

**PORT COMMISSION MINUTES
MAY 21, 2009**

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 pm, it being the third Thursday in May, 2009, 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, Vice President James Hancock, Secretary Barbara Reed, Commissioners Vernon Ehlers, Kaye Couvillon, Chuck Ryan, Steve Nicosia, Port Attorney Bryan Vonder Bruegge, Harbormaster Calvin Poupart, and Deputy City Clerk Stacey Dahl.

Absent the meeting was Commissioner Charles Purchner.

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

The meeting was called to order and Commissioner Nicosia made motion seconded by Commissioner Ehlers and unanimously carried to approve the Port regular minutes of April 16, 2009, and the recess minutes of April 29, 2009.

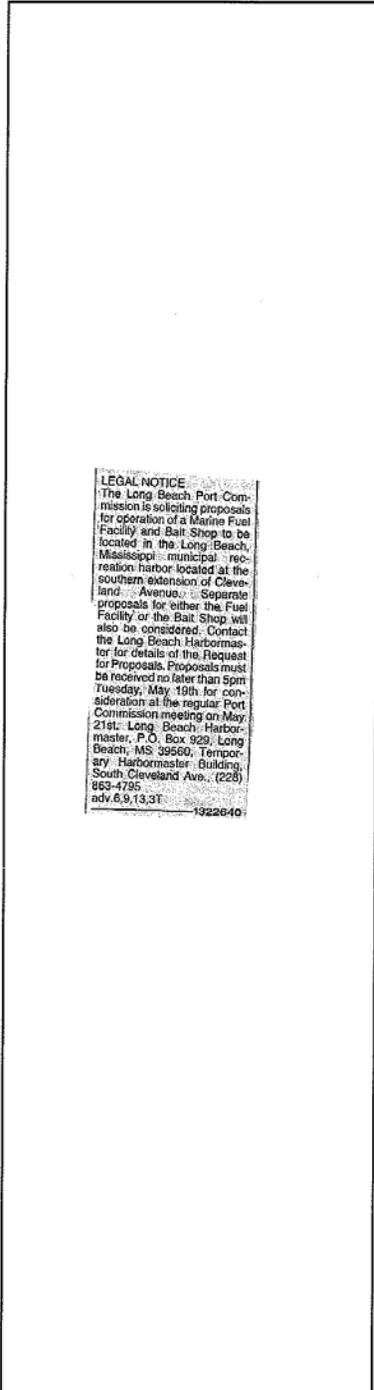
Commissioner Ryan arrived at 5:43 p.m.

The commission recognized Mr. David Ball, City Engineer/Projects Manager, and discussion was held regarding Tidelands FY 2011 projects. After considerable discussion, it was the consensus of the commission to direct Mr. Ball to submit the current list of Tidelands projects to the commission for their review and the Tidelands FY 2011 project requests would be tabled until the June/09 meeting of the commission.

There came on for consideration Proposals for Operation of a Marine Fuel Facility and Bait Shop; whereupon Commissioner Hancock made motion seconded by Commissioner Reed and unanimously carried to spread the proof of publication upon the minutes of this meeting in words and figures as follows:

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PROOF OF PUBLICATION



LEGAL NOTICE
The Long Beach Port Commission is soliciting proposals for operation of a Marine Fuel Facility and Bait Shop to be located in the Long Beach, Mississippi municipal recreation harbor located at the southern extension of Cleveland Avenue. Separate proposals for either the Fuel Facility or the Bait Shop will also be considered. Contact the Long Beach Harbormaster for details of the Request for Proposals. Proposals must be received no later than 5pm Tuesday, May 19th for consideration at the regular Port Commission meeting on May 21st. Long Beach Harbormaster, P.O. Box 929, Long Beach, MS 39560. Temporary Harbormaster Building, South Cleveland Ave., (228) 863-4735. adv.6,9,13,3T 1322640

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Before me, the undersigned Notary of Harrison County, Mississippi personally appeared CRISTA LAUX 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 Gulfport, in Harrison County, Mississippi, and the publication of the notice, a copy of which is hereto attached, has been made in said paper 3 times in the following numbers and on the following dates of such paper, viz:

- Vol. 125 No., 216 dated 6 day of May, 20 09
- Vol. 125 No., 219 dated 9 day of May, 20 09
- Vol. 125 No., 223 dated 13 day of May, 20 09
- 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 country for a period of more than twelve months next prior to the first publication of said notice.

MAY 15 2009

Crista Laux
Clerk

Sworn to and subscribed before me this 13 day of May, A.D., 20 09

KANDI A. BERKLEY
Notary Public, State of Mississippi
Harrison County
My Commission Expires
April 05, 2010

Kandi Berkley
Notary Public

Printer's Fee \$ _____
Furnishing proof of publication \$ _____
TOTAL..... \$ _____

The commission recognized Mr. Justin Roland and Mr. Ronald Roland and their proposal for the operation of a marine fuel facility and a bait shop in the Long Beach Harbor. Said proposal ordered spread upon the minutes of this meeting in words and figures as follows:

**PORT COMMISSION MINUTES
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Ronald
5/18/09

The Tackle Box

A division of Gulfport Harbor Fuel & Bait, Inc.

Proudly owned and operated by:

Justin and Ronald Roland

P.O. Box 413

Gulfport, MS 39502

(228) 234 5961

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Individual/Company Profile

About us:

Gulfport Harbor Fuel & Bait, Inc. was established in 1999 at 2265 Bert Jones Parkway in the Gulfport Small Craft Harbor. The original owners were a group of 5 local businessmen and fisherman. The original lease with the City of Gulfport was for a 5-year term with the option to renew for 3 additional 5-year terms. The business was then purchased in 2001 by Gulfport native Captain Ron. P. Roland, a retired mortgage banker and active U.S.C.G. certified charter boat captain (Bull Red Charters). In 2007, Ron Roland's son, Justin Roland a recent college graduate from the University of Southern Mississippi, acquired full ownership of the corporation. Gulfport Harbor Fuel & Bait Inc., DBA The Harbor Shop, primarily supplied anglers and mariners both local and transient with marine fuel services of both 89 octane (ethanol free) and low sulfur diesel. Fishing and boating supplies including live and fresh dead bait were supplied year-round in accordance with all Mississippi Department of Marine Resources Regulations. Baits included: live shrimp and minnows, live croakers, eels and pinfish. Fresh dead and frozen baits included: shrimp, squid, cigar minnows, mullet, ballyhoo, and menhaden/pogies. A wide variety of both inshore and offshore tackle helped provide a one-stop shop for angling needs and convenience. A full line of convenience items, snacks, beer, soft drinks, ice, etc., were also readily available. Additionally, many relevant marine supplies such as: safety equipment, oil, and other emergency boating supplies were provided as a convenience to customers. In addition to a diverse product mix, 7 boat slips were provided and maintained for charter boats and visitors.

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Our Experience

After retiring from Chrysler Financial Corporation, in 1991 Captain Roland opened a successful mortgage banking firm (Gulf Coast Mortgage Corp.) a mortgage lending firm with five offices in the South Louisiana and Mississippi region. He served as President and C.E.O. of Gulf Coast Mortgage for 10 years before selling the company to Standard Mortgage of New Orleans, Louisiana, at which time, he again retired. In 2001, Ron obtained his Captain's license and was also employed at Gulfport Harbor Fuel and Bait where he worked with/for his brother-in-law John Milner. Already an accomplished manager and business owner, Ron made an offer to purchase the business. The deal was closed in 2001. In the summer of 2003, Ron's youngest son, Justin was given the opportunity to be trained by his father to manage the business. Justin was a business student at USM and later resumed classes at the Gulf Coast campus at which he received a Bachelor of Science in Business Administration degree. Ron and Justin worked side by side from that time until August 2005, when the business was destroyed by Hurricane Katrina.

In 2007, Ron and Justin renegotiated their agreement with the City of Gulfport and were given the opportunity to temporarily reopen as recovery and rebuilding efforts progressed in the Small Craft Harbor. The Harbor Shop thrived, once again operating as before, but without the fuel dock that had not been yet reconstructed. In late August 2008, Gustav interrupted business again by wholly destroying the building and site occupied by Gulfport Harbor Fuel & Bait, Inc. After several months following Gustav, a new portable building was purchased and remodeled. The Harbor Shop again reopened in March of 2009 and has been fully operational since that time.

Altogether, Ron and Justin have 14 years of experience owning and operating a successful bait and fishing supply retail outlet.

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Proposed Services

Fuel Services proposed:

- 89 octane (non-ethanol) gasoline
- low sulfur diesel fuel
- 2 cycle and engine oil
- Cash, Debit and Credit payment options

Bait Shop services:

- Sale of live bait year-round. Shrimp, minnows, croakers, eels, and pinfish will be sold when available or in season.
- Sale of dead/frozen bait. Selection to include: shrimp, squid, mullet, cigar minnows, pogies/menhaden, chum and crab bait.
- A full line of inshore and offshore tackle will be sold.
- Boating safety equipment, i.e., life jackets, flares, paddles, lights, etc. as required by state and federal agencies will be made readily available.
- A wide variety of convenience store items, such as snacks, ice, sodas, water, beer, etc., will be sold.
- Charter boat information for tourists and locals will be available.
- A line of island supplies, including bug repellent, sun block, hats, sunglasses, beach towels, apparel, and over-the-counter medicines
- Rod and reel sales and rentals
- Boat registration, hunting and fishing licenses
- Credit and debit will be gladly accepted
- A knowledgeable and friendly staff

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MAY 21, 2009

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Proposed term of lease:

- 5-year lease
- Option for 2 consecutive 5-year lease renewals

Hours of Operation:

- Monday-Thursday: 6 a.m. – 6 p.m.
- Friday-Sunday: 5 a.m. – 7 p.m.
- Minimum callout time year-round: 30 minutes
- Hours and mode of operation will be in accordance with Mississippi Department of Marine Resources.

Date to commence proposed operation for fuel and bait services:

- Within 4-6 weeks of approved proposal
- Or, as otherwise requested by the Long Beach Port Commission

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Proposed Payment Structure

Fuel sales payment:

- 25% of net sales (Gross sales less fuel costs)
- Payments to be made quarterly (April 1st, July 1st, October 1st, & January 1st)
- Or, per Long Beach Port Commission's minimum requirements.

Bait shop lease payment:

- Fixed monthly payment of \$500.00 due by the 5th day of every month.
- Lease payment plan is flexible based on the needs and requirements of the Long Beach Port Commission.

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References

Lease Payment History:

City of Gulfport
General Finance - Hardy Building
Gulfport, MS 39501
228- 868-5700

Fishing supplies Wholesalers:

Big Rock Sports
Greenville, NC

Folsom, Inc.
Jefferson, LA

Farris Brothers, Inc.
Hattiesburg, MS

Academy Sports and Outdoors
Gulfport, MS

Beverage Suppliers:

Coast Coca Cola
25th Avenue
Gulfport, MS
228 864 1122

FEB Distributing
12155 Intraplex Pkwy
Gulfport, MS 39507
228 863 0422

Rex Distributing
12100 Intraplex Pkwy
Gulfport, MS 39504
228 604 1800

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Ice Supplier:

Bay Ice
1413 30th Ave
Gulfport, MS 39501
228 863 0981

Bait Suppliers:

Quality Seafood
895 Division St.
Biloxi, MS 39530
228 432 0444
Attn: Todd Rossetti

Jerry Forte Seafood
5 Market St
Pass Christian, MS 39571
228 452 2681

Mary Walker Marina
3208 Mary Walker Dr.
Gautier, MS
228 497 3141
Attn. Randy Auth

Snack and food supplies:

Lance Snacks, Inc.
1800 995 2623

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In closing, we feel we would be the best selection to operate the marine fuel facility and bait shop in the Long Beach Harbor. Our combined experience and proven success will allow us to effectively operate as a 1st class bait and fuel facility the Long Beach Port Commission and City of Long Beach can be proud of.

After careful correspondence with Traci Floyd with the Department of Marine resources, I have verified the legality of using our existing licenses for this facility, if so granted. Additionally, I have spoken with our current insurance provider, Stewart, Sneed & Hewes, and secured the necessary insurance information to be written as required per the regulations set forth by the Long Beach Port Commission. We will comply fully with all federal, state and municipal regulations regarding marine fuel dispensing facilities, while employing activities that comply with the Alabama/Mississippi Clean Marina program. Per the Mississippi Department of Environmental Quality, Ronald Roland has already completed a permitting course and passed the examination regarding fuel tank safety systems and operations.

If this proposal is accepted, we will purchase a movable structure for business use that complies fully with all F.E.M.A. and M.E.M.A. regulations including, but not limited to, a properly approved evacuation plan in the event of a mandatory evacuation. We feel strongly that our proposal can be implemented in timely manner and fully operational within 4-6 weeks of approval.

We will cater to needs of the Long Beach Port Commission, City of Long Beach, harbor tenants, local fisherman and boaters, charter boats, and tourists. We will operate in a friendly and professional manner that will make the Long Beach Harbor a top notch fishing and boating venue.

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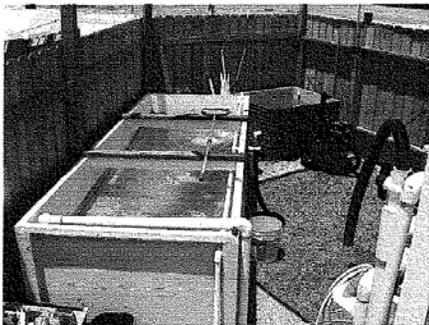
Photos of our current facility



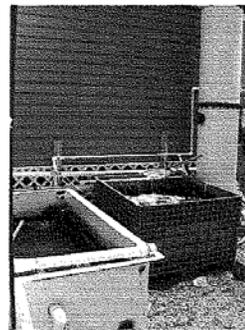
Front



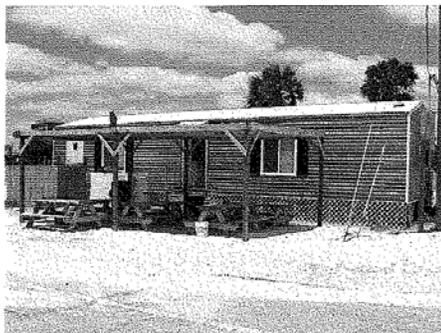
Front



Live bait tank



State-of-the-art filtration



Considerable discussion was held regarding bait and fuel pricing, “store” sales, insurance, evacuation plans and general operations. The commission recognized Mr. Glenn Mitchell and his proposal was ordered spread upon the minutes of this meeting in words and figures, as follows:

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LONG BEACH PORT COMMISSION

REF: OPERATION OF A MARINE FUEL FACILITY AND BAIT SHOP

PROPOSAL:

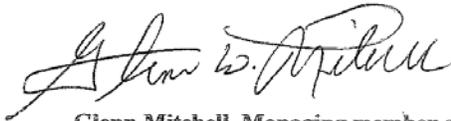
3.1 Magnolia Petroleum and Marine Services

- Glenn W. Mitchell 228.860.1477
- Lease purchase of Gulfport Purchasing, State Port of Gulfport
- Operation of large fuel facility, import of Gulf seafood and distribution throughout the gulf south (from Texas to Florida), sixty ton ice equipment, wholesale and retail of seafood

3.2 Need more information on location for fuel and bait before price quote.

- Lease could be determined only after Port Commission discussion.
- Hours of operation shall be seven (7) days a week, 5:00 A.M. until...
- Prepared to commence operation within 30 days or less after awarded the lease

Thank you for the opportunity to submit this proposal and would be happy to meet with the Port Commission to answer any of the unanswered question that you may have.



Glenn Mitchell, Managing member of Magnolia Petroleum and Marine Services

Upon continued discussion, Commissioner Hancock made motion seconded by Commissioner Reed and unanimously carried to direct the Port Attorney to draft a lease agreement by and between **Justin and Ronald Roland dba The Tackle Box and the Long Beach Port Commission** incorporating the revisions as agreed upon by the parties. Said draft lease to be presented at a recess meeting to be scheduled later during the course of this meeting.

There came on for consideration the **Agreement by and between the City of Long Beach and Simpkins and Costelli, Inc. for Professional**

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Services, whereupon, it was the consensus of the commission to table the agreement for additional clarification.

Upon continued discussion regarding the Harbormaster Building and upon the recommendation of Mr. Randy Walker with FEMA, Commissioner Hancock made motion seconded by Commissioner Ehlers and unanimously carried to authorize an expenditure of funds for Mr. Costelli to obtain a survey to certify the exact elevation height of the harbormaster building.

There came on for consideration the State of Mississippi Coastal Impact Assistance Plan (CIAP) Tier 1 Project Description. Said document ordered spread upon the minutes of this meeting in words and figures as follows:

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MS.R.763

**STATE OF MISSISSIPPI COASTAL IMPACT ASSISTANCE PLAN
TIER 1 PROJECT DESCRIPTION**

- 1. PROJECT TITLE:** Long Beach Harbor Expansion, Phases 1 and 2
- 2. LEAD ORGANIZATION/AGENCY:** Long Beach Port Commission
- 3. FEDERAL TAX ID NUMBER:** 64-6000637
- 4. PROJECT LEAD/POINT OF CONTACT:**
Phillip Kies, President
P.O. Box 929
Long Beach, MS 39560
PHONE: (228) 864-2408
FAX: (228) 863-2911
CELL: (228) 324-5501
Kiesp@cableone.net

5. PROJECT SUMMARY

LOCATION OF PROPOSED PROJECT: N30.34332 W89.14588

DURATION OF PROPOSED PROJECT: 4 Years; Funding requested in FYs 2009 and 2010.

PROPOSED START DATE: September 2009

PROPOSED END DATE: December 2013

PROJECT GOAL: The proposed project will help expand the existing Long Beach Smallcraft Harbor. Concentrating boater access and marina development in a centralized location in Harrison County will avoid potential development sprawl while targeting development in an area already designated for growth. The project will also promote environmentally responsible marina and boating practices through the Clean Marina Program, a nationally recognized program that protects coastal water quality.

PROJECT OBJECTIVES: The purpose of the project is to better meet the needs of the community for recreational opportunities in an environmentally responsible way. By providing public access and reasonable dock space in a central beachfront location, the Long Beach Harbor expansion will direct development away from sensitive natural areas. Development of this site will meet local boater needs while potentially avoiding the negative sprawl impacts of many individual piers and boat docks.

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The expansion of the Long Beach Harbor is a multi-phase project. Part I of the harbor expansion will be completed with the use of CIAP funds, and includes development of a marketing plan and analysis for the design of the Harbor based on the Master Plan that will include: detailed needs such as the desired depth of dredging, number and size of boat slips to be provided, width and construction type of the boat docks, type of electrical hookups and other utilities to be provided, and other harbor-related amenities which may be necessary or desirable. Field surveys and preliminary engineering designs will also be developed in conjunction with the marketing study. Regulatory permits and lease applications will be applied for and obtained during this phase of the expansion.

Also in Part I, rebuilding and expansion of the Harbor provides an opportunity to take a strong stand for an environmentally responsible marina and boating practices by participating in the Alabama-Mississippi Clean Marina Program (Clean Marina Program). The Clean Marina Program is a voluntary program that protects the clean water and air resources that provide the livelihood for marina operators. The program utilizes best management practices for marina design and maintenance; sewage handling; fuel control; solid waste management; vessel cleaning and repair; and storm water management and erosion control.

PROJECT SUMMARY: In the 1960's the City of Long Beach created the Municipal Harbor to enhance recreational opportunities for Harrison County and nearby residents.

In 1980, the state Coastal Zone Management Agency, the Mississippi Department of Marine Resources, designated the Long Beach Harbor as a Special Management Area (SMA) and classified it as an Urban Waterfront. This designation provides the City of Long Beach, as the governing body of the public marina, an enormous opportunity to funnel public access through the Harbor.

A centrally located harbor and marina provides a central point of access and dock space for a controlled entry point for boaters and associated businesses. This approach concentrates growth in an area already designated for pier and dock development potentially avoiding the negative sprawl impacts of individual piers and docks and condo marinas along the beachfront.

In addition, the expansion provides an opportunity for the Harbor to commit to environmentally responsible marina and boating practices through the Clean Marina Program, a nationally-recognized program that protects coastal water quality. Marinas that participate in the Clean Marina Program are recognized for their environmental stewardship.

The rebuilding and expansion of the Harbor is a phased, multi-year approach. CIAP funds will help accomplish Part I.

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Part I will utilize CIAP funds to develop a marketing plan and analysis for the design of the Harbor. Field surveys and preliminary engineering designs will also be developed in conjunction with the marketing study. Regulatory permits and lease applications will be obtained during this phase of the expansion. An Application will be filed to participate in the Clean Marina Program.

Schedule:

This grant application addresses only Part I of the Harbor expansion and will extend over the four year grant period. The City will continue to seek additional funding from other partners to fully implement the entire project.

PARTNERS/COLLABORATORS: This project will be developed with advice and input of the Mississippi Department of Marine Resources and its National Gulf Coast Heritage Program.

BUDGET AND SPENDING ESTIMATE BY YEAR:

Table 1: CIAP Project Estimated by Calendar Year

Budget Category	2009	2010	2011	2012	Total
Total Allocation Phase 1 FY2009	\$250,000	\$250,000	\$250,000	\$250,000	\$1,000,000
Budget Category	2010	2011	2012	2013	Total
Total Allocation Phase 2 FY2010	\$250,000	\$250,000	\$250,000	\$250,000	\$1,000,000
Total Budget Amount					\$2,000,000

Total estimated expense by calendar year:

2009 \$250,000
 2010 \$500,000
 2011 \$500,000
 2012 \$500,000
 2013 \$250,000

6. AUTHORIZED USES:

Table 2: Primary Authorized Use

Mark one	Authorized Uses of CIAP Funds (as specified by law)
X	1. Project and activities for the conservation, protection, or restoration of coastal areas, including wetland
	2. Mitigation of damage to fish, wildlife, or natural resources.
	3. Planning assistance and administrative costs of complying with CIAP (for DMR, Harrison, Hancock and Jackson County Administrative Projects only).
	4. Implementation of a federally-approved marine, coastal, or comprehensive conservation management plan.
	5. Mitigation of the impact of OCS activities through funding of onshore infrastructure projects and public service needs.

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HOW IS THIS PROJECT CONSISTENT WITH ONE OR MORE OF CIAP'S AUTHORIZED USES?

JUSTIFICATION

The expansion of the Long Beach Harbor is consistent with CIAP's authorized use 1 and benefits the natural coastal environment because it provides a central point of entry and access for recreational boaters and dock space. This will limit the potential negative impacts of many single owner piers and docks.

To limit the impacts of pier and dock development, it is also important to review the type of habitats impacted with this type of development. Avoidance of sensitive coastal habitats such as the many bayous and rivers in coastal Mississippi is particularly important as these bayous serve as habitat for juvenile fishes as well as threatened and endangered species. Building in an area such as the Mississippi Sound that is not as ecologically sensitive as our waterways, means less negative impacts overall.

According to NOAA's Office of Coastal Resource Management (OCRM), regulating construction of private docks and piers is one of the most difficult issues to manage as a coastal manager. Individual dock permit requests are the most frequently sought permit from coastal managers across the nation. For example, in South Carolina the number of permit requests has increased ten times over the past twenty years from 80 to over 800. Many coastal managers and citizens are concerned about this proliferation of docks and the potential impacts numerous private docks may have on the environment, navigation, and the ability of the public to access the waterfront. (Castellan, OCRM)

OCRM advises that marinas are an acceptable alternative to the "sprawl" of individual docks. The environmental, social and aesthetic problems associated with docks are not caused by just one or a handful of docks. It is critical that states consider the cumulative impacts of docks as if a full build out were to occur. Clusters of docks often have similar environmental impacts as a marina but marinas are subject to more stringent regulations.

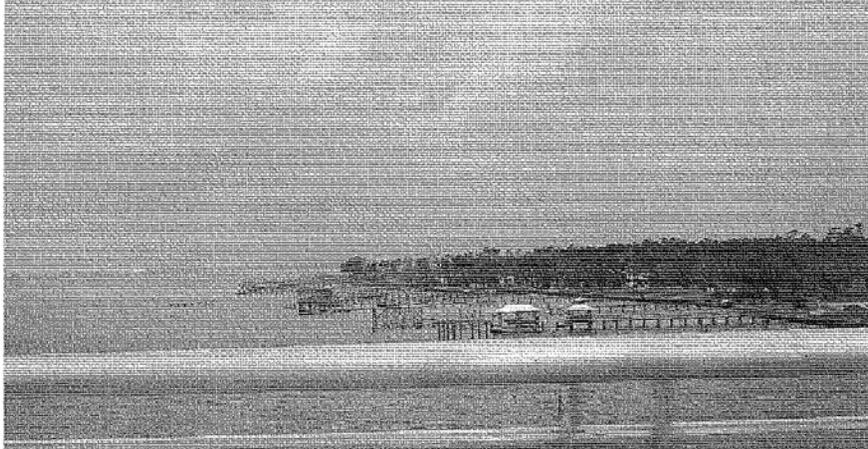
Neil Ross, founder of the national Clean Marina program believes that private docks along any given shore when combined are defacto marinas without environmental control. Ross contends that sound environmental management is crucial to our coastal waters, yet the standards that apply to marinas and yacht clubs do not generally apply to private docks.

The Long Beach Harbor is highly competitive with other marinas because it is a public entity and therefore, can charge significantly lower rates. Prior to Hurricane Katrina, it was not unusual for a tenant to wait more than a year for a boat-slip (Pers. Comm. Phil Kies, Port and Harbor President). If there is not enough harbor space, private developers and homeowners will likely build piers and boat docks to accommodate their needs. New development in the form of condominiums and potential casino development is of particular concern as it relates to new marina or community pier and dock requests in this section of Harrison County.

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Private piers and boat docks in Pass Christian, MS. Photo by Phil Kies.

Also by participating in the Clean Marina Program, the Long Beach Harbor will utilize environmentally responsible marina and boating practices in the rebuilding and expansion of the Harbor. This program promotes protection of the coastal area and resources by utilizing best management practices for marina design and maintenance, sewage handling, fuel control, solid waste management, vessel cleaning and repair, and storm water management and erosion control.

The Long Beach Harbor project site is located in a Special Management Areas (SMA) designated by the Mississippi Coastal Program. This area was designated because its economic or recreational opportunities can be effectively realized in an environmentally sound way through site specific planning, suitable environmental design and management. As an SMA, Long Beach Harbor has a unique designation under the Coastal Zone Management Act (CZMA) that allows concentrated access to the water through this public entity. The Long Beach Harbor serves mostly local residents and other Mississippi residents. The Long Beach Harbor will utilize an existing waterfront access space and previously impacted area. This project will minimize the need for a new waterfront access site and moves development away from sensitive natural coastal environmental resources positively benefitting the natural coastal environment. Additionally, the Long Beach Harbor participates in the Wildlife and Sport Fish Restoration Program. This program derives funding through a user pay-user benefit, excise tax-driven mechanism. User groups of this harbor pay taxes on equipment, gear, and motorboat fuel that are distributed (based on a formula) back to the state to fund fish and wildlife management activities such as species restoration, habitat protection and restoration, and scientific study in addition to access for fishing and boating. No other single conservation effort in the United States can claim a greater contribution to fish and wildlife conservation than the excise tax-funded portion of the Program (Conservation Heritage Strategic Plan, Wildlife and Sport Fish Restoration Program.)

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NEED

In the 1990's, the population of coastal Mississippi jumped exponentially. Riding the wave of casino development, secondary developments such as housing subdivisions increased accordingly. Harrison County was the fastest growing county in the state. A NOAA study on coastal population growth reports that coastal areas are home to a wealth of natural and economic resources and are the most developed areas in the nation. The narrow fringe comprising 17% of the contiguous land area is home to more than half of the nation's population (NOAA, Population Trends Along the Coastal United States: 1980 - 2008).

In 1999, Mississippi State University Coastal Research and Extension Service finalized a study on boater access in coastal Mississippi. At that time, there was a severe shortage of mooring facilities for small crafts of all types. Waiting lists for dock spaces were as high as 73 percent of existing facility capacity. At that time, there were approximately 36,000 registered boats over 16 feet in length and thirty-eight marinas of various sizes located in the three coastal counties.

While circumstances have changed somewhat due to Hurricane Katrina, the population on the coast is on the rebound. Census estimates show the coast population has grown since 2000. In 2008, the state reported XXXXX registered boats in the three coastal counties.

Long Beach Harbor expansion is working towards smart growth principles, such as directing development towards existing infrastructure, and conserving the open space and natural resources in undeveloped areas.

LITERATURE CITED

Burrage, D. et al. Mississippi Coastal Recreational Boating Access: Assessment and Projected Needs. Mississippi State University Coastal Research and Extension Center. 1999. Biloxi, MS.

Castellan, Allison. Management Tools to Minimize the Impacts of Residential Docks and Piers. National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management.

Ross, Neil. 2003. Residential Docks: Design, Environmental, Social Impacts and Mitigation. Presented at *Residential Docks and Piers, Phase II: Management Tools*, November 18-19, 2003, Durham, NH.

7. WILL CIAP FUNDS BE USED FOR COST SHARING OR MATCHING PURPOSES FOR ANOTHER FEDERAL PROGRAM? ___ YES X NO.

There was no formal action required or taken at this time.

The commission recognized Mr. Rob Stinson, lessee, Lookout Catering, LLC. Mr. Stinson apprised the commission on the status of rebuilding and assured the commission a building permit would be pulled by August 15, 2009; construction would begin in September, 2009; and would be open for business in March, 2010.

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Commissioner Reed made motion seconded by Commissioner Ehlers and unanimously carried to deem the U.S.S. Camille anchors/propeller not useable by the Long Beach Harbor.

There came on for discussion a letter requesting a review of the Chamber of Commerce building for FEMA eligibility. Said letter ordered spread upon the minutes of this meeting in words and figures as follows:

City of Long Beach

BOARD OF ALDERMEN
Allen D. Holder, Jr. - At Large
Charlie Boggs - Ward 1
Richard Notter - Ward 2
Richard Burton - Ward 3
Joe McNary - Ward 4
Mark Lishen - Ward 5
Carolyn Anderson - Ward 6



WILLIAM SKELLIE, JR.
MAYOR

CITY CLERK
TAX COLLECTOR
Rebecca E. Schruoff

CITY ATTORNEY
Frank R. McCreary, III

May 13, 2009

Mr. Mike Womack
Governor's Authorized Representative
MEMA Disaster Recovery Office
Public Assistance Program
Post Office Box 4501
Jackson, MS 39296-4501

**RE: FIPS No. 047-UDKVR-00, Long Beach Port Commission
FEMA 1604-DR-MS
Request for Eligibility Review of Project Worksheets 6588**

Mike Womack,

Project Worksheet 6588, Mississippi Gulf Coast Chamber of Commerce Building, was written in the Spring of 2006 and the scope of the project worksheet is for the replacement of the 1,200 SF Chamber of Commerce facility. Within the General Comments of the project worksheet, FEMA determined the replacement of the facility to be ineligible due to the language within the lease declaring the tenant as responsible for the replacement and repair of the facility. After reviewing the language within the lease the Landlord, Long Beach Port Commission, had the legal responsibility to rebuild the facility at the time of Hurricane Katrina. In support of this statement, please find attached letter from the City of Long Beach's attorney giving an opinion to the subject matter.

Accordingly, the Long Beach Port Commission respectfully requests a re-examination of the lease associated with Project Worksheet 6588 to determine the eligibility of replacement of the facility.

Should there be a need for any additional information regarding our request for Eligibility Review of Project Worksheet 6588, please contact our Project Manager David Vicknair, (228) 343-0221, at your convenience.

Best Regards,

Chief George Bass, Fire Chief and Applicant Agent
CITY OF LONG BEACH

**PORT COMMISSION MINUTES
MAY 21, 2009**



ATTORNEYS & COUNSELORS AT LAW
2310 19TH STREET # GULFPORT, MISSISSIPPI 39501
228 863 6534 TELEPHONE # 228 863 9308 FACSIMILE # WWW.MONBAR.COM

Jim Simpson
jsimpson@monbar.com

May 1, 2009

Honorable Billy Skellie, Mayor
City of Long Beach
Post Office Box 929
Long Beach, MS 39560

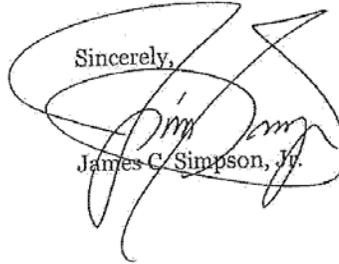
RE: Damage to Chamber of Commerce Building at Long Beach Harbor

Dear Mayor Skellie:

As requested, I have reviewed the lease agreement on the building at the Harbor in the City of Long Beach formerly occupied by the Chamber of Commerce. Contrary to the initial determination by FEMA, in my opinion the tenant in that building **does not** have the obligation to restore or rebuild the structure if it is destroyed by catastrophe. There is no provision in the lease which requires the tenant to rebuild the structure if it is destroyed, and under law no such duty or obligation may be implied.

It is my suggestion that we request FEMA to revisit this determination.

With kind regards, I am

Sincerely,

James C. Simpson, Jr.

JCS:mme

MONTGOMERY, BARNETT, BROWN, READ, HAMMOND & MINTZ, L.L.P.
3200 ENERGY CENTRE # 1100 POYDRAS STREET # NEW ORLEANS, LOUISIANA 70163-3200
504 585 3200 TELEPHONE # 504 585 7688 FACSIMILE

There was no action required or taken regarding the aforesaid letters.

Commissioner Hancock made motion seconded by Commissioner Nicosia and unanimously carried to approve the bills as listed on Dockets of Claims #HBR042109 and #HBR050509.

The commission recognized Mr. Bryan Vonder Bruegge for the Port Attorney's report; whereupon there was no action required or taken.

**PORT COMMISSION MINUTES
MAY 21, 2009**

The commission recognized Mr. Calvin Poupart for the Harbormaster's report; whereupon Mr. Poupart reported on the progression of harbor projects.

There being no further business to come before the Port Commission at this time, Commissioner Ehlers made motion seconded by Commissioner Reed and unanimously carried to recess the meeting to Wednesday, May 27, 2009, at 5:30 p.m. in the temporary IT FEMA Trailer, next to Central Fire Station, 645 Klondyke Road.

APPROVED:

PHIL KIES, PRESIDENT

DATE:

ATTEST:

STACEY DAHL, DEPUTY CITY CLERK