

**CITY OF LONG BEACH, MISSISSIPPI**  
**PORT COMMISSION MEETING**  
**MAY 15, 2008**

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 School District Central Office, 19148 Commission Road in said City, at 5:30 p.m., it being the third Thursday in May, 2008, and the same being the time, date, and place fixed for holding said meeting.

There were present and in attendance on said Commission and at the meeting the following named persons: Commission President Phil Kies, Commission Vice President James Hancock, Commissioners Kaye Couvillon, Robert Starek, Steve Nicosia, Charles Purchner, Harbormaster Calvin Poupart, Port Attorney Bryan Vonder Bruegge, and Deputy City Clerk Stacey Dahl.

Absent the meeting was Commission Secretary Barbara Reed due to work, Commissioner Charles Stringer due to illness, and Commissioner Chuck Ryan.

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

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The meeting was called to order and there were no amendments or comments to the agenda.

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Commissioner Purchner made motion seconded by Commissioner Hancock and unanimously carried to approve the Port Commission minutes of April 17, 2008, as submitted.

\*\*\*\*\*

Port Attorney Bryan Vonder Bruegge was preliminarily absent the meeting and arrived.

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There came on for consideration the **Lease Extension and Secondary Term Agreement by and between the Long Beach Port Commission and Lookout Catering, LLC**. After brief discussion and based upon information presented at the April 17, 2008, meeting of the Port Commission, Commissioner Hancock made motion seconded by Commissioner Purchner to approve and spread the aforesaid agreement upon the minutes of this meeting in words and figures as follows:

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Index Instructions (Mississippi Code ANN.  
§89-5-33):

A Parcel of Land situated and being located  
in Township 8 South, Range 12 West, City  
of Long Beach, First Judicial District of  
Harrison County, Mississippi

Prepared by & Return to:  
J. Bryan Vonder Bruegge, Esq.  
Attorney for the Long Beach Port Commission  
Post Office Box 1255  
Long Beach, Mississippi 39560  
Telephone (228) 864-7443  
Facsimile (228) 864-7479

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**STATE OF MISSISSIPPI**  
**COUNTY OF HARRISON**  
**First Judicial District**

**LEASE EXTENSION AND SECONDARY TERM AGREEMENT**

This Lease Extension and Secondary Term Agreement (hereinafter "Secondary Term") is entered into this the 15<sup>th</sup> day of May, 2008, by and between the Lessor/Landlord, Long Beach Port Commission, (hereinafter "Lessor" or "Landlord"), and the Lessee, Lookout Catering, LLC (hereinafter "Lessee" or "Tenant"), are jointly, severally, and individually bound by, and liable under the terms and conditions of this Lease Extension.

Pursuant to the terms and conditions of the Lessor and Lessee's current Lease granting Lessee an option to a Second Term, and after discussion and consideration as noted in the April 17, 2008 Long Beach Port Commission Minutes, Landlord has agreed to negotiate the length and price (i.e. rent) of the Second Term option. Landlord and Tenant do hereby covenant, contract and agree as follows:

**1. PREVIOUS LEASE:** Landlord and Tenant entered a Landlord-Tenant relationship by virtue of a previously executed Lease Agreement, dated September 18, 2000, (hereinafter "Lease Agreement"), filed in the First Judicial District of Harrison County Chancery Clerk's land records in Book 1516 at Page 274 on October 26, 2000; refiled in the First Judicial District of Harrison County Chancery Clerk's land records in Book 1522 at Page 85 on December 26, 2000; and Corrected Lease filed in the First Judicial District of Harrison County Chancery Clerk's land records as Instrument 2007 3754 D J1 on April 6, 2007, incorporated herein by reference. Term of said Lease Agreement commenced on the 19<sup>th</sup> day of September, 2000, and initial term will expire on the 19<sup>th</sup> day of September, 2030.

**2. EXTENSION OF TERM OF LEASE:** Landlord and Tenant hereby extend and continue the term and duration of the above described Lease Agreement,

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and incorporate herein by reference all the terms and conditions of said Lease Agreement. Said Lease Agreement shall continue and extend for an additional Secondary Term of six (6) five (5) year periods. These five (5) year periods shall be subject to the same conditions, terms, duties, provisions and obligations of the Lease Agreement as the Initial Term of the Lease. Said Secondary Term will commence on the first day after the Initial Term ends.

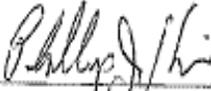
**3. RENT FOR SECONDARY TERM:** Tenant shall pay Landlord rent for the Premises as follows:

**A. Secondary Term Base Rent:** Tenant shall pay to Landlord a base rent of double the base rent Tenant is paying, pursuant to the Lease Agreement, at the end of the Initial Term (currently estimated to be \$4,713.00). In each year after the first year of the Second Term, the base rent will be increased by 3% for that year.

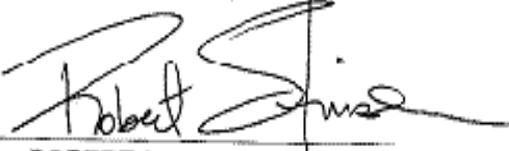
**B. Secondary Term Percentage Rent:** To remain the same as set out in Article 3 Section 3.1 (C).

IF NOT MODIFIED HEREIN, ALL OTHER CONDITIONS, TERMS, DUTIES, PROVISIONS AND OBLIGATIONS OF THE LEASE AGREEMENT CONTROL.

**LONG BEACH PORT COMMISSION**

By:   
PHILLIP J. KIES, President

**LOOKOUT CATERING, L.L.C.**

By:   
ROBERT STINSON, Director  
and President

**CITY OF LONG BEACH, MISSISSIPPI  
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**NOTARY ACKNOWLEDGMENTS**

STATE OF MISSISSIPPI  
COUNTY OF HARRISON

Personally appeared before me, the undersigned authority in and for the said county and state, on this 15<sup>th</sup> day of May, 2008, within my jurisdiction, Phillip J. Kies, who acknowledged that he is the President of the within named, Long Beach Port Commission, and that for and on behalf of the said Commission, and as its act and deed he executes the above and foregoing instrument, after first having been duly authorized by said Commission so to do.

Long Beach Port Commission:

By: *Phillip J. Kies*  
PHILLIP J. KIES, President

GIVEN under my hand and seal of office, this the 15<sup>th</sup> day of May, 2008.

*Stacey Dahl*  
NOTARY PUBLIC

My Commission Expires:

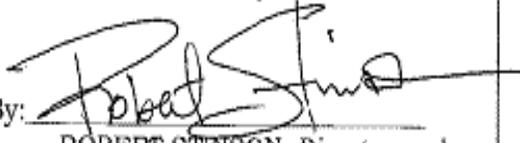


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STATE OF MISSISSIPPI  
COUNTY OF HARRISON

Personally appeared before me, the undersigned authority in and for the said county and state, on this 16<sup>th</sup> day of May, 2008, within my jurisdiction, ROBERT STINSON, who acknowledged that he is the Director and President of the within named, Lookout Catering, L.L.C., and that for and on behalf of the said corporation, and as its act and deed he executes the above and foregoing instrument, after first having been duly authorized by said Company so to do.

Lookout Catering, L.L.C.

By:   
ROBERT STINSON, Director and  
President

GIVEN under my hand and seal of office, this the 16<sup>th</sup> day of May, 2008.

  
NOTARY PUBLIC

My Commission Expires:



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The question being put to a roll call vote, the result was as follows:

Commissioner Stringer	voted	Absent, not voting
Commissioner Ryan	voted	Absent, not voting
Commissioner Nicosia	voted	Aye
Commissioner Purchner	voted	Aye
Commissioner Reed	voted	Absent, not voting
Commissioner Kies	voted	Aye
Commissioner Hancock	voted	Aye
Commissioner Starek	voted	Present, abstaining
Commissioner Couvillon	voted	Present, abstaining

The question having received the affirmative vote of all commissioners present and voting, the President declared the motion carried.

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The commission recognized Mr. David Ball, City Engineer/Projects Manager, and discussion was held regarding Tidelands projects. After considerable discussion regarding project requests for the Tidelands Fiscal Year 2010 Project application, it was determined that projects would consist of:

- Electric meters for each slip on Piers 1 and 5
- Harborhouse sheet piles and back fill
- Lighting
- Local share of dredging
- Matching funds for Boating Infrastructure Grant (BIG)

After considerable discussion, Commissioner Hancock made motion seconded by Commissioner Starek and unanimously carried to direct the City Engineer to submit the Tidelands Fiscal Year 2010 application for funds based upon the aforesaid projects.

\*\*\*\*\*

There came on for discussion the termination of the Cat Island Adventures Lease by and between the Port Commission and Keith Bufkin Fulton d/b/a Southern Charter Services, LLC, whereupon the clerk reported that Mr. Fulton had notified her by phone his request to be placed on the agenda and notice of termination. Commissioner Hancock made motion seconded by Commissioner Purchner and unanimously carried to accept the termination of the aforesaid lease.

\*\*\*\*\*

There came on for consideration a notice of termination letter regarding the lease by and between the Port Commission and the Long Beach Chamber of Commerce, said letter ordered spread upon the minutes of this meeting in words and figures as follows:

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April 24, 2008

Mr. Phil Kies, President  
Long Beach Port Commission  
City of Long Beach  
P. O. Box 929  
Long Beach, MS 39560

RE: Long Beach Chamber of Commerce Property Lease

Dear Phil:

Per our conversation this morning, by notice of this letter, the Long Beach Chamber of Commerce Property Lease will be terminated effective May 1, 2008 on the following property located in the Long Beach Harbor:

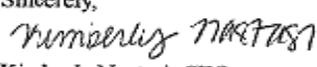
Beginning at a point at the Southwest corner of the intersection of Cleveland Avenue Extended and U. S. Highway 90 East Lane; running thence South 97 feet to a point at the Northeast corner of the shell parking lot of the Long Beach Port Commission; running thence West parallel with U. S. Highway 90 to a point 173 feet West of Cleveland Avenue Extended and 107 feet South of the seawall contiguous to U. S. Highway 90; thence run North 107 feet to the border of the seawall; thence run East 163 feet to the point of beginning, and being located in the beach front property generally dedicated to the purpose of the Long Beach Port Commission, City of Long Beach, Harrison County, Mississippi.

We appreciate the many years spent there in the Long Beach Harbor and anticipate the growth and progress to come during this stage of recovery from Katrina.

Please accept this letter as official termination of said lease agreement between the Long Beach Port Commission and Long Beach Chamber of Commerce.

You may contact us at 228.604.0614 or [millie@mscoastchamber.com](mailto:millie@mscoastchamber.com) if you have any questions or need additional information.

Sincerely,  
  
Millie Zeigler Olecott, Director  
Long Beach Chamber of Commerce

Sincerely,  
  
Kimberly Nastasi, CEO  
MS Gulf Coast Chamber of Commerce

Mississippi Gulf Coast Chamber of Commerce • 11975F Seaway Road • Gulfport, MS 39503

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Commissioner Hancock made motion seconded by Commissioner Kies and unanimously carried to accept the aforesaid termination of lease.

\*\*\*\*\*

Commissioner Purchner made motion seconded by Commissioner Nicosia to adopt the resolution as follows:

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Resolution of the Long Beach Port Commission:

Be it resolved on this the 15<sup>th</sup> day of May 2008 that the Long Beach Port Commission having made due investigation, do now find and determine as follows:

That funds in an amount less than \$500.00 remain in a separate bank account designated the Port's bank account established for the Tidelands Grant Fund, the source of which funds were not a bond issue, and such account should be closed and such funds should be transferred to the City's General Depository and designated as the Tidelands Fund within the Depository.

**NOW THEREFORE, BE IT RESOLVED BY THE PORT COMMISSION OF THE CITY OF LONG BEACH, MISSISSIPPI, as follows:**

*SECTION 1.* That the City Clerk shall be and is hereby authorized and directed to transfer the balance of funds in the separate Tidelands Grant Fund Account to the General Depository Fund designating it as Tidelands Grant Funds within the Depository; and

*SECTION 2.* that after such transfer is made, the City Clerk is authorized and directed to close the aforesaid separate Account from which such transfer authorized herein above were made.

*SECTION 3.* This resolution shall take effect and be in force from and after its adoption.

The Resolution being put to a roll call vote by the President of the Long Beach Port Commission, the result was as follows:

Commission President Phil Kies	voted: Aye
Commissioner Steve Nicosia	voted: Aye
Commissioner Robert Starek	voted: Aye
Commissioner Charles Purchner	voted: Aye
Commissioner Charles Stringer	voted: Absent, not voting
Commissioner James Hancock	voted: Aye
Commissioner Chuck Ryan	voted: Absent, not voting
Commissioner Kaye Couvillon	voted: Aye
Commissioner Barbara Reed	voted: Absent, not voting

The resolution having received the affirmative vote of all the

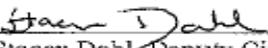
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Commissioners present and voting, the President declared the resolution adopted and approved this the 15<sup>th</sup> day of May, 2008.

Approved:

By:   
PHIL KIES, President

Attest:

  
Stacey Dahl, Deputy City Clerk

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There came on for consideration harbor insurance coverage/policies; whereupon Commissioner Starek made motion to expend Port funds in the amount of approximately \$5,440.00 for harbor insurance renewals. After considerable discussion and debate regarding the annual administrative fee the Port pays to the General Fund and the General Administrations Insurance line item that has been allocated for all departments within the City, the motion died for lack of a second.

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Various FEMA/MEMA projects were briefly discussed and no action was required or taken.

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There came on for discussion the Port's proposed budget for fiscal year 08/09. It was the consensus of the commission to schedule a work session to discuss the proposed budget on Thursday, May 29, 2008, at 5:30 pm, in the IT Building located adjacent to the Central Fire Station, 645 Klondyke Road, Long Beach, Mississippi.

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Commissioner Purchner had a prior commitment and left the meeting.

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There came on for review the fiscal year 2008 Internal Control Worksheet, whereupon it was the consensus of the commission to spread it upon the minutes of this meeting in words and figures as follows:

**Long Beach Port Commission - FY08 Control Worksheet**

Update based on city report of 5/12/08

	OCT-DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	YEARLY TOTAL
<b>Income</b>											
Dockage fees	2887	1345	1403	1525	2012	2445	2533	2611	2600	2797	222143
Rents	450	150	150	150	150	150	150	150	150	150	18021
Storage fees (yd Oct-Mar)	525				95	95	135	95	95	95	10086
<b>Total</b>	<b>3862</b>	<b>1495</b>	<b>1553</b>	<b>1675</b>	<b>2257</b>	<b>2685</b>	<b>2772</b>	<b>2856</b>	<b>2845</b>	<b>3024</b>	<b>250050</b>
<b>Expenses</b>											
<b>Personnel</b>											
Wage & Sal	3535	1251	1245	1108	1210	1180	1190	1180	1180	1100	142290
Longevity	100	75	75	77	80	87	87	87	87	87	839
Sole Retire	382	126	118	119	118	121	121	121	121	121	14574
FICA	2813	925	904	812	894	870	870	870	870	870	10485
Health Ins	812	212	212	212	212	212	212	212	212	212	25310
<b>Total</b>	<b>4843</b>	<b>1684</b>	<b>1654</b>	<b>1529</b>	<b>1636</b>	<b>1600</b>	<b>1600</b>	<b>1600</b>	<b>1600</b>	<b>1600</b>	<b>192619</b>
<b>Supplies</b>											
Office	65						83			65	195
Operating (Oct-Mar)	738				821	821	821	821	821	821	11067
Building Maint 10012	20	9	9	9	0	9	9	9	9	9	90
Harbor Maint (Oct-Mar)	77				195	40	40	40	40	40	472
Water Veh Rep 40512	3	0	378	34	0	34	34	34	34	34	583
Machinery/Eq	3	0	206	0	0	29	29	29	29	29	351
Equip Maint 50012	3	0	0	0	0	42	42	42	42	42	210



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plan, and the plans and specifications for the rebuilding of their facility. Failure to appear as requested may result in legal action.

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The commission recognized Mr. Calvin Poupart for the Harbormaster's report; whereupon Mr. Poupart apprised the commission that bids to rebuild the harbor fuel facility will be accepted at the May 20, 2008, meeting of the Mayor and Board of Aldermen.

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

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APPROVED:

\_\_\_\_\_

PHIL KIES, PRESIDENT

\_\_\_\_\_

DATE

ATTEST:

\_\_\_\_\_

STACEY DAHL, DEPUTY CITY CLERK