman Lishen voting "Nay".

**Minutes of November 17, 2015
Mayor and Board of Aldermen**

There came on for consideration amendments to the Sidewalk Ordinance and Subdivision Ordinance and official action was taken, adopting Ordinance 615 and 616, as follows:

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Mayor and Board of Aldermen

ORDINANCE NUMBER 615

AN ORDINANCE TO AMEND ORDINANCE NUMBER 587, WHICH REQUIRES AND REGULATES THE CONSTRUCTION AND MAINTENANCE OF PUBLIC SIDEWALKS IN THE CITY OF LONG BEACH, MISSISSIPPI, AND FOR OTHER PURPOSES

WHEREAS, the Mayor and Board of Aldermen have determined that sidewalks provide an important and safe method of transportation; and

WHEREAS, the Mayor and Board of Aldermen have recognized that sidewalks are a necessary component of public transportation and public infrastructure; and

WHEREAS, sidewalks promote a healthier community by encouraging exercise and reducing pollution effects from vehicles; and

WHEREAS, the presence of sidewalks may ease traffic conditions within the city and also create a greater aesthetic appeal; and

WHEREAS, having heretofore adopted Ordinance number 587, the Mayor and Board of Aldermen do hereby find and declare that revisions to such ordinance are required and will better promote the health, safety and general welfare of the City as described below.

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Board of Aldermen of the City of Long Beach Mississippi as follows:

SECTION 1. *Section 3: Permit Requirement and Installation* is hereby amended to read as follows:

Section 3: Permit Requirement and Installation

3.1. Sidewalk installation shall be required prior to the issuance of a Certificate of Occupancy for each individual residential lot developed. All required sidewalks not associated with an individual residential lot shall be completed by the developer prior to final acceptance by the City.

3.2 All new development projects or construction improvements equating to

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Mayor and Board of Aldermen**

50% or more of the appraised taxable value of the property shall install sidewalks prior to the issuance of a Certificate of Occupancy.

3.3 Developments shall provide sidewalk connection to adjacent undeveloped property or properties and along all sides adjacent to public ROW. If an existing sidewalk connection exists on an adjacent development, the development shall connect to that existing sidewalk.

3.4 All new buildings and roadway infrastructure developed by the City will have sidewalks if city funds allow and sidewalk construction is appropriate.

SECTION 2. Section 4: Standards And Requirements is hereby amended to read as follows:

Section 4: Standards and Requirements

4.1. Sidewalk Requirements

1. Sidewalks shall be required within the right-of-way on both sides of all new public or private streets located within the City. Sidewalks shall be required within the right-of-way along the frontage of existing public or private streets located within the City to allow for adequate internal and external connectivity. If sidewalks are not able to be located within the right-of-way, appropriate easements will be provided.

2. Provisions for sidewalk construction shall be included as part of site plan review, subdivision approval and/or as part of the plans submitted for obtaining a building construction permit. For all non-single family residential developments and non-agricultural zoned developments, a separated, continuous sidewalk shall be provided from right-of-way to primary entranceway(s) which will address adequate interior pedestrian connectivity.

3. Sidewalks shall be at least four (4) feet in width, with at least eight (8) feet of vertical clearance in the sidewalk path. Wider walks, to a maximum of eight (8)

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feet, may be required by the City of Long Beach along thoroughfares in commercial, industrial, or multi-family areas due to anticipated traffic and the development of the area.

4. The construction of all sidewalks and the materials and components parts thereof shall be subject to the acceptance of the City of Long Beach Building Department and shall meet all standards and requirements set forth in the Americans with Disabilities Act of 1990 and the City of Long Beach's sidewalk specifications and details in effect at the time of construction. Asphalt and slick-surfaced sidewalks are prohibited.

5. Unless otherwise specified by the Planning Commission, a landscape strip of at least two feet width between the sidewalk and the edge of the road or back edge of the curb shall be required for all sidewalks to help keep all pedestrian ways free and clear of obstructions and to further provide a safe pedestrian-friendly environment.

6. Exceptions to this ordinance shall be made where required by federal law or federally mandated recommendations or requirements.

7. In such cases where sidewalk construction is not practical due to topographical or other hardship issues unique to the property location or development, or for other good cause, an individual or developer may be granted a variance to this Ordinance upon application to and approval by the Long Beach Planning Commission. The application process shall consist of setting a meeting date, notification to all adjacent property owners of request and a public meeting held by the planning commission. No publication of legal notice shall be required.

SECTION 3: *Section 6: Repair and Maintenance* is hereby amended to read as follows:

Section 6: Repair and Maintenance

6.1 Upon acceptance by the City of Long Beach of a final plat, the issuance of

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a Certificate of Occupancy or by final inspection, the City shall be responsible for the repair and maintenance of sidewalks and multi-use paths located adjacent to public streets and rights-of-way, except as provided herein below.

6.2 It shall be the responsibility of the property owner/developer to have sidewalks inspected and documented by the City staff prior to any action which may result in damage or removal by an owner, renter or contractor during work performed on a property. Any sidewalk damaged or removed by direct action of the owner/developer shall be repaired/replaced by owner/developer at the expense of the owner/developer and in conformance with the sidewalks standards SET FORTH IN THIS ORDINANCE AND THE Long Beach Subdivision Regulations.

SECTION 4. INVALIDATION/SEVERABILITY

The requirements and provisions of this Ordinance are severable. If any article, section paragraph, sentence, or portion thereof, be declared by any court of competent jurisdiction to be void, invalid, or inoperative, the decision of the Court shall not affect the validity or applicability of the Ordinance as a whole or of any part thereof other than the part held void, invalid, or otherwise inoperative.

SECTION 5. CONFLICTS

All Ordinances, parts of Ordinances or Resolutions of the Mayor and Board of Aldermen of the City of Long Beach that conflict with the provisions of this Ordinance shall be hereby repealed, to the extent of such conflict only.

SECTION 6. EFFECTIVE DATE

This Ordinance shall become effective and be in force from and after its passage in the manner provided by law on or after the 30th day after its adoption. The City Clerk is directed to post and to publish the Ordinance as required by law.

The above and foregoing Ordinance No. 615 was introduced in writing by Alderman Lishen who moved its adoption. Alderman Parker seconded the motion to

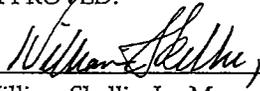
**Minutes of November 17, 2015
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adopt the Ordinance, and after discussion, no member of the Board of Aldermen having requested the Ordinance to be read by the City Clerk, and the question being put to a roll call vote, the result was as follows:

Alderman Bernie Parker	voted	Aye
Alderman Gary J. Ponthieux	voted	Absent, Not Voting
Alderman Kelly Griffith	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 17th day of November, 2015.

APPROVED:



William Skellie, Jr., Mayor

ATTEST:



Rebecca E. Schuff, City Clerk

*

*

**Minutes of November 17, 2015
Mayor and Board of Aldermen**

ORDINANCE NUMBER 616

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AMENDING ORDINANCE NUMBER 231, UPDATING THE RULES AND REGULATIONS APPLICABLE TO THE DEVELOPMENT OF SUBDIVISIONS WITHIN THE CITY OF LONG BEACH, 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 therefore, do now find, determined, adjudicate and declare that at present, Ordinance Number 231, as amended, may conflict with or require updating to make the provisions thereof consistent with the other ordinances governing placement, construction and repair of sidewalks within the City of Long Beach, and said Ordinance No. 231 should therefore be amended to provide certainty and consistency for require property owners and developers with regard to governing placement, construction and repair of sidewalks within the City of Long Beach.

NOW THEREFORE, be it ordained by the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, as follows:

SECTION 1. Section 7 (d) of Ordinance Number 231, *Street Width, Sidewalk and Drainage in Subdivisions* as previously amended, be and it is hereby amended to read as follows:

(d) the sidewalks required by this section shall comply with city Ordinance #587, as same may be from time to time amended.

SECTION 2. Section 12 of Ordinance Number 231, *Road and Sidewalk Requirements in Unsubdivided developments* is hereby amended by deletion of subparagraphs (c), (d), and (e), and addition in lieu thereof of the following new subsection be inserted:

(c) all sidewalk requirements shall conform to city Ordinance #587, as same may be from time to time amended.

SECTION 3. Severability

If any section, subsection, sentence, clause or phrase of this Ordinance, or the application thereof, be held by any court of competent jurisdiction to be invalid or unconstitutional, such holding shall not affect the remaining portions of this Ordinance.

SECTION 4. Effective Date

This Ordinance shall become effective and be in force from and after its passage in the manner provided by law on or after the 30th day after its adoption. The City Clerk is directed to post and to publish the Ordinance as required by law.

The above and foregoing Ordinance No. 616 was introduced in writing by Alderman Lishen who moved its adoption. Alderman Griffin seconded the motion to

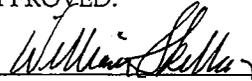
Minutes of November 17, 2015
Mayor and Board of Aldermen

adopt the Ordinance, and after discussion, no member of the Board of Aldermen having requested the Ordinance to be read by the City Clerk, and the question being put to a roll call vote, the result was as follows:

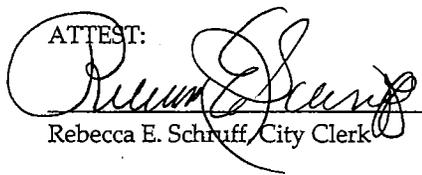
Alderman Bernie Parker	voted	Aye
Alderman Gary J. Ponthieux	voted	Absent, Not Voting
Alderman Kelly Griffith	voted	Aye
Alderman Alan Young	voted	Aye
Alderman Leonard G. Carrubba, Sr.	voted	Aye
Alderman Mark E. Lishen	voted	Aye
Alderman Ronnie Hammons, Jr.	voted	Aye

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 17th day of November, 2015.

APPROVED:



William Skellie, Jr., Mayor

ATTEST:


Rebecca E. Schuff, City Clerk

**Minutes of November 17, 2015
Mayor and Board of Aldermen**

The Mayor and Board of Aldermen took up the matter of a resolution approving a revised Interlocal Governmental Cooperation Agreement between the cities of Long Beach, Biloxi, Gulfport and others for development of regional fiber optic infrastructure for ultra high speed internet and broadband service, and to authorize approval of requests for other Mississippi coast cities and counties to join the agreement, and for related purposes as follows:

RESOLUTION

WHEREAS, upon due investigation and deliberation, it is hereby found and determined to be in the best interests of the health, safety and welfare of the citizens of the City of Long Beach that the City enter into the attached INTERLOCAL GOVERNMENTAL COOPERATION AGREEMENT BETWEEN CITY OF LONG BEACH AND OTHERS IN MISSISSIPPI FOR DEVELOPMENT OF REGIONAL FIBER OPTIC INFRASTRUCTURE FOR ULTRA-HIGH-SPEED INTERNET AND BROADBAND SERVICE, AND FOR RELATED PURPOSES, attached to this resolution and made a part hereof; and

WHEREAS, it is in the intent of the City to accept and approve requests, when made, from other city and county governments within Hancock, Harrison and Jackson Counties to join in the attached agreement; in order to facilitate timely amendments to the attached Agreement, the Board of Aldermen desires to authorize the Mayor and Municipal Clerk to execute and deliver future amendments to the attached agreement, provided such amendments have the sole purpose of adding one or more of the other Coast city and county governments as participating parties to the agreement on the same terms and conditions as the agreement attached to this resolution;

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

**Minutes of November 17, 2015
Mayor and Board of Aldermen**

SECTION ONE. The findings, conclusions, and statements contained in the preamble of this resolution are hereby approved, adopted and ratified.

SECTION TWO. The Mayor and Municipal Clerk are authorized to execute and deliver the attached INTERLOCAL GOVERNMENTAL COOPERATION AGREEMENT BETWEEN CITY OF LONG BEACH, MISSISSIPPI FOR DEVELOPMENT OF REGIONAL FIBER OPTIC INFRASTRUCTURE FOR ULTRA-HIGH-SPEED INTERNET AND BROADBAND SERVICE, AND RELATED PURPOSES, and the City Attorney is authorized to deliver the fully executed agreement to the Mississippi Attorney General for approval as required by law.

SECTION THREE. In order to facilitate timely amendments to the attached Agreement, to accept and approve requests, when made, from other city and county governments within Hancock, Harrison and Jackson Counties, the City Council hereby authorizes the Mayor and Municipal Clerk to execute and deliver such future amendments to the attached agreement, provided such amendments have the sole purpose of adding one or more of the other Coast city and county governments as participating parties to the agreement on the same terms and conditions as the agreement attached to this resolution.

SECTION FOUR. This resolution shall take effect and be in force from and after adoption.

SO RESOLVED on this the 17th day November, 2015.

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

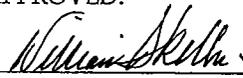
Alderman Bernie Parker	voted	Aye
Alderman Gary J. Ponthieux	voted	Absent, Not Voting

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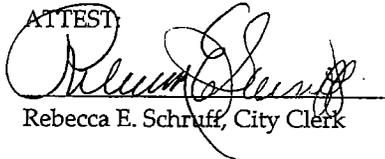
Alderman Kelly Griffith	voted	Aye
Alderman Alan Young	voted	Aye
Alderman Leonard G. Carrubba, Sr.	voted	Aye
Alderman Mark E. Lishen	voted	Aye
Alderman Ronnie Hammons, Jr.	voted	Aye

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 17th day of November, 2015.

APPROVED:



 William Skellie, Jr., Mayor

ATTEST

 Rebecca E. Schuff, City Clerk



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**AMENDMENT TO ACCEPT
THE CITY OF LONG BEACH AS A PARTY
TO THE INTERLOCAL GOVERNMENTAL COOPERATION AGREEMENT
CREATING THE GULF COAST BROADBAND COMMISSION**

This amendment ("Amendment") to the INTERLOCAL GOVERNMENTAL COOPERATION AGREEMENT BETWEEN THE CITIES OF BILOXI AND GULFPORT, MISSISSIPPI FOR DEVELOPMENT OF REGIONAL FIBER OPTIC INFRASTRUCTURE FOR ULTRA-HIGH-SPEED INTERNET AND BROADBAND SERVICE, AND FOR RELATED PURPOSES ("Agreement"), a true and correct copy of which is attached to this Amendment and adopted herein, is entered into on the dates hereinafter set forth by and between the CITY OF LONG BEACH, MISSISSIPPI, a political subdivision and municipal corporation organized and existing according to the laws of the State of Mississippi (herein the "City of Long Beach" or "Long Beach"), the CITY OF BILOXI, MISSISSIPPI, a political subdivision and municipal corporation organized and existing according to the laws of the State of Mississippi (herein the "City of Biloxi" or "Biloxi"); and the CITY OF GULFPORT, MISSISSIPPI, a political subdivision and municipal corporation organized and existing according to the laws of the State of Mississippi (herein the "City of Gulfport" or "Gulfport"), as authorized by Miss. Code Ann. § 17-13-1, et seq., being the "Interlocal Cooperation Act of 1974," and other applicable laws and regulations.

FOR AND IN CONSIDERATION of the mutual benefits and advantages each to the other, the parties hereby acting by and through their respective governing authorities, agree as follows:

WITNESSETH:

WHEREAS, Long Beach requests the Members of the Commission to become a Party to the Agreement establishing the Gulf Coast Broadband Commission, and the Cities of Biloxi and

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Gulfport, being all of the currently participating Members of the Commission, approve and accept the request of Long Beach to become a Party, according to the terms and conditions of this Amendment and of the original Agreement attached hereto;

NOW, THEREFORE, for and in consideration of the mutual benefits and advantages each to the other, and in order to accomplish the objectives of this Amendment to the Agreement in the most expeditious and effective way, the parties hereto, acting under the authority of the Interlocal Cooperation Act of 1974, Miss. Code Ann. § 17-13-1, et seq., as amended, and acting pursuant to "SECTION 6: AMENDMENT" of the original Agreement do hereby mutually contract and agree as follows:

SECTION ONE OF THIS AMENDMENT:

All of the participating Members of the Commission, being an Approval Majority, agree that the City of Long Beach is now a Party to the Agreement and likewise is a participating Member of the Commission, subject to the approval of this Amendment and of the Agreement by the Attorney General of Mississippi.

SECTION TWO OF THIS AMENDMENT:

The City of Long Beach and all of the participating Members of the Commission, being an Approval Majority, agree that the terms and conditions of this Amendment are

- (a) The terms and conditions stated in Sections One, Two, Three and Four of this Amendment;
- (b) All of the terms and conditions stated in the original Agreement, except as amended by this Amendment.

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SECTION THREE OF THIS AMENDMENT:

The City of Long Beach, the City of Biloxi, and the City of Gulfport, agree that they hereby approve and accept requests of the governing authorities of any one or more of the other municipalities or counties within Hancock County, Harrison County, or Jackson County, Mississippi, that may request to become a Party to the Agreement, as amended, provided that

- (a) The request shall be made by a certified resolution of the respective governing authority delivered to Biloxi and Gulfport for forwarding to the Attorney General for approval and authorizing the requesting governing authority to enter into an amendment to the Agreement on the same terms and conditions as this Amendment; and
- (b) The request is made on or before the date that the Attorney General of Mississippi approves the original Agreement.

The purpose of this Section Three of this Amendment is to facilitate and expedite the execution and delivery of any and all such amendments to the Attorney General for approval with the original Agreement, without requiring each participating Member to sign every such amendment prior to delivery to the Attorney General. After the date of approval of the original Agreement, any requests thereafter to become a Party to the Agreement shall be considered according to Section 10 of the Agreement, as amended.

SECTION FOUR OF THIS AMENDMENT:

Section 10 of the Agreement is hereby amended to read as follows:

SECTION 10: APPROVAL OF ATTORNEY GENERAL.

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Each entity that is a Party to this Agreement has approved its execution by resolution entered on the minutes of its Governing Authority or Board. Prior to the effectiveness of the Agreement, and all amendments thereto, as required by Miss. Code Ann. § 17-13-11 (Rev. 2012), as amended, this Agreement, and all amendments thereto, shall be submitted to the Attorney General of the State of Mississippi to determine whether the Agreement, and any amendment thereto, is in proper form and compatible with the laws of the State of Mississippi. After approval and execution of the original Agreement and the approval by the Attorney General of the State of Mississippi as herein provided, copies shall then be filed with the Secretary of State of the State of Mississippi, the Chancery Clerk of Harrison County, Mississippi, and the State Auditor. After approval and execution of any Amendment to the original Agreement and the approval of the amendment by the Attorney General of the State of Mississippi as herein provided, copies of each amendment shall then be filed with the Secretary of State of the State of Mississippi, the Chancery Clerk of every county in which a Party is located, and the State Auditor.

WITNESS the signatures of the Parties hereto through their duly authorized representative on the dates stated by their names below.

SIGNATURE PAGE FOLLOWS

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CITY OF LONG BEACH, MISSISSIPPI



BY: William "Billy" Skellie, Jr. Date: 11/17/15
William "Billy" Skellie, Jr., Mayor

ATTEST:

[Signature]
Municipal Clerk

CITY OF BILOXI, MISSISSIPPI

BY: _____
Andrew "FoFo" Gilich, Mayor Date

ATTEST:

Municipal Clerk

CITY OF GULFPORT, MISSISSIPPI

BY: _____
Billy Hewes, Mayor Date

ATTEST:

Municipal Clerk

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**INTERLOCAL GOVERNMENTAL COOPERATION AGREEMENT BETWEEN THE
CITIES OF BILOXI AND GULFPORT, MISSISSIPPI FOR DEVELOPMENT OF
REGIONAL FIBER OPTIC INFRASTRUCTURE FOR ULTRA-HIGH-SPEED INTERNET
AND BROADBAND SERVICE, AND FOR RELATED PURPOSES**

THIS AGREEMENT ("Agreement") is entered into on the dates hereinafter set forth by and between the CITY OF BILOXI, MISSISSIPPI, a political subdivision and municipal corporation organized and existing according to the laws of the State of Mississippi (herein the "City of Biloxi" or "Biloxi"); the CITY OF GULFPORT, MISSISSIPPI, a political subdivision and municipal corporation organized and existing according to the laws of the State of Mississippi (herein the "City of Gulfport" or "Gulfport"), as authorized by Miss. Code Ann. § 17-13-1, et seq., being the "Interlocal Cooperation Act of 1974," and other applicable laws and regulations.

FOR AND IN CONSIDERATION of the mutual benefits and advantages each to the other, the parties hereby acting by and through their respective governing authorities, agree as follows:

WITNESSETH:

WHEREAS, the participating Municipal governments of the Mississippi Gulf Coast (herein collectively called, "Mississippi Coast Governing Authorities") have maintained a long, cooperative relationship where they have worked together to foster, encourage, and make possible regionally significant economic and community development and infrastructure projects, including industrial, recreational, and hospitality industry projects, wherein the participating entities have obtained benefit from the enhanced economic growth and opportunities and improvements in the quality of life of their citizens and the quality of the natural environment in their respective territories; and

WHEREAS, the cities of Gulfport and Biloxi hereby agree to take the lead, on behalf of all communities on the Mississippi Gulf Coast, in establishing regional fiber optic infrastructure for ultra-high-speed, affordable and accessible Internet service

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through the creation of the Gulf Coast Broadband Commission, which will be open to all communities to join as provided herein;

NOW, THEREFORE, for and in consideration of the mutual benefits and advantages each to the other, and in order to accomplish the objectives of this Agreement in the most effective way, the parties hereto, acting under the authority of the Interlocal Cooperation Act of 1974, Miss. Code Ann. § 17-13-1, et seq., as amended, do hereby mutually contract and agree as follows:

SECTION 1: DURATION. (a) Duration: This Agreement shall be in full force and effect for a period commencing on the effective date hereof (as hereinafter provided) and running through and including September 30, 2115, unless extended by mutual agreement of the parties in the manner provided by law.

(b) Effective Date: The effective date hereof shall be the date on which the following required events are completed: (1) Approval of the Agreement by Resolution adopted by the Governing Authorities of the City of Biloxi and the City of Gulfport (hereinafter, "Mississippi Coast Governing Authorities"); (2) Execution of the Agreement by the two cities; (3) Submission of Agreement to the Attorney General and approval or ratification as required by Mississippi law; and (4) Filing of the Agreement with the Chancery Clerks and the Mississippi Secretary of State, in conformity with the requirements of Miss. Code Ann. § 17-13-11, et seq., as amended.

(c) Renewal. This Agreement may be renewed by the agreement of parties for periods not to exceed the useful life of any infrastructure improvements constructed under this Agreement; however, any renewal or extension of this Agreement shall be approved by the Mississippi Attorney General before implementation of the renewal or

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extension.

SECTION 2: PURPOSE. The Mississippi Gulf Coast metropolitan areas are in need of infrastructure for ultra-high-speed, fiber-optic-broadband Internet service that is sufficient in scope, quality, flexibility, availability and affordability for all of its citizens, governments, and private businesses and industries to be able to compete in regional, national and international markets for the creation and retention of new jobs, technologies, businesses, and industries and for the expansion and retention of equal opportunities for all citizens to enjoy a more prosperous, just, dignified and fulfilling life. The experience of many states and communities around the nation has been that large corporate providers of data transmission facilities do not have sufficient monetary incentive to bring affordable and ubiquitous, ultra-high-speed broadband Internet service to them unless there are significant public efforts and incentives to bring that technology to a proximity to all homes, businesses and public places that will make the final connectivity and service to all homes, businesses and public places by retail public and private service providers accessible and economically viable to the retail public and private service providers, affordable to the end users, and competitive in regional, national and world markets. The purpose of this Agreement is to provide a structure for Governing Authorities along Mississippi's Coast to cooperate in bringing affordable and ubiquitous, ultra-high-speed, broadband Internet infrastructure and service to their communities, which will then be made available and affordable by or through various Governing Authorities along the Mississippi Coast to residents, businesses, and public places through competitive licensing of public and private business service providers and, where and when necessary, by provision of service directly from or through or as a result of the Commission created by this Agreement to end users. The Parties shall accomplish this purpose through the construction, installation, operation, and maintenance of fiber optic infrastructure to serve all of Biloxi and Gulfport, as well as all participating Municipalities and Counties that may join in this Agreement hereafter by amendment to this

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Agreement as provided herein. Further, the purpose of this Agreement is to define the scope of the various obligations of the signatory public entities (herein the "Parties").

SECTION 3: ORGANIZATION; ADMINISTRATIVE ENTITY PROVISIONS.

(a) The Parties hereby create a separate legal and administrative entity to be called the Gulf Coast Broadband Commission (herein the "Commission"), and each signatory Party (also referred to herein as "Member") shall appoint one voting representative to the Commission, with such appointment to be made as other appointments are permitted by law for such Party (e.g., by a member municipality that is a Mayor-Council form of Government by appointment made by such Member's appointing authority followed by ratification and consent of that Member's Governing Authority). The Commission may take official action by an "Approval Majority", which is defined as a vote for the official action by both (a) by an affirmative vote of both Biloxi and Gulfport, and (b), in the event other municipalities and counties join in this Agreement as provided herein by amendment to this Agreement, by an affirmative vote of a two-thirds majority of all the Members of the Commission. Any municipality or county government that is not an original signatory to this Agreement may join and participate upon: (1) the adoption of a Resolution by the Governing Authority of that governmental entity authorizing participation; (2) the approval of an Approval Majority as defined above and composed of the members of the participating Parties at that time; and 3) approval by the Attorney General of the State of Mississippi to an amendment to this Agreement adding that governmental entity.

(b) The Commission shall have the authority to acquire any interest in real and personal property necessary to create, provide, operate, and/or maintain ultra-high speed, fiber-optic-broadband service and/or the infrastructure or parts thereof needed or necessary for

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the provision of such service. The exercise of the power of eminent domain conferred or granted to a Member of this Commission shall only be duly exercised in the name of such Member and even then pursued when the property in question is located within the corporate limits or lawful jurisdiction of such Member. Nothing in this Agreement is meant to in any way alter or limit any authority legislatively or judicially conferred upon or provided to any Member of the Commission.

(c) The Commission shall further have the authority to seek, apply for, accept, receive, administer, and expend grants, contributions, and donations of monies, materials, and property of any kind, and to receive, administer, and expend monies, materials, and property from its Members, though use of such funds, materials, and property from its Members shall be in accordance with the stated intentions and purposes of the Members' Governing Authorities. The Commission shall also have the authority to sell, lease, transfer, convey, appropriate, and pledge any and all of its property and assets, though it shall not do so with respect to funds or property received from a Member of the Commission without the express approval of the Member's Governing Authority.

(d) The Commission shall establish and maintain a budget based on a fiscal year that begins on October 1st of each calendar year and ends on September 30th of the following calendar year and shall make and enforce, and from time to time amend and repeal, bylaws, rules, and regulations for the management of its business and affairs and for the construction, use, maintenance and operation of any of the systems and infrastructure under its oversight, management, or control.

(e) The Commission shall also have the authority to employ personnel and to

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contract with public and private entities to create, acquire, construct, operate and maintain the proposed fiber optic infrastructure and broadband Internet service systems or any portion thereof and to provide Internet service to end users. The Commission may hire employees by its own action. The Commission may contract with for profit and non-profit business and social-service entities and engage in all other legal activities to assist in making ultra-high-speed Internet service accessible and affordable to all residents and businesses in the Commission's territory in pursuit of eliminating the "digital divide" and creating equal opportunity for all residents and businesses to enjoy reasonably affordable access and use of ultra-high-speed Internet and broadband services. The Commission shall take the actions contemplated by this Agreement by virtue of the authority granted to its participating Members pursuant to Miss. Code Ann. § 21-17-1 (Rev. 2015) ("General Powers"); Miss. Code Ann. § 21-17-5 (Rev. 2015) ("Home Rule"); Miss. Code Ann. § 17-13-7 (Rev. 2012) ("Interlocal Agreements"); Miss. Code Ann. § 19-5-99 (Rev. 2012) ("Creation of Economic Development Districts"); Miss. Code Ann. § 57-87-5 (Rev. 2014) ("Mississippi Broadband Technology Development Act"); Miss. Code Ann. § 57-64-5 (Rev. 2014) ("Regional Economic Development"); and Miss. Code Ann. § 57-3-9 (Rev. 2014) ("Powers of Municipalities" to erect Project).

SECTION 4: FINANCING. The Commission shall finance the performance of its duties under this Agreement by any means lawfully available to it, including but not limited to, direct contribution from the Commission's Member governmental entities, in-kind services contributed by any governmental entity, State and Federal grants obtained or acquired by the Commission or any other entity, and contributions, grants or in-kind services donated or granted by private persons, entities or institutions. All funds, materials, and properties received by the Commission shall be joint-undertaking funds

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and properties and shall be received, disbursed, and accounted for by the treasurer or disbursing officer of one of the signatory entities, who shall be appointed by an Approval Majority vote of the Members of the Commission. All funds, materials, and properties received directly from Members of the Commission shall not be co-mingled with the funds, materials, or properties of the Commission or those of other Members of the Commission, and the Commission's use of such funds, materials, and properties from its Members shall be in accordance with the stated intentions and purposes of the Member's Governing Authority.

SECTION 5: TERMINATION.

(a) By Mutual Consent of All Parties: This Agreement may be terminated by mutual consent in writing of all of the Parties if authorized by all of the respective Governing Authorities of the Members of the Commission at the time of termination. All real and personal property owned by the Commission at the time of a termination by mutual consent in writing of all of the Parties shall become the property of the Municipality in which it is located or within the franchise or service area of such Municipality if outside of a Municipality, or of the unincorporated part of the County in which it is located if it is not located within a Municipality and not within a franchise or service area of a Municipality.

(b) Withdrawal of One Party by Notice: Any Party may withdraw from this Agreement by official action of the Governing Authority of that Party, which termination shall require at least thirty (30) days written notice. Termination by Notice of one Party does not automatically terminate the obligations of the remaining Parties, nor does it terminate the obligations the terminating Party may have based upon other agreements

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entered into while a Party to this Agreement. All real and personal property owned by the Commission at the time of a withdrawal of one or more, but not all of the parties, shall remain the property of the Commission.

(c) Termination by Sole Remaining Party. In the event all Parties except one have withdrawn from this Agreement and then the sole remaining Party decides to withdraw and terminate this Agreement, then all real and personal property owned by the Commission at the time of such final withdrawal and termination shall, unless otherwise the property of a prior Member of the Commission or within such Member's franchise or service area or contrary to law, become the property of such sole remaining Member (the final terminating Party).

(d) Authority to Act: Action taken under this Section shall be by Resolution in the same procedural manner for each Governing Authority as required for adoption of this Agreement. The Members of this Commission shall act according to law and subject to directions from their respective Governing Authorities.

SECTION 6: AMENDMENT: This Agreement may be amended upon the written agreement of all Members of the Commission provided such amendment is approved by the Attorney General of the State of Mississippi and filed as required by law. Any Municipality or County within the Mississippi Counties of Jackson, Harrison, and Hancock may by resolution of its lawful Governing Authority apply to become a Party to this Agreement by requesting the Parties who are participating Members at the time of the request to approve an amendment to this Agreement allowing the requesting entity to become a Party on terms and conditions to be determined by an Approval Majority of the Parties who are participating Members at the time of the request, which terms and

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conditions shall be subject to approval of the Governing Authority of the requesting entity prior to the amendment becoming effective and further subject to the approval of the Attorney General of the State of Mississippi.

SECTION 7: JOINT BOARD PROVISIONS. The terms and provisions of this Agreement shall be implemented by the Commission and do not require the establishment of any other Joint Board.

SECTION 8: REAL AND PERSONAL PROPERTY.

To the extent authorized by law, real and personal property shall be acquired, held, and disposed of in the name of the Commission. In any instance in which real property may not be acquired and held in that manner, it shall be acquired and held in the name of the Municipality in which it is located, or from whose franchise or service area it is located or in the Member County if not located within a Municipality or its franchise or service area, or in the Municipality in which it is most nearly located if the applicable County is not a Member of the Commission.

SECTION 9: MISCELLANEOUS PROVISIONS.

(a) Public Utility. It is the intent of the Parties that, to the fullest extent authorized by law, the Commission shall operate as a public utility, for which such services are specifically exempt from regulation by the Public Service Commission under Miss. Code Ann. § 77-3-3 (Rev. 2009).

(b) Trunk line extensions. It is the intent of this Agreement that the Commission construct and maintain the primary regional fiber optic infrastructure to deliver the capacity for ultra-high-speed Internet service at least to the boundaries of the participating Municipalities or their franchise or service areas and further to deliver the

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capacity and service within all participating Municipalities and their franchise or service areas and Counties as close to end users as the Commission may find feasible and desirable, subject to the approval of the extent of such extension within each participating Municipality or County (for areas outside municipalities and their franchise or service areas) by the Governing Authorities of such Municipality or County. Furthermore, it is the intent of this Agreement that each participating Municipality and County shall be responsible for extending the facilities from its connection to the Commission's main fiber-optic infrastructure to every residence, commercial site and public place within the boundaries of each respective jurisdiction for residential and commercial use. These extensions may be done by the Municipality or County itself or by contracting with private companies or carriers. The Municipality or County may fully or partially complete any designated final extension of the service facilities and provide service directly to end users, or may fully or partially complete any designated final extension of the service facilities and contract with private companies or carriers to provide service to end users, or may contract with private companies or carriers to fully or partially complete any designated final extension of the service facilities and have the Municipality or County or private companies or carriers provide service to end users, or may do any one or more of the foregoing actions simultaneously.

(c) Standards for extension. As the purpose of this Agreement is to provide the public with the highest quality and affordability of broadband Internet service available and feasible, no Municipality or County may make such extensions from the Commission's trunk lines unless it meets minimum standards established by the Commission, which shall initially include, at least: (1) a minimum upload and download

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speed of 1 gigabit per second; (2) agreement to extend service to reach all residences and businesses within a reasonable time period established by the Commission but in no event later than seven (7) years after the date that such Municipality or County becomes a Party to this Agreement; (3) agreement to create public Wi-Fi in all public spaces, parks, buildings, and facilities where it is feasible, as determined by the Commission; (4) and agreement to require its private or public service provider(s) to have a customer service facility physically located in the applicable Municipality or within the County in which the applicable Municipality is located or, for service outside a Municipality or its franchise or service areas, within the County in which the service is provided.

(d) Private Partners. The Commission may create or contract with any private for-profit or non-profit entity or effort to build, manage, operate, and/or maintain the broadband fiber optic system and/or infrastructure or any part thereof, apply for, acquire, receive, and/or administer State, Federal, and/or private grants, and contract with private foundations and public and private venture capital funds to encourage and incentivize new jobs and growth of start-up and expanding businesses based on ultra-high-speed broadband Internet service and related technologies.

(e) Severability. If any part, term, or provision of this Agreement shall be held illegal, unenforceable, or in conflict with any applicable law, the validity of the remaining portions or provisions shall not be affected thereby.

SECTION 10: APPROVAL OF ATTORNEY GENERAL. Each entity that is a Party to this Agreement has approved its execution by resolution entered on the minutes of its Governing Authority or Board. Prior to its effectiveness and as required by Miss. Code Ann. § 17-13-11 (Rev. 2012), as amended, this Agreement shall be submitted to the

There was no report from the Mayor's Office.

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There came on for consideration emergency electrical repairs at the harbor and a letter, with attachments, from Harbor Master William Angley, as follows:



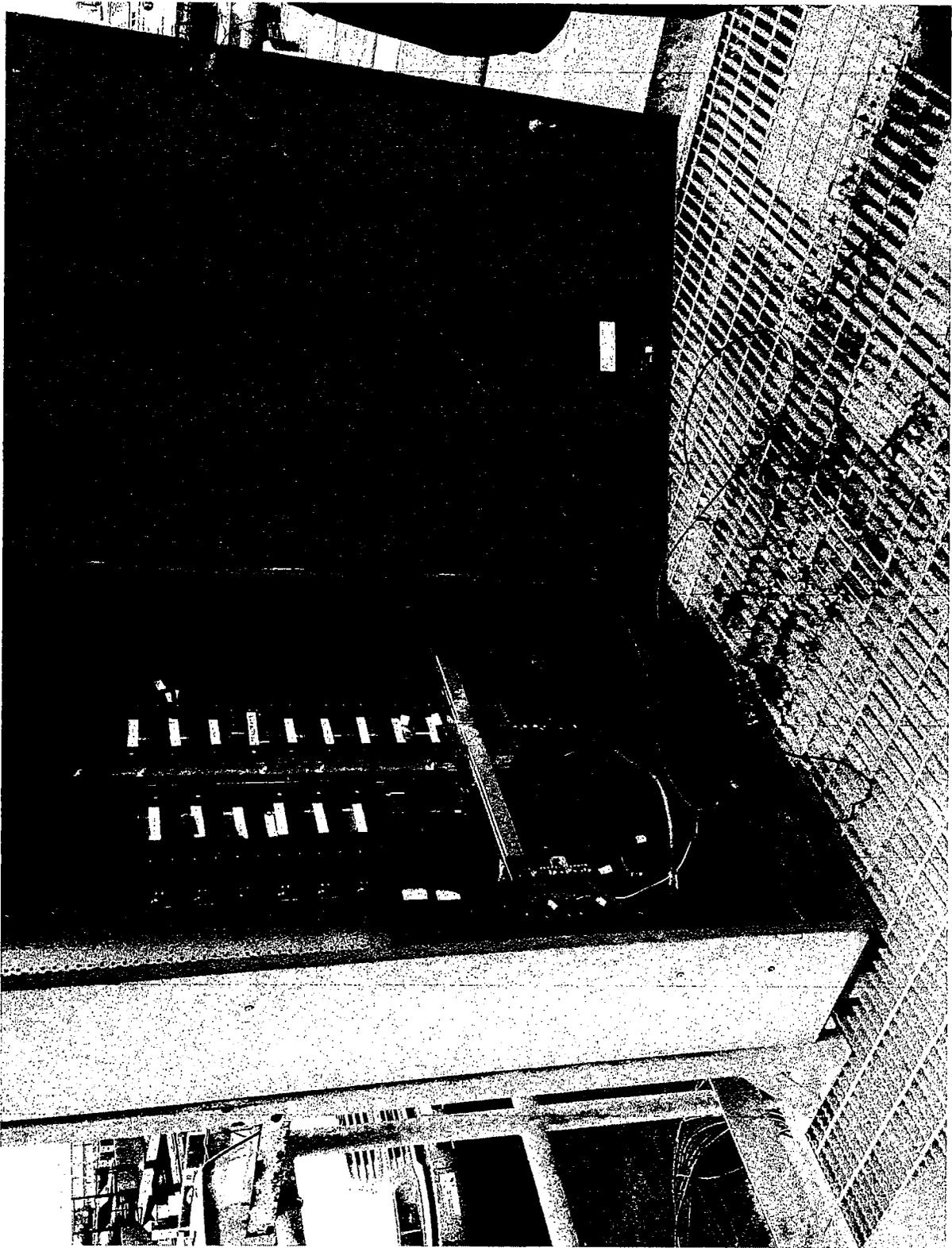
To: Mayor and Board of Alderman
Long Beach Port Commission

From: William Angley
Long Beach Harbor Master

On November 5, 2015 I received a call about power outage on pier 3 slip 20. Upon further investigation I found 110 volts on the neutral leg of that pedestal. I reset the breakers and then lights started turning on and off (dimming). Moments after noticing the lights the 600 amp main breaker tripped and sent sparks out of the panel. I called in Krol electric to help investigate the issues. We opened up junctions to find power on legs that are supposed to be ground or neutral. Tracing wires back we opened a pull box in the street to find smoke and steam where the wire was burning together. After shutting down power the pier 3 and 4 we found bare wire that would need to be pulled and replaced. The main wires burn were still in the pipe leading to the main panel. We open the second box going to pier 4 and Stringer fishing pier to find more bare wire and shock hazards. This problem has been on going repair since the lines were damaged by contractors. We have constantly had to have things replaced and repaired. With that said we have shut down power for repairs numerous times to these piers. These 2 piers consist of 66 slips of which 36 are rented. To shut down power for those customers possibility of loss or damage to boats and piers if left for too long, along with the Fire threat of the back feeding power on the neutral legs. Respectfully request approval of emergency repairs to be done by Krol electric in the amount of 36,469 dollars. The engineer and electrician will work together with me to determine who was at fault for this damage.

William Angley

Long Beach Harbor Master



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After considerable discussion, Alderman Hammons made motion seconded by Alderman Parker and unanimously carried to approve the emergency electrical repairs, Long Beach Harbor, Krol Electric, in the amount of \$36,469.00. It was noted for the record that additional damages have been uncovered since emergency repairs were implemented and will be addressed once further information is received. In addition, it is the intent of the Port Commission to pursue reimbursement from the contractor responsible for damages.

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Based upon the recommendation of department heads and certification by the Civil Service Commission, Alderman Parker made motion seconded by Alderman Young and unanimously carried to approve personnel matters, as follows:

HARBOR:

- Step Increase, Harbor Guard Tim Smith, CSH-2-I, effective December 1, 2015.

FIRE DEPARTMENT:

- Resignation, Firefighter 1st Class Matt Ross, effective November 15, 2015;
- Hire Firefighter Mikael Ingram, FS-5, effective December 1, 2015;
- Suspension, without pay, Driver/Operator Johnathan Malley, (1) shift (48 hours), for violation of departmental policy 15.2.1.13.

POLICE DEPARTMENT:

- Step Increase, 1st Class Patrolman Cassie Barker, PS-9-B, effective November 16, 2015;
- Step Increase, Police Officer 1st Class, PS-9-I, effective December 1, 2015;
- Step Increase, Police Officer 2nd Class, Timothy Fisacherly, PS-7-B, effective January 16, 2016;
- Step Increase, Police Officer 1st Class Kenneth French, PS-9-B, effective December 16, 2015;
- Step Increase, Police Officer 1st Class Timothy Griffin, PS-9-B, effective November 16, 2015;
- Step Increase, Police Detective Brad Gross, PSA-10-IV, effective January 1, 2016;
- Step Increase, Police Sergeant Edward Hilliard, PS-11-III, effective November 1, 2016;
- Step Increase, Police Sergeant Cindy Hodges, PS-11-VIII, effective January 1, 2016;
- Step Increase, Police Dispatcher Amy Johnson, PS-3-IX, effective January 1, 2016;
- Step Increase, Police Lieutenant Daniel Pavolini, PS-12-VII, effective November 1, 2015;
- Step Increase, Police Lieutenant Kipper Thomas, PS-10-XIII, effective January 16, 2016.

PARKS/RECREATION DEPARTMENT:

- Step Increase, Laborer Robbie Collins, CSH-I-VI, effective December 1, 2015.

Alderman Parker made motion seconded by Alderman Griffin and unanimously carried to declare public works equipment/electronics surplus for salvage, as follows:

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COMPUTERS, MONITORS, AND OTHER ELECTRONICS FOR SALVAGE.

BRAND	PRODUCT	SERIAL NUMBER
DELL	MONITOR	MX-07C051-47801-186-B1E0
DELL	KEY BOARD	TH-025PGG-37171-1BC-3337
DELL	KEY BOARD	TH-04N454-37171-Z3N-0836
IBM	KEY BOARD	1SBL11540141140
HP	MONITOR	KRD2714895
HP	FAX MACHINE	CN38BAJ5152
HP	FAX MACHINE	CNH28A0FHT
IBM	MONITOR	1S65470AW23WL232
DELL	MONITOR	MX07C051-Y7801-186-R20F
HP	PRINTER	SG78D16G1SD
ACER	KEYBOARD	9152C07A9198D22907S00000
COMPAQ	KEYBOARD	B21A40GGA151SFY
COMPAQ	KEYBOARD	B0AB30E39F040A
GENIUS	MOUSE	97036332
COMPAQ	MOUSE	B04AB0H5BE0ZVWD
DELL	MOUSE	7223313-8
HP	PRINTER	US8101W15F
EPSON	PRINTER	3JU1033598
DELL	COMPUTER	JN35L71
SCEPTRE	MONITOR	
GATEWAY	MONITOR	C811097892

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IBM	KEYBOARD	1507H06650073977
HP	COMPUTER	US93411248
IBM	COMPUTER	23LD422
COMPAQ	COMPUTER	6651HVT3G655
COMPAQ	COMPUTER	6651HVT3F316
TOUCH	COMPUTER	
CTX	MONITOR	7140651601
HP	COMPUTER	US93Y11257
HP	COMPUTER	US01302434
COMPAQ	COMPUTER	6652HVT3P299
PACKARD BELL	MONITOR	TGM584763231
DSC	COMPUTER	
GATEWAY	MONITOR	C811097896
HP	SCANNER	CN3BHT100W
DELL	COMPUTER	YNM6T01
DELL	COMPUTER	BNR1521

Alderman Young made motion seconded by Alderman Griffin and unanimously carried to approve the 2015-2016 Holiday Schedule, as follows:

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HOLIDAY SCHEDULE *

2015

Wednesday, November 25 th	Close Noon; Senior Center-Close Full Day (<u>ALL</u> administrative employees taking off at noon/full day <u>MUST</u> utilize leave or remain at work for their normal work day)
Thursday, November 26 th	Closed-Thanksgiving Holidays
Friday, November 27 th	Closed-Thanksgiving Holidays
Wednesday, December 23 rd	Close Noon; Senior Center-Close Full Day and Return, Monday, January 4, 2016; (<u>ALL</u> administrative employees taking off at noon/full days <u>MUST</u> utilize leave or remain at work for their normal work day)
Thursday, December 24 th	Closed-Christmas Holidays
Friday, December 25 th	Closed-Christmas Holidays
Thursday, December 31 st	Close Noon-New Year's Eve (<u>ALL</u> administrative employees taking off <u>MUST</u> utilize leave or remain at work for their normal work day)

2016

Friday, January 1 st	Closed- New Year's Day
Monday, January 18 th	Closed-Martin Luther King's and Robert E. Lee's Birthday
Monday, February 15 th	Closed-President's Day
Monday, April 25 th	Closed-Confederate Memorial Day
Monday, May 30 th	Closed-Memorial Day
Monday, July 4 th	Closed-Independence Day
Monday, September 5 th	Closed-Labor Day
Friday, November 11 th	Closed-Veteran's Day
Wednesday, November 23 rd	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 24 th	Closed-Thanksgiving Holidays
Friday, November 25 th	Closed-Thanksgiving Holidays
Friday, December 23 rd	Closed-Christmas Holidays
Monday, December 26 th	Closed-Christmas Holidays

2017

Monday, January 2 nd	Closed-New Year's Holiday
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*HOLIDAYS ARE SUBJECT TO CHANGE IN ACCORDANCE WITH GOVERNOR'S PROCLAMATION
APPROVED: 11.17.15

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Alderman Parker made motion seconded by Alderman Griffin and unanimously carried to schedule public hearings, Tuesday, January 5, 2016, 5:00 p.m., City Hall Meeting Room, 201 Jeff Davis Avenue, Long Beach, Mississippi, to determine whether or not properties situated in the City of Long Beach are in such a state of uncleanliness as to constitute a menace to the public health and safety of the community. Said properties are as follows:

- Oasis Condominiums, 900 West Beach Boulevard, (24) parcels;
- 218 East 5th Street, Mayblen Plummer and Short Catina.

The City Attorney apprised the Mayor and Board of Aldermen regarding several court matters; no official action was required or taken.

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

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APPROVED:

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

Alderman Gary J. Ponthieux, Ward 1

Alderman Bernie Parker, Ward 2

Alderman 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. Schruff, City Clerk