

**PORT COMMISSION MINUTES
August 17, 2006**

Be it remembered that a regular meeting of the Port Commission of the City of Long Beach, Mississippi, was begun and held at the Long Beach Separate School Administration Office, 19148 Commission Road, in said city at 5:30 p m , it being the third Thursday in August, 2006, and the same being the time, date, and place fixed for holding said meeting.

There were present and in attendance on said Port Commission and at the meeting the following named persons: Commission President Phil Kies, Commissioners Vernon Ehlers, Robert Starek, Charles Purchner, Charles Stringer, Deputy City Clerk Stacey Dahl, Port Attorney Bryan VonderBruegge, and Harbormaster Calvin Poupart

Absent the meeting were Commissioners James Hancock, Steve Nicosia, Brett Clover, and Chuck Ryan.

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

The meeting was called to order and Commissioner Kies made motion seconded by Commissioner Starek and unanimously carried to suspend the rules to discuss harbor leases; whereupon Commissioner Kies apprised the commission on the status of harbor leases as they pertain to rent.

Commissioner Purchner made motion seconded by Commissioner Ehlers and unanimously carried to approve the Port Commission Minutes of July 20, 2006, as submitted.

Commissioner Ehlers made motion seconded by Commissioner Purchner and unanimously carried to spread the **signed** lease agreement by and between **the Long Beach Port Commission, as Landlord, and Keith Bufkin Fulton d/b/a/ Southern Charter Services, LLC as Tenant** upon the minutes of this meeting in words and figures as follows:

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WHARF SPACE LEASE AGREEMENT

Agreement made this 17 day of Aug, 2006, by and between **LONG BEACH PORT COMMISSION**, as Landlord, and **KEITH BUFKIN FULTON d/b/a SOUTHERN CHARTER SERVICES, LLC** as Tenant.

IN CONSIDERATION OF **\$100.00 (One Hundred Dollars)**, per month, the Landlord leases and grants to the Tenant, the following privileges, to-wit: The right to place a aesthetically pleasing, portable, temporary structure on certain Wharf Space and to provide certain necessities to boaters and users of the harbor to include the sale of tickets for charter services. The Wharf Space is to be designated by the Harbor Master.

This lease is a month to month short term lease.

All structures, displays and materials placed upon the said property by the Tenant are Tenant's responsibility to maintain and move with 24 hours notice from Landlord due to inclement weather or to make repairs to harbor property. The Landlord agrees to allow the Tenant full access to the property occupied by the temporary structure for the purpose of erecting, maintaining, operating or removing the structure.

The Tenant shall maintain liability insurance to the extent of **\$1,000,000.00 ONE MILLION DOLLARS**, naming Landlord as additional insured. Landlord shall not be liable for any damages to personal property and/or personal injury sustained by the Tenant or any other persons caused by the structure and/or the business enterprise operated by Tenant and any such liability is assumed by Tenant, and Tenant agrees to defend and indemnify Landlord from any claims that may arise.

The Landlord represents that he is the legal representative of the property above described and has authority to make this lease. Tenant acknowledges and represents that he has the authority to make this lease on behalf of Southern Charter Services, LLC.

Landlord shall have the right to terminate this lease and Tenant agrees to remove any property or other outdoor advertising, structure under this lease upon 30 days advance written notice. Tenant shall remove at his own expense all fixtures and equipment within a period of thirty (30) days from the notification issued by the Landlord.

This Agreement may not be assigned and transferred by Tenant to other persons or concerns without the consent of Landlord. Tenant shall not sublease the Wharf Space without the written consent of Landlord.

The temporary structure must not in any way obstruct or impede the safety, welfare and access of the general public.

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Cost for permits or any other cost in connection with erection and maintenance of said temporary structure is to be borne by the Tenant. Tenant is required to pay all taxes upon personal property, including increased taxes related to the lease and temporary structure. Tenant shall also pay all utilities used on said property in connection with the structure.

Payments shall be made to City of Long Beach at Post Office Box 929, Long Beach, Mississippi 39560 and payable to Long Beach Port Commission and Landlord may, from time to time, designate other places for the payment of the rent by written notice to Tenant.

All notices required herein to be sent to Landlord or Tenant shall be deemed both given and received on the date thereof if sent by certified mail at the address set forth above.

LONG BEACH PORT COMMISSION

Phil Kies

By: PHIL KIES

SOUTHERN CHARTER SERVICES, LLC

Keith Bufkin Fulton

By: KEITH BUFKIN FULTON

State of Mississippi
County of Harrison

Personally appeared before me, the undersigned authority in and for the said county and state, on this 17 day of August, 2006, within my jurisdiction, the within named Phil Kies, who is President of the **Long Beach Port Commission**, and that for and on behalf of the said Commission, and as its act and deed she executed the above and foregoing instrument, after first having been duly authorized by said Commission to do so.

LONG BEACH PORT COMMISSION

Phil Kies

By: PHIL KIES, PRESIDENT

GIVEN under my hand and seal of office, this the 17th day of AUGUST, 2006.

Stacy Dahl
Notary Public
My Commission Expires



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State of Mississippi
County of Harrison

Personally appeared before me, the undersigned authority in and for the said county and state, on this 17 day of August 2006, within my jurisdiction, the within named **KEITH BUFKIN FULTON**, who is Managing Member of **Southern Charter Services, LLC** and that for and on behalf of the said corporation, and as its act and deed she executed the above and foregoing instrument, after first having been duly authorized by said corporation so to do.

SOUTHERN CHARTER SERVICES, LLC

Keith Bufkin Fulton
By: KEITH BUFKIN FULTON

GIVEN under my hand and seal of office, this the 17 day of August 2006



Stacy W. Dahl
Notary Public
My Commission Expires:

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There came on for consideration the 2006/2007 Port Budget; whereupon, Commissioner Purchner made motion seconded by Commissioner Stringer and unanimously carried to approve the budget as presented and order same spread upon the minutes of this meeting in words and figures as follows:

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8/17/2006
10:56 AM

CITY OF LONG BEACH, MISSISSIPPI - MUNICIPAL BUDGET			
INTERNAL CONTROL WORKSHEET			
PORT & HARBOR FUND			
	ADOPTED FY 05-06	PROPOSED FY 06-07	DIFFERENCE + OR (-)
REVENUES			
BEGINNING FUND BALANCE	316,560	228,560	(90,053)
INTEREST EARNED	3,000		(3,000)
TIDELANDS GRANT	200,000		(200,000)
FEMA/EMMA REIMBURSEMENT			-
SALES TAX			-
SLIP RENT	250,000	245,000	(222,535)
STORE SALES	21,500		(21,500)
RENTAL INCOME	30,855		(17,705)
MISCELLANEOUS			400
INSURANCE PROCEEDS			-
TOTAL REVENUES	821,915	267,522	(554,393)
EXPENDITURES			
PERSONNEL			
SALARIES	145,000	129,965	(25,042)
LONGEVITY	1,300		(730)
RETIREMENT	16,093	35,000	(2,232)
FICA	11,200	12,222	(1,979)
MEDICAL INSURANCE	23,000	30,812	7,812
TOTAL PERSONNEL	196,593	178,222	(22,371)
SUPPLIES			
OPERATING SUPPLIES/STORE PURCHASES	18,000		-
GAS/OIL	1,000		-
TOTAL SUPPLIES	19,000	19,000	-
OTHER CHARGES/SERVICES			
BUILDING MAINTENANCE	2,500		(2,400)
EQUIPMENT MAINTENANCE	500		-
HARBOR MAINTENANCE	19,605	24,000	(4,605)
VEHICLE MAINTENANCE	400		-
LEGAL FEES	4,000		-
ENGINEERING FEES	1,000	1,000	-
MACHINERY/EQUIPMENT			-
ADMINISTRATIVE CHARGE	15,000	15,000	-
SALES TAX PAYABLE			-
COLLECTION CONTRACT			-
MISCELLANEOUS	200		-
INSURANCE	11,000		-
UTILITIES-TELEPHONE	400		-
-ELECTRIC	33,400	26,700	(6,700)
CONSULTANT FEES			-
TOTAL OTHER	88,005	72,000	(13,705)
TOTAL OPERATIONS BUDGET	303,598	267,522	(36,076)
CAPITAL OUTLAY			
PRIOR YEAR TIDELANDS	318,317		(318,317)
HARBOR IMP/REPAIRS - TIDELANDS	200,000		(200,000)
TOTAL CAPITAL OUTLAY	518,317	518,317	(518,317)
TOTAL PORT & HARBOR	821,915	267,522	(554,393)

includes replacing (1) harbormaster and (1) guard (1/2 yr April-Sept when grant runs out)

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There was no action required or taken regarding Tidelands.

The commission recognized Mr. Bryan VonderBruegge for the Port Attorney's report. Mr. Vonderbruegge reviewed the harbor land leases as they pertain to rents, rebuilding, and insurance. It was the consensus of the commission to direct the Port Attorney to send letters to all land lessees and require them to provide as stated in their Lease Agreements, a copy of their insurance policies to the Port Commission; including, but not limited to, liability insurance.

The commission recognized Mr. Calvin Poupart for the Harbormaster's report. Mr. Poupart expressed to the commission the need for a light at the launching ramps. Commissioner Ehlers made motion seconded by Commissioner Purchner and unanimously carried authorizing a light be installed at the launching ramps and monthly service to the light, funds for said installation and monthly service to be expended from Port funds.

Commissioner Starek apprised the commission that the Coast Guard and the Naval Oceanographic Office will be rebuilding at the Gulfport Harbor.

There being no further business to come before the Port Commission at this time, Commissioner Ehlers made motion seconded by Commissioner Stringer and unanimously carried to adjourn until the next regular meeting in due course.

APPROVED:

Phil Kies, President

ATTEST:

Stacey Dahl, Deputy City Clerk

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