

PORT COMMISSION MINUTES
September 17, 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 p.m. o'clock, it being the third Thursday in September, 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 David Marks, Rod Rishel, Chuck Ryan, Steve Nicosia, Charles Purchner, Vernon Ehlers, Harbormaster Calvin Poupart, Port Attorney James C. Simpson, Jr., and Deputy City Clerk Stacey Dahl.

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 there were no comments or amendments to the agenda.

Commissioner Nicosia made motion seconded by Commissioner Hancock and unanimously carried to approve the Port Regular minutes of August 20, 2009, and the Special Meeting minutes of September 4, 2009.

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Commissioner Nicosia made motion seconded by Commissioner Ehlers and unanimously carried to approve the Port Executive Session minutes of August 25, 2009.

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Commissioner Nicosia made motion seconded by Commissioner Hancock and unanimously carried to defer approval of the Port Executive Session minutes of August 20, 2009, until later during the course of this meeting and to amend the Recess Meeting minutes of August 25, 2009, (MB 6 Page 59) as follows:

There came on for discussion the 09/10 Port Budget, whereupon Commissioner Nicosia made motion seconded by Commissioner Hancock and unanimously carried to return the Admin Fees to \$15,000 **because the Harbor's 2009-2010 budget projects an operating loss of approximately \$93,000 and the proposed Administrative fee increase would increase that loss by approximately \$17,000.**

The commission recognized Mr. Ron Robertson, Project Manager with Broaddus and Associates. Mr. Broaddus submitted project updates as follows:

PORT COMMISSION MINUTES
September 17, 2009



September 17, 2009

Long Beach Port Commission
Phil Kies, President

RE: Project Updates

1. North Bulkhead Repairs
 - Construction completion August 2009.
2. Katrina Pier Repairs/Fishing Piers
 - Construction completion August 2009.
3. Harbor Master Building
 - Contractor H. Gordon Myrick, August 18, 2009 award \$996,214.00
 - Issue NTP September 18, 2009.
 - Contract duration 270 days
 - Final Completion date June 15, 2010.
4. Dredging
 - Contractor Matthews Marine, August 4, 2009 award \$168,387.25
 - Environmental permit revision requested
 - Construction duration 90 days.
 - Construction completion by December 31, 2009.
5. Chamber of Commerce Building
 - FEMA approved eligibility August 18, 2009
 - PW for Building was approved August 28, 2009
 - AGR working on Project, Dock revisions for larger Boats.

Please contact me at your convenience with any questions.

Best Regards,



Ron Robertson, P. E.
Project Manager
Broaddus and Associates
(228) 224-3039

Page 1 of 1

One Hancock Plaza ♦ 2510 14th Street ♦ Suite 810 ♦ Gulfport, MS 39501 ♦ Ph. (228)314-1264 ♦ Fax (228) 314-1265

Discussion was held regarding the aforesaid projects and it was noted that FEMA has found the Chamber of Commerce Building, PW #6588, to be an eligible project for the Long Beach Port Commission.

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Upon continued discussion regarding a possible alternate project of extending the southeast fishing pier, Commissioner Nicosia made motion seconded by Commissioner Reed and unanimously carried to appoint a committee to study whether to extend the southeast or southwest fishing pier and all associated aspects, i.e. parking, usage, etc.

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PORT COMMISSION MINUTES
September 17, 2009

Upon still further discussion regarding the Harbormaster Building, PW #5852, it was the consensus of the commission to direct Mr. David Ball, City Engineer, to draft preliminary plans in accordance with the aforesaid project worksheet, in which an obligation has been made for a Bait Shop in the amount of \$70,00 and building contents for \$20,999.

There came on for consideration documentation regarding the Long Beach Bait and Tackle Lease. Said documentation 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. Schruff

CITY ATTORNEY
Jim Simpson

June 8, 2009

Ms. Wanda Cazaubon
203 South Island View Ave.
Long Beach, MS 39560

Re: Bait Shop Lease by and between the Long Beach Port Commission and Ms. Wanda Cazaubon dated January 25, 2005

Dear Ms. Cazaubon (Wanda),

This letter is a formal request to mutually terminate the reference lease and release you from any further financial obligations in regard to said lease. You and I have previously discussed this matter via telephone conversations and the Port Commission is aware of your current inability to finance and operate a Bait Shop facility now, or in the immediate future.

The Port Commission has enjoyed our relationship with you and your staff and hope the feeling is mutual. The entire Port Commission wish you well in any future endeavors you may seek to undertake. And, as we say in the sea service, "Fair Winds and Following Seas."

The Commission feels a mutual termination of the lease is in the best interests of both parties, and will aid in the Port Commission's current efforts to open bait and fuel facility in the harbor in the very near future. The Port Commission owes it to our customers (the public) to provide a full service facility in our harbor that includes both bait and fuel on regularly scheduled hours throughout the year. With this in mind, we are asking you to agree to terminate your lease in order to release you from any further financial obligations to the Port Commission.

If you are in agreement with this request, please sign a copy and return it to the address shown above.

Sincerely,

Phil Kies
President
Long Beach Port Commission

Wanda Cazaubon
Signed this 18 day of Aug. 2009

PORT COMMISSION MINUTES
September 17, 2009

August 18, 2009

Dear Phil,

Enclosed is the release you requested for the Long Beach Bait & Tackle lease.

As you know, I fully intended to reopen the shop when the harbor was rebuilt, but find it impossible to do so at this point.

I have paid the required lease payments since the storm because my intention was to reopen and "reactivate" the business. I hope you and the port commission will see fit to reimburse those monies that I have paid.

I wish you the best of luck.

Please give me a call soon.

228-617-6226

Regards,
Kara Cazaubon

The commission acknowledged the release of the Bait Shop Lease, whereupon Commissioner Purchner made motion seconded by Commissioner Nicosia to deny Ms. Cazaubon's request to be reimbursed for lease monies paid.

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Commissioner Kies offered substitute motion seconded by Commissioner Ryan to refund one half (1/2) or fifty percent (50%) of the lease monies paid following the reduction in rent after Hurricane Katrina. Monies to be refunded

PORT COMMISSION MINUTES
September 17, 2009

at an undetermined time and subject to Port funding. The question being put to a roll call vote, the result was as follows:

Commissioner Reed	voted	Aye
Commissioner Nicosia	voted	Nay
Commissioner Ryan	voted	Aye
Commissioner Purchner	voted	Nay
Commissioner Kies	voted	Aye
Commissioner Hancock	voted	Aye
Commissioner Rishel	voted	Present, not voting
Commissioner Marks	voted	Aye
Commissioner Ehlers	voted	Aye

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

There was no one present to address the commission on agenda Item V. BUSINESS: 3. SIGN REQUEST/PRO-RATE LEASE; JUSTIN ROLAND, therefore, no action was required or taken.

There came on for discussion Tidelands, whereupon a "history" of Tidelands Projects was ordered spread upon the minutes of this meeting as follows:

PORT COMMISSION MINUTES

September 17, 2009

Fiscal Years 1996-2009 Appropriated Tidelands Public Access Projects

Appropriated Project	Fiscal Year	Expense	Balance	Purpose	Status
City of Long Beach					
Harbor Repairs	FY96	\$175,000.00	\$175,000.00	\$0.00 Make miscellaneous repairs and improvements at Long Beach Small Craft Harbor	Complete
Harbor Repairs	FY97	\$250,000.00	\$250,000.00	\$0.00 Boat slips, construct new fishing pavilion, upgrade electrical system, and deepen entrance channel	Complete
Water Front Project	FY98	\$200,000.00	\$200,000.00	\$0.00 Construct new fishing pavilion, dredge access channel and harbor, and install rubber burners at launch ramp piers	Complete
Small Craft Harbor - Phase I	FY99	\$150,018.28	\$150,018.28	\$0.00 Dredging of harbor and other small maintenance projects	Complete NOC 1/02
City of Long Beach- Small Craft Harbor	FY2000	\$196,869.32	\$196,869.32	\$0.00 Dredging of harbor and access channel	Complete NOC 1/02
City of Long Beach - FY2001 Harbor Improvements	FY2001	\$250,000.00	\$250,000.00	\$0.00 Complete harbor dredging.	Complete NOC 1/15/03
City of Long Beach - FY2002 Harbor Improvements	FY2002	\$200,000.00	\$190,372.94	\$9,627.06 Construct concrete wave baffle wall to protect harbor entrance	Project completed Apr. 05. Remaining funds combined with bal. from 2001 will be used for future repairs & improvements. NOC filed 4/10/08

PORT COMMISSION MINUTES

September 17, 2009

Fiscal Years 1996-2009 Appropriated Tideland's Public Access Projects

Appropriated Project	Fiscal Year	Expense	Balance	Purpose	Status
City of Long Beach - FY2003 Harbor Improvements	FY2003	\$200,000.00	\$170,336.85	\$29,663.15 Construct 7 new boat slips between Pier 1 & 2 for Charter Boats. Construct Extension to Pier 5 with 4 new large boat slips. Minor repairs to harbormaster building.	Complete NOC filed 6/04 & 6/08. Balance of funds reallocated to FY2005 (7/08). Balance of \$29,663.15 approved for transfer to FY2009 4/14/09.
City of Long Beach-Harbor Improvements	FY2004	\$97,910.66	\$97,910.66	\$0.00 Reconstruct Pier 1	Reconstruction of Pier 1 complete. NOC 4/10/08 (Final Project cost \$149,171.)
City of Long Beach-FY2005 Harbor Improvements	FY2005	\$262,190.85	\$134,165.32	\$128,025.53 Continue with repairs and improvements in the harbor. Reallocations approved for specific projects to repair older portion of Pier 2 and repairs to tieback systems for harbor bulkhead.	Initial project will now be handled thru FEMA funds. Tideland's funds will be used as part of the local share for Hurricane Katrina Costs. NOC Filed 3/2/09. Reallocation of \$128,025.53 approved for transfer to FY2009 4/14/09.
City of Long Beach - FY2006 Harbor Improvements	FY2006	\$144,533.53	\$3,164.92	\$141,368.61 Develop harbor expansion; rebuild portions of Pier 3; extend East fishing pier; upgrade electrical service on Pier 3 and 4 and concrete bulkhead along north shore of harbor.	City will file an amended application after it is determined what recovery amounts due to hurricane Katrina are needed. City will communicate proposed scope of work to DMIR, Ant. Comp. 2010.

PORT COMMISSION MINUTES

September 17, 2009

Fiscal Years 1996-2009 Appropriated Tidelands Public Access Projects

Appropriated Project	Fiscal Year	Expense	Balance	Purpose	Status
City of Long Beach - FY2008 Harbor Improvements	FY2008	\$0.00	\$50,000.00	Project goals include reconstruct harbor master's office, extend launch ramps, replace fixed launch ramp piers with floating piers and widen west breakwater.	Working on revision of scope of work (project) to meet funding availability.
City of Long Beach Port Commission - FY2009 Harbor Improvements	FY2009	\$0.00	\$100,000.00	Goal of project to stem the erosion of the shoreline and harbor siltage, provide more berthing slips, provide additional public parking space, address safety issues and enhance public access along the west breakwater. Specific objectives include construction of concrete bulkhead along the northern shore of Harbor and widen west breakwater. Reallocation of \$157,688.68 from FY2003 and FY2005 balance transfer to FY2009 approved 4/14/09 for bulkhead work around harbor master building.	
Total Distribution	FY96-FY2009		\$458,684.35 Balance		

Upon continued discussion regarding Tidelands, BIG (Boating Infrastructure Grant), and CIAP (Coastal Impact Assistance Program), it was the consensus of the commission to invite Ms. Rhonda Price, representative of DMR (Department of Marine Resources) and Ms. Leah Bray, Grant Writer of CIAP, to attend the October 15, 2009, meeting of the Port Commission.

Commissioner Rod Rishel had a prior commitment and left the meeting at 6:45 p.m. o'clock.

PORT COMMISSION MINUTES
September 17, 2009

There came on for consideration the increased Administrative Fees required from the Port Commission to the General and Water/Sewer Funds and approved by the Mayor and Board of Aldermen at their September 1, 2009, meeting. (Mayor and Board of Aldermen MB 65 pg 232)

After considerable discussion regarding the previous administrative fee of \$15,000.00 and the increased fee of \$32,802.00, effective October 1, 2009, Commissioner Hancock made motion seconded by Commissioner Ehlers and unanimously carried to authorize Commissioner Steve Nicosia to contact Ms. Rebecca E. Schruff, City Clerk, for further clarification on the increased fee.

The Port Attorney was preliminarily absent the meeting and arrived at 6:55 p.m. o'clock.

Commissioner Ehlers made motion seconded by Commissioner Hancock and unanimously carried to approve bills as listed on Docket of Claims #HBR090109 and #HBR091509.

The commission recognized Mr. Calvin Poupart for the Harbormaster's report. Mr. Poupart requested the commission to reconsider allowing an awning to be installed on the relocated temporary harbormaster building. After considerable discussion, it was the consensus of the commission to consider the request at the October 15, 2009, meeting of the commission, thus allowing commissioners to once again "survey" the location of an awning.

Brief discussion was held regarding the waiting list for slips; whereupon the commission requested the waiting list be submitted at the next meeting of the commission.

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There came on for consideration the following request:

**PORT COMMISSION MINUTES
September 17, 2009**



LBHS

**Boys Basketball
Hardwood Club
300 East Pass Road
Long Beach, MS 39560**

September, 14 2009

Dear Port Commission,

I am writing in behalf of the Long Beach Boys Basketball Booster Club. As the parents of the boys that play on this team, we are trying to help them raise as much money as possible. This money will be used to help pay for the uniforms for the team, to finance their basketball camps in the summer and for their rewards banquet at the end of the season. We have found that a car wash, supervised by the parents but the actual work being done by the players, is a great way to help raise funds while getting the boys involved. After research, we found that the best location to get the most exposure would be on the corner of Highway 90 and Cleveland Ave. in front of the Small Craft Harbor.

We would like to ask permission from you, the Long Beach Port Commission, to operate a car wash on Saturday, September 19th from 10:00 a.m. until 3:00 p.m. The boys would take turns holding up signs on the Southeast and Northwest corners of the intersection in order to advertise the location of the carwash. They will be working for donations only. The harbor master has informed us that there are two spigots that are available near the old bait shop building. We will bring the hoses and all the necessary bio-degradable cleaning products to get the job done. We will also make sure every thing is cleaned up and returned to the way it was found before we arrived. If this proves to be successful, we would like to also ask permission to operate two more before the season starts. One will be on October 3 and our last being, October 24th.

We appreciate your support of the team and your consideration with helping us to help them to have a productive, winning 2009-2010 high school basketball season.

Respectfully yours,

Carol R. Vaughn
President/Long Beach Boys Basketball Hardwood Club

669-3515

It was the consensus of the commission to approve the aforesaid request.

There came on for consideration Blue Ridge Properties, LLC, whereupon Commissioner Kies made motion seconded by Commissioner Hancock to meet in executive session for the transaction of public business, to-wit: to discuss with and seek the legal advice and counsel of the Port Attorney regarding lease negotiations. The question being put to a roll call vote, the result was as follows:

PORT COMMISSION MINUTES
September 17, 2009

Commissioner Reed	voted	Aye
Commissioner Nicosia	voted	Aye
Commissioner Ryan	voted	Aye
Commissioner Purchner	voted	Aye
Commissioner Kies	voted	Aye
Commissioner Hancock	voted	Aye
Commissioner Rishel	voted	Absent, not voting
Commissioner Ehlers	voted	Aye
Commissioner Marks	voted	Aye

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

The meeting resumed in open session at 9:25 p.m. o'clock and based upon discussion held in executive session, it was determined that negotiations will continue at a recess meeting to be scheduled later during the course of this meeting.

Commissioner Nicosia made motion seconded by Commissioner Purchner and unanimously carried to approve the Port Executive Session minutes of August 20, 2009, as submitted.

There being no further business to come before the Port Commission at this time, Commissioner Purchner made motion seconded by Commissioner Hancock and unanimously carried to recess this meeting until Thursday, September 24, 2009, at 5:30 p.m. o'clock, at the Central Fire Station Training Room, located at 645 Klondyke Road, Long Beach, Mississippi.

APPROVED:

PHIL KIES, PRESIDENT

DATE

ATTEST:

STACEY DAHL, DEPUTY CITY CLERK