

**PORT COMMISSION MINUTES
JULY 20, 2011**

Be it remembered that a regular meeting of the Port Commission of the City of Long Beach, Mississippi, was begun and held at the City Hall, 201 Jeff Davis Avenue, in said City at 5:30 o'clock p.m., it being the third Thursday in July, 2011, 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, Vernon Ehlers, Charles Purchner, Danny Hansen, Barney Hill, Harbormaster Bill Angley, Port Attorney James C. Simpson, Jr., and Deputy City Clerk Stacey Dahl.

Absent the meeting was Commissioner David Blackstock. It was noted for the record that Commissioner Blackstock, Ward 3 appointee, has failed to attend three (3) consecutive, regularly scheduled meetings of the Port Commission. It was the consensus of the commission to relay the following information to the Board of Aldermen. In accordance with the:

**BYLAWS OF THE LONG BEACH PORT COMMISSION OF LONG BEACH,
MISSISSIPPI
ARTICLE - IV
Termination**

Section 3. If a member fails to attend three (3), consecutive, regularly scheduled meetings; or six (6) regularly scheduled meetings of the port commission within a twelve (12) month period; that information shall be conveyed to the board of aldermen. Upon notification, the board of aldermen shall take under consideration the removal of said member from the port commission.

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 amendments to the agenda.

Commissioner Purchner made motion seconded by Commissioner Ehlers and unanimously carried to approve the Port Commission regular minutes of June 16, 2011, and the recess minutes of June 28, 2011.

Commissioner Reed, who was preliminarily absent the meeting, arrived.

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

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Long Beach Port Commission
Phil Kies, President

July 21, 2011

RE: Project Updates:

1. Bait Shop

- TRAILER: Ordered 30'x10' trailer Bait Shop from Quick Building at \$32,650.00. **Request commission approval to issue another PO** to Quick Buildings, Inc. for jacks, (at a cost of \$758.00), which are required for quickly moving trailer in advance of a storm event. Trailer delivery est. August 15th.
- SECURITY SYSTEM: Ordered Security System from Pro-Tek Integrations, LLC. Estimated installation complete date: July 29, 2011.
- ICE MACHINE P.O. issued to Food Service Inc. Ice machine delivered on 7/8/2011 but returned to vendor because of damage during shipment. Expect new unit in 2-weeks.
- INSTALLATION: Plans and Specifications for quotations for the live bait enclosure, outside lighting, signs, installation of all utilities are being developed by A. Garner Russell & Associates. Expect to be able to request bids from two contractors for this portion of the project during the month of August 2011. (Budget Estimate was \$22,027.00)

2. Alternate Project. Harbor Pier revisions.

- FEMA approved the LBPC's request for an Alternate project on 6/24/2011. Construction estimated at \$334,703.00.
- On May 30, 2011 the lowest bid was from M&D Construction Co., Inc., at \$233,235.70.
- Additional scope to be submitted as Phase-2 (\$101,467) to FEMA for review and determination of eligibility.
- The scope is being developed per phase-2 listing on next page.
- Need a motion to approve the agreed upon addition items be added to the project work scope as Phase-2. Below are the proper steps to advertise Phase-2.
- Steps:
 - a.) Plans/specs/bid pkg developed by AGR for Phase-2
 - b.) Approval Plans/specs/bid pkg by LBPC
 - b.) DMR revised permit obtained
 - c.) Submit to FEMA for Phase-2 approval
 - d.) Advertise for Bids

As a footnote on the Alternate Project: final FEMA Field Inspection of Katrina repairs made to harbor piers and PW# 5079 close out must be completed before any new work is started. In addition, no work can begin on Phase-1 until Phase-2 has been approved. This is per FEMA Guidelines for Alternate Projects.

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Phase 2 - Alternate Project Cost Estimate (\$101,500 max)

<u>Item</u>	<u>Description</u>	<u>Est. Cost</u>
1	Replace existing electrical pedestals; est. = 55 ea @ \$800 (Krol Elect. to aid in defining scope)	\$ 44,000
2	Replace existing creosote whalers at pier #4	\$ 8,000
3	Fish Cleaning Station at West Fishing Pier	\$ 12,000
4	Remove Debris from Harbor (Harbormaster to describe scope requirements)	\$ 20,000
5	Add Finger Piers: 1@pier #1, 11@pier #3, 1@pier #4, 9@pier #5	\$ 55,000
		\$ 139,000

3. Bulkhead Project.

- The bid opening was on July 7, 2011. Attached is the Certified Bid Tab with Bay South Limited as low bidder at \$914,514.00 with all alternatives; Approved at city board meeting on 7/19/2011.
- The LBPC should now send a request to DMR for approval to add 100 feet of additional concrete bulkhead to the original scope as stated in the B.I.G. request. This 100 feet replaces the existing bulkhead.
- The washer/dryer with enclosure as approved will be included as part of the Bait Shop Installation bid package.
- NPT could be issued for the new bulkhead portion (\$706,438.00) without disturbing the existing bulkhead. Base only: leaves \$443,000.00.

As a footnote: final FEMA Field Inspection of Katrina repairs made to existing north bulkhead and PW# 5079 close out must be completed before any change to this bulkhead is started.

4. CIAP – Harbor Expansion Planning.

- Total Grant amount for Phase-1 was \$1,145,000.00. Planning/Engineering Request for Qualifications (RFQ) package is attached.
- Request approval to advertise RFQ per the attached information.

5. Other Activities

The following completed projects are going through the FEMA close out Phase.

PW 5079..... Harbor Repairs Project is currently in MEMA review process.

PW 10860..... Inlet channel and Harbor Dredging is still in FEMA review; spent \$259,000 versus \$177,000 obligated by PW. Expect that FEMA will approve most of this but LBPC may have to pay \$38,000 of cost.

Please contact me at your convenience with any questions.

Best Regards,



Ron Robertson, P. E.
Project Manager

Port Commission Monthly Project Update
Prepared by Ron Robertson, P. E.

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After considerable discussion and based upon the recommendation of Mr. Robertson, action was taken as follows:

- Regarding the Bait Shop, Commissioner Marks made motion seconded by Commissioner Hansen and unanimously carried to approve the issuance of a purchase order to Quick Buildings, Inc. for jacks, at a cost of \$758.00.

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- Regarding Phase 2 – Alternate Project Cost Estimate, Commissioner Reed made motion seconded by Commissioner Hill and unanimously carried to approve the aforesaid described projects as listed.

There was no further action required or taken regarding the aforesaid report.

There came on for consideration the following AMENDMENT TO AMENDED AND RESTATED LEASE AGREEMENT, by and between the Long Beach Port Commission and the City of Long Beach and DMF Properties, LLC:

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**AMENDMENT TO AMENDED AND
RESTATED LEASE AGREEMENT**

THIS AMENDMENT TO AMENDED AND RESTATED LEASE AGREEMENT (this ALease@) is made and entered into effective as of _____, 2011 (the AEffective Date@) by and among **the Long Beach Port Commission and the City of Long Beach** (hereinafter collectively referred to as "Lessor"); and **DMF Properties, LLC**, a Mississippi limited liability company (hereinafter referred to as ALessee@).

WHEREAS, Lessee entered into an AMENDED AND RESTATED LEASE AGREEMENT DATED _____, and recorded in Book _____ at Page _____; and

WHEREAS, by instrument dated _____, Lessee sub leased an interest in said AMENDED AND RESTATED LEASE AGREEMENT to Sub Lessee as recorded in Book _____ at Page _____; and

WHEREAS, the parties wish to amend said lease for the purpose of adding an additional parcel of property thereto, to be used exclusively for parking, and to establish a rental amount there for;

NOW, FOR AND IN CONSIDERATION of the mutual covenants herein contained and for other good, lawful and valuable considerations given and received by each of the parties to be bound hereby, the said AMENDED AND RESTATED LEASE AGREEMENT is hereby amended by addition of the following subparagraphs as indicated:

Section 1.2. Additional Lands. Lessor hereby further demises and leases to Lessee, and Lessee hereby takes from Lessor, that certain portion of land described fully by the survey and property description attached hereto as Exhibit "B" (hereinafter referred to as the "Additional Leased Premises"). The Additional Leased Premises consists of land area upon which a parking lot or area will be created and maintained by Lessee or its sub lessees for customers of the premises located on the Leased Premise, and for no other purpose.

2.1.1. Base Rent. Lessee shall also pay to Lessor as rent for the lands described in Exhibit B rent of FOUR HUNDRED SEVENTY SIX DOLLARS AND 43 /100 (\$476.43) per month (the Parking Area Rent), payable in advance on the first day of each month, which amount is calculated on the basis on \$0.30 per square foot per year for the number of square feet contained within in the survey area of the Leased Premises. The parking area rent shall be increased ten percent (10%) every five years during the term of the Lease at the same time and in the same manner as the base rent.

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Except as amended herein above the terms and conditions of the AMENDED AND RESTATED LEASE AGREEMENT remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties have executed this lease at:

LONG BEACH PORT COMMISSION

CITY OF LONG BEACH

By: _____
Phil Kies, President

By: _____
William J. Skellie, Jr., Mayor

Date of Execution _____

Date of Execution _____

DMF PROPERTIES, LLC, Lessee

By: _____
Its: **Duly Authorized Director/Officer**

STATE OF MISSISSIPPI
COUNTY OF HARRISON

PERSONALLY came and appeared before, the undersigned authority for said state and county, _____ Managing Member of **DMF Properties, LLC**, who acknowledged to me that he executed the foregoing instrument on the day and year therein stated, for and on behalf of said limited liability company, as its act and deed, after first being duly authorized so to do.

GIVEN under my hand and official seal of office on this the ____ day of _____, 2011.

Notary Public

My Commission Expires:

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STATE OF MISSISSIPPI
COUNTY OF HARRISON

PERSONALLY came and appeared before me, the undersigned Notary, William J. Skellie, Jr., who after being duly sworn by me did state that he executed the above and foregoing document in his capacity as Mayor of the City of Long Beach, having been first duly authorized to do so by the Board of Aldermen of the City of Long Beach.

GIVEN under my hand and official seal of office on this the ____ day of _____, 2011.

Notary Public

My Commission Expires:

STATE OF MISSISSIPPI
COUNTY OF HARRISON

PERSONALLY came and appeared before me, the undersigned Notary, Phil Kies, President of the Long Beach Port Commission, who after being duly sworn by me did state that he executed the above and foregoing document in his capacity as President of the Long Beach Port Commission, having been first duly authorized to do so by the Board of Commissioners of the Long Beach Port Commission

GIVEN under my hand and official seal of office on this the ____ day of _____, 2011.

Notary Public

My Commission Expires:

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After considerable discussion, Commissioner Marks made motion seconded by Commissioner Hancock to approve the aforesaid Lease Agreement. The question being put to a roll call vote, the result was as follows:

Commissioner Marks	voted	Aye
Commissioner Ehlers	voted	Aye
Commissioner Reed	voted	Aye
Commissioner Hancock	voted	Aye
Commissioner Kies	voted	Aye
Commissioner Purchner	voted	Aye
Commissioner Hansen	voted	Aye
Commissioner Hill	voted	Aye
Commissioner Blackstock	voted	Absent, not voting

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

It was further ordered the rent for the aforesaid leased property will begin on August 1, 2011.

The commission recognized Mr. John Chiniche, who requested clarification on who was responsible for the fuel facility at the harbor. Mr. Chiniche stated that while using the gas facility at the harbor, the pump was registering gas while no gas was coming out of the nozzle. Commissioner Kies reported the contractor/repairman had checked the pump on Wednesday. After review of the bait shop lease, it was clarified that any costs of maintenance or repair of fuel dispensing and storage improvements, excluding the exterior case of the fuel dispensing pump, shall be borne by Mr. Justin Roland, lessee, up to the first \$250.00 per occurrence.

There was no action required or taken regarding the fuel facility.

There came on for discussion the 2011 Deep Sea Fishing Rodeo, whereupon Commissioner Kies thanked the commissioners for their hard work and time spent for a successful event.

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Upon continued discussion of the fishing rodeo, two (2) parties were in attendance questioning the validity of their cars being towed from the event and an "inflated" cost of one hundred eighty dollars (\$180.00) to retrieve the vehicles. The two (2) parties addressing the commission were:

Ms. Gretchen Fortenberry	and	Mr. Jesse McBride
12205 Fisherman's Trail		216 McGuire Drive
Gulfport, MS 39503		Long Beach, MS 39560

After considerable discussion, Commissioner Purchner made motion seconded by Commissioner Ehlers to refund the aforesaid parties the difference in a "normal towing" charge of sixty five dollars (\$65.00) versus the

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“inflated” charge, which would amount to a refund of one hundred fifteen dollars (\$115.00) each.

Upon continued discussion, Commissioner Purchner withdrew his motion, Commissioner Ehlers withdrew his second, and Commissioner Reed made motion seconded by Commissioner Purchner and unanimously carried to refund Ms. Fortenberry and Mr. McBride each ½ of the cost of towing, ninety dollars (\$90.00) from Port funds

Commissioner Ehlers left the meeting.

There came on for discussion the 2011/2012 port budget; whereupon Commissioner Reed made motion seconded by Commissioner Hancock and unanimously carried to schedule a budget work session on Thursday, August 4, 2011, at 5:30 o'clock p.m.

There was no action required or taken regarding Tidelands or BIG.

Commissioner Hancock made motion seconded by Commissioner Purchner and unanimously carried to approve payment of invoices as listed on Dockets of Claims #HBR062111, #HBR070511, and #HBR071911.

Commissioner Hancock made motion seconded by Commissioner Kies and unanimously carried acknowledging receipt of the June, 2011, revenue/expense report.

There came on for discussion the harbormaster's report as follows:

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Harbor Master Report

July 21, 2011

- Boat Launch Fender System
 - Not doing fuel pier till after construction is complete
- Installed 4x4 and 6x6 at fuel pier to stop boats from coming in contact with pump out and fuel pump
- Pink Marine set new piling at pier1 slip 34 but doubled the billing and I would like a review of bill and further inquiry before payment by Howe Hobbs of Southern Belle
- Petroleum engineer has been out to assess the fuel pump and is looking into a larger pump and what is cause the extra running of pump and bleed down
- Request a purchase order for amount of 200.00 from port fund to survey building for elevation certificate for flood insurance it was never done after building completion and flood insurance expires 8-6-11 and without certificate no renewal. Survey done this morning and picked up by myself copy made and original sent to insurance company.
- Have spoken with Rhonda Price and she will bring by brochures and sign templates for clean marina and she said that I could get the signs made local and send her the invoice and she would pay from that invoice.
- Receive 2 quotes for fish grinding and cleaning stations quotes are included in packets
- Working on Standard operating procedures draft , adding storm water pollution, pump out, boat inspections, boat maintenance, and vehicle checks
- Received part of ice machine other part damaged and returned
- Dolphin Rescue would like to put up signs for information on turtles
- Working on Clean Marina check list.
 - Mounted pump out station back to fuel pier
 - Added pump out instructions and fueling instructions to SOP
- Found new channel marker lights we can move old ones that do not flash to dog leg in channel to mark rock wall and bulkhead and also found lights for piers and parking lots would save on electric bill information in included in packet estimate a savings of around 900.00 dollars a month
- Permission for a music night Tuesday nights under harbor building with 95.3 and boat owners acoustic only
- Working on quotes for signage for clean marina and harbor rules
- Enco Dredging would like to put in two pilings by west rock wall for a 30x38 fuel barge and tug to be moored will pay rent on crew boat, barge, and tug.
- Current Slip Occupancy 201 of 233
- June Income Collected \$29,139

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Pink Marine Construction, Corp

Invoice

427 Fleitas Avenue
Pass Christian, MS 39571

Mississippi Gulf Coast

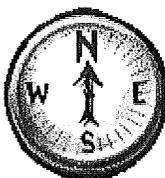
Date
7/7/2011
Invoice #
1073

Bill To
Long Beach Harbor Michael White P.O. Box 929 Long Beach, MS 39560

P.O. No.	Customer Phone
	228-863-4795
Terms	Job #
Due on receipt	

Description	Rate	Quantity	Prior Amt	Curr %	Amount
Installation of Mooring Pile					
Mobilization & Demobilization 8hrs	160.00	8		100.00%	1,280.00
1 - 40' Class B Marine Pile	25.00	40		100.00%	1,000.00
Sales Tax	7.00%				0.00
Thank you for thinking PINK!			Payments/Credits \$0.00		
A monthly delinquency charge of 1.5% will be added to balances if payment is not received within terms.			Balance Due \$2,280.00		
Phone #	Fax #	E-mail	Web Site		
228-452-7465	228-452-5856	office@pinkmarineconstruction.com	www.pinkmarineconstruction.com		

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LUGENE P. STENUM & ASSOC.
8593 WEST OAKLAWN RD.
BILOXI, MS 39532
PH: 228-392-5552 FAX:228-392-6106
Email: stenumsurvey@cableone.net

Invoice

Date	Invoice #
7/21/2011	11639

Bill To
LONG BEACH HARBOR MASTER 720 S. CLEVELAND AVE. LONG BEACH MISS. 39560 PH:(228)863-4795

Terms	Rep	Project

Description	Quantity	Rate	Amount
A PREPARATION OF A FINAL F.E.M.A. FLOOD ELEVATION CERTIFICATE FOR THE LONG BEACH HARBOR MASTER BUILDING. LOCATED ON WEST SIDE OF CLEVELAND AVENUE, SOUTH OF U.S. HIGHWAY 90, CITY OF LONG BEACH, HARRISON COUNTY, MISSISSIPPI. AS PER QUOTE / PROPOSAL FEE	1	200.00	200.00
Thank you for your business.	Total		\$200.00
IT IS CUSTOMARY TO PAY FOR SERVICES WHEN RENDERED UNLESS OTHER ARRANGEMENTS HAVE BEEN MADE WITH MANAGEMENT.	Payments/Credits		\$0.00
	Balance Due		\$200.00

The following action was taken regarding the aforesaid report:

- After discussion regarding the aforesaid invoice from Pink Construction, in which the same piling was replaced at a considerably higher cost this time, it was the consensus of the commission to request a representative

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of Pink Construction attend the next regular meeting of the Port Commission to explain the cost/billing increase.

- It was the consensus of the commission to authorize a purchase order in the amount of \$200.00 to obtain an elevation certificate for flood insurance.
- It was the consensus of the commission to give permission for a music night on Tuesday nights, under the harbor building with 95.3 and boat owners acoustic.
- It was the consensus of the commission to approve Enco Dredging, as a slip lessee, to install two pilings by the west rock wall for a fuel barge and tug to be moored, stipulating the barge is not to fuel up in the harbor.

There was no further action required or taken regarding the Harbormaster's report.

There was no action required or taken regarding the Port Attorney's report.

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

APPROVED:

PHIL KIES, PRESIDENT

DATE

ATTEST:

STACEY DAHL, DEPUTY CITY CLERK